

# HOUSE OF REPRESENTATIVES—Friday, November 19, 1993

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
November 19, 1993.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,  
*Speaker of the House of Representatives.*

## PRAYER

Rabbi Milton Weinberg, Congregation Beth Haverim, Mahwah, NJ, offered the following prayer:

Ribon Haolam, Sovereign of the Universe, preserve and protect our beloved country.

For the magnificence of our country's landscapes;  
the majesty of its mountains;  
the openness of its plains;  
the produce of its farms;  
the strength of its rivers;  
the tranquility of its lakes;  
the beauty of its oceans' shores;  
and the vibrancy of its cities,  
we give thanks to You, Eternal God.

Bestow Your blessings upon the Government of this Republic and the President of these United States. Look with favor upon the distinguished Members of the House of Representatives—bless them and their loved ones. Give them the wisdom and insight to ever seek the welfare of all the inhabitants of our land.

May peace and security, happiness and prosperity, justice and equity, right and freedom abide forever in our midst. 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.

Mr. TRAFICANT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TRAFICANT. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 238, nays 150, answered "present" 1, not voting 44, as follows:

[Roll No. 583]

YEAS—238

Abercromble	Fazio	Lipinski
Ackerman	Fields (LA)	Livingston
Andrews (ME)	Filner	Lloyd
Andrews (TX)	Fingerhut	Long
Applegate	Fish	Lowey
Archer	Flake	Maloney
Bacchus (FL)	Foglietta	Mann
Baesler	Frank (MA)	Markey
Barca	Frost	Martinez
Barcia	Furse	Mazzoli
Barlow	Gedensson	McCurdy
Barrett (WI)	Gephardt	McHale
Bateman	Geren	McInnis
Becerra	Gibbons	McKinney
Berman	Gillmor	McNulty
Bevill	Gilman	Meehan
Bilbray	Glickman	Meek
Bishop	Gonzalez	Menendez
Blackwell	Gordon	Miller (CA)
Bonior	Green	Mineta
Borski	Gunderson	Minge
Boucher	Cutierrez	Moakley
Brewster	Hall (OH)	Montgomery
Brooks	Hall (TX)	Moran
Browder	Hamburg	Murtha
Brown (FL)	Hamilton	Myers
Brown (OH)	Harman	Natcher
Bryant	Hastings	Neal (MA)
Byrne	Hayes	Neal (NC)
Cardin	Hefner	Oberstar
Carr	Hilliard	Obey
Clayton	Hinchey	Oliver
Clement	Hoagland	Ortiz
Clyburn	Hochbrueckner	Orton
Coleman	Holden	Owens
Collins (GA)	Houghton	Pallone
Collins (IL)	Hughes	Parker
Collins (MI)	Hutto	Pastor
Combust	Hyde	Payne (NJ)
Condit	Inglis	Payne (VA)
Conyers	Inslee	Pelosi
Coppersmith	Johnson (SD)	Penny
Costello	Johnson, E.B.	Peterson (FL)
Coyne	Johnston	Peterson (MN)
Cramer	Kanjorski	Pickett
Danner	Kaptur	Pombo
Darden	Kennedy	Pomeroy
de la Garza	Kennelly	Poshard
Deal	Kildee	Price (NC)
DeFazio	Klecicka	Rahall
DeLauro	Klein	Reed
Dellums	Klink	Reynolds
Derrick	Kopetski	Richardson
Deutsch	Kreidler	Roemer
Dixon	LaFalce	Rose
Dooley	Lambert	Rostenkowski
Durbin	Lancaster	Roybal-Allard
Edwards (CA)	Lantos	Rush
Edwards (TX)	LaRocco	Sabo
English (AZ)	Laughlin	Sanders
English (OK)	Lehman	Sangmeister
Eshoo	Levin	Sarpallus
Evans	Lewis (CA)	Sawyer
Farr	Lewis (GA)	

Schenk	Stokes	Unsoeld
Schumer	Strickland	Valentine
Scott	Studds	Vento
Sharp	Stupak	Visclosky
Shepherd	Swett	Volkmer
Sisisky	Swift	Waters
Skaggs	Synar	Watt
Skelton	Tanner	Waxman
Slatery	Tauzin	Wheat
Slaughter	Tejeda	Wilson
Smith (IA)	Thompson	Wise
Smith (NJ)	Thurman	Woolsey
Spence	Torres	Wyden
Spratt	Torricelli	Yates
Stark	Towns	
Stenholm	Trafficant	

NAYS—150

Allard	Goss	Oxley
Armey	Grams	Packard
Bachus (AL)	Grandy	Paxon
Baker (CA)	Hancock	Petri
Baker (LA)	Hansen	Portman
Ballenger	Hastert	Pryce (OH)
Barrett (NE)	Hefley	Quillen
Bartlett	Herger	Quinn
Bentley	Hobson	Ramstad
Bereuter	Hoekstra	Ravenel
Bilirakis	Hoke	Regula
Bliley	Horn	Ridge
Blute	Huffington	Roberts
Boehler	Hutchinson	Rohrabacher
Boehner	Inhofe	Ros-Lehtinen
Bonilla	Istook	Roth
Bunning	Jacobs	Roukema
Burton	Johnson (CT)	Royce
Buyer	Johnson (GA)	Santorum
Callahan	Johnson, Sam	Saxton
Camp	Kim	Schaefer
Canady	King	Schiff
Castle	Kingston	Schroeder
Clay	Klug	Sensenbrenner
Coble	Knollenberg	Shaw
Cox	Kolbe	Shays
Crane	Kyl	Shuster
Crapo	Lazio	Skeen
Cunningham	Leach	Smith (MI)
DeLay	Levy	Smith (OR)
Diaz-Balart	Lewis (FL)	Smith (TX)
Doolittle	Lightfoot	Snowe
Dreier	Linder	Solomon
Duncan	Machtley	Stearns
Dunn	Manzullo	Stump
Emerson	McCandless	Sundquist
Everett	McCollum	Talent
Ewing	McDade	Taylor (MS)
Fawell	McHugh	Taylor (NC)
Fields (TX)	McKeon	Thomas (CA)
Fowler	McMillan	Thomas (WY)
Franks (CT)	Meyers	Upton
Franks (NJ)	Mica	Vucanovich
Gallely	Michel	Walker
Gallo	Miller (FL)	Walsh
Gekas	Molinari	Weldon
Gilchrest	Moorhead	Wolf
Gingrich	Morella	Young (FL)
Goodlatte	Murphy	Zeliff
Goodling	Nussle	Zimmer

ANSWERED "PRESENT"—1

Matsui

NOT VOTING—44

Andrews (NJ)	Dingell	Margolies-
Barton	Dornan	Mezvinsky
Bellenson	Engel	McCloskey
Brown (CA)	Ford (MI)	McCrary
Calvert	Ford (TN)	McDermott
Cantwell	Greenwood	Mfume
Chapman	Hoyer	Mink
Clinger	Hunter	Mollohan
Cooper	Jefferson	Nadler
Dickey	Kasich	Pickle
Dicks	Manton	Porter

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Rangel  
Rogers  
Serrano  
Thornton

Torkildsen  
Tucker  
Velazquez  
Washington

Whitten  
Williams  
Wynn  
Young (AK)

□ 1026

So the Journal was approved.

The result of the vote was announced as above recorded.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. GEPHARDT). The gentlewoman from New Jersey [Mrs. ROUKEMA] will lead us in the Pledge of Allegiance.

Mrs. ROUKEMA 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.

#### WELCOMING RABBI MILTON WEINBERG AS GUEST CHAPLAIN

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

Mrs. ROUKEMA. Mr. Speaker, it is my sincere pleasure to welcome to the House as our guest Chaplain today, Rabbi Milton Weinberg, of Congregation Beth Haverim of Mahwah, NJ.

Rabbi Weinberg has played a very personal and vital role in the community life of Bergen County. Equally important, he has been counselor and friend to his congregation.

A native of New Jersey, Milton Weinberg was born and educated in Camden. Rabbi Weinberg was graduated from the City College of New York in 1960. He also attended Hebrew Union College-Jewish Institute of Religion in New York, graduating in 1965 with rabbinic ordination and with a master of arts and a master of arts in Hebrew literature.

Rabbi Weinberg has served as the rabbi for Beth Am Temple in Pearl River, NY, and Temple Beth El in Closter, NJ. In 1974 he became the first rabbi of Congregation Beth Haverim of Mahwah, NJ, where he continues to serve. Among his many community activities he has been especially active on behalf of Soviet Jewry.

He continues to be an active Biblical scholar, is secretary of the International Organization of Masoretic Studies, and has received an honorary doctor of divinity from Hebrew Union College-Jewish Institute of Religion in 1990.

His proudest achievement in his long and dedicated but public life is his family and his wife Laurie of more than 40 years. Milton and Laurie Weinberg reside just across the border in Monsey, NY, where they are represented by the gentleman from New York [Mr. GILMAN]. The Weinbergs have four children: Ariel, Rebecca, David and Hillel. Hillel, who resides in the Washington area with his wife Debra, currently

works for Senator DURENBERGER in the other body.

Rabbi and Mrs. Weinberg are also the proud grandparents of three. This close knit family has been an inspiration to all who know them, an example of the bedrock of family values in which all Americans should take pride.

Mr. Speaker, I ask my colleagues to join me in welcoming Rabbi Milton Weinberg as our guest chaplain today.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

□ 1030

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, it is indeed a pleasure and an honor to join with the gentlewoman from New Jersey [Mrs. ROUKEMA] in welcoming Rabbi Milton Weinberg to our Chamber.

Congregation Beth Haverim in Mahwah, NJ, of which Rabbi Weinberg is the founding and current rabbi, is located in proximity to our New Jersey-New York border. Accordingly, many of the good rabbi's congregants are residents of my 20th Congressional District of New York, as is the rabbi himself. Indeed, Rabbi Weinberg and his wife, the former Laurie Muriel Kaufman, are among the leading residents and community leaders of Monsey, NY.

Mr. Speaker, I have long enjoyed close ties with Rabbi Weinberg and his family not only because of his spiritual and humanitarian leadership for a portion of my constituency, but also due to the fact that his son, Dr. Hillel Weinberg, was a former member of my congressional staff and subsequently our Foreign Affairs Committee staff for a total of some 7 years, before joining the Bush administration. Although Hillel is now employed in the other body by the senior Senator from Minnesota [Mr. DURENBERGER], I still often call upon him for his insight.

Mr. Speaker, I am pleased to join in welcoming my constituent, Rabbi Weinberg and his family to the House of Representatives, and we thank him for his inspirational words.

#### CONFERENCE REPORT ON S. 714, RESOLUTION TRUST CORPORATION COMPLETION ACT

Mr. GONZALEZ submitted the following conference report and statement on the Senate bill (S. 714), to provide for the remaining funds needed to assure that the United States fulfills its obligation for the protection of depositors at savings and loan institutions, to improve the management of the Resolution Trust Corporation [RTC] in order to assure the taxpayers the fairest and most efficient disposition of savings and loan assets, to provide for a comprehensive transition plan to assure an orderly transfer of RTC resources to the Federal Deposit Insurance Corporation, to abolish the RTC, and for other purposes:

#### CONFERENCE REPORT (H. REPT. 103-380)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 714), to provide for the remaining funds needed to assure that the United States fulfills its obligation for the protection of depositors at savings and loan institutions, to improve the management of the Resolution Trust Corporation ("RTC") in order to assure the taxpayers the fairest and most efficient disposition of savings and loan assets, to provide for a comprehensive transition plan to assure an orderly transfer of RTC resources to the Federal Deposit Insurance Corporation, to abolish the RTC, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Resolution Trust Corporation Completion Act".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Final funding for RTC.
- Sec. 3. RTC management reforms.
- Sec. 4. Extension of statute of limitations.
- Sec. 5. Limitation on bonuses and compensation paid by the RTC and the Thrift Depositor Protection Oversight Board.
- Sec. 6. FDIC—RTC transition task force.
- Sec. 7. Amendments relating to the termination of the RTC.
- Sec. 8. SAIF funding authorization amendments.
- Sec. 9. Moratorium extension.
- Sec. 10. Repayment schedule for permanent FDIC borrowing authority.
- Sec. 11. Deposit insurance funds.
- Sec. 12. Maximum dollar limits for eligible condominium and single family properties under RTC affordable housing program.
- Sec. 13. Changes affecting only FDIC affordable housing program.
- Sec. 14. Changes affecting both RTC and FDIC affordable housing programs.
- Sec. 15. Right of first refusal for tenants to purchase single family property.
- Sec. 16. Preference for sales of real property for use for homeless families.
- Sec. 17. Preferences for sales of commercial properties to public agencies and nonprofit organizations for use in carrying out programs for affordable housing.
- Sec. 18. Federal home loan banks housing opportunity hotline program.
- Sec. 19. Conflict of interest provisions applicable to the FDIC.
- Sec. 20. Restrictions on sales of assets to certain persons.
- Sec. 21. Whistle blower protection.
- Sec. 22. FDIC asset disposition division.
- Sec. 23. Presidentially appointed inspector general for FDIC.
- Sec. 24. Deputy chief executive officer.
- Sec. 25. Due process protections relating to attachment of assets.
- Sec. 26. GAO studies regarding Federal real property disposition.
- Sec. 27. Extension of RTC power to be appointed as conservator or receiver.
- Sec. 28. Final report on RTC and SAIF funding.

Sec. 29. General Counsel of the Resolution Trust Corporation.

Sec. 30. Authority to execute contracts.

Sec. 31. RTC contracting.

Sec. 32. Definition of property.

Sec. 33. Sense of the Congress relating to participation of disabled Americans in contracting for delivery of services to financial institution regulatory agencies.

Sec. 34. Report to Congress by Special Counsel.

Sec. 35. Reporting requirements.

Sec. 36. Continuation of conservatorships or receiverships.

Sec. 37. Exceptions for certain transactions.

Sec. 38. Bank deposit financial assistance program.

## SEC. 2. FINAL FUNDING FOR RTC.

Section 21A(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(i)) is amended—

(1) in paragraph (3), by striking "until April 1, 1992"; and

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

"(4) CONDITIONS ON AVAILABILITY OF FINAL FUNDING IN EXCESS OF \$10,000,000,000.—

"(A) CERTIFICATION REQUIRED.—Of the funds appropriated under paragraph (3) which are provided after April 1, 1993, any amount in excess of \$10,000,000,000 shall not be available to the Corporation before the date on which the Secretary of the Treasury certifies to the Congress that, since the date of enactment of the Resolution Trust Corporation Completion Act, the Corporation has taken such action as may be necessary to comply with the requirements of subsection (w) or that, as of the date of the certification, the Corporation is continuing to make adequate progress toward full compliance with such requirements.

"(B) APPEARANCE UPON REQUEST.—The Secretary of the Treasury shall appear before the Committee on Banking, Finance and Urban Affairs of the House of Representatives or the Committee on Banking, Housing, and Urban Affairs of the Senate, upon the request of the chairman of the committee, to report on any certification made to the Congress under subparagraph (A).

"(5) RETURN TO TREASURY.—If the aggregate amount of funds transferred to the Corporation pursuant to this subsection exceeds the amount needed to carry out the purposes of this section or to meet the requirements of section 11(a)(6)(F) of the Federal Deposit Insurance Act, such excess amount shall be deposited in the general fund of the Treasury.

"(6) FUNDS ONLY FOR DEPOSITORS.—Notwithstanding any provision of law other than section 13(c)(4)(G) of the Federal Deposit Insurance Act, funds appropriated under this section shall not be used in any manner to benefit any shareholder of—

"(A) any insured depository institution for which the Corporation has been appointed conservator or receiver, in connection with any type of resolution by the Corporation;

"(B) any other insured depository institution in default or in danger of default, in connection with any type of resolution by the Corporation; or

"(C) any insured depository institution, in connection with the provision of assistance under section 11 or 13 of the Federal Deposit Insurance Act with respect to such institution, except that this subparagraph shall not prohibit assistance to any insured depository institution that is not in default, or that is not in danger of default, that is acquiring (as defined in section 13(f)(8)(B) of such Act) another insured depository institution."

## SEC. 3. RTC MANAGEMENT REFORMS.

(a) IN GENERAL.—Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is

amended by adding at the end the following new subsection:

"(w) RTC MANAGEMENT REFORMS.—

"(1) COMPREHENSIVE BUSINESS PLAN.—The Corporation shall establish and maintain a comprehensive business plan covering the operations of the Corporation, including the disposition of assets, for the remainder of the Corporation's existence.

"(2) MARKETING REAL PROPERTY ON AN INDIVIDUAL BASIS.—The Corporation shall—

"(A) market any undivided or controlling interest in real property, whether held directly or indirectly by an institution described in subsection (b)(3)(A), on an individual basis, including sales by auction, for no fewer than 120 days before such assets may be made available for sale or other disposition on a portfolio basis or otherwise included in a multiasset sales initiative, except that this subparagraph does not apply to assets that are—

"(i) sold simultaneously with a resolution in which a buyer purchases a significant proportion of the assets and assumes a significant proportion of the liabilities, or acts as agent of the Corporation for purposes of paying insured deposits, of an institution described in subsection (b)(3)(A); or

"(ii) transferred to a new institution organized pursuant to section 11(d)(2)(F) of the Federal Deposit Insurance Act; and

"(B) prescribe regulations—

"(i) to require that the sale or other disposition of any asset consisting of real property on a portfolio basis or in connection with any multiasset sales initiative after the end of the 120-day period described in subparagraph (A) be justified in writing; and

"(ii) to carry out the requirements of subparagraph (A).

"(3) DISPOSITION OF REAL ESTATE RELATED ASSETS.—

"(A) PROCEDURES FOR DISPOSITION OF REAL ESTATE-RELATED ASSETS.—The Corporation shall not sell real property or any nonperforming real estate loan which the Corporation has acquired as receiver or conservator, unless—

"(i) the Corporation has assigned responsibility for the management and disposition of such asset to a qualified person or entity to—

"(I) analyze each asset on an asset-by-asset basis and consider alternative disposition strategies for such asset;

"(II) develop a written management and disposition plan; and

"(III) implement that plan for a reasonable period of time; or

"(ii) the Corporation has made a determination in writing that a bulk transaction would maximize net recovery to the Corporation, while providing opportunity for broad participation by qualified bidders, including minority- and women-owned businesses.

"(B) DEFINITIONS.—In defining any term for purposes of subparagraph (A), the Corporation may, by regulation, define—

"(i) the term 'asset' so as to include properties or loans which are legally separate and distinct properties or loans, but which have sufficiently common characteristics such that they may be logically treated as a single asset; and

"(ii) the term 'qualified person or entity' so as to include any employee of the Thrift Depositor Protection Oversight Board or any employee assigned to the Corporation under subsection (b)(8).

"(C) EXCEPTIONS.—This paragraph shall not apply to—

"(i) assets that are—

"(I) sold simultaneously with a resolution in which a buyer purchases a significant proportion of the assets and assumes a significant proportion of the liabilities (or acts as agent of the Corporation for purposes of paying insured de-

posits) of an institution described in subsection (b)(3)(A); or

"(II) transferred to a new institution organized pursuant to section 11(d)(2)(F) of the Federal Deposit Insurance Act;

"(iii) nonperforming real estate loans with a book value of not more than \$1,000,000;

"(iv) real property with a book value of not more than \$400,000; or

"(v) real property with a book value of more than \$400,000 or nonperforming real estate loans with a book value of more than \$1,000,000 for which the Corporation determines, in writing, that a disposition not in conformity with the requirements of subparagraph (A) will bring a greater return to the Corporation.

"(D) COORDINATION WITH PARAGRAPH (2).—No provision of this paragraph shall supersede the requirements of paragraph (2).

"(4) DIVISION OF MINORITIES AND WOMEN PROGRAMS.—

"(A) IN GENERAL.—The Corporation shall maintain a division of minorities and women programs.

"(B) VICE PRESIDENT.—The head of the division shall be a vice president of the Corporation and a member of the executive committee of the Corporation.

"(5) CHIEF FINANCIAL OFFICER.—

"(A) IN GENERAL.—The chief executive officer of the Corporation shall appoint a chief financial officer for the Corporation.

"(B) AUTHORITY.—The chief financial officer of the Corporation shall—

"(i) have no operating responsibilities with respect to the Corporation other than as chief financial officer;

"(ii) report directly to the chief executive officer of the Corporation; and

"(iii) have such authority and duties of chief financial officers of agencies under section 902 of title 31, United States Code, as the Thrift Depositor Protection Oversight Board determines to be appropriate with respect to the Corporation.

"(6) BASIC ORDERING AGREEMENTS.—

"(A) REVISION OF PROCEDURES.—The Corporation shall revise the procedure for reviewing and qualifying applicants for eligibility for future contracts in a specified service area (commonly referred to as 'basic ordering agreements' or 'task ordering agreements') in such manner as may be necessary to ensure that small businesses, minorities, and women are not inadvertently excluded from eligibility for such contracts.

"(B) REVIEW OF LISTS.—To ensure the maximum participation level possible of minority- and women-owned businesses, the Corporation shall—

"(i) review all lists of contractors determined to be eligible for future contracts in a specified service area and other contracting mechanisms; and

"(ii) prescribe appropriate regulations and procedures.

"(7) IMPROVEMENT OF CONTRACTING SYSTEMS AND CONTRACTOR OVERSIGHT.—The Corporation shall—

"(A) maintain such procedures and uniform standards for—

"(i) entering into contracts between the Corporation and private contractors; and

"(ii) overseeing the performance of contractors and subcontractors under such contracts and compliance by contractors and subcontractors with the terms of contracts and applicable regulations, orders, policies, and guidelines of the Corporation,

as may be appropriate in carrying out the Corporation's operations in as efficient and economical a manner as may be practicable;

"(B) commit sufficient resources, including personnel, to contract oversight and the enforcement of all laws, regulations, orders, policies,

and standards applicable to contracts with the Corporation; and

"(C) maintain uniform procurement guidelines for basic goods and administrative services to prevent the acquisition of such goods and services at widely different prices.

"(B) AUDIT COMMITTEE.—

"(A) ESTABLISHMENT.—The Thrift Depositor Protection Oversight Board shall establish and maintain an audit committee.

"(B) DUTIES.—The audit committee shall have the following duties:

"(i) Monitor the internal controls of the Corporation.

"(ii) Monitor the audit findings and recommendations of the inspector general of the Corporation and the Comptroller General of the United States and the Corporation's response to the findings and recommendations.

"(iii) Maintain a close working relationship with the inspector general of the Corporation and the Comptroller General of the United States.

"(iv) Regularly report the findings and any recommendation of the audit committee to the Corporation and the Thrift Depositor Protection Oversight Board.

"(v) Monitor the financial operations of the Corporation and report any incipient problem identified by the audit committee to the Corporation and the Thrift Depositor Protection Oversight Board.

"(C) FEDERAL ADVISORY COMMITTEE ACT NOT APPLICABLE.—The audit committee is not an advisory committee within the meaning of section 3(2) of the Federal Advisory Committee Act.

"(9) CORRECTIVE RESPONSES TO AUDIT PROBLEMS.—The Corporation shall—

"(A) respond to problems identified by auditors of the Corporation's financial and asset-disposition operations, including problems identified in audit reports by the inspector general of the Corporation, the Comptroller General of the United States, and the audit committee; or

"(B) certify to the Thrift Depositor Protection Oversight Board that no action is necessary or appropriate.

"(10) ASSISTANT GENERAL COUNSEL FOR PROFESSIONAL LIABILITY.—

"(A) APPOINTMENT.—The Corporation shall appoint, within the division of legal services of the Corporation, an assistant general counsel for professional liability.

"(B) DUTIES.—The assistant general counsel for professional liability shall—

"(i) direct the investigation, evaluation, and prosecution of all professional liability claims involving the Corporation; and

"(ii) supervise all legal, investigative, and other personnel and contractors involved in the litigation of such claims.

"(C) SEMIANNUAL REPORTS TO THE CONGRESS.—The assistant general counsel for professional liability shall submit to the Congress a comprehensive litigation report, not later than—

"(i) April 30 of each year for the 6-month period ending on March 31 of that year; and

"(ii) October 31 of each year for the 6-month period ending on September 30 of that year.

"(D) CONTENTS OF REPORTS.—The semiannual reports required under subparagraph (C) shall each address the activities of the counsel for professional liability under subparagraph (B) and all civil actions—

"(i) in which the Corporation is a party, which are filed against—

"(I) directors or officers of depository institutions described in subsection (b)(3)(A); or

"(II) attorneys, accountants, appraisers, or other licensed professionals who performed professional services for such depository institutions; and

"(ii) which are initiated or pending during the period covered by the report.

"(11) MANAGEMENT INFORMATION SYSTEM.—The Corporation shall maintain an effective management information system capable of providing complete and current information to the extent the provision of such information is appropriate and cost-effective.

"(12) INTERNAL CONTROLS AGAINST FRAUD, WASTE, AND ABUSE.—The Corporation shall maintain effective internal controls designed to prevent fraud, waste, and abuse, identify any such activity should it occur, and promptly correct any such activity.

"(13) FAILURE TO APPOINT CERTAIN OFFICERS OF THE CORPORATION.—The failure to fill any position established under this section or any vacancy in any such position, shall be treated as a failure to comply with the requirements of this subsection for purposes of subsection (i)(4).

"(14) REPORTS.—

"(A) DISCLOSURE OF EXPENDITURES.—The Corporation shall include in the annual report submitted pursuant to subsection (k)(4) an itemization of the expenditures of the Corporation during the year for which funds provided pursuant to subsection (i)(3) were used.

"(B) PUBLIC DISCLOSURE OF SALARIES.—The Corporation shall include in the annual report submitted pursuant to subsection (k)(4) a disclosure of the salaries and other compensation paid during the year covered by the report to directors and senior executive officers at any depository institution for which the Corporation has been appointed conservator or receiver.

"(15) MINORITY- AND WOMEN-OWNED BUSINESSES CONTRACT PARITY GUIDELINES.—The Corporation shall establish guidelines for achieving the goal of a reasonably even distribution of contracts awarded to the various subgroups of the class of minority- and women-owned businesses and minority- and women-owned law firms whose total number of certified contractors comprise not less than 5 percent of all minority- and women-owned certified contractors. The guidelines may reflect the regional and local geographic distributions of minority subgroups. The distribution of contracts should not be accomplished at the expense of any eligible minority- or women-owned business or law firm in any subgroup that falls below the 5 percent threshold in any region or locality.

"(16) CONTRACT SANCTIONS FOR FAILURE TO COMPLY WITH SUBCONTRACT AND JOINT VENTURE REQUIREMENTS.—The Corporation shall prescribe regulations which provide sanctions, including contract penalties and suspensions, for violations by contractors of requirements relating to subcontractors and joint ventures.

"(17) MINORITY PREFERENCE IN ACQUISITION OF INSTITUTIONS IN PREDOMINANTLY MINORITY NEIGHBORHOODS.—

"(A) IN GENERAL.—In considering offers to acquire any insured depository institution, or any branch of an insured depository institution, located in a predominantly minority neighborhood (as defined in regulations prescribed under subsection (s)), the Corporation shall give preference to an offer from any minority individual, minority-owned business, or a minority depository institution, over any other offer that results in the same cost to the Corporation, as determined under section 13(c)(4) of the Federal Deposit Insurance Act.

"(B) CAPITAL ASSISTANCE.—

"(i) ELIGIBILITY.—In order to effectuate the purposes of this paragraph, any minority individual, minority-owned business, or a minority depository institution shall be eligible for capital assistance under the minority interim capital assistance program established under subsection (u)(1) and subject to the provisions of subsection (u)(3), to the extent that such assistance is consistent with the application of section 13(c)(4) of the Federal Deposit Insurance Act.

"(ii) TERMS AND CONDITIONS.—Subsection (u)(4) shall not apply to capital assistance provided under this subparagraph.

"(C) PERFORMING ASSETS.—In the case of an acquisition of any depository institution or branch described in subparagraph (A) by any minority individual, minority-owned business, or a minority depository institution, the Corporation may provide, in connection with such acquisition and in addition to performing assets of the depository institution or branch, other performing assets under the control of the Corporation in an amount (as determined on the basis of the Corporation's estimate of the fair market value of the assets) not greater than the amount of net liabilities carried on the books of the institution or branch, including deposits, which are assumed in connection with the acquisition.

"(D) FIRST PRIORITY FOR DISPOSITION OF ASSETS.—In the case of an acquisition of any depository institution or branch described in subparagraph (A) by any minority individual, minority-owned business, or a minority depository institution, the disposition of the performing assets of the depository institution or branch to such individual, business, or minority depository institution shall have a first priority over the disposition by the Corporation of such assets for any other purpose.

"(E) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) ACQUIRE.—The term 'acquire' has the same meaning as in section 13(f)(8)(B) of the Federal Deposit Insurance Act.

"(ii) MINORITY.—The term 'minority' has the same meaning as in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

"(iii) MINORITY DEPOSITORY INSTITUTION.—The term 'minority depository institution' has the same meaning as in subsection (s)(2).

"(iv) MINORITY-OWNED BUSINESS.—The term 'minority-owned business' has the same meaning as in subsection (r)(4).

"(18) SUBCONTRACTS WITH MINORITY- AND WOMEN-OWNED BUSINESSES.—

"(A) GOALS AND PROCEDURES.—

"(i) REASONABLE GOALS.—The Corporation shall establish reasonable goals for contractors for services with the Corporation to subcontract with minority- and women-owned businesses and law firms.

"(ii) PROCEDURES.—The Corporation may not enter into any contract for the provision of services to the Corporation, including legal services, under which the contractor would receive fees or other compensation in an amount equal to or greater than \$500,000, unless the Corporation requires the contractor to subcontract with minority- or women-owned businesses, including law firms, and to pay fees or other compensation to such businesses in an amount commensurate with the percentage of services provided by the business.

"(iii) EXCEPTIONS.—The Corporation may exclude a contract from the requirements of clause (ii) if the Chief Executive Officer of the Corporation determines in writing that imposing such a subcontracting requirement would—

"(I) substantially increase the cost of contract performance; or

"(II) undermine the ability of the contractor to perform its obligations under the contract.

"(B) LIMITED WAIVER AUTHORITY.—

"(i) IN GENERAL.—The Corporation may grant a waiver from the application of this paragraph to any contractor with respect to a contract described in subparagraph (A)(ii), if the contractor certifies to the Corporation that it has determined that no eligible minority- or women-owned business is available to enter into a subcontract (with respect to such contract) and provides an explanation of the basis for such determination.

"(ii) WAIVER PROCEDURES.—Any determination to grant a waiver under clause (i) shall be

made in writing by the Chief Executive Officer of the Corporation.

"(C) REPORT.—Each quarterly report submitted by the Corporation pursuant to subsection (k)(7) shall contain a description of each exception granted under subparagraph (A)(iii) and each waiver granted under subparagraph (B) during the quarter covered by the report.

"(D) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) MINORITY.—The term 'minority' has the same meaning as in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

"(ii) MINORITY- AND WOMEN-OWNED BUSINESS.—The terms 'minority-owned business' and 'women-owned business' have the same meanings as in subsection (r)(4).

"(19) CONTRACTING PROCEDURES.—

"(A) PROCEDURES.—In awarding any contract subject to the competitive bidding process, the Corporation shall apply competitive bidding procedures that are no less stringent than those in effect on the date of the enactment of the Resolution Trust Corporation Completion Act.

"(B) COST TO TAXPAYER.—Nothing in this Act, or any other provision of law, shall supersede the Corporation's primary duty of minimizing costs to the taxpayer and maximizing the total return to the Government.

"(20) MANAGEMENT OF LEGAL SERVICES.—To improve the management of legal services, the Corporation—

"(A) shall utilize staff counsel when such utilization would provide the same level of quality in legal services as the use of outside counsel at the same or a lower estimated cost; and

"(B) may only employ outside counsel—

"(i) if the use of outside counsel would provide the most practicable, efficient, and cost-effective resolution to the action; and

"(ii) under a negotiated fee, contingent fee, or competitively bid fee agreement.

"(21) CLIENT RESPONSIVENESS UNITS.—The Corporation shall ensure that every regional office of the Corporation contains a client responsiveness unit responsible to the Corporation's ombudsman."

(b) BORROWER APPEALS.—Section 21A(b)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(4)) is amended by adding at the end the following new subparagraph:

"(C) APPEALS.—The Corporation shall implement and maintain a program, in a manner acceptable to the Thrift Depositor Protection Oversight Board, to provide an appeals process for business and commercial borrowers to appeal decisions by the Corporation (when acting as a conservator) which would have the effect of terminating or otherwise adversely affecting credit or loan agreements, lines of credit, and similar arrangements with such borrowers who have not defaulted on their obligations."

(c) GAO STUDY OF PROGRESS OF IMPLEMENTATION OF REFORMS.—

(1) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study of the manner in which the reforms required pursuant to the amendment made by subsection (a) are being implemented by the Resolution Trust Corporation and the progress being made by the Corporation toward the achievement of full compliance with such requirements.

(2) INTERIM REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit an interim report to the Congress containing the preliminary findings of the Comptroller General in connection with the study required under paragraph (1).

(3) FINAL REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress containing—

(A) the findings of the Comptroller General in connection with the study required under paragraph (1); and

(B) such recommendations for legislative and administrative action as the Comptroller General may determine to be appropriate.

(4) DISCLOSURE OF PERFORMING ASSET TRANSFERS.—

(A) REPORT REQUIRED.—The Comptroller General of the United States shall submit an annual report to the Congress on transfers of performing assets by the Corporation, categorized by institution, to any acquirer during the year covered by the report.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall contain—

(i) the number and a description of asset transfers during the year covered by the report;

(ii) the number of assets provided in connection with each transaction during such year; and

(iii) a report of an audit by the Comptroller General of the determination of the Corporation of the fair market value of transferred assets at the time of transfer.

(d) UTILIZATION OF SERVICES.—Section 11(d)(2)(K) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(2)(K)) is amended—

(1) by inserting "legal," after "auction marketing,";

(2) by striking "if" and inserting "only if"; and

(3) by striking "practicable" and inserting "the most practicable".

(e) RTC NOTICE TO GSA.—

(1) IN GENERAL.—Within a reasonable period of time after acquiring an undivided or controlling interest in any commercial office property in its capacity as conservator or receiver, the Corporation shall notify the Administrator of General Services of such acquisition.

(2) CONTENTS OF NOTICE.—The notice required under paragraph (1) shall contain basic information about the property, including—

(A) the location and condition of the property;

(B) information relating to the estimated fair market value of the property; and

(C) the Corporation's schedule, or estimate of the schedule, for marketing and disposing of the property.

(3) COMPETITIVE BIDDING.—The Administrator of General Services, in compliance with regulations of the Resolution Trust Corporation, may bid on property described in the notice required under paragraph (1) that is otherwise subject to competitive bidding.

SEC. 4. EXTENSION OF STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by adding at the end the following new paragraph:

"(14) EXTENSION OF STATUTE OF LIMITATIONS.—

"(A) TORT ACTIONS FOR WHICH THE PRIOR LIMITATION HAS RUN.—

"(i) IN GENERAL.—In the case of any tort claim—

"(I) which is described in clause (ii); and

"(II) for which the applicable statute of limitations under section 11(d)(14)(A)(ii) of the Federal Deposit Insurance Act has expired before the date of enactment of the Resolution Trust Corporation Completion Act;

the statute of limitations which shall apply to an action brought on such claim by the Corporation in the Corporation's capacity as conservator or receiver of an institution described in paragraph (3)(A) shall be the period determined under subparagraph (C).

"(ii) CLAIMS DESCRIBED.—A tort claim referred to in clause (i)(I) with respect to an institution described in paragraph (3)(A) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the institution.

"(B) TORT ACTIONS FOR WHICH THE PRIOR LIMITATION HAS NOT RUN.—

"(i) IN GENERAL.—Notwithstanding section 11(d)(14)(A) of the Federal Deposit Insurance Act, in the case of any tort claim—

"(I) which is described in clause (ii); and

"(II) for which the applicable statute of limitations under section 11(d)(14)(A)(ii) of the Federal Deposit Insurance Act has not expired as of the date of enactment of the Resolution Trust Corporation Completion Act;

the statute of limitations which shall apply to an action brought on such claim by the Corporation in the Corporation's capacity as conservator or receiver of an institution described in paragraph (3)(A) shall be the period determined under subparagraph (C).

"(ii) CLAIMS DESCRIBED.—A tort claim referred to in clause (i)(I) with respect to an institution described in paragraph (3)(A) is a claim arising from gross negligence or conduct that demonstrates a greater disregard of a duty of care than gross negligence, including intentional tortious conduct relating to the institution.

"(C) DETERMINATION OF PERIOD.—The period determined under this subparagraph for any claim to which subparagraph (A) or (B) applies shall be the longer of—

"(i) the 5-year period beginning on the date the claim accrues (as determined pursuant to section 11(d)(14)(B) of the Federal Deposit Insurance Act); or

"(ii) the period applicable under State law for such claim.

"(D) SCOPE OF APPLICATION.—Subparagraphs (A) and (B) shall not apply to any action which is brought after the date of the termination of the Corporation under subsection (m)(1)."

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 11(d)(14)(A)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(14)(A)(ii)) is amended by inserting "(other than a claim which is subject to section 21A(b)(14) of the Federal Home Loan Bank Act)" after "any tort claim".

SEC. 5. LIMITATION ON BONUSES AND COMPENSATION PAID BY THE RTC AND THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) IN GENERAL.—Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding after subsection (w) (as added by section 3(a) of this Act) the following new subsection:

"(x) LIMITATION ON EXCESSIVE COMPENSATION AND CASH AWARDS.—

"(1) ESTABLISHMENT OF PERFORMANCE APPRAISAL SYSTEM REQUIRED.—The Corporation shall be treated as an agency for purposes of sections 4302 and 4304 of title 5, United States Code.

"(2) PROCEDURES FOR PAYMENT OF CASH AWARDS.—

"(A) IN GENERAL.—Sections 4502, 4503, and 4505a of title 5, United States Code, shall apply with respect to the Corporation.

"(B) LIMITATION ON AMOUNT OF CASH AWARDS.—For purposes of determining the amount of any performance-based cash award payable to any employee of the Corporation under section 4505a of title 5, United States Code, the amount of basic pay of the employee which may be taken into account under such section shall not exceed the amount which is equal to the annual rate of basic pay payable for level I of the Executive Schedule.

"(3) ALL OTHER CASH AWARDS AND BONUSES PROHIBITED.—Except as provided in paragraph (2), no cash award or bonus may be made to any employee of the Corporation.

"(4) LIMITATIONS ON CASH AWARDS AND BONUSES.—No employee shall receive any cash award or bonus if such employee has given notice of an intent to resign to take a position in the private sector before the payment of such

cash award or bonus or accepts employment in the private sector not later than 60 days after receipt of such award or bonus.

**"(5) LIMITATION ON EXCESSIVE COMPENSATION.**—Except as provided in paragraphs (6) and (7), no employee may receive a total amount of allowances, benefits, basic pay, and other compensation, including bonuses and other awards, in excess of the total amount of allowances, benefits, basic pay, and other compensation, including bonuses and other awards, which are provided to the chief executive officer of the Corporation.

**"(6) NO REDUCTION IN RATE OF PAY.**—The annual rate of basic pay and benefits, including any regional pay differential, payable to any employee who was an employee as of the date of enactment of the Resolution Trust Corporation Completion Act for any year ending after such date of enactment shall not be reduced, by reason of paragraph (5), below the annual rate of basic pay and benefits, including any regional pay differential, paid to such employee, by reason of such employment, as of such date.

**"(7) EMPLOYEES SERVING IN ACTING OR TEMPORARY CAPACITY.**—In the case of any employee who, as of the date of enactment of the Resolution Trust Corporation Completion Act, is serving in an acting capacity or is otherwise temporarily employed at a higher grade than such employee's regular grade or position of employment—

**"(A)** the annual rate of basic pay and benefits, including any regional pay differential, payable to such employee in such capacity or at such higher grade shall not be reduced by reason of paragraph (5) so long as such employee continues to serve in such capacity or at such higher grade; and

**"(B)** after such employee ceases to serve in such capacity or at such higher grade, paragraph (6) shall be applied with respect to such employee by taking into account only the annual rate of basic pay and benefits, including any regional pay differential, payable to such employee in such employee's regular grade or position of employment.

**"(8) DEFINITIONS.**—

**"(A) ALLOWANCES.**—For purposes of paragraph (5), the term 'allowances' does not include any allowance for travel and subsistence expenses incurred by an employee while away from home or designated post of duty on official business.

**"(B) EMPLOYEE.**—For purposes of this subsection and sections 4302, 4502, 4503, and 4505a of title 5, United States Code (as applicable with respect to this subsection), the term 'employee' includes any officer or employee assigned to the Corporation under subsection (b)(8) and any officer or employee of the Thrift Depositor Protection Oversight Board."

**(b) TECHNICAL AND CONFORMING AMENDMENTS.**—

**(1) AMENDMENT TO TITLE 5.**—Section 5314 of title 5, United States Code, is amended by striking the following item:

"chief executive officer of the Resolution Trust Corporation."

**(2) FEDERAL HOME LOAN BANK ACT AMENDMENT.**—Section 21A(a)(6) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(a)(6)) is amended by adding at the end the following new subparagraph:

**"(K)** To establish the rate of basic pay, benefits, and other compensation for the chief executive officer of the Corporation."

**SEC. 6. FDIC—RTC TRANSITION TASK FORCE.**

**(a) ESTABLISHMENT REQUIRED.**—The Federal Deposit Insurance Corporation and the Resolution Trust Corporation shall establish an interagency transition task force. The task force shall facilitate the transfer of the assets, personnel, and operations of the Resolution Trust Cor-

poration to the Federal Deposit Insurance Corporation or the FSLIC Resolution Fund, as the case may be, in a coordinated manner.

**(b) MEMBERS.**—

**(1) IN GENERAL.**—The transition task force shall consist of such number of officers and employees of the Federal Deposit Insurance Corporation and the Resolution Trust Corporation as the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation and the chief executive officer of the Resolution Trust Corporation may jointly determine to be appropriate.

**(2) APPOINTMENT.**—The Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation and the chief executive officer of the Resolution Trust Corporation shall appoint the members of the transition task force.

**(3) NO ADDITIONAL PAY.**—Members of the transition task force shall receive no additional pay, allowances, or benefits by reason of their service on the task force.

**(c) DUTIES.**—The transition task force shall have the following duties:

**(1)** Examine the operations of the Federal Deposit Insurance Corporation and the Resolution Trust Corporation to identify, evaluate, and resolve differences in the operations of the corporations to facilitate an orderly merger of such operations.

**(2)** Recommend which of the management, resolution, or asset disposition systems of the Resolution Trust Corporation should be preserved for use by the Federal Deposit Insurance Corporation.

**(3)** Recommend procedures to be followed by the Federal Deposit Insurance Corporation and the Resolution Trust Corporation in connection with the transition which will promote—

**(A)** coordination between the corporations before the termination of the Resolution Trust Corporation; and

**(B)** an orderly transfer of assets, personnel, and operations.

**(4)** Evaluate the management enhancement goals applicable to the Resolution Trust Corporation under section 21A(p) of the Federal Home Loan Bank Act and recommend which of such goals should apply to the Federal Deposit Insurance Corporation.

**(5)** Evaluate the management reforms applicable to the Resolution Trust Corporation under section 21A(w) of the Federal Home Loan Bank Act and recommend which of such reforms should apply to the Federal Deposit Insurance Corporation.

**(d) REPORTS TO BANKING COMMITTEES.**—

**(1) REPORTS REQUIRED.**—The transition task force shall submit a report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than January 1, 1995, and a second report not later than July 1, 1995, on the progress made by the transition task force in meeting the requirements of this section.

**(2) CONTENTS OF REPORT.**—The reports required to be submitted under paragraph (1) shall contain the findings and recommendations made by the transition task force in carrying out the duties of the task force under subsection (c) and such recommendations for legislative and administrative action as the task force may determine to be appropriate.

**(e) FOLLOWUP REPORT BY FDIC.**—Not later than January 1, 1996, the Federal Deposit Insurance Corporation shall submit a report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing—

**(1)** a description of the recommendations of the transition task force which have been adopted by the Corporation;

**(2)** a description of the recommendations of the transition task force which have not been adopted by the Corporation;

**(3)** a detailed explanation of the reasons why the Corporation did not adopt each recommendation described in paragraph (2); and

**(4)** a description of the actions taken by the Corporation to comply with section 21A(m)(3) of the Federal Home Loan Bank Act.

**SEC. 7. AMENDMENTS RELATING TO THE TERMINATION OF THE RTC.**

**(a) AMENDMENT RELATING TO TRANSFER OF PERSONNEL AND SYSTEMS.**—Section 21A(m) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(m)) is amended by adding at the end the following new paragraph:

**"(3) TRANSFER OF PERSONNEL AND SYSTEMS.**—In connection with the assumption by the Federal Deposit Insurance Corporation of conservatorship and receivership functions with respect to institutions described in subsection (b)(3)(A) and the termination of the Corporation pursuant to paragraph (1)—

**"(A)** any management, resolution, or asset-disposition system of the Corporation which the Secretary of the Treasury determines, after considering the recommendations of the interagency transition task force under section 6(c) of the Resolution Trust Corporation Completion Act, has been of benefit to the operations of the Corporation (including any personal property of the Corporation which is used in operating any such system) shall, notwithstanding paragraph (2), be transferred to and used by the Federal Deposit Insurance Corporation in a manner which preserves the integrity of the system for so long as such system is efficient and cost-effective; and

**"(B)** any personnel of the Corporation involved with any such system who are otherwise eligible to be transferred to the Federal Deposit Insurance Corporation shall be transferred to the Federal Deposit Insurance Corporation for continued employment, subject to section 404(9) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and other applicable provisions of this section, with respect to such system."

**(b) AMENDMENT RELATING TO DATE OF TERMINATION.**—Section 21A(m)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(m)(1)) is amended by striking "December 31, 1996" and inserting "December 31, 1995".

**SEC. 8. SAIF FUNDING AUTHORIZATION AMENDMENTS.**

**(a) AMENDMENT TO SAIF FUNDING PROVISION.**—Section 11(a)(6)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(D)) is amended to read as follows:

**"(D) TREASURY PAYMENTS TO FUND.**—To the extent of the availability of amounts provided in appropriation Acts and subject to subparagraphs (E) and (G), the Secretary of the Treasury shall pay to the Savings Association Insurance Fund such amounts as may be needed to pay losses incurred by the Fund in fiscal years 1994 through 1998."

**(b) CERTIFICATION OF NEED FOR FUNDS AND OTHER CONDITIONS ON SAIF FUNDING.**—Section 11(a)(6)(E) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(E)) is amended to read as follows:

**"(E) CERTIFICATION CONDITIONS ON AVAILABILITY OF FUNDING.**—No amount appropriated for payments by the Secretary of the Treasury in accordance with subparagraph (D) for any fiscal year may be expended unless the Chairperson of the Board of Directors certifies to the Congress, at any time before the beginning of or during such fiscal year, that—

**"(i)** such amount is needed to pay for losses which have been incurred or can reasonably be expected to be incurred by the Savings Association Insurance Fund;

"(ii) the Board of Directors has determined that—

"(I) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semiannual assessments under section 7(b) at the assessment rates which would be required in order to cover, from such additional assessments, losses which have been incurred or can reasonably be expected to be incurred by the Fund without adversely affecting the ability of such members to raise and maintain capital or to maintain the members' assessment base; and

"(II) an increase in the assessment rates for Savings Association Insurance Fund members to cover such losses could reasonably be expected to result in greater losses to the Government;

"(iii) the Board of Directors has determined that—

"(I) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semiannual assessments under section 7(b) at the assessment rates which would be required in order to meet the repayment schedule required under section 14(c) for any amount borrowed under section 14(a) to cover losses which have been incurred or can reasonably be expected to be incurred by the Fund without adversely affecting the ability of such members to raise and maintain capital or to maintain the members' assessment base; and

"(II) an increase in the assessment rates for Savings Association Insurance Fund members to meet any such repayment schedule could reasonably be expected to result in greater losses to the Government;

"(iv) as of the date of certification, the Corporation has in effect procedures designed to ensure that the activities of the Savings Association Insurance Fund and the affairs of any Savings Association Insurance Fund member for which a conservator or receiver has been appointed are conducted in an efficient manner and the Corporation is in compliance with such procedures;

"(v) with respect to the most recent audit of the Savings Association Insurance Fund by the Comptroller General of the United States before the date of the certification—

"(I) the Corporation has taken or is taking appropriate action to implement any recommendation made by the Comptroller General; or

"(II) no corrective action is necessary or appropriate;

"(vi) the Corporation has provided for the appointment of a chief financial officer who—

"(I) does not have other operating responsibilities;

"(II) will report directly to the Chairperson of the Corporation; and

"(III) will have such authority and duties of chief financial officers under section 902 of title 31, United States Code, as the Board of Directors of the Corporation determines to be appropriate with respect to the Corporation;

"(vii) the Corporation has provided for the appointment of a senior officer whose responsibilities shall include setting uniform standards for contracting and contracting enforcement in connection with the administration of the Fund;

"(viii) the Corporation is implementing the minority outreach provisions mandated by section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989;

"(ix) the Corporation has provided for the appointment of a senior attorney, at the assistant general counsel level or above, responsible for professional liability cases; and

"(x) the Corporation has improved the management of legal services by—

"(I) utilizing staff counsel when such utilization would provide the same level of quality in legal services as the use of outside counsel at the same or a lower estimated cost; and

"(II) employing outside counsel only if the use of outside counsel would provide the most practicable, efficient, and cost-effective resolution to the action and only under a negotiated fee, contingent fee, or competitively bid fee agreement."

(c) AVAILABILITY OF UNEXPENDED RTC FUNDING FOR SAIF.—Section 11(a)(6)(F) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(F)) is amended to read as follows:

"(F) AVAILABILITY OF RTC FUNDING.—At any time before the end of the 2-year period beginning on the date of the termination of the Resolution Trust Corporation, the Secretary of the Treasury shall provide, out of funds appropriated to the Resolution Trust Corporation pursuant to section 21A(i)(3) of the Federal Home Loan Bank Act and not expended by the Resolution Trust Corporation, to the Savings Association Insurance Fund, for any year such amounts as are needed by the Fund and are not needed by the Resolution Trust Corporation, if the Chairperson of the Board of Directors has certified to the Congress that—

"(i) such amount is needed to pay for losses which have been incurred or can reasonably be expected to be incurred by the Savings Association Insurance Fund;

"(ii) the Board of Directors has determined that—

"(I) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semiannual assessments under section 7(b) at the assessment rates which would be required in order to cover, from such additional assessments, losses which have been incurred or can reasonably be expected to be incurred by the Savings Association Insurance Fund without adversely affecting the ability of such members to raise and maintain capital or to maintain the members' assessment base; and

"(II) an increase in the assessment rates for Savings Association Insurance Fund members to cover such losses could reasonably be expected to result in greater losses to the Government;

"(iii) the Board of Directors has determined that—

"(I) Savings Association Insurance Fund members, in the aggregate, are unable to pay additional semiannual assessments under section 7(b) at the assessment rates which would be required in order to meet the repayment schedule required under section 14(c) for any amount borrowed under section 14(a) to cover losses which have been incurred or can reasonably be expected to be incurred by the Savings Association Insurance Fund without adversely affecting the ability of such members to raise and maintain capital or to maintain such members' assessment base; and

"(II) an increase in the assessment rates for Savings Association Insurance Fund members to meet any such repayment schedule could reasonably be expected to result in greater losses to the Government;

"(iv) the Corporation has provided for the appointment of a chief financial officer who—

"(I) does not have other operating responsibilities;

"(II) will report directly to the Chairperson of the Corporation; and

"(III) will have such authority and duties of chief financial officers under section 902 of title 31, United States Code, as the Board of Directors of the Corporation determines to be appropriate with respect to the Corporation;

"(v) the Corporation has provided for the appointment of a senior officer whose responsibilities shall include setting uniform standards for contracting and contracting enforcement in connection with the administration of the Fund;

"(vi) the Corporation is implementing the minority outreach provisions mandated by section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989;

"(vii) the Corporation has provided for the appointment of a senior attorney, at the assistant general counsel level or above, responsible for professional liability cases; and

"(viii) the Corporation has improved the management of legal services by—

"(I) utilizing staff counsel when such utilization would provide the same level of quality in legal services as the use of outside counsel at the same or a lower estimated cost; and

"(II) employing outside counsel only if the use of outside counsel would provide the most practicable, efficient, and cost-effective resolution to the action and only under a negotiated fee, contingent fee, or competitively bid fee agreement."

(d) APPEARANCES BEFORE THE BANKING COMMITTEES.—Section 11(a)(6)(H) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(H)) is amended to read as follows:

"(H) APPEARANCE UPON REQUEST.—The Secretary of the Treasury and the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation shall appear before the Committee on Banking, Finance and Urban Affairs of the House of Representatives or the Committee on Banking, Housing, and Urban Affairs of the Senate, upon the request of the chairman of the committee, to report on any certification made to the Congress under subparagraph (E) or (F)."

(e) AMENDMENTS TO AUTHORIZATION OF APPROPRIATION.—Section 11(a)(6)(J) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(J)) is amended—

(1) by striking "There are" and inserting "Subject to subparagraph (E), there are"; and

(2) by striking "of this paragraph, except" and all that follows through the period and inserting the following: "of subparagraph (D) for fiscal years 1994 through 1998, except that the aggregate amount appropriated pursuant to this authorization may not exceed \$8,000,000,000."

(f) RETURN OF TRANSFERRED AND UNEXPENDED AMOUNTS TO TREASURY.—Section 11(a)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)) is amended by adding at the end the following new subparagraph:

"(K) RETURN TO TREASURY.—If the aggregate amount of funds transferred to the Savings Association Insurance Fund under subparagraph (D) or (F) exceeds the amount needed to cover losses incurred by the Fund, such excess amount shall be deposited in the general fund of the Treasury."

(g) GAO REPORT.—Not later than 60 days after receipt of any certification submitted pursuant to subparagraph (E) or (F) of section 11(a)(6) of the Federal Deposit Insurance Act, the Comptroller General shall transmit a report to the Congress evaluating any such certification.

(h) ADJUSTMENT OF SAIF SCHEDULE.—Effective on the effective date of the amendment made by section 302(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991, section 7(b)(3)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)(C)) is amended by striking ", but such amendments may not extend the date specified in subparagraph (B)" and inserting "and such amendment may extend the date specified in subparagraph (B) to such later date as the Corporation determines will, over time, maximize the amount of semiannual assessments received by the Savings Association Insurance Fund, net of insurance losses incurred by the Fund."

(i) TECHNICAL AND CONFORMING AMENDMENTS.—Section 11(a)(6)(G) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)(G)) is amended—

(1) by striking "subparagraphs (E) and (F)" and inserting "subparagraph (D)"; and

(2) in the heading, by striking "SUBPARAGRAPHS (E) AND (F)" and inserting "SUBPARAGRAPH (D)".

**SEC. 9. MORATORIUM EXTENSION.**

(a) **CONVERSION MORATORIUM UNTIL SAIF RECAPITALIZED.**—Section 5(d)(2)(A)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1815(d)(2)(A)(ii)) is amended—

(1) by striking "before the end" and inserting "before the later of the end"; and

(2) by inserting "or the date on which the Savings Association Insurance Fund first meets or exceeds the designated reserve ratio for such fund" before the period.

(b) **CLARIFICATION OF DEFINITION.**—Section 5(d)(2)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1815(d)(2)(B)) is amended—

(1) by striking the period at the end of clause (iv) and inserting "; and"; and

(2) by adding at the end the following:

"(v) the transfer of deposits—

"(I) from a Bank Insurance Fund member to a Savings Association Insurance Fund member;

or

"(II) from a Savings Association Insurance Fund member to a Bank Insurance Fund member;

in a transaction in which the deposit is received from a depositor at an insured depository institution for which a receiver has been appointed and the receiving insured depository institution is acting as agent for the Corporation in connection with the payment of such deposit to the depositor at the institution for which a receiver has been appointed."

(c) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 5(d) of the Federal Deposit Insurance Act (12 U.S.C. 1815(d)) is amended—

(1) in clauses (ii) and (iii) of paragraph (2)(C); and

(2) in paragraph (3)(I)(i);

by striking "5-year period referred to in" and inserting "moratorium period established by".

**SEC. 10. REPAYMENT SCHEDULE FOR PERMANENT FDIC BORROWING AUTHORITY.**

Section 14(c) of the Federal Deposit Insurance Act (12 U.S.C. 1824(c)) is amended by adding at the end the following new paragraph:

"(3) **INDUSTRY REPAYMENT.**—

"(A) **BIF MEMBER PAYMENTS.**—No agreement or repayment schedule under paragraph (1) shall require any payment by a Bank Insurance Fund member for funds obtained under subsection (a) for purposes of the Savings Association Fund.

"(B) **SAIF MEMBER PAYMENTS.**—No agreement or repayment schedule under paragraph (1) shall require any payment by a Savings Association Insurance Fund member for funds obtained under subsection (a) for purposes of the Bank Insurance Fund."

**SEC. 11. DEPOSIT INSURANCE FUNDS.**

Section 11(a)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)) is amended to read as follows:

"(4) **GENERAL PROVISIONS RELATING TO FUNDS.**—

"(A) **MAINTENANCE AND USE OF FUNDS.**—The Bank Insurance Fund established under paragraph (5) and the Savings Association Insurance Fund established under paragraph (6) shall each be—

"(i) maintained and administered by the Corporation;

"(ii) maintained separately and not commingled; and

"(iii) used by the Corporation to carry out its insurance purposes in the manner provided in this subsection.

"(B) **LIMITATION ON USE.**—Notwithstanding any provision of law other than section 13(c)(4)(G), the Bank Insurance Fund and the Savings Association Insurance Fund shall not be used in any manner to benefit any shareholder of—

"(i) any insured depository institution for which the Corporation or the Resolution Trust

Corporation has been appointed conservator or receiver, in connection with any type of resolution by the Corporation or the Resolution Trust Corporation;

"(ii) any other insured depository institution in default or in danger of default, in connection with any type of resolution by the Corporation or the Resolution Trust Corporation; or

"(iii) any insured depository institution, in connection with the provision of assistance under this section or section 13 with respect to such institution, except that this clause shall not prohibit any assistance to any insured depository institution that is not in default, or that is not in danger of default, that is acquiring (as defined in section 13(f)(8)(B)) another insured depository institution."

**SEC. 12. MAXIMUM DOLLAR LIMITS FOR ELIGIBLE CONDOMINIUM AND SINGLE FAMILY PROPERTIES UNDER RTC AFFORDABLE HOUSING PROGRAM.**

Section 21A(c)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(9)) is amended—

(1) in subparagraph (D), by striking clause (ii) and inserting the following new clause:

"(ii) that has an appraised value that does not exceed—

"(I) \$67,500 in the case of a 1-family residence, \$76,000 in the case of a 2-family residence, \$92,000 in the case of a 3-family residence, and \$107,000 in the case of a 4-family residence; or

"(II) only to the extent or in such amounts as are provided in appropriation Acts for additional costs and losses to the Corporation resulting from this subclause taking effect, the amount provided in section 203(b)(2)(A) of the National Housing Act, except that such amount shall not exceed \$101,250 in the case of a 1-family residence, \$114,000 in the case of a 2-family residence, \$138,000 in the case of a 3-family residence, and \$160,500 in the case of a 4-family residence.";

(2) in subparagraph (G)—

(A) by moving subclause (I) two ems to the left and redesignating such subclause as clause (i); and

(B) by striking subclause (II) and inserting the following new clause:

"(ii) that has an appraised value that does not exceed—

"(I) \$67,500 in the case of a 1-family residence, \$76,000 in the case of a 2-family residence, \$92,000 in the case of a 3-family residence, and \$107,000 in the case of a 4-family residence; or

"(II) only to the extent or in such amounts as are provided in appropriation Acts for additional costs and losses to the Corporation resulting from this subclause taking effect, the amount provided in section 203(b)(2)(A) of the National Housing Act, except that such amount shall not exceed \$101,250 in the case of a 1-family residence, \$114,000 in the case of a 2-family residence, \$138,000 in the case of a 3-family residence, and \$160,500 in the case of a 4-family residence."

**SEC. 13. CHANGES AFFECTING ONLY FDIC AFFORDABLE HOUSING PROGRAM.**

Section 40(p) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(p)) is amended in paragraphs (4)(A), (5)(A), and (7)(A), by inserting before "; and" each place it appears the following: "in its corporate capacity, its capacity as conservator, or its capacity as receiver (including in its capacity as the sole owner of a subsidiary corporation of a depository institution under conservatorship or receivership, which subsidiary has as its principal business the ownership of real property)".

**SEC. 14. CHANGES AFFECTING BOTH RTC AND FDIC AFFORDABLE HOUSING PROGRAMS.**

(a) **NOTICE TO CLEARINGHOUSES REGARDING PROPERTIES NOT INCLUDED IN PROGRAMS.**—

(1) **RTC.**—Section 21A(c) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)) is amended

by adding at the end the following new paragraph:

"(16) **NOTICE TO CLEARINGHOUSES REGARDING INELIGIBLE PROPERTIES.**—

"(A) **IN GENERAL.**—Within a reasonable period of time after acquiring title to an ineligible residential property, the Corporation shall, to the extent practicable, provide written notice to clearinghouses.

"(B) **CONTENT.**—For ineligible single family properties, such notice shall contain the same information about such properties that the notice required under paragraph (2)(A) contains with respect to eligible single family properties. For ineligible multifamily housing properties, such notice shall contain the same information about such properties that the notice required under paragraph (3)(A) contains with respect to eligible multifamily housing properties. For ineligible condominium properties, such notice shall contain the same information about such properties that the notice required under paragraph (14)(A) contains with respect to eligible condominium properties.

"(C) **AVAILABILITY.**—The clearinghouses shall make such information available, upon request, to other public agencies, other nonprofit organizations, qualifying households, qualifying multifamily purchasers, and other purchasers, as appropriate.

"(D) **DEFINITIONS.**—For purposes of this paragraph, the following definitions shall apply:

"(i) **INELIGIBLE CONDOMINIUM PROPERTY.**—The term 'ineligible condominium property' means a condominium unit, as such term is defined in section 604 of the Housing and Community Development Act of 1980—

"(I) to which the Corporation acquires title in its corporate capacity, its capacity as conservator, or its capacity as receiver (including its capacity as the sole owner of a subsidiary corporation of a depository institution under conservatorship or receivership, which subsidiary corporation has as its principal business the ownership of real property);

"(II) that has an appraised value that does not exceed the applicable dollar amount limitation for the property under paragraph (9)(D)(ii)(II); and

"(III) that is not an eligible condominium property.

"(ii) **INELIGIBLE MULTIFAMILY HOUSING PROPERTY.**—The term 'ineligible multifamily housing property' means a property consisting of more than 4 dwelling units—

"(I) to which the Corporation acquires title in its capacity as conservator (including its capacity as the sole owner of a subsidiary corporation of a depository institution under conservatorship, which subsidiary corporation has as its principal business the ownership of real property);

"(II) that has an appraised value that does not exceed, for such part of the property as may be attributable to dwelling use (excluding exterior land improvements), the dollar amount limitations under paragraph (9)(E)(i)(II); and

"(III) that is not an eligible multifamily housing property.

"(iii) **INELIGIBLE SINGLE FAMILY PROPERTY.**—The term 'ineligible single family property' means a 1- to 4-family residence (including a manufactured home)—

"(I) to which the Corporation acquires title in its corporate capacity, its capacity as conservator, or its capacity as receiver (including its capacity as the sole owner of a subsidiary corporation of a depository institution under conservatorship or receivership, which subsidiary corporation has as its principal business the ownership of real property);

"(II) that has an appraised value that does not exceed the applicable dollar amount limitation for the property under paragraph (9)(G)(ii)(II); and

“(III) that is not an eligible single family property.

“(iv) INELIGIBLE RESIDENTIAL PROPERTY.—The term ‘ineligible residential property’ includes ineligible single family properties, ineligible multifamily housing properties, and ineligible condominium properties.”

(2) FDIC.—Section 40 of the Federal Deposit Insurance Act (12 U.S.C. 1831g) is amended by adding at the end the following new subsection:

“(g) NOTICE TO CLEARINGHOUSES REGARDING INELIGIBLE PROPERTIES.—

“(1) IN GENERAL.—Within a reasonable period of time after acquiring title to an ineligible residential property, the Corporation shall, to the extent practicable, provide written notice to clearinghouses.

“(2) CONTENT.—For ineligible single family properties, such notice shall contain the same information about such properties that the notice required under subsection (c)(1) contains with respect to eligible single family properties. For ineligible multifamily housing properties, such notice shall contain the same information about such properties that the notice required under subsection (d)(1) contains with respect to eligible multifamily housing properties. For ineligible condominium properties, such notice shall contain the same information about such properties that the notice required under subsection (1)(1) contains with respect to eligible condominium properties.

“(3) AVAILABILITY.—The clearinghouses shall make such information available, upon request, to other public agencies, other nonprofit organizations, qualifying households, qualifying multifamily purchasers, and other purchasers, as appropriate.

“(4) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

“(A) INELIGIBLE CONDOMINIUM PROPERTY.—The term ‘ineligible condominium property’ means any eligible condominium property to which the provisions of this section do not apply as a result of the limitations under subsection (b)(2)(A).

“(B) INELIGIBLE MULTIFAMILY HOUSING PROPERTY.—The term ‘ineligible multifamily housing property’ means any eligible multifamily housing property to which the provisions of this section do not apply as a result of the limitations under subsection (b)(2)(A).

“(C) INELIGIBLE SINGLE FAMILY PROPERTY.—The term ‘ineligible single family property’ means any eligible single family property to which the provisions of this section do not apply as a result of the limitations under subsection (b)(2)(A).

“(D) INELIGIBLE RESIDENTIAL PROPERTY.—The term ‘ineligible residential property’ includes ineligible single family properties, ineligible multifamily housing properties, and ineligible condominium properties.”

(b) AFFORDABLE HOUSING ADVISORY BOARD.—

(1) ESTABLISHMENT.—There is hereby established the Affordable Housing Advisory Board (in this subsection referred to as the “Advisory Board”) to advise the Thrift Depositor Protection Oversight Board and the Board of Directors of the Federal Deposit Insurance Corporation on policies and programs related to the provision of affordable housing, including the operation of the affordable programs.

(2) MEMBERSHIP.—The Advisory Board shall consist of—

(A) the Secretary of Housing and Urban Development;

(B) the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation (or the Chairperson’s delegate), who shall be a nonvoting member;

(C) the Chairperson of the Thrift Depositor Protection Oversight Board (or the Chairperson’s delegate), who shall be a nonvoting member;

(D) 4 persons appointed by the Secretary of Housing and Urban Development not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, who represent the interests of individuals and organizations involved in using the affordable housing programs (including nonprofit organizations, public agencies, and for-profit organizations that purchase properties under the affordable housing programs, organizations that provide technical assistance regarding the affordable housing programs, and organizations that represent the interest of low- and moderate-income families); and

(E) 2 persons who are members of the National Housing Advisory Board pursuant to section 21A(d)(2)(B)(ii) of the Federal Home Loan Bank Act (as in effect before the effective date of the repeal under subsection (c)(2)), who shall be appointed by such Board before such effective date.

(3) TERMS.—Each member shall be appointed for a term of 4 years, except as provided in paragraphs (4) and (5).

(4) TERMS OF INITIAL APPOINTEES.—

(A) PERMANENT POSITIONS.—As designated by the Secretary of Housing and Urban Development at the time of appointment, of the members first appointed under paragraph (2)(D)—

(i) 1 shall be appointed for a term of 1 year;

(ii) 1 shall be appointed for a term of 2 years;

(iii) 1 shall be appointed for a term of 3 years;

and

(iv) 1 shall be appointed for a term of 4 years.

(B) INTERIM MEMBERS.—The members of the Advisory Board under paragraph (2)(E) shall be appointed for a single term of 4 years, which shall begin upon the earlier of (i) the expiration of the 90-day period beginning on the date of the enactment of this Act, or (ii) the first meeting of the Advisory Board.

(5) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(6) MEETINGS.—

(A) TIMING AND LOCATION.—The Advisory Board shall meet 4 times a year, or more frequently if requested by the Thrift Depositor Protection Oversight Board or the Board of Directors of the Federal Deposit Insurance Corporation. In each year, the Advisory Board shall conduct such meetings at various locations in different regions of the United States in which substantial residential property assets of the Federal Deposit Insurance Corporation or the Resolution Trust Corporation are located. The first meeting of the Advisory Board shall take place not later than the expiration of the 90-day period beginning on the date of the enactment of this Act.

(B) ADVICE.—The Advisory Board shall submit information and advice resulting from each meeting, in such form as the Board considers appropriate, to the Thrift Depositor Protection Oversight Board and the Board of Directors of the Federal Deposit Insurance Corporation.

(7) ANNUAL REPORTS.—For each year, the Advisory Board shall submit a report containing its findings and recommendations to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, the Federal Deposit Insurance Corporation, and the Resolution Trust Corporation. The first such report shall be made not later than the expiration of the 6-month period beginning on the date of the enactment of this Act.

(8) DEFINITION.—For purposes of this subsection, the term “affordable housing programs”

means the program under section 21A(c) of the Federal Home Loan Bank Act and the program under section 40 of the Federal Deposit Insurance Act.

(9) SUNSET.—The Advisory Board established under this subsection shall terminate on September 30, 1998.

(c) TERMINATION OF NATIONAL HOUSING ADVISORY BOARD.—

(1) TERMINATION.—The National Housing Advisory Board under section 21A(d)(2) of the Federal Home Loan Bank Act shall terminate upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

(2) REPEAL.—Effective upon the expiration of the period referred to in paragraph (1), paragraph (2) of section 21A(d) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(d)(2)) is amended to read as follows:

“(2) [Reserved].”

(d) PROVISION OF INFORMATION REGARDING SELLER FINANCING TO MINORITY- AND WOMEN-OWNED BUSINESSES.—

(1) RTC.—Section 21A(c)(6)(A)(ii) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(6)(A)(ii)) is amended by adding at the end the following new sentences: “The Corporation shall periodically provide, to a wide range of minority- and women-owned businesses engaged in providing affordable housing and to nonprofit organizations, more than 50 percent of the control of which is held by 1 or more minority individuals, that are engaged in providing affordable housing, information that is sufficient to inform such businesses and organizations of the availability and terms of financing under this clause; such information may be provided directly, by notices published in periodicals and other publications that regularly provide information to such businesses or organizations, and through persons and organizations that regularly provide information or services to such businesses or organizations. For purposes of this clause, the terms ‘women-owned business’ and ‘minority-owned business’ have the meanings given such terms in subsection (7), and the term ‘minority’ has the meaning given such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.”

(2) FDIC.—Section 40(g)(1)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1831g(1)(B)) is amended by adding at the end the following new sentences: “The Corporation shall periodically provide, to a wide range of minority- and women-owned businesses engaged in providing affordable housing and to nonprofit organizations, more than 50 percent of the control of which is held by 1 or more minority individuals, that are engaged in providing affordable housing, information that is sufficient to inform such businesses and organizations of the availability and terms of financing under this subparagraph; such information may be provided directly, by notices published in periodicals and other publications that regularly provide information to such businesses or organizations, and through persons and organizations that regularly provide information or services to such businesses or organizations. For purposes of this subparagraph, the terms ‘women-owned business’ and ‘minority-owned business’ have the meanings given such terms in section 21A(r) of the Federal Home Loan Bank Act, and the term ‘minority’ has the meaning given such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.”

(e) AUTHORITY TO CARRY OUT UNIFIED AFFORDABLE HOUSING PROGRAM.—

(1) RTC.—Section 21A(c) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)) is amended by adding after paragraph (16) (as added by subsection (a) of this section) the following new paragraph:

**"(17) UNIFIED AFFORDABLE HOUSING PROGRAM.—**

"(A) IN GENERAL.—Not later than 4 months after the date of enactment of the Resolution Trust Corporation Completion Act, the Corporation shall enter into an agreement, as described in section 40(n)(3) of the Federal Deposit Insurance Act, with the Federal Deposit Insurance Corporation that sets out a plan for the orderly unification of the Corporation's activities, authorities, and responsibilities under this subsection with the authorities, activities, and responsibilities of the Federal Deposit Insurance Corporation pursuant to section 40 of the Federal Deposit Insurance Act in a manner that best achieves an effective and comprehensive affordable housing program management structure. The agreement shall be entered into after consultation with the Affordable Housing Advisory Board under section 14(b) of the Resolution Trust Corporation Completion Act.

"(B) AUTHORITY AND IMPLEMENTATION.—The Corporation shall have the authority to carry out the provisions of the agreement entered into pursuant to subparagraph (A) and shall implement such agreement as soon as practicable, but in no event later than 8 months after the date of enactment of the Resolution Trust Corporation Completion Act.

"(C) TRANSFER OF AUTHORITY.—Effective upon October 1, 1995, any remaining authority and responsibilities of the Corporation under this subsection shall be carried out by the Federal Deposit Insurance Corporation."

(2) FDIC.—Section 40(n) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(n)) is amended to read as follows:

**"(n) UNIFIED AFFORDABLE HOUSING PROGRAMS.—**

"(1) IN GENERAL.—Not later than 4 months after the date of enactment of the Resolution Trust Corporation Completion Act, the Corporation shall enter into an agreement, as described in paragraph (3), with the Resolution Trust Corporation that sets out a plan for the orderly unification of the Corporation's activities, authorities, and responsibilities under this section with the authorities, activities, and responsibilities of the Resolution Trust Corporation pursuant to section 21A(c) of the Federal Home Loan Bank Act in a manner that best achieves an effective and comprehensive affordable housing program management structure. The agreement shall be entered into after consultation with the Affordable Housing Advisory Board under section 14(b) of the Resolution Trust Corporation Completion Act.

"(2) AUTHORITY AND IMPLEMENTATION.—The Corporation shall have the authority to carry out the provisions of the agreement entered into pursuant to paragraph (1) and shall implement such agreement as soon as practicable but in no event later than 8 months after the date of enactment of the Resolution Trust Corporation Completion Act.

"(3) TERMS OF AGREEMENT.—The agreement required under paragraph (1) shall provide a plan for—

"(A) a program unifying all activities and responsibilities of the Corporation and the Resolution Trust Corporation, and the design of the unified program shall take into consideration the substantial experience of the Resolution Trust Corporation regarding—

"(i) seller financing;

"(ii) technical assistance;

"(iii) marketing skills and relationships with public and nonprofit entities; and

"(iv) staff resources;

"(B) the elimination of duplicative and unnecessary administrative costs and resources;

"(C) the management structure of the unified program;

"(D) a timetable for the unification; and

"(E) a methodology to determine the extent to which the provisions of this section shall be effective, in accordance with the limitations under subsection (b)(2).

"(4) TRANSFER TO FDIC.—Beginning not later than October 1, 1995, the Corporation shall carry out any remaining authority and responsibilities of the Resolution Trust Corporation, as set forth in section 21A(c) of the Federal Home Loan Bank Act."

(f) LIABILITY PROVISIONS.—

(1) RTC.—Section 21A(c)(11) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(11)) is amended by adding at the end the following new subparagraph:

"(D) CORPORATION.—The Corporation shall not be liable to any depositor, creditor, or shareholder of any insured depository institution for which the Corporation has been appointed receiver or conservator, or of any subsidiary corporation of a depository institution under conservatorship or receivership, or any claimant against such an institution or subsidiary, because the disposition of assets of the institution or the subsidiary under this subsection affects the amount of return from the assets."

(2) FDIC.—Section 40(m)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(m)(4)) is amended to read as follows:

"(4) CORPORATION.—The Corporation shall not be liable to any depositor, creditor, or shareholder of any insured depository institution for which the Corporation has been appointed receiver or conservator, or of any subsidiary corporation of a depository institution under receivership or conservatorship, or any claimant against such institution or subsidiary, because the disposition of assets of the institution or the subsidiary under this section affects the amount of return from the assets."

**SEC. 15. RIGHT OF FIRST REFUSAL FOR TENANTS TO PURCHASE SINGLE FAMILY PROPERTY.**

(a) RTC.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by adding after paragraph (14) (as added by section 4) of this Act) the following new paragraph:

"(15) PURCHASE RIGHTS OF TENANTS.—

"(A) NOTICE.—Except as provided in subparagraph (C), the Corporation may make available for sale a 1- to 4-family residence (including a manufactured home) to which the Corporation acquires title only after the Corporation has provided the household residing in the property notice (in writing and mailed to the property) of the availability of such property and the preference afforded such household under subparagraph (B).

"(B) PREFERENCE.—In selling such a property, the Corporation shall give preference to any bona fide offer made by the household residing in the property, if—

"(i) such offer is substantially similar in amount to other offers made within such period (or expected by the Corporation to be made within such period);

"(ii) such offer is made during the period beginning upon the Corporation making such property available and of a reasonable duration, as determined by the Corporation based on the normal period for sale of such properties; and

"(iii) the household making the offer complies with any other requirements applicable to purchasers of such property, including any downpayment and credit requirements.

"(C) EXCEPTIONS.—Subparagraphs (A) and (B) shall not apply to—

"(i) any residence transferred in connection with the transfer of substantially all of the assets of an insured depository institution for which the Corporation has been appointed conservator or receiver;

"(ii) any eligible single family property (as such term is defined in subsection (c)(9)); or

"(iii) any residence for which the household occupying the residence was the mortgagor under a mortgage on such residence and to which the Corporation acquired title pursuant to default on such mortgage."

(b) FDIC.—Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821) is amended by adding at the end the following new subsection:

**"(u) PURCHASE RIGHTS OF TENANTS.—**

"(1) NOTICE.—Except as provided in paragraph (3), the Corporation may make available for sale a 1- to 4-family residence (including a manufactured home) to which the Corporation acquires title only after the Corporation has provided the household residing in the property notice (in writing and mailed to the property) of the availability of such property and the preference afforded such household under paragraph (2).

"(2) PREFERENCE.—In selling such a property, the Corporation shall give preference to any bona fide offer made by the household residing in the property, if—

"(A) such offer is substantially similar in amount to other offers made within such period (or expected by the Corporation to be made within such period);

"(B) such offer is made during the period beginning upon the Corporation making such property available and of a reasonable duration, as determined by the Corporation based on the normal period for sale of such properties; and

"(C) the household making the offer complies with any other requirements applicable to purchasers of such property, including any downpayment and credit requirements.

"(3) EXCEPTIONS.—Paragraphs (1) and (2) shall not apply to—

"(A) any residence transferred in connection with the transfer of substantially all of the assets of an insured depository institution for which the Corporation has been appointed conservator or receiver;

"(B) any eligible single family property (as such term is defined in subsection (c)(9)); or

"(C) any residence for which the household occupying the residence was the mortgagor under a mortgage on such residence and to which the Corporation acquired title pursuant to default on such mortgage."

**SEC. 16. PREFERENCE FOR SALES OF REAL PROPERTY FOR USE FOR HOMELESS FAMILIES.**

(a) RTC.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by adding after paragraph (15) (as added by section 15(a) of this Act) the following new paragraph:

"(16) PREFERENCE FOR SALES FOR HOMELESS FAMILIES.—Subject to paragraph (15), in selling any real property (other than eligible residential property and eligible condominium property, as such terms are defined in subsection (c)(9)) to which the Corporation acquires title, the Corporation shall give preference, among offers to purchase the property that will result in the same net present value proceeds, to any offer that would provide for the property to be used, during the remaining useful life of the property, to provide housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families."

(b) FDIC.—Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821) is amended by adding after subsection (u) (as added by section 15(b) of this Act) the following new subsection:

"(v) PREFERENCE FOR SALES FOR HOMELESS FAMILIES.—Subject to subsection (u), in selling any real property (other than eligible residential property and eligible condominium property, as such terms are defined in section 40(p)) to which the Corporation acquires title, the Corporation shall give preference among offers to purchase

the property that will result in the same net present value proceeds, to any offer that would provide for the property to be used, during the remaining useful life of the property, to provide housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families."

**SEC. 17. PREFERENCES FOR SALES OF COMMERCIAL PROPERTIES TO PUBLIC AGENCIES AND NONPROFIT ORGANIZATIONS FOR USE IN CARRYING OUT PROGRAMS FOR AFFORDABLE HOUSING.**

(a) RTC.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by adding after paragraph (16) (as added by section 16(a) of this Act) the following new paragraph:

"(17) PREFERENCES FOR SALES OF CERTAIN COMMERCIAL REAL PROPERTIES.—

"(A) AUTHORITY.—In selling any eligible commercial real properties of the Corporation, the Corporation shall give preference, among offers to purchase the property that will result in the same net present value proceeds, to any offer—

"(i) that is made by a public agency or nonprofit organization; and

"(ii) under which the purchaser agrees that the property shall be used, during the remaining useful life of the property, for offices and administrative purposes of the purchaser to carry out a program to acquire residential properties to provide (I) homeownership and rental housing opportunities for very-low-, low-, and moderate-income families, or (II) housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families.

"(B) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) ELIGIBLE COMMERCIAL REAL PROPERTY.—The term 'eligible commercial real property' means any property (I) to which the Corporation acquires title, and (II) that the Corporation, in the discretion of the Corporation, determines is suitable for use for the location of offices or other administrative functions involved with carrying out a program referred to in subparagraph (A)(ii).

"(ii) NONPROFIT ORGANIZATION AND PUBLIC AGENCY.—The terms 'nonprofit organization' and 'public agency' have the same meanings as in subsection (c)(9)."

(b) FDIC.—Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821) is amended by adding after subsection (v) (as added by section 16(b) of this Act) the following new subsection:

"(w) PREFERENCES FOR SALES OF CERTAIN COMMERCIAL REAL PROPERTIES.—

"(1) AUTHORITY.—In selling any eligible commercial real properties of the Corporation, the Corporation shall give preference, among offers to purchase the property that will result in the same net present value proceeds, to any offer—

"(A) that is made by a public agency or nonprofit organization; and

"(B) under which the purchaser agrees that the property shall be used, during the remaining useful life of the property, for offices and administrative purposes of the purchaser to carry out a program to acquire residential properties to provide (i) homeownership and rental housing opportunities for very-low-, low-, and moderate-income families, or (ii) housing or shelter for homeless persons (as such term is defined in section 103 of the Stewart B. McKinney Homeless Assistance Act) or homeless families.

"(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) ELIGIBLE COMMERCIAL REAL PROPERTY.—The term 'eligible commercial real property' means any property (i) to which the Corporation acquires title, and (ii) that the Corporation, in the discretion of the Corporation, determines

is suitable for use for the location of offices or other administrative functions involved with carrying out a program referred to in paragraph (1)(B).

"(B) NONPROFIT ORGANIZATION AND PUBLIC AGENCY.—The terms 'nonprofit organization' and 'public agency' have the same meanings as in section 40(p)."

**SEC. 18. FEDERAL HOME LOAN BANKS HOUSING OPPORTUNITY HOTLINE PROGRAM.**

The Federal Home Loan Bank Act (12 U.S.C. 1422 et seq.) is amended by inserting after section 26 the following new section:

**"SEC. 27. HOUSING OPPORTUNITY HOTLINE PROGRAM.**

"(a) ESTABLISHMENT.—The Federal Home Loan Banks shall, individually or (at the discretion of the Federal Housing Finance Board) on a consolidated basis, establish and provide a service substantially similar (in the determination of the Board) to the 'Housing Opportunity Hotline' program established in October 1992, by the Federal Home Loan Bank of Dallas.

"(b) PURPOSE.—The service or services established under this section shall provide information regarding the availability for purchase of single family properties that are owned or held by Federal agencies and are located in the Federal Home Loan Bank district for such Bank. Such agencies shall provide to the Federal Home Loan Banks the information necessary to provide such service or services.

"(c) REQUIRED INFORMATION.—The service or services established under this section shall use the information obtained from Federal agencies to provide information regarding the size, location, price, and other characteristics of such single family properties, the eligibility requirements for purchasers of such properties, the terms for such sales, and the terms of any available seller financing, and shall identify properties that are affordable to low- and moderate-income families.

"(d) TOLL-FREE TELEPHONE NUMBER.—The service or services established under this section shall establish and maintain a toll-free telephone line for providing the information made available under the service or services.

"(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) FEDERAL AGENCIES.—The term 'Federal agencies' means—

"(A) the Farmers Home Administration, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the General Services Administration, the Department of Housing and Urban Development, and the Department of Veterans Affairs;

"(B) the Resolution Trust Corporation, subject to the discretion of such Corporation; and

"(C) the Federal Deposit Insurance Corporation, subject to the discretion of such Corporation.

"(2) SINGLE FAMILY PROPERTY.—The term 'single family property' means a 1- to 4-family residence, including a manufactured home."

**SEC. 19. CONFLICT OF INTEREST PROVISIONS APPLICABLE TO THE FDIC.**

(a) IN GENERAL.—Section 12 of the Federal Deposit Insurance Act (12 U.S.C. 1822) is amended by adding at the end the following new subsection:

"(f) CONFLICT OF INTEREST.—

"(1) APPLICABILITY OF OTHER PROVISIONS.—

"(A) CLARIFICATION OF STATUS OF CORPORATION.—The Corporation is, and has been since its creation, an agency for purposes of title 18, United States Code.

"(B) TREATMENT OF CONTRACTORS.—Any individual who, pursuant to a contract or any other arrangement, performs functions or activities of the Corporation, under the direct supervision of an officer or employee of the Corporation, shall be deemed to be an employee of the Corporation

for purposes of title 18, United States Code and this Act. Any individual who, pursuant to a contract or any other agreement, acts for or on behalf of the Corporation, and who is not otherwise treated as an officer or employee of the United States for purposes of title 18, United States Code, shall be deemed to be a public official for purposes of section 201 of title 18, United States Code.

"(2) REGULATIONS CONCERNING EMPLOYEE CONDUCT.—The officers and employees of the Corporation and those individuals under contract to the Corporation who are deemed, under paragraph (1)(B), to be employees of the Corporation for purposes of title 18, United States Code, shall be subject to the ethics and conflict of interest rules and regulations issued by the Office of Government Ethics, including those concerning employee conduct, financial disclosure, and post-employment activities. The Board of Directors may prescribe regulations that supplement such rules and regulations only with the concurrence of that Office.

"(3) REGULATIONS CONCERNING INDEPENDENT CONTRACTORS.—The Board of Directors, with the concurrence of the Office of Government Ethics, shall prescribe regulations applicable to those independent contractors who are not deemed, under paragraph (1)(B), to be employees of the Corporation for purposes of title 18, United States Code, governing conflicts of interest, ethical responsibilities, and the use of confidential information consistent with the goals and purposes of titles 18 and 41, United States Code. Any such regulations shall be in addition to, and not in lieu of, any other statute or regulation which may apply to the conduct of such independent contractors.

"(4) DISAPPROVAL OF CONTRACTORS.—

"(A) IN GENERAL.—The Board of Directors shall prescribe regulations establishing procedures for ensuring that any individual who is performing, directly or indirectly, any function or service on behalf of the Corporation meets minimum standards of competence, experience, integrity, and fitness.

"(B) PROHIBITION FROM SERVICE ON BEHALF OF CORPORATION.—The procedures established under subparagraph (A) shall provide that the Corporation shall prohibit any person who does not meet the minimum standards of competence, experience, integrity, and fitness from—

"(i) entering into any contract with the Corporation; or

"(ii) becoming employed by the Corporation or otherwise performing any service for or on behalf of the Corporation.

"(C) INFORMATION REQUIRED TO BE SUBMITTED.—The procedures established under subparagraph (A) shall require that any offer submitted to the Corporation by any person under this section and any employment application submitted to the Corporation by any person shall include—

"(i) a list and description of any instance during the 5 years preceding the submission of such application in which the person or a company under such person's control defaulted on a material obligation to an insured depository institution; and

"(ii) such other information as the Board may prescribe by regulation.

"(D) SUBSEQUENT SUBMISSIONS.—

"(i) IN GENERAL.—No offer submitted to the Corporation may be accepted unless the offeror agrees that no person will be employed, directly or indirectly, by the offeror under any contract with the Corporation unless—

"(I) all applicable information described in subparagraph (C) with respect to any such person is submitted to the Corporation; and

"(II) the Corporation does not disapprove of the direct or indirect employment of such person.

"(ii) FINALITY OF DETERMINATION.—Any determination made by the Corporation pursuant to this paragraph shall be in the Corporation's sole discretion and shall not be subject to review.

"(E) PROHIBITION REQUIRED IN CERTAIN CASES.—The standards established under subparagraph (A) shall require the Corporation to prohibit any person who has—

"(i) been convicted of any felony;

"(ii) been removed from, or prohibited from participating in the affairs of, any insured depository institution pursuant to any final enforcement action by any appropriate Federal banking agency;

"(iii) demonstrated a pattern or practice of defalcation regarding obligations to insured depository institutions; or

"(iv) caused a substantial loss to Federal deposit insurance funds;

from performing any service on behalf of the Corporation.

"(5) ABROGATION OF CONTRACTS.—The Corporation may rescind any contract with a person who—

"(A) fails to disclose a material fact to the Corporation;

"(B) would be prohibited under paragraph (6) from providing services to, receiving fees from, or contracting with the Corporation; or

"(C) has been subject to a final enforcement action by any Federal banking agency.

"(6) PRIORITY OF FDIC RULES.—To the extent that the regulations under this subsection conflict with rules of other agencies or Government corporations, officers, directors, employees, and independent contractors of the Corporation who are also subject to the conflict of interest or ethical rules of another agency or Government corporation, shall be governed by the regulations prescribed by the Board of Directors under this subsection when acting for or on behalf of the Corporation. Notwithstanding the preceding sentence, the rules of the Corporation shall not take priority over the ethics and conflict of interest rules and regulations promulgated by the Office of Government Ethics unless specifically authorized by that Office."

(b) AMENDMENTS TO DEFINITIONS.—

(1) FEDERAL BANKING AGENCY.—Section 3(z) of the Federal Deposit Insurance Act (12 U.S.C. 1813(z)) is amended to read as follows:

"(2) FEDERAL BANKING AGENCY.—The term 'Federal banking agency' means the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation."

(2) COMPANY.—Section 3(w) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)) is amended by adding at the end the following new paragraph:

"(7) COMPANY.—The term 'company' has the same meaning as in section 2(b) of the Bank Holding Company Act of 1956."

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply after the end of the 6-month period beginning on the date of enactment of this Act.

#### SEC. 20. RESTRICTIONS ON SALES OF ASSETS TO CERTAIN PERSONS.

(a) IN GENERAL.—Section 11(p) of the Federal Deposit Insurance Act (12 U.S.C. 1821(p)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3); and

(2) by inserting before paragraph (2), as redesignated, the following new paragraph:

"(1) PERSONS WHO ENGAGED IN IMPROPER CONDUCT WITH, OR CAUSED LOSSES TO, DEPOSITORY INSTITUTIONS.—The Corporation shall prescribe regulations which, at a minimum, shall prohibit the sale of assets of a failed institution by the Corporation to—

"(A) any person who—

"(i) has defaulted, or was a member of a partnership or an officer or director of a corporation that has defaulted, on 1 or more obligations the aggregate amount of which exceed \$1,000,000, to such failed institution;

"(ii) has been found to have engaged in fraudulent activity in connection with any obligation referred to in clause (i); and

"(iii) proposes to purchase any such asset in whole or in part through the use of the proceeds of a loan or advance of credit from the Corporation or from any institution for which the Corporation has been appointed as conservator or receiver;

"(B) any person who participated, as an officer or director of such failed institution or of any affiliate of such institution, in a material way in transactions that resulted in a substantial loss to such failed institution;

"(C) any person who has been removed from, or prohibited from participating in the affairs of, such failed institution pursuant to any final enforcement action by an appropriate Federal banking agency; or

"(D) any person who has demonstrated a pattern or practice of defalcation regarding obligations to such failed institution."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 11(p) of the Federal Deposit Insurance Act (12 U.S.C. 1821(p)) is amended—

(1) in paragraph (2) (as redesignated by subsection (a))—

(A) by striking "individual" and inserting "person"; and

(B) by striking "paragraph (2)" and inserting "paragraph (3)";

(2) in paragraph (3) (as redesignated by subsection (a))—

(A) by striking "individual" each place such term appears and inserting "person"; and

(B) by striking "Paragraph (1)" and inserting "Paragraphs (1) and (2)";

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

"(4) DEFINITION OF DEFAULT.—For purposes of this subsection, the term 'default' means a failure to comply with the terms of a loan or other obligation to such an extent that the property securing the obligation is foreclosed upon."; and

(4) by striking the heading and inserting the following new heading:

"(p) CERTAIN SALES OF ASSETS PROHIBITED."

#### SEC. 21. WHISTLE BLOWER PROTECTION.

(a) AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 33(a) of the Federal Deposit Insurance Act (12 U.S.C. 1831(a)) is amended—

(1) in paragraph (1)—

(A) by striking "regarding" and all that follows through the end of the sentence and inserting the following: "regarding—

"(A) a possible violation of any law or regulation; or

"(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; by the depository institution or any director, officer, or employee of the institution."; and

(B) by adding at the end the following:

"(f) BURDENS OF PROOF.—The legal burdens of proof that prevail under subchapter III of chapter 12 of title 5, United States Code, shall govern adjudication of protected activities under this section."; and

(2) in paragraph (2)—

(A) by striking "or Federal Reserve bank" and inserting "Federal reserve bank, or any person who is performing, directly or indirectly, any function or service on behalf of the Corporation";

(B) by striking "any possible violation of any law or regulation by" and inserting "any pos-

sible violation of any law or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety by";

(C) in subparagraph (B), by striking "or" at the end;

(D) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(E) by adding at the end the following new subparagraph:

"(D) the person, or any officer or employee of the person, who employs such employee."

(b) AMENDMENTS TO THE FEDERAL HOME LOAN BANK ACT.—Section 21A(q) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(q)) is amended—

(1) in paragraph (1), by striking "regarding" and all that follows through the end of the sentence and inserting the following: "regarding—

"(A) a possible violation of any law or regulation; or

"(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; by the Corporation, the Thrift Depositor Protection Oversight Board, or such person or any director, officer, or employee of the Corporation, the Thrift Depositor Protection Oversight Board, or the person."; and

(2) by inserting after paragraph (4) the following:

"(5) BURDENS OF PROOF.—The legal burdens of proof that prevail under subchapter III of chapter 12 of title 5, United States Code, shall govern adjudication of protected activities under this subsection."

SEC. 22. FDIC ASSET DISPOSITION DIVISION.

(a) IN GENERAL.—Section 1 of the Federal Deposit Insurance Act (12 U.S.C. 1811) is amended—

(1) by striking "SEC. 1. There is hereby created" and inserting the following:

"SECTION 1. FEDERAL DEPOSIT INSURANCE CORPORATION.

"(a) ESTABLISHMENT OF CORPORATION.—There is hereby established"; and

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

"(b) ASSET DISPOSITION DIVISION.—

"(1) ESTABLISHMENT.—The Corporation shall have a separate division of asset disposition.

"(2) MANAGEMENT.—The division of asset disposition shall have an administrator who shall be appointed by the Board of Directors.

"(3) RESPONSIBILITIES OF DIVISION.—The division of asset disposition shall carry out all of the responsibilities of the Corporation under this Act relating to the liquidation of insured depository institutions and the disposition of assets of such institutions."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on July 1, 1995.

#### SEC. 23. PRESIDENTIALLY APPOINTED INSPECTOR GENERAL FOR FDIC.

(a) AMENDMENTS TO THE INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 11—

(A) in paragraph (1), by striking "the chief executive officer of the Resolution Trust Corporation;" and inserting "the chief executive officer of the Resolution Trust Corporation; and the Chairperson of the Federal Deposit Insurance Corporation"; and

(B) in paragraph (2), by inserting "the Federal Deposit Insurance Corporation," after "Resolution Trust Corporation,";

(2) by inserting after section 8B the following new section:

"SEC. 8C. SPECIAL PROVISIONS CONCERNING THE FEDERAL DEPOSIT INSURANCE CORPORATION.

"(a) DELEGATION.—The Chairperson of the Federal Deposit Insurance Corporation may delegate the authority specified in the second sentence of section 3(a) to the Vice Chairperson of

the Board of Directors of the Federal Deposit Insurance Corporation, but may not delegate such authority to any other officer or employee of the Corporation.

"(b) PERSONNEL.—Notwithstanding paragraphs (7) and (8) of section 6(a), the Inspector General of the Federal Deposit Insurance Corporation may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General and to obtain the temporary or intermittent services of experts or consultants or an organization of experts or consultants, subject to the applicable laws and regulations that govern such selections, appointments, and employment, and the obtaining of such services, within the Federal Deposit Insurance Corporation."

(3) by redesignating sections 8C through 8F as sections 8D through 8G, respectively; and

(4) in section 8F(a)(2), as redesignated, by striking "the Federal Deposit Insurance Corporation."

(b) POSITION AT LEVEL IV OF THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by inserting after "Inspector General, Small Business Administration." the following:

"Inspector General, Federal Deposit Insurance Corporation."

(c) TRANSITION PERIOD.—

(1) CURRENT SERVICE.—Except as otherwise provided by law, the individual serving as the Inspector General of the Federal Deposit Insurance Corporation before the date of enactment of this Act may continue to serve in such position until the earlier of—

(A) the date on which the President appoints a successor under section 3(a) of the Inspector General Act of 1978; or

(B) the date which is 6 months after the date of enactment of this Act.

(2) DEFINITION.—For purposes of paragraph (1), the term "successor" may include the individual holding the position of Inspector General of the Federal Deposit Insurance Corporation on or after the date of enactment of this Act.

#### SEC. 24. DEPUTY CHIEF EXECUTIVE OFFICER.

Section 21A(b)(8) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(8)) is amended by adding at the end the following new subparagraphs:

"(E) DEPUTY CHIEF EXECUTIVE OFFICER.—

"(i) IN GENERAL.—There is hereby established the position of deputy chief executive officer of the Corporation.

"(ii) APPOINTMENT.—The deputy chief executive officer of the Corporation shall—

"(I) be appointed by the Chairperson of the Thrift Depositor Protection Oversight Board, with the recommendation of the chief executive officer; and

"(II) be an employee of the Federal Deposit Insurance Corporation in accordance with subparagraph (B)(i).

"(iii) DUTIES.—The deputy chief executive officer shall perform such duties as the chief executive officer may require.

"(F) ACTING CHIEF EXECUTIVE OFFICER.—In the event of a vacancy in the position of chief executive officer or during the absence or disability of the chief executive officer, the deputy chief executive officer shall perform the duties of the position as the acting chief executive officer."

#### SEC. 25. DUE PROCESS PROTECTIONS RELATING TO ATTACHMENT OF ASSETS.

Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended—

(1) by striking subsection (i)(4)(B) and inserting the following new subparagraph:

"(B) STANDARD.—

"(i) SHOWING.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to

any proceeding under subparagraph (A) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

"(ii) STATE PROCEEDING.—If, in the case of any proceeding in a State court, the court determines that rules of civil procedure available under the laws of such State provide substantially similar protections to a party's right to due process as Rule 65 (as modified with respect to such proceeding by clause (i)), the relief sought under subparagraph (A) may be requested under the laws of such State."; and

(2) in subsection (b), by adding at the end the following new paragraph:

"(10) STANDARD FOR CERTAIN ORDERS.—No authority under this subsection or subsection (c) to prohibit any institution-affiliated party from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets, or other property may be exercised unless the appropriate Federal banking agency meets the standards of Rule 65 of the Federal Rules of Civil Procedure, without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate."

#### SEC. 26. GAO STUDIES REGARDING FEDERAL REAL PROPERTY DISPOSITION.

(a) RTC AFFORDABLE HOUSING PROGRAM.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the program carried out by the Resolution Trust Corporation pursuant to section 21A(c) of the Federal Home Loan Bank Act to determine the effectiveness of such program in providing affordable homeownership and rental housing for very low-, low-, and moderate-income families. The study shall examine the procedures used under the program to sell eligible single family properties, eligible condominium properties, and eligible multifamily housing properties, the characteristics and numbers of purchasers of such properties, and the amount of and reasons for any losses incurred by the Resolution Trust Corporation in selling properties under the program.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit a report to the Congress on the results of the study required under paragraph (1), which shall describe any findings under the study and contain any recommendations of the Comptroller General for improving the effectiveness of such program.

(b) SINGLE AGENCY FOR REAL PROPERTY DISPOSITION.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine the feasibility and effectiveness of establishing a single Federal agency responsible for selling and otherwise disposing of real property owned or held by the Department of Housing and Urban Development, the Farmers Home Administration of the Department of Agriculture, the Federal Deposit Insurance Corporation, and the Resolution Trust Corporation. The study shall examine the real property disposition procedures of such agencies and corporations, analyze the feasibility of consolidating such procedures through such single agency, and determine the characteristics and authority necessary for any such single agency to efficiently carry out such disposition activities.

(2) REPORT.—Not later than 12 months after the date of enactment of this Act, the Comptroller General shall submit a report to the Congress on the study required under paragraph (1), which shall describe any findings under the study and contain any recommendations of the Comptroller General for the establishment of such single agency.

#### SEC. 27. EXTENSION OF RTC POWER TO BE APPOINTED AS CONSERVATOR OR RECEIVER.

(a) EXTENSION OF DUTY TO BE APPOINTED AS CONSERVATOR OR RECEIVER.—Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended—

(1) in paragraph (3)(A)(ii), by striking "October 1, 1993" and inserting "such date as is determined by the Chairperson of the Thrift Depositor Protection Oversight Board, but not earlier than January 1, 1995, and not later than July 1, 1995"; and

(2) in paragraph (6), by striking "October 1, 1993" each place such term appears and inserting "such date as is determined by the Chairperson of the Thrift Depositor Protection Oversight Board under paragraph (3)(A)(ii)".

(b) APPOINTMENT OF A RECEIVER BY THE DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION.—Section 11(c)(6)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1821(c)(6)(B)) is amended—

(1) in clause (i), by striking "October 1, 1993" and inserting "such date as is determined by the Chairperson of the Thrift Depositor Protection Oversight Board under section 21A(b)(3)(A)(ii) of the Federal Home Loan Bank Act";

(2) in clauses (ii) and (iii), by striking "after September 30, 1993" each place such term appears and inserting "on or after the date determined by the Chairperson of the Thrift Depositor Protection Oversight Board under section 21A(b)(3)(A)(ii) of the Federal Home Loan Bank Act"; and

(3) in clause (ii), by striking "on or before" and inserting "before".

#### SEC. 28. FINAL REPORTS ON RTC AND SAIF FUNDING.

(a) IN GENERAL.—

(1) RTC REPORT.—The Chairperson of the Thrift Depositor Protection Oversight Board shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, a final report containing a detailed description of the purposes for which the funds made available to the Resolution Trust Corporation under this Act were used.

(2) SAIF REPORT.—The Chairperson of the Federal Deposit Insurance Corporation shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a final report containing a detailed description of the purposes for which the funds made available to the Savings Association Insurance Fund under this Act were used.

(b) TIME FOR SUBMISSION.—The reports described in subsection (a) shall be transmitted—

(1) not later than 45 days after the final expenditure of funds provided for under this Act by the Resolution Trust Corporation; and

(2) not later than 45 days after the final expenditure of funds authorized to be provided under this Act by the Savings Association Insurance Fund.

#### SEC. 29. GENERAL COUNSEL OF THE RESOLUTION TRUST CORPORATION.

Section 21A(b)(8) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(8)) is amended by adding after subparagraph (F) (as added by section 24 of this Act) the following new subparagraph:

"(G) GENERAL COUNSEL.—There is established the Office of General Counsel of the Corporation. The chief executive officer, with the concurrence of the Chairperson of the Thrift Depositor Protection Oversight Board, may appoint the general counsel, who shall be an employee of the Federal Deposit Insurance Corporation, in accordance with subparagraph

(B)(i). The general counsel shall perform such duties as the chief executive officer may require."

### SEC. 30. AUTHORITY TO EXECUTE CONTRACTS.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding after subsection (x) (as added by section 5 of this Act) the following new subsection:

"(y) AUTHORITY TO EXECUTE CONTRACTS.—

"(1) AUTHORIZED PERSONS.—A person may execute a contract on behalf of the Corporation for the provision of goods or services only if—

"(A) that person—

"(i) is a warranted contracting officer appointed by the Corporation, or is a managing agent of a savings association under the conservatorship of the Corporation; and

"(ii) provides appropriate certification or other identification, as required by the Corporation in accordance with paragraph (2);

"(B) the notice described in paragraph (4) is included in the written contract; and

"(C) that person has appropriate authority to execute the contract on behalf of the Corporation in accordance with the notice published by the Corporation in accordance with paragraph (5).

"(2) PRESENTATION OF IDENTIFICATION.—Prior to executing any contract described in paragraph (1) with any person, a warranted contracting officer or managing agent shall present to that person—

"(A) a valid certificate of appointment (or such other identification as may be required by the Corporation) that is signed by the appropriate officer of the Corporation; or

"(B) a copy of such certificate, authenticated by the Corporation.

"(3) TREATMENT OF UNAUTHORIZED CONTRACTS.—A contract described in paragraph (1) that fails to meet the requirements of this section—

"(A) shall be null and void; and

"(B) shall not be enforced against the Corporation or its agents by any court.

"(4) INCLUSION OF NOTICE IN CONTRACT TERMS.—Each written contract described in paragraph (1) shall contain a clear and conspicuous statement (in boldface type) in immediate proximity to the space reserved for the signatures of the contracting parties as follows:

"Only warranted contracting officers appointed by the Resolution Trust Corporation or managing agents of associations under the conservatorship of the Resolution Trust Corporation have the authority to execute contracts on behalf of the Resolution Trust Corporation. Such persons have certain limits on their contracting authority. The nature and extent of their contracting authority levels are published in the Federal Register.

"A warranted contracting officer or a managing agent must present identification in the form of a signed certificate of appointment (or an authenticated copy of such certificate) or other identification, as required by the Corporation, prior to executing any contract on behalf of the Resolution Trust Corporation.

"Any contract that is not executed by a warranted contracting officer or the managing agent of a savings association under the conservatorship of the Resolution Trust Corporation, acting in conformity with his or her contracting authority, shall be null and void, and will not be enforceable by any court."

"(5) NOTICE OF REQUIREMENTS.—Not later than 30 days after the date of enactment of this subsection, the Corporation shall publish notice in the Federal Register of—

"(A) the requirements for appointment by the Corporation as a warranted contracting officer; and

"(B) the nature and extent of the contracting authority to be exercised by any warranted contracting officer or managing agent.

"(6) EXCEPTION.—This section does not apply to—

"(A) any contract between the Corporation and any other person governing the purchase or assumption by that person of—

"(i) the ownership of a savings association under the conservatorship of the Corporation; or

"(ii) the assets or liabilities of a savings association under the conservatorship or receivership of the Corporation; or

"(B) any contract executed by the Inspector General of the Corporation (or any designee thereof) for the provision of goods or services to the Office of the Inspector General of the Corporation.

"(7) EXECUTION OF CONTRACTS.—For purposes of this subsection, the execution of a contract includes all modifications to such contract.

"(8) EFFECTIVE DATE.—The requirements of this subsection shall apply to all contracts described in paragraph (1) executed on or after the date which is 45 days after the date of enactment of this subsection."

### SEC. 31. RTC CONTRACTING.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding after subsection (y) (as added by section 30 of this Act) the following new subsection:

"(z) ADDITIONAL CONTRACTING REQUIREMENTS.—

"(1) IN GENERAL.—No person shall execute, on behalf of the Corporation, any contract, or modification to a contract, for goods or services exceeding \$100,000 in value unless the person executing the contract or modification states in writing that—

"(A) the contract or modification is for a fixed price, the person has received a written cost estimate for the contract or modification, or a cost estimate cannot be obtained as a practical matter with an explanation of why such a cost estimate cannot be obtained as a practical matter;

"(B) the person has received the written statement described in paragraph (2); and

"(C) the person is satisfied that the contract or modification to be executed has been approved by a person legally authorized to do so pursuant to a written delegation of authority.

"(2) WRITTEN DELEGATION OF AUTHORITY.—A person who authorizes a contract, or a modification to a contract, involving the Corporation for goods or services exceeding \$100,000 in value shall state, in writing, that he or she has delegated the authority, pursuant to a written delegation of authority, to authorize that contract or modification.

"(3) EFFECT OF FAILURE TO COMPLY.—The failure of any person executing a contract, or a modification of a contract, on behalf of the Corporation, or authorizing such a contract or modification of a contract, to comply with the requirements of this subsection shall not void, or serve as grounds to void or rescind, any otherwise properly executed contract."

### SEC. 32. DEFINITION OF PROPERTY.

(a) Section 9102(e) of the Department of Defense Appropriations Act, 1990 (16 U.S.C. 396f note) is amended by striking "real, personal," and inserting "real, personal (including intangible assets sold or offered by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, such as financial instruments, notes, loans, and bonds)."

(b) Section 12(b)(7)(vii) of Public Law 94-204 (43 U.S.C. 1611 note) is amended by striking "real, personal," and inserting "real, personal (including intangible assets sold or offered by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, such as financial instruments, notes, loans, and bonds)."

### SEC. 33. SENSE OF THE CONGRESS RELATING TO PARTICIPATION OF DISABLED AMERICANS IN CONTRACTING FOR DELIVERY OF SERVICES TO FINANCIAL INSTITUTION REGULATORY AGENCIES.

(a) FINDINGS.—The Congress finds that Congress, in adopting the Americans with Disabilities Act of 1990, specifically found that—

(1) some 43,000,000 Americans have one or more physical or mental disabilities, and this number is increasing;

(2) discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services;

(3) individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities;

(4) census data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally;

(5) individuals with disabilities are a discrete and insular minority who have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society;

(6) the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals; and

(7) the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the chief executive officer of the Resolution Trust Corporation, the Director of the Office of Thrift Supervision, the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the Chairperson of the Federal Housing Finance Board should take all necessary steps within each such agency to ensure that individuals with disabilities and entities owned by individuals with disabilities, including financial institutions, investment banking firms, underwriters, asset managers, accountants, and providers of legal services, are availed of all opportunities to compete in a manner which, at a minimum, does not discriminate on the basis of their disability for contracts entered into by the agency to manage the institutions and their assets for which the agency is responsible or to perform such other functions authorized under any law applicable to such agency.

### SEC. 34. REPORT TO CONGRESS BY SPECIAL COUNSEL.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the Special Counsel appointed under section 2537 of the Crime

Control Act of 1990 (28 U.S.C. 509 note) shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a report on the status of its efforts to monitor and improve the collection of fines and restitution in cases involving fraud and other criminal activity in and against the financial services industry.

(b) **CONTENTS.**—The report required under subsection (a) shall include—

(1) information on the amount of fines and restitution assessed in cases involving fraud and other criminal activity in and against the financial services industry, the amount of such fines and restitution collected, and an explanation of any difference in those amounts;

(2) an explanation of the procedures for collecting and monitoring restitution assessed in cases involving fraud and other criminal activity in and against the financial services industry and any suggested improvements to such procedures;

(3) an explanation of the availability under any provision of law of punitive measures if restitution and fines assessed in such cases are not paid;

(4) information concerning the efforts by the Department of Justice to comply with guidelines for fine and restitution collection and reporting procedures developed by the interagency group established by the Attorney General in accordance with section 2539 of the Crime Control Act of 1990;

(5) any recommendations for additional resources or legislation necessary to improve collection efforts; and

(6) information concerning the status of the National Fine Center of the Administrative Office of the United States Courts.

#### SEC. 35. REPORTING REQUIREMENTS.

The Resolution Trust Corporation shall provide semi-annual reports to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives. Such reports shall—

(1) detail procedures for expediting the registration and contracting for selecting auctioneers for asset sales with anticipated gross proceeds of not more than \$1,500,000;

(2) list by name and geographic area the number of auction contractors which have been registered and qualified to perform services for the Resolution Trust Corporation; and

(3) list by name, address of home office, location of assets disposed, and gross proceeds realized, the number of auction contractors which have been awarded contracts.

#### SEC. 36. CONTINUATION OF CONSERVATORSHIPS OR RECEIVERSHIPS.

Section 21A(b)(6) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(6)) is amended—

(1) by striking "If the Corporation" and inserting the following:

"(A) **IN GENERAL.**—If the Corporation"; and

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

"(B) **SAIF-INSURED BANKS.**—Notwithstanding any other provision of Federal or State law, if the Federal Deposit Insurance Corporation is appointed as conservator or receiver for any Savings Association Insurance Fund member that has converted to a bank charter and otherwise meets the criteria in paragraph (3)(A) or (6)(A), the Federal Deposit Insurance Corporation may tender such appointment to the Corporation, and the Corporation shall accept such appointment, if the Corporation is authorized to accept such appointment under this section."

#### SEC. 37. EXCEPTIONS FOR CERTAIN TRANSACTIONS.

(a) **TRANSACTIONS INVOLVING CERTAIN INSTITUTIONS.**—Section 11(a)(4)(B) of the Federal De-

posit Insurance Act shall not prohibit assistance from the Bank Insurance Fund that otherwise meets all the criteria established in section 13(c) of such Act from being provided to an insured depository institution that became wholly-owned, either directly or through a wholly-owned subsidiary, by an entity or instrumentality of a State government during the period beginning on January 1, 1992, and ending on the date of enactment of this Act.

(b) **TRANSACTIONS INVOLVING THE FDIC AS RECEIVER.**—Notwithstanding the extension, pursuant to section 27, of the Resolution Trust Corporation's jurisdiction to be appointed conservator or receiver of certain savings associations after September 30, 1993, no provision of this Act or any amendment made by this Act shall invalidate or otherwise affect—

(1) any appointment of the Federal Deposit Insurance Corporation as receiver for any savings association that became effective before the date of enactment of this Act; or

(2) any action taken by the Federal Deposit Insurance Corporation as such receiver before, on, or after such date of enactment.

#### SEC. 38. BANK DEPOSIT FINANCIAL ASSISTANCE PROGRAM.

(a) **IN GENERAL.**—Effective December 19, 1993, section 7(i) of the Federal Deposit Insurance Act (12 U.S.C. 1817(i)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2), the following new paragraph:

"(3) **BANK DEPOSIT FINANCIAL ASSISTANCE PROGRAM.**—Notwithstanding paragraph (1), funds deposited by an insured depository institution pursuant to the Bank Deposit Financial Assistance Program of the Department of Energy shall be separately insured in an amount not to exceed \$100,000 for each insured depository institution depositing such funds."

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 11(a)(1)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(C)) is amended by striking "section 7(i)(1)" and inserting "paragraph (1) or (2) of section 7(i) or any funds described in section 7(i)(3)".

And the House agree to the same.  
That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

For consideration of the Senate bill, and the House amendment, and modifications committed to conference:

HENRY GONZALEZ,  
STEVE NEAL,  
JOHN J. LAFALCE,  
BRUCE F. VENTO,  
CHARLES SCHUMER,  
BARNEY FRANK,  
PAUL E. KANJORSKI,  
JOE KENNEDY II,  
FLOYD H. FLAKE,  
JAMES A. LEACH,  
MARGE ROUKEMA,  
DOUG BEREUTER,  
RICHARD H. BAKER.

For consideration of section 13 of the Senate bill, and section 23 of the House amendment, and modifications committed to conference:

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For consideration of sections 18 and 22 of the Senate bill, and sections 4 and 19 of the House amendment, and modifications committed to conference:

JACK BROOKS,  
BILL HUGHES,  
RICK BOUCHER,

Managers on the Part of the House.

DON RIEGLE,  
PAUL SARBANES,  
CHRISTOPHER DODD,

ALFONSE D'AMATO,  
Managers on the Part of the Senate.

#### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 714) to provide funding for the resolution of failed savings associations, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

#### SUMMARY OF MAJOR PROVISIONS

##### FUNDING FOR RTC

The legislation allows the Resolution Trust Corporation ("RTC") to use up to \$18.3 billion to resolve failed thrifts by removing the April 1, 1992 limitation on funds previously provided under the RTC Refinancing, Restructuring and Improvement Act of 1991.

As a condition for the release of any funds in excess of \$10 billion, the Secretary of the Treasury must certify to the Congress that the RTC has taken such actions as may be necessary to comply with management reforms required by this bill, or that, as of the date of certification, the RTC is continuing to make adequate progress toward full compliance with such requirements.

##### AMENDMENTS RELATING TO THE TERMINATION OF THE RTC

The RTC's authority to take institutions into conservatorship or receivership is extended through a date between January 1, 1995 and July 1, 1995. The Chairperson of the Thrift Depositor Protection Oversight Board will select the date.

The bill moves up the closing of the RTC by a year from December 31, 1996 to December 31, 1995.

##### SAIF AUTHORIZATION

The legislation reduces the maximum authorization of \$32 billion in current law for the Savings Association Insurance Fund ("SAIF") to \$8 billion through fiscal year 1998, or until the reserve ratio of the SAIF equals 1.25 percent, whichever occurs earlier, and limits the use of the funds to paying for losses.

The bill contains an authorization only; it does not appropriate any funds for SAIF.

The Chairperson of the Federal Deposit Insurance Corporation ("FDIC") must certify that the funds are needed to pay for losses of the SAIF; that SAIF members are unable to pay additional premiums to cover such losses without an adverse effect on the institutions; and that the premium increase could reasonably be expected to result in greater losses to the government. In addition, the Chairperson must certify that the FDIC has taken several management reform measures, including: appointing a chief financial officer, a senior contracting officer and an assistant general counsel for professional liability; responding to audit recommendations of the General Accounting Office; and implementing minority outreach provisions.

Any of the funds not used by the RTC may be transferred to the SAIF to protect depositors of savings associations, subject to certification requirements similar to those for SAIF expenditures.

Any funds that are not needed to protect depositors must be returned to the Treasury.

##### RTC MANAGEMENT REFORMS

The bill requires the RTC to make a significant number of reforms to provide badly

needed improvements in the management of the RTC.

The bill requires the RTC to establish and maintain a comprehensive business plan for the remainder of its existence. It also requires the RTC to market all assets consisting of real property (excluding assets transferred in purchase and assumption transactions) on an individual basis for at least 120 days before marketing them on a portfolio basis or otherwise including them in a multi-asset sales initiative. In addition, the bill requires the RTC to devise management and disposition plans for certain categories of real property and nonperforming loans, subject to an exception tied to maximizing returns while providing for broad participation by qualified bidders.

The bill requires the RTC to revise its procedures for reviewing and qualifying applicants for eligibility for subsequent contracts in a specified service area (basic ordering agreements) to assure that small businesses, minorities and women are not inadvertently excluded from participation, to strengthen contractor systems and oversight, and to maintain uniform procurement guidelines to prevent the acquisition of goods and services at widely different prices.

The bill requires the Thrift Depositor Protection Oversight Board ("Oversight Board") to establish an audit committee for the RTC and requires the RTC to maintain procedures which provide for a prompt and determinative response to problems identified by auditors and to maintain effective internal controls designed to prevent, identify, and correct fraud, waste, and abuse.

The bill requires the RTC to appoint a general counsel and an assistant general counsel for professional liability within its Division of Legal Services. It requires the RTC to improve its management of legal services and also requires that reports on the actions of the Division be provided to Congress.

The bill requires the RTC to maintain an effective management information system, appoint a chief financial officer, and include in its annual report an itemization of the expenditure of funds appropriated under this bill and a disclosure of the salary/compensation of executives and directors of institutions in RTC conservatorship or receivership.

The legislation also requires the RTC to implement and maintain a process for non-defaulting business and commercial borrowers to appeal decisions by the RTC to terminate or otherwise adversely affect their credit or loan agreements.

The bill requires the RTC to maintain a Division of Minorities and Women Programs headed by a vice-president of the RTC who also must be a member of the RTC's executive committee. The RTC is also required to improve and enhance its minority- and women-owned business programs.

The RTC is also required to establish client responsiveness units in each regional office. The units are responsible to the RTC's ombudsman.

#### NO FUNDS FOR SHAREHOLDERS OF FAILED OR FAILING INSTITUTIONS

None of the funds of the RTC or the FDIC may be used in any manner to benefit shareholders of failed or failing depository institutions.

#### LIMITATION ON BONUSES AND COMPENSATION PAID BY THE RTC AND THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD

The legislation generally prohibits the RTC from giving bonuses in amounts that exceed those given at other government

agencies. It also prohibits the payment of bonuses to employees who have given notice that they intend to resign to take positions in the private sector. In addition, the bill, without reducing the current compensation of any employee below that in effect on the date of enactment, prohibits the compensation of RTC employees from being greater than that of the RTC's Chief Executive Officer.

#### FDIC-RTC TRANSITION

The legislation requires the FDIC and the RTC to establish an interagency transition task force for the purpose of facilitating the transfer of RTC operations and personnel to the FDIC or the FSLIC Resolution Fund in a coordinated manner. The task force will examine the operations of the RTC and the FDIC, evaluate the differences, and recommend which RTC operational systems should be preserved for use by the FDIC.

The bill requires the transfer to the FDIC of any beneficial RTC management, resolution, and asset-disposition systems in a manner which preserves the integrity of the systems. Eligible RTC personnel involved with such systems will also be transferred to the FDIC for continued employment with such systems.

#### MORATORIUM EXTENSION ON CONVERSION FROM SAIF TO BIF

The legislation extends the moratorium on SAIF members converting to Bank Insurance Fund ("BIF") membership, and vice versa, until the SAIF has achieved its designated reserve ratio of 1.25 percent.

#### CONFLICT OF INTEREST PROVISIONS APPLICABLE TO THE FDIC

The bill applies the conflict of interest rules of the RTC to the FDIC. The FDIC will be required to prescribe regulations governing conflicts of interest, ethical responsibilities, post-employment restrictions for officers and employees (including contractors), and the use of confidential information by independent contractors.

In addition, the bill requires the FDIC to prescribe regulations ensuring that individuals performing any function or service for the FDIC meet minimum standards of competency, experience, integrity, and fitness, and prohibiting those individuals who fail to meet the tests from contracting with or becoming employees of the FDIC.

#### WHISTLEBLOWER PROTECTION

The bill applies the whistleblower protection applicable to RTC contractors to FDIC contractors and bank regulators. It also expands whistleblower protection to include information regarding gross mismanagement, gross waste of funds, abuses of authority and substantial and specific dangers to public health and safety to conform them to government-wide whistleblower standards under title 5, United States Code.

#### FDIC ASSET DISPOSITION DIVISION

The bill establishes a separate Division of Asset Disposition within the FDIC which will carry out the responsibilities of the FDIC relating to the liquidation of insured depository institutions and the disposition of their assets.

#### PRESIDENTIALLY-APPOINTED INSPECTOR GENERAL OF THE FDIC

The bill makes the inspector general of the FDIC a presidential appointment, rather than an agency appointment.

#### SENSE OF THE CONGRESS RELATING TO DISABLED AMERICANS

The bill expresses the sense of Congress that individuals with disabilities should, at a

minimum, be able to compete for contracts with the Federal banking agencies on a non-discriminatory basis.

#### SPECIAL COUNSEL REPORT

The bill requires the Special Counsel appointed under the Crime Control Act of 1990 to report on the status of efforts to improve the collection of fines and restitution in cases involving the financial services industry.

#### AFFORDABLE HOUSING

The conference report modifies the Affordable Housing Programs of the RTC and the FDIC to make properties under these programs more accessible to low income and homeless populations and provides for the unification and eventual transition of these programs to the FDIC.

Among the major changes to the Affordable Housing Programs made by the conference report are the following:

Raises the RTC's maximum dollar limit on properties eligible for the RTC's affordable housing program, to enable low income persons living in high cost areas to participate in the program.

Establishes a new Affordable Housing Advisory Board to advise the Thrift Depositor Protection Oversight Board and the FDIC on affordable housing issues. Terminates the current National Housing Advisory Board.

Requires the RTC and the FDIC to periodically provide information on seller financing to minority and women-owned businesses engaged in providing affordable housing.

Requires the RTC and the FDIC to enter into an agreement four months after the enactment date setting out a plan for the orderly unification of the affordable housing programs, taking into account the RTC's substantial experience in operating an affordable housing program. Requires the implementation of the agreement, as soon as practicable, but no later than eight months after enactment date. Requires authority to carry out the affordable housing program to be transferred to the FDIC by October 1, 1995.

Requires that tenants be given a right of first refusal to purchase single family properties in which they reside and which are owned by the RTC and the FDIC.

Requires the RTC and the FDIC to give a preference in the sale of any real property, to purchasers that would use the property to provide housing or shelter for the homeless.

Requires the RTC and the FDIC to give a preference in the sale of eligible commercial real property to offers by agencies and non-profit organizations for use as offices, and for other administrative purposes, to carry out programs designed to provide housing opportunities for low and moderate income populations or to provide shelter for the homeless.

For consideration of the Senate bill, and the House amendment, and modifications committed to conference:

HENRY GONZALEZ,  
STEVE NEAL,  
JOHN J. LAFALCE,  
BRUCE F. VENTO,  
CHARLES SCHUMER,  
BARNEY FRANK,  
PAUL E. KANJORSKI,  
JOE KENNEDY II,  
FLOYD H. FLAKE,  
JAMES A. LEACH,  
MARGE ROUKEMA,  
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For consideration of section 13 of the Senate bill, and section 23 of the House amendment, and modifications committed to conference:

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*Managers on the Part of the House.*

DON RIEGLE,  
PAUL SARBANES,  
CHRISTOPHER DODD,  
ALFONSE D'AMATO,

*Managers on the Part of the Senate.*

#### LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority leader how the schedule will unfold for the balance of this weekend, and hopefully that we will adjourn in time for Thanksgiving as soon as possible.

Mr. Speaker, I am happy to yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

Our schedule is to take up today the Alternative Punishment for Youthful Offenders Act, which failed to go forward on suspension last week. Apparently it has a number of amendments that will take the better part of the day.

We also have the possibility of an intelligence conference report, but that may not be today.

We will be out by 6 p.m., or at the latest by 7 p.m. today.

On Saturday, the House will meet at 10 a.m. We will start with suspensions, and I will talk more about the suspension procedure in a moment.

We will try to hold votes until after noon. We have Members who have some events in the morning and we are trying to deal with that, but we will be out on Saturday around the 4 o'clock area, could be as late as 5 o'clock, but we are trying to get that day to be short.

We will have the intelligence conference report, the D.C. statehood rule, and general debate only.

On Sunday the House will meet at 2 p.m. We will vote on D.C. statehood.

We will have the rule and the bill on campaign finance reform. There will also likely be some suspensions on that day as well. That day could go past the normal 6 o'clock time.

On Monday, the House will meet at noon. It could be earlier than that. It will be a late night. We hope to finish that night.

We will take up lobby reform, re-inventing government and the rescissions bill and the unemployment conference report.

Other conference reports will come as they are available. RTC is expected.

We also have the remaining matter of the EPA Cabinet level. It is possible that there could be only a rule, but we will continue to consult with the minority about the bill and rule.

There will be a list of suspensions provided in the Cloakrooms prior to the close of business. The list will be compiled in cooperation with the minority leader.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for that last comment particularly, because as we know when we wind up the session there are always so many suspensions being offered in great number and it is rather difficult for Members to keep track.

So I assume from what the gentleman has said that we will have the suspensions that would be coming up tomorrow, we will have full notice of those in both Cloakrooms by this evening or by the time we leave.

Mr. GEPHARDT. That is right.

Mr. MICHEL. How about those for Sunday?

Mr. GEPHARDT. The same procedure as the day before.

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

Mr. MICHEL. I yield to the gentleman from Georgia.

Mr. GINGRICH. I just want to say, I think this week we had a lot of praise for the spirit of bipartisanship we had on NAFTA where Members on both sides acted with great comity, where we had people on both sides of an issue. I hope there is going to be a similar spirit of bipartisanship when we take up the Penny-Kasich and campaign reform later this weekend.

But I think as we go through these last 4 days, I just wanted to say to my friends in the Democratic leadership that to maintain a spirit of comity, one of our Members, a very distinguished Member who is the ranking member on the Committee on Government Operations is in the hospital, the gentleman from Pennsylvania [Mr. CLINGER]. As I mentioned yesterday in our meeting, I think it is very, very important in terms of protecting his rights and recognizing his contribution that neither the rule nor the bill on EPA come up, because it is not going to go to conference. The other body is leaving tomorrow, on Saturday. We are prepared to stay and work until late Monday. We are trying to maintain a spirit of comity in doing it.

But I think comity has to be a two-way street. It would be very, very unfair to the gentleman from Pennsylvania [Mr. CLINGER], and I think every House Republican would want to take whatever steps are necessary to protect his position on both the rule and the bill.

I would hope that the Democratic leadership would keep that in mind as they consider the schedule.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield further, the gen-

tleman's concerns were heard yesterday and the gentleman from Illinois, the distinguished minority leader and I obviously will continue to consult with the minority and try to work our way through that matter.

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

Mr. MICHEL. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Speaker, I wonder if the leadership has given any consideration to perhaps roll the votes from tomorrow, Saturday, that we have a number of suspensions, the rule and general debate only on D.C. statehood.

Would there be something wrong with rolling those votes until Sunday at 2 o'clock to allow us to spend Saturday with our families, wherever they may be?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, our problem, and we have announced this from some time ago, that we are trying to get through a number of pieces of legislation and also get Members out of here on Monday night, which we very much want to be able to do.

In order to successfully get through that, it is not only the matters that are on the floor on tomorrow, it is the matters that we have to process either through committees or the Rules Committee in order to be able to carry on the rest of the program on Sunday and Monday.

Obviously, if we could let people go on Saturday and not be here, we would do that. We are not doing it just to maintain a schedule and to bother people, but we are really trying to get all the steps taken to allow the rest of the schedule to go forward.

We think we can get out of here at a very reasonable hour on Saturday. We intend to do that, but the last 2 days are going to be ambitious and Saturday becomes a launching day to get things ready to go on Sunday and Monday.

Mr. UPTON. Mr. Speaker, I thank the gentleman.

Mr. MICHEL. Mr. Speaker, I yield back the balance of my time and thank the distinguished majority leader.

#### ADJOURNMENT OF THE HOUSE FROM SATURDAY, NOVEMBER 20, 1993, TO SUNDAY, NOVEMBER 21, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Saturday, November 20, 1993, it adjourns to meet at 2 p.m. on Sunday, November 21, 1993.

The SPEAKER pro tempore (Mrs. FIELDS of Louisiana). Is there objection to the request of the gentleman from Missouri?

There was no objection.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Michele Payne, one of his secretaries.

□ 1040

## SOLUTIONS FOR OUR ECONOMY OFFERED IN AMENDMENTS TO RESCISSION PACKAGE

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

Mr. SWETT. Mr. Speaker, on NAFTA it appears that the lobbyists carried the day. Now it is the common American citizen's chance to be heard. Penny-Kasich will be voted on this Monday, as was just mentioned. If there is the same outcry for sound fiscal management as proposed in Penny-Kasich, or even in the Frank alternative, from voters across this land, as there was on NAFTA from corporate America, then this Nation has a chance of solving its problems.

Everyone must chip in. We must take a pragmatic look at sharing the burdens. In northern New England we rely on volunteer fire departments to stop fires in our communities. We all must volunteer to stop the financial fire that is devouring our economic warehouse, or else this country will face the most dire fire sale it has ever held.

Vote yes on amendments to the rescission package.

## WHITE HOUSE CONSISTENCY

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

Mr. ARMEY. Mr. Speaker, in case you came into the White House tax-and-spend saga late, let me catch you up.

In the heat of August, on a strictly partisan Democrat vote, the White House pushed through the largest tax increase in U.S. history on the promise of spending cuts to come.

Now it is the cold reality of November, and instead of deliver, the Democrat leaders would rather depart.

In August, they passed a tax increase worth hundreds of billions of dollars; in November, they come up with spending cuts worth just hundreds of millions.

Now just a week before the holiday shopping season, Democrat leaders are so afraid someone is going to cut up their credit cards that they have postponed the vote on a spending cut bill.

You could say a lot of things about the White House based on this experience of tax-and-spend and promise-and-bend, but you can't say they aren't consistent.

Having already canceled a vote on a balanced budget amendment in the

Senate, they are now postponing a vote on real spending cuts in the House: the Kasich-Penny bill of over \$90 billion.

So just remember, America, as you get ready to start your holiday shopping season, the White House intends their shopping season to last all year long. Thanks to the Democrat guardians of gridlock.

## STRIKERS' JOBS GONE

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

Mr. GLICKMAN. Mr. Speaker, look at today's USA-Today: "Airline: Strikers' Jobs Gone."

The paper goes on to read:

American Airlines is playing hardball with its flight attendants, whose strike is creating havoc for travelers on one of the USA's biggest airlines.

Mr. Speaker, the airline is telling strikers their jobs will not be there to come back to.

Mr. Speaker, the House has twice passed a bill called the striker replacement bill which basically stops companies from hiring replacement workers when those workers legitimately go out on strike. If the right to strike means anything in America, Mr. Speaker, having a law which permits replacing those strikers is wrong, and it demeans the right of collective bargaining.

So, I urge the President of the United States to get personally involved in this issue, to let the leaders of the other body know that he cares very much about this issue, that in fact we ought to pass striker replacement legislation, that it should not be stopped in the Senate of the United States so that when people legitimately have a collective bargaining agreement, the right to strike will mean something.

## HOW SMALL IS IT?

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

Mr. HEFLEY. Mr. Speaker, the date has been set, the contenders have been weighed, the rules agreed upon, and we are ready for the big fight.

In this corner, we have Kasich-Penny, an upstart from outside the Beltway, weighing in at a healthy \$90 billion.

In the other corner, we have the Gore report, the hometown favorite, completely lost in his shorts at a petite \$305 million.

In the battle to cut the deficit, the Congressional Budget Office has weighed the contenders, and while Kasich-Penny qualifies as a true heavyweight, the Gore challenger doesn't even tip the scales.

Mr. Speaker, what happened to the Gore report? What happened to re-

inventing government? Where did 6 months of work go?

When Clinton presented the report, they brought it in on forklifts. The bill sent to Congress, however, doesn't even require a stamp.

The contenders to take on the deficit have hardly been announced, but the fight is over. In the battle to cut the deficit, Penny-Kasich is in a class by itself. Is it any wonder Clinton is lobbying so hard against meaningful cuts?

## IT IS TIME TO FIND THE TRUTH ABOUT JOHN DEMJANJUK

(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, the Court of Appeals in Cincinnati said the Justice Department railroaded John Demjanjuk. They withheld evidence that proved him innocent. They perpetrated a crime, a fraud, on the courts. My colleagues, now the only piece of physical evidence against Demjanjuk, the Travniki ID card, has been determined to be a forgery by German experts who certainly do not want to get involved in this controversy.

My colleagues, I do not blindly support Demjanjuk. Did he lie to conceal a Nazi past? Then throw him out. But if he lied to avoid a firing squad, let us give this man his day in court.

There is supposed to be justice for all in America. That means everybody.

I think it is time for a special prosecutor to find the truth. Israel found the truth and let him go.

## THE \$90 BILLION DEFICIT REDUCTION AMENDMENT

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

Mr. BOEHNER. Mr. Speaker, the American people have spoken loudly and clearly about how this Congress ought to deal with the budget deficit that we have before us. It made very clear that they want to cut spending, and they want it done now.

We hear a lot of rhetoric here in the Congress about let us cut spending, let us cut spending, and yet, when the bills come here to cut spending, the votes never seem to be here.

Well, Mr. Speaker, now we have an opportunity. We have a bipartisan \$90 billion deficit reduction amendment that is going to be before this Congress on Monday, and we are going to find out who are the Members who really want to cut spending and who are those who just want to continue to talk about it.

Monday is the day. Monday Congress will become accountable for the real deficit reduction. Those Members who are willing to stand up and cut, we will

see who they are, and those who just want to talk about it, we will see who they are as well.

#### UNEMPLOYED FACING A BLEAK THANKSGIVING

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

Mr. APPELGATE. Mr. Speaker, I am very happy to hear the distinguished majority leader get up and mention that on Monday we will have an opportunity to vote on the unemployment compensation bill. But we must keep the pressure on.

Let me say this:

We spent \$14 billion this year for every other country in the world in foreign aid. We passed NAFTA to help the Mexican economy. It is going to cost us \$30 billion. We sent troops and money to Somalia to help feed those people, and yet we are having difficulty in getting an unemployment compensation bill out to help America's unemployed, and there are 250,000 every month that are going out.

So, let us cut the political B.S. and pass the bill, and I will say this to my colleagues, "If you don't do it, don't go home because these unemployed are going to be facing a very bleak Thanksgiving and a very bleak Christmas, and let me tell you this: They have got very long memories."

□ 1050

#### A PLEA FOR ADOPTION OF THE PENNY-KASICH AMENDMENT

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

Mr. LINDER. Mr. Speaker, in the beginning, it was cut spending first. Then, Congress passed the largest tax increase ever—\$255.3 billion to be exact—and it became cut spending second.

Now, after the House Democrat leadership's recent delay of a vote on the Clinton rescission bill and the Penny-Kasich amendment, and the Senate Democrat leadership's cancellation of a vote on a balanced budget amendment, it is cut spending third. How long America, before it becomes cut spending never?

Mr. Speaker, Christmas is coming and the American people can ill afford to wait for a Penny-Kasich amendment which will reduce Federal spending by \$90 billion over the next 5 years. So, let us give them something to be really thankful for next Thursday, let's pass the Penny-Kasich amendment now.

#### HUNGER AND HOMELESSNESS AWARENESS WEEK

(Mr. CLYBURN asked and was given permission to address the House for 1

minute and to revise and extend his remarks and include extraneous matter.)

Mr. CLYBURN. Mr. Speaker, having often made this mistake, I thought I should remind my fellow Members that regardless of the tough work we have ahead this weekend we must all remember to eat and get enough sleep.

Likewise we must remember it is our duty to ensure that every citizen of this country can also eat and sleep in safety.

Alice Roosevelt Longworth explained her philosophy on life was to "Fill what's empty. Empty what's full. And scratch where it itches."

Mr. Speaker, I believe we must work to fill the plate of every hungry man, woman, and child.

We must work to empty this Government of the waste and neglect that has prevented thousands of Americans access to safe, affordable housing.

And we must scratch the itch of desperation that is causing too many of those who have been denied these fundamental rights to turn to crime and violence.

As we close out Hunger and Homelessness Awareness Week, let us rededicate ourselves to life, liberty, and the pursuit of happiness.

#### MAKING THE HARD CHOICES

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. THOMAS of Wyoming. Mr. Speaker, President Clinton and Speaker FOLEY got the Democrat votes they needed to pass the Clinton tax plan last August, by promising spending cuts later in the year. And they were necessary. Because despite all the talk of fiscal restraint, the Clinton tax plan cuts only defense, and increases spending everywhere else in the Government.

Now the Democrat leadership in Congress is chomping at the bit to go home. And they, and the President, are doing everything in their power to prevent a plan for real spending cuts, the Penny-Kasich plan, from coming up for a vote. The question is will Congress make the tough choices and cut spending first? Or will cuts be put off another day, another year, until American zeal for spending cuts just goes away?

Mr. Speaker, the consideration of issues is a little like a rain dance. The timing has a great deal of influence on the outcome.

Mr. Speaker, you and the President must keep your pledge to cut spending and keep the Penny-Kasich plan before the House.

#### TRIBUTE TO THE RHODE ISLAND VOLUNTEER GROUP

(Mr. REED asked and was given permission to address the House for 1

minute and to revise and extend his remarks and include extraneous matter.)

Mr. REED. Mr. Speaker, I rise today to pay tribute to the members of the Rhode Island volunteer group. The men and women who make up this unique organization deserve to be honored not only for their bravery, but also for their compassion.

Over the past several years we have all been witness to the terrible violence and destruction that has occurred in the former Yugoslavia. While the nations of the world remain unable to reach a consensus on what should be done, a select group of volunteer firefighters from Rhode Island and other States have been risking their lives to save the people and the structures of the historic city of Sarajevo.

With support from their friends and family in Rhode Island, and led in the field by James Jordan and here at home by Beth Hoban, the Rhode Island volunteer group has responded to fire after fire in the city even as they come under sniper attack while they battle the flames. Despite the danger they face, Mr. Jordan and his fellow firefighters refuse to let these attacks jeopardize their humanitarian mission to save all the residents of the city.

As the ravages of the Balkan winter approach, it is more important than ever to protect the homes and shelters of Sarajevo from the fires of the war. Unfortunately, the RIVG's attempts to prevent the residents of the city from becoming refugees are being seriously undermined by shortages of equipment and, in particular, of diesel and all-wheel-drive vehicles.

The contributions to Sarajevo made by the RIVG go beyond the many lives and homes they have saved from mortar attacks and the resulting flames. In fact, the RIVG recently held a fire fighting training session attended by both Muslims and Serbs that was marked by a degree of cooperation not seen in Sarajevo since before the war. In a region torn apart by deadly ethnic divisiveness, this was indeed a remarkable achievement and one that has given the citizens of Sarajevo a glimmer of hope for the future of their city.

Mr. Speaker, I believe the Rhode Island volunteer group stands as a shining example of the power of individuals to help their fellow human beings. I hope that my colleagues will join me today in saluting the humanitarian spirit of this tremendous organization.

#### PROCRASTINATORS ANONYMOUS

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

Ms. PRYCE of Ohio. Mr. Speaker, Americans think they're watching live, gavel-to-gavel coverage of the House of Representatives. But they're really watching another gathering of procrastinators anonymous.

Don't do today what can be put off forever. Especially those pesky spending cuts. The President and Speaker FOLEY promised to do spending cuts this year. But we're so tired of having to vote day after day after day. So let's put off any plan to cut spending, especially that pesky Penny-Kasich plan to cut Government spending \$90 billion, let's do that next year or the year after that. Or maybe we'll hope Americans will forget about spending cuts entirely.

Mr. Speaker, Americans hold Congress in low regard, because they see us live, on TV, dodging the tough choices. Before this House goes home for Thanksgiving, let the members vote on a real plan to cut spending, or should we ask America to tune in next time for another edition of procrastinators anonymous.

#### TRADE DEFICIT CLIMBS

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

Ms. KAPTUR. Mr. Speaker, the trade deficit figures for September have just been released, and the results are devastating. Our trade deficit is rising dramatically again. And remember, for every billion dollars of deficit, America loses another 23,500 jobs.

The monthly deficit surged to \$10.9 billion in September, and we are headed for an annual trade deficit of imports over exports of over \$117 billion this year.

In September we ran a \$101 million deficit with Mexico, the first since March 1991. And despite all our efforts to open markets, Japan remains the source of our largest deficit, year to date over \$42 billion, up almost \$8 billion last year. And China now is the source of our second largest, at over \$16.7 billion.

We must end trade deals that force our workers to compete on an unlevel playing field, with low-wage workers, undemocratic nations, and nations that close their markets.

#### SUPPORT PENNY-KASICH BUDGET CUTTING PLAN

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

Mr. WALSH. Mr. Speaker, I rise in strong support of the Penny-Kasich budget cutting plan. We were promised a vote on this important budget cutting measure, and we will have it. Yesterday we held a press conference with former Senator Paul Tsongas, cochair of the Concord Coalition, a group of concerned Americans who are working to save our children from these huge debt payments on our national debt.

We must vote on this plan today. Our country cannot wait any longer. The

straightforward measure cuts spending over the next 5 years by only 1 percent.

Mr. Speaker, if we fail to pass this very reasonable plan, how can we seriously say we are in favor of balancing our budget? Let us work now and begin to restore fiscal responsibility to our Government.

#### DETROITERS LINE UP FOR JOBS

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, as many economists tout a recovery sweeping the land, I want to remind my colleagues that the recovery has bypassed my district.

In Detroit, the unemployment rate nears 15 percent; for my African-American constituents it is over 19 percent. Detroit has not seen unemployment numbers in the single digits in 15 years.

Recently, in response to an ad for 4,500 jobs in a proposed casino, 10,000 people poured in. This comes on the heels of a similar event just a few weeks earlier, when my constituents by word-of-mouth heard that the U.S. Postal Service was giving a jobs-eligibility exam and 20,000 people showed up.

The Detroit News pointed out that the 10,000 job-seekers last Thursday would have stretched for more than 4 miles, the length of 60 football fields. The applicants would have filled half of Joe Louis Arena or 24 Boeing 747 airplanes.

These job lines are testament to the anemia afflicting many pockets of our economy. These job lines are a living drama of the pain filling the lives of many of our families. These job lines speak louder than words to the aspirations and determination of many Americans who will stand in line in the cold for hours in hopes of a chance for a good job.

#### CUT SPENDING LAST?

(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, it appears now that the last thing we will do this session is vote on spending cuts. Once again, the Democrat majority wants to cut spending last.

Well, Mr. Speaker, Republicans want to cut spending first. The Republican leadership supports the Penny-Kasich plan to cut \$90 billion over the next 5 years. We support the idea of slowing the growth of government. We embrace the philosophy of returning the hard-earned money of the taxpayer to the taxpayer.

Unfortunately, the White House and the Democrat leadership are working

feverishly to stymie this effort to cut spending. That is why they want to put it off to the last possible moment.

Mr. Speaker, this is a cynical ploy to give political cover to Democrat Members while insuring that this legislation is not enacted into law.

I urge the Speaker to listen to the will of the American people. Cut spending first and let the House vote on the Penny-Kasich amendment.

#### AMAZEMENT

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

Mrs. VUCANOVICH. Mr. Speaker, now I understand why the people are frustrated with their government. After observing the administration and the Democrat Majority dance around the issue of spending cuts, I can only shake my head in amazement.

Remember the President's proposal to reinvent government? It was supposed to cut spending by \$9 billion or so over 5 years. Well, after the Congressional Budget Office got a look at it, it was discovered that this plan would save, only \$350 million.

And now, after this legislation has made its way through the committee process, it will end up costing the taxpayer an additional \$1.2 billion.

Mr. Speaker, this exemplifies all that is wrong with the government today. Over bloated claims, combined with sweet deals, bolstered by political cowardice translates into more spending and more taxes for the American people.

And to top it off, any vote on the Penny-Kasich amendment to this package will come on the last day of the session, when the Democrat majority is convinced it won't become law. Sometimes you just have to shake your head.

#### UNEMPLOYMENT BENEFITS

(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, I rise today to call upon my colleagues to pass an emergency unemployment benefit extension before we adjourn for the year, without the excess issues that we have considered earlier. We are preparing to go home yet we have not finished our work. By not passing this benefit legislation we signal to the American people that this Congress is insensitive to the needs of struggling families.

As we begin the holiday season we must remember that families with an unemployed worker face uncertainty and are fighting not only to find new jobs to support their families, but to retain their dignity. Unemployment

benefits allow families to retain their dignity and get through tough times. By passing this legislation we can make this Thanksgiving and Christmas a little brighter for families all across our country.

Mr. Speaker, I say to the members that next week when we sit down to give thanks, remember that we can be thankful for our jobs. Many of our constituents do not have that to be thankful for and we should not forget this fact next Thursday.

#### THE AMERICAN FAMILY

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

Mr. WOLF. Mr. Speaker, the American family is under ore pressure today than at any other time in the history of the country. The Senate is going to pass a bill today to spend \$22 billion to fight crime and build more prisons. Cannot this Congress give the American family and children a tax break by increasing the personal exemption for children?

I have a bill that has 201 cosponsors. I ask that every Member, before they go home for Thanksgiving, cosponsor this bill or else do not go back and give speeches about the American family.

We cannot put the American family in prison with all the money the Senate wants to spend, we can do all that. Ten-year-olds are using guns, using marijuana, and the family is coming apart.

If we want to do something, we cannot restore spiritual values in this body, but the one thing we can do is we can increase the personal exemption for children from the current \$2,300 to \$3,500. Had the personal exemption kept pace with inflation, it would be worth \$8,200. It is not worth very much.

I ask all Members, Republicans and Democrats, please cosponsor our bill, H.R. 436, before they go home for the Thanksgiving break.

#### THE PENNY-KASICH AMENDMENT HAS PROBLEMS

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

Mr. SABO. Mr. Speaker, on Monday the House will vote on the Penny-Kasich amendment.

What it does is fundamentally cut Medicare and sabotage the attempt to pass health care reform. It has many specific problems.

One of the basic ones, as it relates to their Medicare changes, it would ask many Americans to actually pay 150 percent of their actual costs of part B premiums on Medicare.

#### REINVENTING SPENDING

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

Mr. DOOLITTLE. Mr. Speaker, will the President and the Democrat majority reinvent government? Are you kidding?

Let us look at the facts.

The President's proposal to cut spending and reinvent government started out as a bold plan to save the taxpayer \$9 billion over the next 5 years. But after the budget analysts looked it over, it was discovered that it would only save \$350 million.

And now, after it has made it through the committee process, this spending cut plan will actually cost the taxpayer about a billion bucks.

In fact, the Congress cannot even reinvent itself. The Joint Committee on the Organization of Congress started meeting last January to find ways to improve this institution. But the majority Members voted against the most important reforms, such as a ban on proxy voting and a series of sunshine law amendments.

Mr. Speaker, as the Congress has once again proved, the only thing it can reinvent is more wasteful Government spending.

#### REPUBLICANS HELP CLINTON KEEP HIS PROMISES

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

Mr. SMITH of Texas. Mr. Speaker, 2 days ago House Republicans saved one of President Clinton's major campaign promises by delivering most of the votes to pass NAFTA.

Now we would like to help him keep another promise: the one he made to the American people and to Congress. He made it during the campaign to get elected; he made it again in January when he was inaugurated; and he made it again in August to get his tax package passed. The promise was to cut spending.

The bill he introduced would cut spending only \$300 million. That's one one-thousandth of the hundreds of billions in tax increases in the Clinton budget package.

So a disappointed bipartisan group of Members came up with more than \$90 billion in real spending cuts. The Penny-Kasich legislation will give Congress the opportunity to keep Mr. Clinton's promise for him.

But as has happened so many times in the past, the budget-cutters have been blocked by the big spenders in the Democratic leadership. They are stalling a vote on the Penny-Kasich amendment until they can figure out a way to kill it, because they like spending cuts better in word than in deed.

Mr. Speaker, this is one promise that President Clinton should keep whether he likes it or not. Stop the stalling. Give us a fair vote on real spending cuts.

#### WHY IS PENNY-KASICH NOT ON THE CALENDAR?

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

Mr. KINGSTON. Mr. Speaker, earlier today we heard the calendar set by the majority party. It is a politically safe assortment of lightweight bills designed to make the American people think that we are doing something. And we will be working through the weekend, again, in a desperate attempt to show people how hard this job is.

But the American people are smarter than that. They know that our last-minute chaos reflects our disorganization and not our dedication.

What is worse, conspicuously absent from the calendar that we heard this morning was, there will not be a vote on the Penny-Kasich budget deficit reduction bill.

□ 1110

The gentleman from Ohio, JOHN KASICH, has had a deficit reduction plan since February. It was too hard at first for some Members in the majority party, so he came back with a bipartisan plan.

In addition to this plan, STEVE HORN has a plan that cuts the budget by \$136 billion; MATT COLLINS has a plan; DAN BURTON has a plan.

Mr. Speaker, I know the American people are desperate to make Washington, DC, a State. But let us also vote on deficit reduction and not just play politics in the next 3 days.

#### WITLESS IN WASHINGTON

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

Mr. BAKER of California. Mr. Speaker, Americans may have enjoyed the film "Sleepless in Seattle." But the more they hear about how Speaker FOLEY and the Clinton administration are trying to kill a plan to cut Federal spending—and work toward a balanced budget—Americans will be sure that they are watching "Witless in Washington."

When the Clinton \$255 billion job crushing tax plan passed in August, Speaker FOLEY promised a bill on spending cuts before this year is out. Well, this year is almost out. And Congressmen Democrat TIM PENNY and Republican JOHN KASICH have put together a bipartisan spending cut plan, that cuts almost \$100 billion from the Federal budget. Unlike the Clinton

taxes, the Penny-Kasich plan cuts spending first. But as if to prove their spinelessness, the Clinton administration says these spending cuts will—kill health care, damage the national defense, and quicken the heartbreak of psoriasis.

Mr. Speaker, Americans want us to live within our means, cut spending first. Before this Congress goes home let us have an up or down vote on the Penny-Kasich spending cuts. Let us end gutlessness in Washington. Stop deficit spending. Stop putting the burden on our grandchildren. Approve the Penny-Kasich plan.

#### PASS AN UNEMPLOYMENT COMPENSATION EXTENSION

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

Mr. LEVIN. Mr. Speaker, it is time to release the hostages. In September alone, 252,000 additional Americans exhausted their unemployment compensation benefits. These are people who are out of work through no fault of their own. Their benefits have been held hostage for other issues.

I do not mean to demean the importance of those other issues. But we are approaching Thanksgiving. And this Congress should act.

These long-term unemployed people are not asking for a handout, but for benefits to tide them over. They deserve more than an empty plate for Thanksgiving.

Let us act on the extension of unemployment compensation benefits. We must do it before we conclude our legislative business for the year.

#### THE FIRST THANKSGIVING PROCLAMATION

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

Mr. CRANE. Mr. Speaker, on the eve of our adjournment and in anticipation of Thanksgiving, I would like to read into the RECORD the first Thanksgiving proclamation issued by President George Washington in 1798.

#### THE FIRST THANKSGIVING PROCLAMATION (Issued by President George Washington)

Whereas, it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits and humbly to implore His protection and favor; and

Whereas, both houses of Congress have, by their joint committee, requested me "to recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God, especially by affording them an opportunity peacefully to establish a form of government for their safety and happiness."

Now, Therefore, do I recommend and assign Thursday, the twenty-six day of Novem-

ber next to be devoted by the people of these States to the service of that great and glorious Being who to the beneficent author of all the good that was, that is, or that will be; that we may then all unite in rendering unto Him our service and humble thanks for His kind care and protection of the people of this country previous to their becoming a nation; for the signal and manifold mercies and the favorable interpositions of His Providence in the course and conclusion of the late war; for the great degree of tranquility, union and plenty which we have since enjoyed; and the civil and religious liberty with which we are blessed, and the means we have of acquiring and diffusing useful knowledge; and, in general, for all the great and various favors which He has been pleased to confer upon us.

And also that we may then unite in most humbly offering our prayers and supplications to the great Lord and Ruler of Nations, and beseech Him to pardon our national and other transgressions, to enable us all, whether in public or private stations, to perform our duties properly and punctually; to render our National Government a blessing to all the people by constantly being a government of wise, just and constitutional laws, directly and faithfully executed and obeyed; to promise the knowledge and practice of true religion and virtue and the increase of science among us; and generally, to grant unto all mankind such a degree of temporal prosperity as He alone knows to be best.

Given under my hand, at the city of New York, the third day of October, A.D. 1789.

—George Washington

#### U.S. TOP THREE TRADING PARTNERS HAVE TRADE SURPLUS

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

Mrs. BENTLEY. Mr. Speaker, the NAFTA vote is over and now we learn that all of those rosy trade figures with Mexico may have been stretched a bit—as many of us believed.

After all one of the big selling points by the pro-NAFTA forces was that the United States had a trade surplus with Mexico and Canada—the third partner—on a regular basis.

However, the September trade figures show a \$100.1 million deficit with Mexico, which is a drastic switch from a \$100.0 million surplus in August or, in other words, a reversal of \$200 million in our trade figures with Mexico in 60 short days?

And rosy figures with Canada also was part of the sales pitch and now we learn that there also was a trade deficit with Canada in both August and September.

That deficit doubled from \$583 million in August to \$1.12 billion in September. Interestingly we not only have recent trade deficits with both NAFTA partners but also one of \$5.26 billion with Japan. So, our top three trading partners all have a surplus over the U.S. Something is wrong!

#### CUTTING SPENDING

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

Mr. HOKE. Mr. Speaker, the NAFTA debate is over, thank goodness. And now it is time to move on to other issues that are important to the American people like, for example, cutting spending.

Unfortunately, the administration and the leadership is delaying a vote in this area. It appears that the last thing that we are going to act on this session is the President's sham recession bill. It seems that we will only vote on cutting spending after the Senate has safely gone home, ensuring that we will not ever really cut spending in this Congress.

And worse, the President and the leadership are lobbying against a vote on the Penny-Kasich amendment at all, which would actually really cut spending.

Mr. Speaker, on Wednesday we spent 13 hours debating a measure that may or may not have a profound impact on most Americans. Now what I want to know is if we can do that on Wednesday, why is it that we spend all of this time on an issue that may or may not have impact on Americans, but we cannot find the time to act on the one issue that is more important than any other to the American people; namely, the grotesque, bloated, obese size of the Federal Government?

#### VOTE FOR THE FUTURE—VOTE TO CUT SPENDING

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

Mr. PENNY. Mr. Speaker, on Monday we will have a vote on additional spending cuts, and the debate will come down to this simple question: Do you believe we have done enough to cut the deficit or do you believe that more must be done to rein in the red ink?

All of those who oppose the Penny-Kasich spending reduction package are content with the status quo. They believe that the budget recently adopted by this Congress and supported and promoted by this President is the end of the debate on deficits. They believe that deficits that go down slightly over the next few years, only to climb beyond \$300 billion by the turn of the century, are just fine because they are afraid to face the tough question of reducing spending. They would rather cater to the special interests that want to keep soaking up Federal money for their own needs rather than to respond to the long-term interests of the young men and women who need a stronger economy in the future.

We are burdening our children and our grandchildren with this debt. It is the height of irresponsibility.

Members have one vote before this Congress adjourns to prove that they are on the side of the future. The vote is to cut the deficit. On Monday they will either define themselves as Members who are serious about solving problems or Members who are a part of the problem.

□ 1120

#### MEDICAL LIABILITY REFORM

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

Mr. PORTER. Mr. Speaker, health care reform is a test of legislative seriousness. Liability reform is a good example.

The President makes a pretense of seriousness on medical liability. His plan includes caps on attorneys' fees, collateral source offsets, alternative dispute resolution, and requires certificates of merit for lawsuits.

But, these reforms are less than meets the eye. The cap on fees codifies industry standards and therefore offers no real reform. The certificate of merit, required for lawsuits, is not required for alternative dispute resolution, where most claims would be settled.

Worse, the President dodges the big issues. His plan includes no cap on noneconomic damages for pain and suffering—the one reform that would have the greatest impact on reducing wasteful defensive medicine.

Nor does the President propose to reform joint and several liability which encourages lawsuits because it assesses penalties without regard to degree of fault.

Mr. Speaker, we cannot be serious—we cannot have real health care reform—without real liability reform, including caps on noneconomic damages and elimination of joint and several liability.

#### VOTE FOR THE PENNY-KASICH SPENDING CUTS

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

Mr. ZELIFF. Mr. Speaker, "The Penny-Kasich spending cuts are unnecessary and excessive," and that "budget-cutting has gone awry if it directs savings to deficit reduction." That is a quote from our House Speaker.

Apparently the Democrats do not have the votes to kill the Penny-Kasich \$90 billion spending cuts. They have delayed the vote until Monday. They want more time for the vested interests to pressure Congress.

The reasons for opposing spending cuts show that they are out of touch with the American people.

The distinguished Senator from West Virginia declared, and I quote, "We have already cut discretionary spending to the bone."

The press reports that the appropriators are irritated about the spending-cut plan. Democratic leaders are quoted as announcing that they are likely to block efforts to slice the budget.

These same Democratic leaders claim that sweeping cuts will constrict the economy.

Mr. Speaker, the Joint Economic Committee's assertion that the plan to cut 1 cent on the dollar from spending will slam the brakes on the economy is just not true. Accountability is what this is all about.

We were sent down here to be accountable. We were sent down here to do the job, to live within our spending, to cut spending—\$20 billion a year over 5 years is pennies on the dollar.

I urge my colleagues to vote for the Penny-Kasich budget amendment. It is a vote for our children. It is a vote for our future.

#### PASS THE UNEMPLOYMENT COMPENSATION EXTENDED BENEFITS LAW

(Mrs. JOHNSON of Connecticut asked and was given permission to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am calling again for you to join me in opposing adjournment until the House passes an extension of our unemployment compensation extended benefits law.

Last week the House voted to recommend the conference report, because the majority wanted a vote on the amendment codifying the President's promise to cut the Federal work force by 252,000 over the next 5 years.

From 1991 to 1992, in only 1 year under a Republican administration, the executive branch added almost 29,000 jobs.

In a time when companies in our districts are going through painful streamlining to remain globally competitive and people's salaries are no longer rising, it makes sense to require the Federal Government to do the same kind of downsizing. Unfortunately, this is not easily done by any administration. That is why we need to enact this amendment and thereby assure that the executive branch plans for what must be done so attrition, not layoffs, can accomplish our goal.

My colleagues, the unemployment compensation extension bill could and should have been passed 8 weeks ago. Now it is tangled in this new debate. But our constituents can wait no longer. Families in my district will literally be homeless by Christmas if we do not act.

I urge you to show compassion and common sense by joining me in urging

the Speaker to bring this bill to the floor today when we have very little other business.

#### AN OATH OF SECRECY

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

Mr. GOSS. Mr. Speaker, if you blinked, you missed the unanimous-consent request to bring forward the intelligence conference report. The RECORD should show, however, consent is not unanimous.

I am deeply troubled by the conferees' decision to abandon the House's commitment to protect classified information. The conferees deleted a simple, but meaningful, requirement that Members of Congress sign an oath of secrecy if they wish to work with classified, sensitive material.

Sadly, we have just witnessed again another round of damaging and embarrassing disclosures or leaks, as they are called, as one day's classified briefing on Haiti became the next day's headline followed by several days more of charges and allegations.

I do not know the extent of the damage done from that, but I do know that 341 Members of this body voted on August 4 to implement the oath of secrecy.

I urge my colleagues not to abandon that commitment when we take up the intelligence conference report before we go home.

#### BRING UP THE PENNY-KASICH AMENDMENT TODAY

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

Mr. EWING. Mr. Speaker, I am sure you have heard a lot today about the Penny-Kasich bill, and a lot of people have spoken out about the unfair treatment that they feel this measure is receiving before this House. I think that is very true.

The President and the Speaker, yes, are using their power to try and get this vote on a time when it will surely fail. A vote on the Penny-Kasich amendment to cut \$90 billion has long been planned for tomorrow, Saturday, November 20.

When the opponents found that it was going to probably be too popular and pass, they started using their authority to delay it, delay it until Monday when everybody will want to get out of here.

This is a violation of the spirit of the promise of President Clinton to those who voted for his tax increase, but that does not matter. It is just another promise broken.

I guess that the truth is, Mr. Speaker and ladies and gentleman of this

House, we really do not care about the deficit. The administration does not, and the leadership of this House does not.

We are not concerned about doing anything about the national debt the deficit, and you know, the more we spin our wheels, the bigger and deeper hole we get into.

It is time; we should have taken that up today.

#### STOP PLAYING THE GAMES

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

Mr. BUYER. Mr. Speaker, I stand and rise also in bitter disappointment for the delay on the vote on the Penny-Kasich budget.

Many of us here within this body received a very clear message from the American people, and that is to cut the spending first. That is what many of us seek to do in a bipartisan way.

To move this vote to a later date which jeopardizes the bipartisan spirit that even America had the opportunity to see during the NAFTA debate is flat-out wrong. This body continues to act as if we cut spending and then we take the money and spend it on other things.

This project cuts the money, takes that \$90 billion, and puts it right on deficit reduction. Those who oppose it want to take that \$90 billion and spend it on other things and play other games.

That is wrong. That is why we have the deficits we have today.

Let us show the American people we can work in a bipartisan way and truly act with fiscal responsibility and truly say, "Let us cut the spending first." Let us stop playing the games.

#### THE CONSUMER CHOICE HEALTH SECURITY ACT OF 1993

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

Mr. STEARNS. Mr. Speaker, this weekend, Senator NICKLES and I will be introducing the Consumer Choice Health Security Act of 1993. This comprehensive health care reform legislation the Republican leader's "Action Now" proposal and enjoys the hand-in-hand support of 24 Senators including that of Senator DOLE, and 16 of our colleagues here in the House. While the NAFTA debate has occupied much of our time and attention this past week, I encourage my colleagues to review the summaries on this sweeping legislation.

Mr. Speaker, the President stated that he would not sign health care reform legislation unless it contained universal coverage, simplicity, security, choice, portability, and afford-

ability. We have risen to the challenge and met each and every one of those goals. In fact, we've gone even further than the President's challenge.

Instead of handing over the personal and private decision of health care to the Federal Government and life-long bureaucrats, this legislation puts the individual consumer in the driver's seat and allows every American the right to choose his/her health plan that best fits their needs and that of their families. We believe that Americans know best when it comes to their health care. Just like they know which car insurance policy and home insurance policy is best for them.

Mr. Speaker, let us give the American people the same choices President Clinton and all Members of Congress have when it comes to choosing our health insurance. Americans are already skeptical of the Government. What is going to make them think that bureaucrats and politicians know better than they do when it comes to health insurance? If the President can choose his own health plan, so should the American people.

#### SOUTH AFRICAN DEMOCRATIC TRANSITION SUPPORT ACT OF 1993

Mr. JOHNSTON of Florida. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3225) to support the transition to nonracial democracy in South Africa.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3225

*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 "South African Democratic Transition Support Act of 1993".

##### SEC. 2. FINDINGS

The Congress makes the following findings:

(1) After decades of apartheid, South Africa has entered a new era which presents a historic opportunity for a transition to a peaceful, stable, and democratic future.

(2) Through broad and open negotiations, the parties in South Africa have reached a landmark agreement on the future of their country. This agreement includes the establishment of a Transitional Executive Council and the setting of a date for nonracial elections.

(3) The international community has a vital interest in supporting the transition from apartheid toward nonracial democracy.

(4) The success of the transition in South Africa is crucial to the stability and economic development of the southern African region.

(5) Nelson Mandela of the African National Congress and other representative leaders in South Africa have declared that the time has come when the international community should lift all economic sanctions against South Africa.

(6) In light of recent developments, the continuation of these economic sanctions is detrimental to persons disadvantaged by apartheid.

(7) Those calling for the lifting of economic sanctions against South Africa have made clear that they do not seek the immediate termination of the United Nations-sponsored special sanctions relating to arms transfers, nuclear cooperation, and exports of oil. The Ad Hoc Committee on Southern Africa of the Organization of African Unity, for example, has urged that the oil embargo established pursuant to a 1986 General Assembly resolution be lifted after the establishment and commencement of the work of the Transitional Executive Council.

##### SEC. 3. UNITED STATES POLICY.

It is the sense of the Congress that—

(1) the United States should—

(A) strongly support the Transitional Executive Council in South Africa,

(B) encourage rapid progress toward the establishment of a nonracial democratic government in South Africa, and

(C) support a consolidation of democracy in South Africa through democratic elections for an interim government and a new nonracial constitution;

(2) the United States should continue to provide assistance to support the transition to a nonracial democracy in South Africa, and should urge international financial institutions and other donors to also provide such assistance;

(3) to the maximum extent practicable, the United States should consult closely with international financial institutions, other donors, and South African entities on a coordinated strategy to support the transition to a nonracial democracy in South Africa;

(4) in order to provide ownership and managerial opportunities, professional advancement, training, and employment for disadvantaged South Africans and to respond to the historical inequities created under apartheid, the United States should—

(A) promote the expansion of private enterprise and free markets in South Africa,

(B) encourage the South African private sector to take a special responsibility and interest in providing such opportunities, advancement, training, and employment for disadvantaged South Africans,

(C) encourage United States private sector investment in and trade with South Africa,

(D) urge United States investors to develop a working partnership with representative organs of South African civil society, particularly churches and trade unions, in promoting responsible codes of corporate conduct and other measures to address the historical inequities created under apartheid;

(5) the United States should urge the Government of South Africa to liberalize its trade and investment policies to facilitate the expansion of the economy, and to shift resources to meet the needs of disadvantaged South Africans;

(6) the United States should promote cooperation between South Africa and other countries in the region to foster regional stability and economic growth; and

(7) The United States should demonstrate its support for an expedited transition to, and should adopt a long term policy beneficial to the establishment and perpetuation of, a nonracial democracy in South Africa.

##### SEC. 4. REPEAL OF APARTHEID SANCTIONS LAWS AND OTHER MEASURES DIRECTED AT SOUTH AFRICA.

(a) COMPREHENSIVE ANTI-APARTHEID ACT.—

(1) IN GENERAL.—All provisions of the Comprehensive Anti-Apartheid Act of 1986 (22

U.S.C. 5001 and following) are repealed as of the date of enactment of this Act, except for the sections specified in paragraph (2).

(2) EFFECTIVE DATE OF REPEAL OF CODE OF CONDUCT REQUIREMENTS.—Sections 1, 3, 203(a), 203(b), 205, 207, 208, 601, 603, and 604 of the Comprehensive Anti-Apartheid Act of 1986 are repealed as of the date on which the President certifies to the Congress that an interim government, elected on a nonracial basis through free and fair elections, has taken office in South Africa.

(3) CONFORMING AMENDMENTS.—(A) Section 3 of the Comprehensive Anti-Apartheid Act of 1986 is amended by striking paragraphs (2) through (4) and paragraphs (7) through (9), by inserting "and" at the end of paragraph (5), and by striking "; and" at the end of paragraph (6) and inserting a period.

(B) The following provisions of the Foreign Assistance Act of 1961 that were enacted by the Comprehensive Anti-Apartheid Act of 1986 are repealed: subsections (e)(2), (f), and (g) of section 116 (22 U.S.C. 2151n); section 117 (22 U.S.C. 2151o), relating to assistance for disadvantaged South Africans; and section 535 (22 U.S.C. 2346d). Section 116(e)(1) of the Foreign Assistance Act of 1961 is amended by striking "(1)".

(b) OTHER PROVISIONS.—The following provisions are repealed or amended as follows:

(1) Subsections (c) and (d) of section 802 of the International Security and Development Cooperation Act of 1985 (99 Stat. 261) is repealed.

(2) Section 211 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (99 Stat. 432) is repealed, and section 1(b) of that Act is amended by striking the item in the table of contents relating to section 211.

(3) Sections 1223 and 1224 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (101 Stat. 1415) is repealed, and section 1(b) of that Act is amended by striking the items in the table of contents relating to sections 1223 and 1224.

(4) Section 362 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (105 Stat. 716) is repealed, and section 2 of that Act is amended by striking the item in the table of contents relating to section 362.

(5) Section 2(b)(9) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)) is repealed.

(6) Section 43 of the Bretton Woods Agreements Act (22 U.S.C. 286aa) is amended by repealing subsection (b) and by striking "(a)".

(7) Section 330 of H.R. 5205 of the 99th Congress (Department of Transportation and Related Agencies Appropriations Act, 1987) (22 U.S.C. 5056a) as incorporated by reference in section 101(l) of Public Law 99-500 and Public Law 99-591, and made effective as if enacted into law by section 106 of Public Law 100-202, is repealed.

(8)(A) Section 901(j)(2)(C) of the Internal Revenue Code of 1986 (26 U.S.C. 901(j)(2)(C)) is repealed.

(B) Subparagraph (A) shall not be construed as affecting any of the transitional rules contained in Revenue Ruling 92-62 which apply by reason of the termination of the period for which section 901(j) of the Internal Revenue Code of 1986 was applicable to South Africa.

(9) The table in section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended by striking "Republic of South Africa".

(10) The undesignated paragraph entitled "STATE AND LOCAL ANTI-APARTHEID POLICIES" in chapter IX of the Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989 (22 U.S.C. 5117) is repealed.

(11) Section 210 of the Urgent Supplemental Appropriations Act, 1986 (100 Stat. 749) is repealed.

(c) SANCTIONS MEASURES ADOPTED BY STATE OR LOCAL GOVERNMENTS OR PRIVATE ENTITIES.—The Congress urges all State or local governments and all private entities in the United States that have adopted any restriction on economic interactions with South Africa, or any policy discouraging such interaction, to rescind such restriction or policy.

(d) CONTINUATION OF UN SPECIAL SANCTIONS.—It is the sense of the Congress that the United States should continue to respect United Nations Security Council resolutions on South Africa, including the resolution providing for a mandatory embargo on arms sales to South Africa and the resolutions relating to the import of arms, restricting exports to the South African military and police, and urging states to refrain from nuclear cooperation that would contribute to the manufacture and development by South Africa of nuclear weapons or nuclear devices.

#### SEC. 5. UNITED STATES ASSISTANCE FOR THE TRANSITION TO A NONRACIAL DEMOCRACY.

(a) IN GENERAL.—The President is authorized and encouraged to provide assistance under chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa) or chapter 4 of part II of the Act (relating to the Economic Support Fund) to support the transition to nonracial democracy in South Africa. Such assistance shall—

(1) focus on building the capacity of disadvantaged South Africans to take their rightful place in the political, social, and economic systems of their country;

(2) give priority to working with and through South African nongovernmental organizations whose leadership and staff represent the majority population and which have the support of the disadvantaged communities being served by such organizations;

(3) in the case of education programs—

(A) be used to increase the capacity of South African institutions to better serve the needs of individuals disadvantaged by apartheid;

(B) emphasize education with South Africa to the extent the assistance takes the form of scholarships for disadvantaged South African students; and

(C) fund nontraditional training activities;

(4) support activities to prepare South Africa for elections, including voter and civic education programs, political party building, and technical electoral assistance;

(5) support activities and entities, such as the Peace Accord structures, which are working to end the violence in South Africa; and

(6) support activities to promote human rights, democratization, and a civil society.

(b) GOVERNMENT OF SOUTH AFRICA.—

(1) LIMITATION ON ASSISTANCE.—Except as provided in paragraph (2), assistance provided in accordance with this section may not be made available to the Government of South Africa, or organizations financed and substantially controlled by that government, unless the President certifies to the Congress that an interim government that was elected on a nonracial basis through free and fair elections has taken office in South Africa.

(2) EXCEPTIONS.—Notwithstanding paragraph (1), assistance may be provided for—

(A) the Transitional Executive Council;

(B) South African higher education institutions, particularly those traditionally disadvantaged by apartheid policies; and

(C) any other organization, entity, or activity if the President determines that the assistance would promote the transition to nonracial democracy in South Africa.

Any determination under subparagraph (C) should be based on consultations with South African individuals and organizations representative of the majority population in South Africa (particularly consultations through the Transitional Executive Council) and consultations with the appropriate congressional committees.

#### SEC. 6. UNITED STATES INVESTMENT AND TRADE.

(a) TAX TREATY.—The President should begin immediately to negotiate a tax treaty with South Africa to facilitate United States investment in that country.

(b) OPIC.—The President should immediately initiate negotiations with the Government of South Africa for an agreement authorizing the Overseas Private Investment Corporation to carry out programs with respect to South Africa in order to expand United States investment in that country.

(c) TRADE AND DEVELOPMENT AGENCY.—In carrying out section 661 of the Foreign Assistance Act of 1961, the Director of the Trade and Development Agency should provide additional funds for activities related to projects in South Africa.

(d) EXPORT-IMPORT BANK.—The Export-Import Bank of the United States should expand its activities in connection with exports to South Africa.

(e) PROMOTING DISADVANTAGED ENTERPRISES.—

(1) INVESTMENT AND TRADE PROGRAMS.—Each of the agencies referred to in subsection (b) through (d) should take active steps to encourage the use of its programs to promote business enterprises in South Africa that are majority-owned by South Africans disadvantaged by apartheid.

(2) UNITED STATES GOVERNMENT PROCUREMENT.—To the extent not inconsistent with the obligations of the United States under any international agreement, the Secretary of State and the head of any other department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable, in procuring goods or services, make affirmative efforts to assist business enterprises having more than 50 percent beneficial ownership by South African blacks or other nonwhite South Africans, notwithstanding any law relating to the making or performance of, or the expenditure of funds for, United States Government contracts.

#### SEC. 7. INFORMATION AND EDUCATIONAL EXCHANGE PROGRAMS.

The Director of the United States Information Agency should use the authorities of the United States Information and Educational Exchange Act of 1948 to promote the development of a nonracial democracy in South Africa.

#### SEC. 8. OTHER COOPERATIVE AGREEMENTS.

In addition to the actions specified in the preceding sections of this Act, the President should seek to conclude cooperative agreements with South Africa on a range of issues, including cultural and scientific issues.

#### SEC. 9. INTERNATIONAL FINANCIAL INSTITUTIONS AND OTHER DONORS.

(a) IN GENERAL.—The President should encourage other donors, particularly Japan and the European Community countries, to expand their activities in support of the transition to nonracial democracy in South Africa.

(b) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury should instruct the United States Executive

Director of each relevant international financial institution, including the International Bank for Reconstruction and Development and the International Development Association, to urge that institution to initiate or expand its lending and other financial assistance activities to South Africa in order to support the transition to nonracial democracy in South Africa.

#### SEC. 10. CONSULTATION WITH SOUTH AFRICANS.

In carrying out this Act, the President should consult closely with South African individuals and organizations representative of the majority population in South Africa (particularly consultations through the Transitional Executive Council) and others committed to abolishing the remnants of apartheid.

The SPEAKER pro tempore. The gentleman from Florida [Mr. JOHNSTON] is recognized for 1 hour.

Mr. JOHNSTON of Florida. Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. GILMAN], pending which I yield myself such time as I may consume.

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. JOHNSTON OF FLORIDA

Mr. JOHNSTON of Florida. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. JOHNSTON of Florida:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "South African Democratic Transition Support Act of 1993".

#### SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) After decades of apartheid, South Africa has entered a new era which presents a historic opportunity for a transition to a peaceful, stable, and democratic future.

(2) The United States policy of economic sanctions toward the apartheid government of South Africa, as expressed in the Comprehensive Anti-Apartheid Act of 1986, helped bring about reforms in that system of government and has facilitated the establishment of a nonracial government.

(3) Through broad and open negotiations, the parties in South Africa have reached a landmark agreement on the future of their country. This agreement includes the establishment of a Transitional Executive Council and the setting of a date for nonracial elections.

(4) The international community has a vital interest in supporting the transition from apartheid toward nonracial democracy.

(5) The success of the transition in South Africa is crucial to the stability and economic development of the southern African region.

(6) Nelson Mandela of the African National Congress and other representative leaders in South Africa have declared that the time has come when the international community should lift all economic sanctions against South Africa.

(7) In light of recent developments, the continuation of these economic sanctions is detrimental to persons disadvantaged by apartheid.

(8) Those calling for the lifting of economic sanctions against South Africa have made clear that they do not seek the immediate termination of the United Nation-sponsored

special sanctions relating to arms transfers, nuclear cooperation, and exports of oil. The Ad Hoc Committee on South Africa of the Organization of African Unity, for example, has urged that the oil embargo established pursuant to a 1986 General Assembly resolution be lifted after the establishment and commencement of the work of the Transitional Executive Council.

#### SEC. 3. UNITED STATES POLICY.

It is the sense of the Congress that—

(1) the United States should—

(A) strongly supported the Transitional Executive Council in South Africa,

(B) encourage rapid progress toward the establishment of a nonracial democratic government in South Africa, and

(C) support a consolidation of democracy in South Africa through democratic elections for an interim government and a new nonracial constitution;

(2) the United States should continue to provide assistance to support the transition to a nonracial democracy in South Africa, and should urge international financial institutions and other donors to also provide such assistance;

(3) to the maximum extent practicable, the United States should consult closely with international financial institutions, other donors, and South African entities on a coordinated strategy to support the transition to a nonracial democracy in South Africa;

(4) in order to provide ownership and management opportunities, professional advancement, training, and employment for disadvantaged South Africans and to respond to the historical inequities created under apartheid, the United States should—

(A) promote the expansion of private enterprise and free markets in South Africa,

(B) encourage the South African private sector to take a special responsibility and interest in providing such opportunities, advancement, training, and employment for disadvantaged South Africans,

(C) encourage United States private sector investment in and trade with South Africa,

(D) urge United States investors to develop a working partnership with representative organs of South African civil society, particularly churches and trade unions, in promoting responsible codes of corporate conduct and other measures to address the historical inequities created under apartheid.

(5) the United States should urge the Government of South Africa to liberalize its trade and investment policies to facilitate the expansion of the economy, and to shift resources to meet the needs of disadvantaged South Africans;

(6) the United States should promote cooperation between South Africa and other countries in the region to foster regional stability and economic growth; and

(7) the United States should demonstrate its support for an expedited transition to, and should adopt a long term policy beneficial to the establishment and perpetuation of, a nonracial democracy in South Africa.

#### SEC. 4. REPEAL OF APARTHEID SANCTIONS LAWS AND OTHER MEASURES DIRECTED AT SOUTH AFRICA.

(a) COMPREHENSIVE ANTI-APARTHEID ACT.—

(1) IN GENERAL.—All provisions of the Comprehensive Anti-Apartheid Act of 1986 (22 U.S.C. 5001 and following) are repealed as of the date of enactment of this Act, except for the sections specified in paragraph (2).

(2) EFFECTIVE DATE OF REPEAL OF CODE OF CONDUCT REQUIREMENTS.—Sections 1, 3, 203(a), 203(b), 205, 207, 208, 601, 603, and 604 of the Comprehensive Anti-Apartheid Act of 1986 are repealed as of the date on which the

President certifies to the Congress that an interim government, elected on a nonracial basis through free and fair elections, has taken office in South Africa.

(3) CONFORMING AMENDMENTS.—(A) Section 3 of the Comprehensive Anti-Apartheid Act of 1986 is amended by striking paragraphs (2) through (4) and paragraphs (7) through (9), by inserting "and" at the end of paragraph (5), and by striking "and" at the end of paragraph (6) and inserting a period.

(B) The following provisions of the Foreign Assistance Act of 1961 that were enacted by the Comprehensive Anti-Apartheid Act of 1986 are repealed: subsections (e)(2), (f), and (g) of section 116 (22 U.S.C. 2151n); section 117 (22 U.S.C. 2151o), relating to assistance for disadvantaged South Africans; and section 535 (22 U.S.C. 2346d). Section 116(e)(1) of the Foreign Assistance Act of 1961 is amended by striking "(1)".

(b) OTHER PROVISIONS.—The following provisions are repealed or amended as follows:

(1) Subsections (c) and (d) of section 802 of the International Security and Development Cooperation Act of 1985 (99 Stat. 261) is repealed.

(2) Section 211 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (99 Stat. 432) is repealed, and section 1(b) of that Act is amended by striking the item in the table of contents relating to section 211.

(3) Sections 1223 and 1224 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (101 Stat. 1415) is repealed, and section 1(b) of that Act is amended by striking the items in the table of contents relating to sections 1223 and 1224.

(4) Section 362 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (105 Stat. 716) is repealed, and section 2 of that Act is amended by striking the item in the table of contents relating to section 362.

(5) Section 2(b)(9) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)) is repealed.

(6) Section 43 of the Bretton Woods Agreements Act (22 U.S.C. 286aa) is amended by repealing subsection (b) and by striking "(a)".

(7) Section 330 of H.R. 5205 of the 99th Congress (Department of Transportation and Related Agencies Appropriations Act, 1987) (22 U.S.C. 5056a) as incorporated by reference in section 101(l) of Public Law 99-500 and Public Law 99-591, and made effective as if enacted into law by section 106 of Public Law 100-202, is repealed.

(8)(A) Section 901(j)(2)(C) of the Internal Revenue Code of 1986 (26 U.S.C. 901(j)(2)(C)) is repealed.

(B) Subparagraph (A) shall not be construed as affecting any of the transitional rules contained in Revenue Ruling 92-62 which apply by reason of the termination of the period for which section 901(j) of the Internal Revenue Code of 1986 was applicable to South Africa.

(9) The table in section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended by striking "Republic of South Africa".

(c) SANCTIONS MEASURES ADOPTED BY STATE OR LOCAL GOVERNMENTS OR PRIVATE ENTITIES.—

(1) POLICY REGARDING RESCISSION.—The Congress urges all State or local governments and all private entities in the United States that have adopted any restriction on economic interactions with South Africa, or any policy discouraging such interaction, to rescind such restriction or policy.

(2) REPEAL OF PROVISIONS RELATING TO WITHHOLDING FEDERAL FUNDS.—Effective October 1, 1995, the following provisions are repealed:

(A) The undesignated paragraph entitled "STATE AND LOCAL ANTI-APARTHEID POLICIES" in chapter IX of the Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989 (22 U.S.C. 5117).

(B) Section 210 of the Urgent Supplemental Appropriations Act, 1986 (100 Stat. 749).

(d) CONTINUATION OF UN SPECIAL SANCTIONS.—It is the sense of the Congress that the United States should continue to respect United Nations Security Council resolutions on South Africa, including the resolution providing for a mandatory embargo on arms sales to South Africa and the resolutions relating to the import of arms, restricting exports to the South African military and police, and urging states to refrain from nuclear co-operation that would contribute to the manufacture and development by South Africa of nuclear weapons or nuclear devices.

**SEC. 5. UNITED STATES ASSISTANCE FOR THE TRANSITION TO A NONRACIAL DEMOCRACY.**

(a) IN GENERAL.—The President is authorized and encouraged to provide assistance under chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa) or chapter 4 of part II of that Act (relating to the Economic Support Fund) to support the transition to non-racial democracy in South Africa. Such assistance shall—

(1) focus on building the capacity of disadvantaged South Africans to take their rightful place in the political, social, and economic systems of their country;

(2) give priority to working with and through South African nongovernmental organizations whose leadership and staff represent the majority population and which have the support of the disadvantaged communities being served by such organizations;

(3) in the case of education programs—

(A) be used to increase the capacity of South African institutions to better serve the needs of individuals disadvantaged by apartheid;

(B) emphasize education within South Africa to the extent that assistance takes the form of scholarships for disadvantaged South African students; and

(C) fund nontraditional training activities;

(4) support activities to prepare South Africa for elections, including voter and civic education programs, political party building, and technical electoral assistance;

(5) supper activities and entities, such as the Peace Accord structures, which are working to end the violence in South Africa; and

(6) support activities to promote human rights, democratization, and a civil society.

(b) GOVERNMENT OF SOUTH AFRICA.—

(1) LIMITATION ON ASSISTANCE.—Except as provided in paragraph (2), assistance provided in accordance with this section may not be made available to the Government of South Africa, or organizations financed and substantially controlled by that government unless the President certifies to the Congress that an interim government that was elected on a nonracial basis through free and fair elections has taken office in South Africa.

(2) EXCEPTIONS.—Notwithstanding paragraph (1), assistance may be provided for—

(A) the Transitional Executive Council;

(B) South African higher education institutions, particularly those traditionally disadvantaged by apartheid policies; and

(C) any other organization, entity, or activity if the President determines that the assistance would promote the transition to nonracial democracy in South Africa.

Any determination under subparagraph (C) should be based on consultations with South African individuals and organizations representative of the majority population in South Africa (particularly consultations through the Transitional Executive Council) and consultations with the appropriate congressional committees.

(c) INELIGIBLE ORGANIZATIONS.—

(1) ACTS OF VIOLENCE.—An organization that has engaged in armed struggle or other acts of violence shall not be eligible for assistance provided in accordance with this section unless that organization is committed to a suspension of violence in the context of progress toward nonracial democracy.

(2) VIEWS INCONSISTENT WITH DEMOCRACY AND FREE ENTERPRISE.—Assistance provided in accordance with this section may not be made available to any organization that has espoused views inconsistent with democracy and free enterprise unless such organization is engaged actively and positively in the process of transition to a nonracial democracy and such assistance would advance the United States objective of promoting democracy and free enterprise in South Africa.

**SEC. 6. UNITED STATES INVESTMENT AND TRADE.**

(a) TAX TREATY.—The President should begin immediately to negotiate a tax treaty with South Africa to facilitate United States investment in that country.

(b) OPIC.—The president should immediately initiate negotiations with the Government of South Africa for an agreement authorizing the Overseas Private Investment Corporation to carry out programs with respect to South Africa in order to expand United States investment in that country.

(c) TRADE AND DEVELOPMENT AGENCY.—In carrying out section 661 of the Foreign Assistance Act of 1961, the Director of the Trade and Development Agency should provide additional funds for activities related to projects in South Africa.

(d) EXPORT-IMPORT BANK.—The Export-Import Bank of the United States should expand its activities in connection with exports to South Africa.

(e) PROMOTING DISADVANTAGED ENTERPRISES.—

(1) INVESTMENT AND TRADE PROGRAMS.—Each of the agencies referred to in subsections (b) through (d) should take active steps to encourage the use of its programs to promote business enterprises in South Africa that are majority-owned by South African disadvantaged by apartheid.

(2) UNITED STATES GOVERNMENT PROCUREMENT.—To the extent not inconsistent with the obligations of the United States under any international agreement, the Secretary of State and the head of any other department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable, in procuring goods or services, make affirmative efforts to assist business enterprises having more than 50 percent beneficial ownership by South African blacks or other nonwhite South Africans, notwithstanding any law relating to the making or performance of, or the expenditure of funds for, United States Government contracts.

**SEC. 7. INFORMATION AND EDUCATIONAL EXCHANGE PROGRAMS.**

The Director of the United States Information Agency should use the authorities of the United States Information and Educational Exchange Act of 1948 to promote the development of a nonracial democracy in South Africa.

**SEC. 8. OTHER COOPERATIVE AGREEMENTS.**

In addition to the actions specified in the preceding sections of this Act, the President

should seek to conclude cooperative agreements with South Africa on a range of issues, including cultural and scientific issues.

**SEC. 9. INTERNATIONAL FINANCIAL INSTITUTIONS AND OTHER DONORS.**

(a) IN GENERAL.—The President should encourage other donors, particularly Japan and the European Community countries, to expand their activities in support of the transition to nonracial democracy in South Africa.

(b) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury should instruct the United States Executive Director of each relevant international financial institution, including the International Bank for Reconstruction and Development and the International Development Association, to urge that institution to initiate or expand its lending and other financial assistance activities to South Africa in order to support the transition to nonracial democracy in South Africa.

(c) TECHNICAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States Executive Director of each relevant international financial institution to urge that institution to fund programs to initiate or expand technical assistance to South Africa for the purpose of training the people of South Africa in government management techniques.

**SEC. 10. CONSULTATION WITH SOUTH AFRICANS.**

In carrying out this Act, the President should consult closely with South African individuals and organizations representative of the majority population in South Africa (particularly consultations through the Transitional Executive Council) and others committed to abolishing the remnants of apartheid.

□ 1130

Mr. JOHNSTON of Florida. Mr. Speaker, this morning I rise in support of legislation that is of paramount significance to a country that is one of the most important in Africa—South Africa. This bill, H.R. 3225 is also of great relevance to Americans, many of whom fought in the courageous anti-apartheid movement here so that South Africans would achieve the universal aspirations of human rights and dignity which were proscribed by the racially-defined brutality of apartheid. H.R. 3225 the South African Democratic Transition Support Act of 1993 is symbolic of the end of these laudable struggles both the South Africa and the United States. Tremendous change is underfoot in South Africa, and this bill was introduced in recognition of this historic transition.

H.R. 3225 is directly responsive to statements by Nelson Mandela, President of the African National Congress and other representatives of the black majority in South Africa. The bill repeals the remaining economic sanctions that have been imposed on South Africa by the Comprehensive Anti-Apartheid Act of 1986. The bill will also set the parameters for future foreign aid to South Africa, underlining a strong U.S. commitment to and support for the on-going transition in South Africa as well as for the new post-apartheid democracy. H.R. 3225 will also encourage investment and

trade activities in South Africa with the support of international financial institutions. Just as important, the bill will urge State and local governments to repeal restrictions that have been imposed on economic interactions with South Africa.

Mr. Speaker, we have witnessed dramatic events in South Africa since Nelson Mandela's release from prison over 3½ years ago. Just this week, negotiators representing 21 different political parties agreed on an interim constitution. And soon, after more than 340 interminable years, black South Africans will be granted basic human and civil rights including the right to vote. Very few people would have predicted that this country, once an international pariah, would move from the dark ages to the 21st century in just 3 short years.

But while this transformation has been magnificent, it has also been very painful. About 15,000 people have died in political violence stemming from the trauma of the historic transition to a nonracial democracy. And the struggle is not over. Some reports indicate that future scenarios may be even bloodier as next year's April election approaches.

But as Mr. Mandela so eloquently stated, "the countdown to democracy has begun." And I firmly believe that despite perceived setbacks, this momentum will not be stopped. Furthermore, the United States has a responsibility to stand by South Africa as it prepares for its elections and the ultimate goal of a nonracial democratic government in a postapartheid era.

H.R. 3225 will do much to support the transition in South Africa by forging a renewed partnership between our two countries. I urge my colleagues to join Nelson Mandela, the Congressional Black Caucus, and members of the antiapartheid movement and support H.R. 3225.

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

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

Mr. Speaker, the South African Democratic Transition Support Act is part of our commitment to the people of South Africa. Our former imposition of sanctions expressed our belief that South African society must accept the equality of all its citizens, allow for their full participation in the political process, provide equal protection of the law, and permit equality of opportunity in the economic market place.

I believe South Africa has made fundamental and irreversible strides in achieving those objectives. An important milestone in that process will be the April elections, wherein, for the first time in South African history, all members of that society will have the opportunity to decide the direction of South Africa's future.

Frankly, there are many of us in this body who did not believe we would see

such an event during our service in Congress. We knew that one day the equality of all South Africans would be achieved; but that this is happening on our watch makes the event all the more exciting, as well as making it all the more imperative that we act to support the democratic transition process.

Mr. Speaker, I want to commend my colleagues on the Foreign Affairs Committee for their long-term interest and involvement in the South Africa issue. I also want to express my gratitude to the committees with which we shared jurisdiction for promptly moving this important piece of legislation.

H.R. 3225 answers the pleas of all South Africans who want the democratic process in their country to succeed. South Africa's economic development and growth will help that country emerge from its legacy of racial separation and inequality. The United States has a continuing contribution to make to that process. This legislation places us on the right side of history in South Africa.

Accordingly I urge the adoption of H.R. 3225.

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

Mr. JOHNSTON of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. PAYNE], a distinguished member of the Subcommittee on Africa, who for the last 2 decades has worked very hard against apartheid in South Africa and was very instrumental in the sanctions being imposed in 1986.

Mr. PAYNE of New Jersey. Mr. Speaker, as a cosponsor of H.R. 3225 I proudly rise to support the passage of this bill which will lift most sanctions on South Africa.

This is indeed an historic occasion when a member of the Congressional Black Caucus, the same group, which under the leadership of Congressman RONALD DELLUMS was so instrumental in the passage of the Comprehensive Anti-Apartheid Act of 1986, which imposed sanctions, now along with other CBC colleagues I support their repeal.

Yes, history has been made in these 9 years since sanctions were imposed. History will record that sanctions do work when sufficient time is allowed for their effect to take course.

History will also record Nelson Mandela served 26 years in prison, never giving up his commitment to a nonracial society for South Africa. Many times he was offered release early if he would agree to renounce his ANC affiliation and not partake in political activity.

□ 1140

Fortunately for the world, Nelson Mandela did not give in to these temptations. Upon his release, Mr. Mandela has provided a statesmanship like the world has seldom seen, perhaps only

before with Mahatma Gandhi and Dr. Martin Luther King, a statesmanship that embraced reconciliation, and always appealing to the better instincts of human kind. In the 3 years since his release ANC President Nelson Mandela called for peace when numerous actions of the white government police were found in complicity for inciting black on black violence. And, yes, even when a white man assassinated ANC leader Chris Hani it was Nelson Mandela that held South Africa together.

This leadership has now brought about an accord just signed yesterday—Thursday—by President de Klerk and Mr. Mandela. The accord will extend the vote to South Africa's black majority for the first time in their 340-year history. The accord calls for a multiparty transitional government of national unity which will rule for 5 years. The Cabinet will reflect proportional strengths of all parties that win more than 5 percent of the total vote scheduled for April 27, 1994. This will assure a white minority voice in the government. The accord also provides a bill of rights that will give black South Africans constitutional protection from discrimination and provide equality before the law, and a process for the restitution of land for the disposed since 1913.

Mr. Speaker, I support the dropping of the sanctions specified in this bill because Nelson Mandela and ANC has made it clear that the transition to democracy will not work unless the economy receives an early boost. There are many of us who would have rather waited until the interim government was elected and in place. But yesterday's news of the signing of the accord reinforces Mr. Mandela's wish, and should give us the assurance that a positive gesture now may help to avoid the potential violence of right wing forces in both the white and black communities.

Mr. Speaker, I want to commend the gentleman from Florida [Mr. JOHNSTON], our esteemed chairman of the Subcommittee on Africa of the Committee on Foreign Affairs, for his hard work in bringing this bill to the floor. His commitment to his chairmanship on the Subcommittee on Africa has been appreciated, not only by members of the Congressional Black Caucus, but all Members of the House.

Several amendments were made in this bill to insure bipartisan support, as we have heard from the gentleman from New York [Mr. GILMAN], as well as an amendment by my colleague, the gentleman from Illinois [Mr. RUSH], from the Committee on Banking, Finance and Urban Affairs, to expand technical assistance to South Africa to further insure a growing economy.

Mr. Speaker, I urge all my colleagues on both sides of the aisle to support the courageous leadership of ANC President Nelson Mandela, and President de

Klerk, and vote yes on H.R. 3225 for a future nonracial society in South Africa.

Mr. GILMAN. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from Indiana [Mr. BURTON], the ranking member of the Subcommittee on Africa of the Committee on Foreign Affairs.

Mr. BURTON of Indiana. Mr. Speaker, I thank my colleague and friend, the gentleman from New York [Mr. GILMAN] for yielding this time to me.

Mr. Speaker, I am pleased to offer my full support for this very worthy legislation. The historic agreement announced in Johannesburg this week represents, we all hope, another step forward to democracy.

While the agreement holds great promise and contains many positive elements, there are some important constituencies that have been cut out of the process. Inkatha, a party that has the support of many of South Africa's Zulus, and other political groups have raised legitimate concerns regarding federalism, civil liberties, and other constitutional issues.

I fear that if these concerns are not taken into account, South Africa could descend into a bloody civil war, a development that would be a great tragedy for the southern part of the Continent.

Mr. Speaker, if the people of South Africa are to have any chance at all at a decent political and economic recovery, the remaining sanctions must be lifted.

Most of the international community has already moved to eliminate the restrictions on investment and commerce in South Africa. The zero-growth South African economy must be allowed to develop, for the sake of the citizens of South Africa, as well as those of the other nations on the Continent. It has long been recognized that South Africa has the potential to serve as a powerful engine of economic progress for the whole region.

The needs are many: In housing, in education, in health care, in job training. Black South Africans have suffered greatly because of apartheid, but also because of sanctions that created so much misery and deprivation. This is the very reason that I, and many others, including Helen Suzman, perhaps the greatest hero of the antiapartheid struggle, opposed the imposition of those sanctions.

Even the elimination of sanctions however, will not by itself insure a prosperous, stable, democratic future for the people of South Africa. Such a future will only come about if the democratically elected government in that country is truly committed to civil liberties, respect for private property and a free market, and human rights.

In all candor, Mr. Speaker, the track record of the African National Con-

gress on this score is not a good one at all. If the ANC indeed wins the election next April, as is expected, we here in the United States Congress must make it clear to them that without a solid commitment to these principles, and without consistent adherence to them, they cannot count on our support or our assistance.

Mr. Speaker, when this legislation was marked up in the Foreign Affairs Committee, I offered an amendment to prohibit any United States assistance from going to the South African Communist Party. My amendment failed by one vote, on a party-line vote pretty much, and I have reason to believe that it would have passed overwhelmingly on the floor.

Some of my Democratic colleagues and members of the administration implored me to withdraw my amendment, contending that such controversy would be harmful to the negotiations process in South Africa. I agreed to withdraw my amendment in the interest of going forward with this crucial lifting of sanctions, which I do not want to hinder. In return for my agreement, I was assured by the State Department that there is no intention to give direct assistance to the South African Communist Party, and I received a letter from Secretary Christopher spelling out the conditions that would have to be met by the South African Communist Party, and other extremist groups before they would be eligible to benefit from United States assistance to the democratic transition in South Africa. I would like to read a portion of that letter and then enter it in total into the RECORD.

Secretary Christopher said:

Our political and economic objectives, however, require us to impose two important conditions. First, assistance will only be available to organizations that are participating actively and positively in the process of transition to a nonracial democracy. Second, with respect to any group that has engaged in armed struggle or other acts of violence, we will only provide assistance if the group is committed to a suspension of violence. Unless these conditions are met, we will not make direct transfers of funds to such groups as the Pan Africanist Congress and the South African Communist Party.

I appreciate the Secretary sending that letter to me.

I also would hope that my colleagues would agree that any United States assistance to the South African Communist Party, an organization that espouses an evil, failed, and discredited philosophy that has caused untold suffering all over the world, would be completely repugnant to the vast majority of the American people.

And before I close, I would just like to correct a number of my colleagues who, at the full committee debate over this issue, made an extremely fallacious argument. They claimed that opposing assistance to the South African Communist Party was just like with-

holding support for Boris Yeltsin, because at one time in the past, he was a member of the Communist Party.

I think that is wrong. There is absolutely no parallel there. Boris Yeltsin renounced communism. His entire political existence is based on undoing the damage caused by 70 years of Communist oppression. On the other hand, Joe Slovo, Chris Hani, when he was alive, and other members of the South African Communist Party, still adhere to communism. They still believe it is valid, despite the tens of millions of people that were tortured and killed in its name, and despite the fact that its nonsensical economic ideas failed everywhere they were applied. That is the reason, Mr. Speaker, that I am so vehemently opposed to any U.S. taxpayers dollars going to that organization.

With that, Mr. Speaker, I wholeheartedly endorse this legislation. I commend my colleagues, the gentleman from Florida [Mr. JOHNSTON] and the gentleman from Indiana [Mr. HAMILTON] for their excellent work in bringing it to the floor, and I urge its unanimous adoption.

Mr. Speaker, I include the following material on this subject:

THE SECRETARY OF STATE,  
Washington, DC, November 3, 1993.

HON. DAN BURTON,  
House of Representatives,  
Washington, DC.

DEAR MR. BURTON: As South Africa moves towards the first nonracial elections in its history, the United States has a unique opportunity to promote the values of democracy and free enterprise for which we stand. H.R. 3225, a bill to support South Africa's transition to nonracial democracy, makes an important contribution to the formulation of U.S. policies during the transition period. The Administration is pleased with the spirit of cooperation in which the legislation has been approached in the House and the Senate by both majority and minority members. I appreciate your own efforts in this regard.

H.R. 3225 contains a road map for U.S. assistance to South Africa during the transition period leading to nonracial elections. One important provision authorizes assistance to "support activities to prepare South Africa for elections, including voter and civic education programs, political party building, and technical electoral assistance." In general, these programs aim to include as many as possible of those who have been denied participation in the political process under apartheid. Our political and economic objectives, however, require us to impose two important conditions. First, assistance will only be available to organizations that are participating actively and positively in the process of transition to a nonracial democracy. Second, with respect to any group that has engaged in armed struggle or other acts of violence, we will only provide assistance if the group is committed to a suspension of violence. Unless these conditions are met, we will not make direct transfers of funds to such groups as the Pan Africanist Congress and the South African Communist Party.

Sincerely,

WARREN CHRISTOPHER.

STATEMENT OF HON. DAN BURTON, NOVEMBER 18, 1993

Mr. Speaker, the agreement on the Constitution announced in Johannesburg by F.W. De Klerk and Nelson Mandela is a welcome historical development that we all hope represents a breakthrough on the road to democracy. The negotiators from the Government and the A.N.C. worked long and hard on this agreement and ought to be commended.

The agreement does indeed contain many positive elements, such as a Bill of Rights and other constitutional guarantees. Nevertheless, legitimate concerns have been expressed by the freedom alliance, a coalition of groups with important constituencies that was not a party to the constitutional agreement.

These important reservations, involving civil liberties, federalism, and judicial integrity should be taken into serious consideration by the negotiators, and by the new Government in South Africa, in order to insure freedom and justice for all people in South Africa, as well as long-term stability.

Unless these concerns are seriously addressed, I fear that the entire democratization process could unravel, and South Africa could be plunged into civil war.

I would like to commend to the attention of my colleagues a statement by the freedom alliance outlining their reservations as well as several articles relevant to the democracy-building process in South Africa.

**FREEDOM ALLIANCE ANNOUNCES "BOTTOM-LINE" NEGOTIATING POSITION—REASONABLE DEMANDS FOCUS OF BILATERAL, MULTILATERAL TALKS**

MMABATHO, BOPHUTHATSWANA, November 15, 1993.—At the conclusion of a two-day leadership summit in Bophuthatswana, the multipartisan and multiracial Freedom Alliance announced its "bottom-line" negotiating position in the constitutional talks scheduled to conclude this week in Johannesburg. The Freedom Alliance is made up of the Governments of Bophuthatswana, Ciskei, and Kwazulu; the Conservative Party and the Inkatha Freedom Party; and the Africaner Volksfront.

Freedom Alliance (FA) Chairman Rowan Cronje said in a prepared statement issued in advance of a Tuesday (November 16) meeting with South African government negotiators: "The Freedom Alliance has left no stone unturned in its quest to find a negotiated solution that will meet the legitimate aspirations of all the people of southern Africa."

Cronje stated four issues that the Freedom Alliance considers non-negotiable in the creation of a South African constitution that protects minority rights and individual liberty:

(1) "Our insistence is that the exclusive powers granted to regions should be clearly spelled out, enshrined, and protected in the draft constitution and be 'tamper proof.'"

(2) "The right of regions, entrenched in the constitution, to levy their own taxes and to raise additional funds autonomously," so that regional governments are not subject to abuse by a central government that controls the regional pursestrings.

(3) "It is imperative that states must have the power to adopt and amend their own constitutions, as long as this is consistent with the Bill of Rights and the main provisions of the national constitution."

(4) "The FA is of the view that if the Constitutional Court was seen by us to be satisfactorily impartial and free from political taint, we would feel more confident about

making possible compromises, knowing that we would have recourse to an impartial court to protect us."

Cronje noted in his statement that the Freedom Alliance's strongly held position that the new South African constitution must guarantee a federal system of government is shared by other leading figures, including "some members of the South African Cabinet, the Nationally Party caucus, provincial administrations, as well as many top constitutional experts." He added that South Africa's largest newspaper, the Sunday Times, stated in a front-page story on November 14 that the South African government had capitulated to the African National Congress on key checks and balances in the new constitution and that the current constitutional proposals under consideration by the government and the ANC were "far from Federalism."

Cronje concluded by saying that "care must be taken that the negotiation process does not become a game in itself. The findings of theoretical and academic compromises," he said, "is not difficult at all. We wish to emphasize in the strongest terms, however, that the constitutional dispensation and other related issues will affect the quality of life, freedoms, and the rights of every man, woman, and child in southern Africa."

[From the (Alexandria) Metro Herald, July 23, 1993]

**FEDERALISM AND SOUTH AFRICA: IS UNITED STATES POLICY CONFUSED?**

(By Richard Sincere)

U.S. involvement in the negotiations for South Africa's constitutional future has been appropriately circumscribed. The U.S. government has kept at arms length from the negotiators, trying to deal with all the parties evenhandedly and without prejudice (although more weight has been given to the South African government and the African National Congress (ANC) than to other groups involved in the process). This does not mean, however, that U.S. diplomats have been silent. U.S. officials have felt free to comment about blockages in the process. Still, the U.S. government has made its views known on only one issue of substance: its support for federalism.

The question of whether South Africa will be a federal or unitary state has been of vital importance. In a country populated by many ethnic and cultural groups, the issue of local autonomy has long loomed large. Several major players on the South African scene have insisted that federalism be part of the negotiations or else. Several of these organizations have formed the Concerned South Africans Group (COSAG), which includes the Inkatha Freedom Party, led by Chief Mangosuthu Buthelezi; the Conservative Party; and the government of Bophuthatswana, a homeland granted independence from South Africa in 1977, which recognizes that reincorporation of Bophuthatswana into a larger South African state is inevitable—but wants that to occur on terms favorable to the Tswana people and their neighbors.

As anyone can see, the desire for local autonomy under a federal scheme has illustrated the cliché that "politics makes strange bedfellows." For COSAG consists of both white and black members who until a few years ago would have been at each others' throats.

The ANC, which expects to win next April's countrywide elections, has long advocated a unitary state, where power emanates from a

central government to which local authorities must answer. In its view, under South Africa's "new dispensation," it is the ANC's turn to take a share of the patronage pie that has been controlled by Afrikaner-dominated governments for the past 45 years. This the ANC has been reluctant to include federalism in the current discussions—its leaders know that a decentralized, federal government will reduce the power and influence of the party that controls the central government.

To satisfy vocal critics of federalism within its own ranks, the ANC leadership has used the term "regionalism" as an alternative. Conceptually, federalism and regionalism are different in substance and effect. "Regionalism" is top-down government; "federalism" is bottom-up. Under a "regional" system, a country is divided up into "regions" for administrative reasons. Regional officials are appointed by, and answerable to, the central government. Some local governments may be elected but ultimately are responsible to the decisions of the central authority.

In a federal system, by contrast, states or provinces enjoy considerable autonomy and are substantially independent from the central government. Local and regional officials are selected by local voters from among themselves, not appointed by the country's president. Decisionmaking is in the hands of local governments and not dependent on the wishes of the central government. This is the system we have in the United States. It is also the system used, in an even looser form, by Switzerland (where the central government is quite weak in comparison to the cantons). States or provinces grant limited authority to the central government (say, in foreign affairs) rather than the other way around.

President Lucas Mangope of Bophuthatswana said in a recent speech: "We believe that in federalism we have the recipe for the only viable solution leading to a lasting and meaningful settlement of the problems of this region. A unitary state is the dream of the foolish, naive, and opportunistic."

To my dismay, a senior U.S. State Department official told me recently that the U.S. government is satisfied that all the parties there have accepted the idea of federalism, even if they use the term "regionalism," and that there is no conceptual difference between them. It worries me that U.S. government officials may think they are promoting a constitutional system while not understanding the system at all. To the extent that the U.S. government accepts "regionalism" and "federalism" as synonyms, it ill-serves both South Africans and Americans, because confusion in these concepts erodes the local autonomy and individual liberty federalism is designed to protect.

Unless federalism is seriously and substantively considered as the foundation of South Africa's new constitution, no other system can be made to work. And if U.S. diplomats cannot understand either the difference between regionalism and federalism or the deep-rooted concerns of federalism's advocates, its role in South Africa will be marginal. That will be no good for the future of U.S.-South African relations in a post-apartheid era.

[From Business Day, Sept. 17, 1993]

**NP FAILS TO DELIVER ON PROMISES OF FEDERALISM**

(By John Kane-Berman)

This column predicted in January that "negotiations in 1993 could well see a steady

wilting away of the NP's short-lived flirtation with federalism". Three drafts of the transitional constitution later, federalism is far from being in place.

One reason for the NP's ineffectiveness in fighting for federalism is its own confusion. Last weekend Constitutional Development Minister Roelf Meyer was quoted as saying government wanted even greater regional powers to be entrenched, but Dawie de Villiers said there were very few powers that could be given exclusively to regions.

Meyer's statement that even greater powers must be given to regions implies that some great powers have been given to regions already. This is not so, because of the wide-ranging powers of override which the third draft of the interim constitution gives to central government even over issues misleadingly described in the document as "exclusive" to regions. The NP is now tabling fresh proposals about regions, but failure to deliver on its federal commitments has been a leitmotif of its performance so far.

One of the President's bottom lines in the white referendum in March last year was that regional and local government must have "maximum" powers. In October 1992 he said that agreement had to be reached on the "institution of strong regional governments with constitutionally entrenched authority, coupled with adequate sources of revenue and vested with wide and meaningful powers and functions".

In May this year we were told that excellent progress had been made in multiparty negotiations on the establishment of regional government and that "a regional dispensation which has the hallmarks of federalism is in sight".

Also in May, it was reported that the ANC had conceded that the central government would have overriding powers only in areas such as security and education policy. A month ago it was reported that the second draft of the constitution had spelt out the areas over which regional legislatures would have exclusive powers.

At the end of August, the President reiterated that federalism meant "a high degree of autonomy, reasonable sources of taxation, meaningful functions on a wide range of matters, exclusive powers in respect of certain functions" and the "security" that these things could not be taken away.

It is now 18 months since De Klerk's referendum statement about maximum powers for regions. Yet not only are there no exclusive regional powers in the transitional constitution, but no region may levy taxes without approval of the central government. It is difficult to see how such regions can be said to have "a high degree of autonomy".

As for the statement that powers given to regions may not be removed, certain safeguards are provided by the constitutional principles that will bind the elected constitutional assembly, but there is nothing to guarantee extensive or exclusive regional powers in the first place.

A fortnight ago Meyer told the NP's Free State congress that the negotiators were very close to an agreement over federalism that would fully satisfy the NP. He also told the congress that "we can even be naughty and say that on certain issues we achieved more than we set out to". Unnamed people described in a news report as "NP negotiators" were at the same time said to have complained that they could not disclose their "considerable successes" at the talks because they did not want to alert their opponents to their underlying "game plan".

These are puzzling statements. It is by no means clear any more who the NP's "opponents" are. If the NP has the Inkatha Freedom Party in mind, it is hard to believe that Inkatha is not alert to the game plan. Indeed, it would seem to be precisely because it objects to the game plan that it is boycotting the negotiations.

If the NP's "opponents" are the ANC, it is hard to believe anyone seriously thinks they can fool the ANC's negotiating team. After all, the ANC's chief negotiator Cyril Ramaphosa brings to the World Trade Centre years of negotiating experience as a mining trade unionist, whereas the NP brings four decades of experience in banning, detaining and house-arresting opponents, not negotiating with them.

In June, Olaus van Zyl said regarding losses of support by the NP that once the negotiations were over the party would be able to show its supporters "in chapter and verse" what victories had been achieved at the negotiating table. Must these "victories" be hidden in the meantime for fear of alerting anyone to the game plan? What reaction does the NP expect from the ANC and its supporters when they wake up?

Vague talk of success seems somehow to be obfuscating the NP's failure—so far at any rate—to secure the entrenchment of federalism promised in the referendum and repeatedly thereafter. No wonder, as the report said, "the result has been confusion among the NP faithful".

One of the most significant aspects of the entire process is the success with which negotiators at the World Trade Centre, and sections of the Press, have succeeded in creating the impression that federalism has been entrenched. Words such as "breakthrough" abound in newspaper headlines. But invariably, when agreements are studied, the supposed breakthroughs are accompanied by sheer fudge or enough small print to make them meaningless.

□ 1150

Mr. GILMAN. Mr. Speaker, we have no further requests for time on this side, and I reserve the balance of my time.

Mr. JOHNSTON of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing I would like to thank the chairmen and ranking Republican members of the other committees to which this legislation was referred: The gentleman from Texas [Mr. GONZALEZ] and the gentleman from Iowa [Mr. LEACH] of the Committee on Banking, Finance and Urban Affairs, the gentleman from Illinois [Mr. ROSTENKOWSKI] and the gentleman from Texas [Mr. ARCHER] of the Committee on Ways and Means, and the gentleman from Michigan [Mr. DINGELL] and the gentleman from Pennsylvania [Mr. SHUSTER] from the Committee on Public Works and Transportation.

Mr. MFUME. Mr. Speaker, I rise today in strong support of H.R. 3225, which lifts the sanctions that currently exist against South Africa.

As my colleagues are no doubt aware, I have been a fierce and tireless supporter of the economic sanctions against South Africa. Local grants—college campuses. The sanc-

tions were one way of protesting the racist policies of apartheid. At that time I felt, as I still do, that we as a nation cannot and should not condone racism in any form. At that time racism was the proper policy to pursue.

Things in South Africa have changed, however, for the better. Although black people in South Africa are still repressed by a number of legal, economic, and social elements there is hope.

Just yesterday the South African Multi Party talks were completed and, as a result, the nation is poised to receive a new constitution that will allow multiracial democracy to become the law of the land. Although the constitution has not yet been ratified by the Parliament and although the national elections are 5 months away, South Africa's current course is unmistakable.

As Nelson Mandela said at the completion of the negotiations on the constitution,

We have reached the end of an era. We are at the beginning of a new era. Whereas apartheid deprived millions of people of their citizenship, we are restoring that citizenship. Whereas apartheid sought to fragment our country, we are reuniting our country.

Mr. Speaker, colleagues, the people of South Africa are to be congratulated on the progress they have made to date and they should be supported in their efforts.

As recently as last year sanctions were the correct policy for the United States. However, in light of the new era which the people of South Africa are embracing it is time to revisit and revise that policy. Just as we helped the indigenous people of South Africa obtain their fundamental rights as human beings we must now help all South Africans move forward toward economic and political stability.

It is time that we lift the sanctions. It is time that we let the people of South Africa know that we support their efforts to end the racism and the bloodshed.

As I said earlier, I realize that there are still a number of serious problems facing black South Africans. I am convinced, however, after discussing the matter with Nelson Mandela and others, that we will be in a better position to help the people of South Africa if the sanctions are eliminated.

Now that many of the political barriers to racial equality have been removed, I look forward to working with the people of South Africa as well as with my colleagues here in Congress and the administration to do what we can to see that black South Africans make gains in other areas as well.

Mr. Speaker, I support the bill and urge my colleagues to do so as well. American economic sanctions against South Africa played a vital role in bringing an end to apartheid, and I am proud to know that America contributed to bringing an end to this hateful policy. It is time, however, to change our policy to meet the new challenges that face South Africa. It is time to remove the sanctions.

Mr. HASTINGS. Mr. Speaker, I rise to express my strong support for H.R. 3225, legislation to support nonracial democracy in South Africa.

Apartheid and sanctions are the two major impediments toward a true democracy in South Africa. The South African Government has clearly made substantial progress toward

abolishing apartheid. Now it is our turn to lift sanctions.

We must be a full partner in building democracy in South Africa. Not only is it important for the Clinton administration to work with Congress and antiapartheid groups to develop support measures, but it is imperative that the private sector invest in their future.

It is time for us all to join the inexorable march toward freedom and democracy in South Africa. Thus, I urge my colleagues to support H.R. 3225 and forge a peaceful transition from apartheid to a nonracial democracy in South Africa.

Mr. ROSTENKOWSKI. Mr. Speaker, H.R. 3225, as introduced by Congressman HARRY JOHNSTON, and as laid before the House for consideration today, contains a number of provisions that fall within the jurisdiction of the Committee on Ways and Means. In general, these provisions would repeal or amend, as of the date of enactment of H.R. 3225, many of the current statutory provisions that grant the authority for imposing sanctions against South Africa. Specifically, this bill would amend or repeal provisions in the Comprehensive Anti-Apartheid Act of 1986, the Trade Act of 1974, and the Internal Revenue Code.

Many of the provisions in U.S. law that H.R. 3225 would repeal or amend have already been terminated under Executive authority; so, for the most part, this bill, if enacted, would merely be clearing out deadwood from the United States Code.

That noted, I would add that H.R. 3225 does contain a number of revenue provisions. The members of the Committee on Ways and Means are reluctant to send this or any revenue measure to the Senate at this late point in the session. However, recognizing that the administration and the primary sponsors of this bill want to see it moved in its present form, that is, including the revenue provisions, before my committee took up H.R. 3225 for formal consideration, I spoke with Senator MITCHELL about the manner in which this bill would be processed in the other body. Senator MITCHELL gave me his commitment that he would not bring up H.R. 3225 for a vote on the Senate floor unless and until he had a unanimous-consent agreement stating that the members of the Senate would not amend this bill by attaching revenue provisions to it.

Based on this commitment, I support the passage of H.R. 3225 in the form under consideration in the House today.

Mr. MINETA. Mr. Speaker, I rise in support of H.R. 3225, the South African Democratic Transition Support Act of 1993, as amended.

Generally, the purpose of this bill is to set forth a framework to guide the efforts of the United States in helping to bring an end to apartheid in South Africa and establish a non-racial, democratic form of government. The bill sets out United States policy toward the Government of South Africa, the victims of apartheid, and the other States in southern Africa. It also provides the President with additional authority to work with other industrial democracies to help end apartheid and establish democracy in South Africa.

The bill was jointly referred to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs, Ways and Means, and Public Works and Transportation. On October 26, the

Public Works and Transportation Committee favorably reported the bill with an amendment.

H.R. 3225 contains three provisions that fall within the jurisdiction of the Public Works and Transportation Committee. Section 4(b)(7) repeals a law that prohibits landing rights for South African aircraft. Additionally, section 4(a), which repeals the Comprehensive Anti-Apartheid Act of 1986, also repeals some general prohibitions relating to landing rights for South African aircraft in the United States and reciprocal rights for United States aircraft in South Africa. In fact, we are simply repealing these laws because they no longer have any effect. On July 10, 1991, President Bush overturned several laws in Executive Order 12769, which repealed various sanctions against South Africa once certain criteria were met including reinstating landing rights, and South African airlines have been landing in the United States since 1991.

Section 4(c)(2)(A) repeals a law which permits States, and localities to enforce State or local antiapartheid policies prohibiting the procurement of products manufactured or fabricated in South Africa without affecting Federal transportation moneys.

Section 4(c)(2)(B) also repeals a law which protects New York City from possible Federal penalties to which it might otherwise be subject to due to contracting restrictions imposed by various city antiapartheid ordinances and policies.

My amendment that was adopted at full committee seeks to delay the timing of the repeal of sections 4(c)(2) (A) and (B) until the end of fiscal year 1995. This will allow the 179 non-Federal entities that maintain some type of restrictions on banking, investment, and procurement practices related to South Africa, time to repeal their own laws without the risk of losing any Federal transportation funds, and in the case of New York City, risk losing any Federal penalty or loss of any Federal funds. Since some non-Federal legislatures do not meet with frequency, they may have difficulty repealing their laws immediately.

It was the intent of the drafters of this bill to establish a new policy toward South Africa that supports the transition to a nonracial democracy in that country. It is in that context that it is no longer appropriate to provide special protection with respect to possible violations of Federal contracting procedures to States and localities with policies that discourage investment in South Africa.

Accordingly, the bill as amended by our Committee allows for the repeal of relevant Federal laws and implicitly encourages non-Federal entities to repeal their own relevant laws as soon as possible and, in doing so, gives them enough time to act so they are not exposed to the possibility of losing Federal funds.

Again, H.R. 3225 was formulated in response to the progress that has recently occurred in South Africa, particularly the fact that black South Africans for the first time will have a direct voice in governing their own country.

Mr. Speaker, with the action taken by the House today on this legislation, I am hopeful that these events will help put South Africa on a secure path toward nonracial democracy.

I urge adoption of H.R. 3225, as amended.

Mr. JOHNSTON of Florida. Mr. Speaker, I have no further requests for

time, and I yield back the balance of my time.

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

Mr. JOHNSTON of Florida. Mr. Speaker, I move the previous question on the amendment and on the bill.

The previous question was ordered. The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the amendment in the nature of a substitute offered by the gentleman from Florida [Mr. JOHNSTON].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AGREEMENT BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION AMENDING AND EXTENDING THE AGREEMENT ON MUTUAL FISHERIES RELATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

##### *To the Congress of the United States:*

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement Between the Government of the United States of America and the Government of the Russian Federation Amending and Extending the Agreement on Mutual Fisheries Relations of May 31, 1988. The agreement, which was effected by an exchange of notes at Washington on March 11 and September 15, 1993, extends the 1988 agreement through December 31, 1998. This agreement also amends the 1988 agreement by simplifying the provisions relating to the issuance of licenses by each Party to vessels of the other Party that wish to conduct operations in its 200-mile zone and by adding the requirement that the Parties exchange data relating to such fishing operations. The exchange of notes together with the present agreement constitute a governing international fishery agreement within the meaning of section 201(c) of the Act.

The agreement provides opportunities for nationals and vessels from each country to continue to conduct fisheries activities on a reciprocal basis in the other country's waters. The agreement also continues a framework for cooperation between the two countries on other fisheries issues of mutual concern. Since the 1988 agreement expired

October 28, 1993, and U.S. fishermen are conducting operations in Russian waters, I strongly recommend that the Congress consider issuance of a joint resolution to bring this agreement into force at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, November 19, 1993.

#### ALLOWING GRANTS FOR DEVELOPING ALTERNATIVE METHODS OF PUNISHMENT FOR YOUNG OFFENDERS

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 314 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 314

*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. 3351) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution 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, modified by the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution. The committee amendment in the nature of a substitute, as modified, shall be considered as read. No amendment to the committee amendment in the nature of a substitute, as modified, shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment numbered 5 in part 2 of the report are waived. 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 amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto for final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida [Mr. GOSS], 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 314 provides for the consideration of H.R. 3351, the Alternative Punishments for Youthful Offenders Act.

The rule provides for 1 hour of general debate which is to be equally divided and controlled by the chairman and ranking minority member of the Judiciary Committee.

The rule makes in order the Judiciary Committee amendment in the nature of a substitute now printed in the bill, as modified by the amendment printed in part 1 of the report to accompany the rule, as an original bill for the purposes of amendment. The substitute, as modified, shall be considered as read.

House Resolution 314 makes in order only those amendments printed in part 2 of the report to accompany the rule, to be considered in the order and manner specified, with debate time also specified in the report. The amendments shall be considered as read, are not subject to amendment, and are not subject to a demand for a division of the question.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 3351 is a forward thinking response to the rehabilitation of young Americans who find themselves in trouble with the law. This legislation encourages State and local governments to examine alternatives to traditional incarceration and probation for youthful offenders. Among the numerous alternatives are: boot camps, work programs, educational and vocational training programs, and restitution.

I encourage my colleagues to read the committee report which accompanies H.R. 3351. I would like to highlight one of the committee's examples of how alternative punishment programs can and do work.

During the 102d Congress when the House first passed similar legislation, Derrick Thomas, a member of the Kansas City Chiefs football team, testified about how he benefited from an alternative punishment program in his youth.

Mr. Thomas testified that at the age of 14 he had been arrested on a burglary charge. A local judge ordered him to undergo training at a Florida marine institute where the instruction of seamanship and boating skills were used to build character. Derrick Thomas testified that he credited this program for redirecting his life.

I urge my colleagues to adopt this rule so that we can debate this important legislation.

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

Mr. Speaker, on November 3 this House bucked a leadership attempt to force quick passage of H.R. 3351 under the ultimate closed rule—the suspension of the rules process, which allows for no amendments and only limited debate. Given that signal—sent by nearly 200 Members of this House—I hoped the Rules Committee would allow this bill to come forward under an open rule. But today we have a restrictive rule that constrains Members' full participation. The honorable chairman of the Rules Committee, Mr. MOAKLEY, expressed his interest in making only those amendments in order that comply with the standing rules of this House. While that is a noble goal, it is unfortunately only upheld on certain bills, at certain times and for certain reasons. It is a seemingly arbitrary hit or miss formula. On its face, this bill sounds promising—it addresses alternate punishments for young offenders. We are all extremely troubled by the mounting incidence of violent crime involving our Nation's youth—and the tragic waste involved for victims, the criminals, and their families. Society loses several times over when a young person chooses crime. We need desperately to develop effective and creative means to combat juvenile crime. In my own area of southwest Florida, the boot camp concept is taking hold and the community is pulling together in an effort to help turn people around before it is too late. I strongly support these efforts. But, Mr. Speaker, in our zeal to pass look-good, feel-good anticrime legislation, we must be careful not to lose our perspective. In many instances young people are committing crimes—many repeatedly—because they believe the risk of serious punishment is relatively small. In the minds of many offenders old enough to know better, crime still does pay. That is why so many Members have voiced serious qualms about this bill—which opens the door for reduced sentences and more lenient penalties for criminals 22 years old and younger.

Mr. Speaker, in this country you are entrusted with the rights to vote and defend your country when you reach the age of 18. You are given the responsibility for driving a car in some States as early as the age of 15. To send the signal that people under the age of 22 will not be treated as adults when they commit a crime—especially a violent crime—is to further erode our effort to install individual accountability for one's actions. I am pleased that this House will have a chance to amend this measure to address this serious shortcoming.

Mr. Speaker, there is another very serious concern with this bill. As

Americans are demanding tough action to fight crime; as they are voting in record numbers in support of tough new anticrime measures; and as the other body is tackling this challenge head on—we in this House continue to hide behind paper tigers, small-time bills that will do little to address our big-time problems with crime.

We had an opportunity in the Rules Committee to make in order two extremely important—and relevant—amendments. But the Rules Committee has once again ignored the MCCOLLUM proposals, a comprehensive approach to fight crime through expanded use of the death penalty and other mandatory sentences, habeas corpus reform and changes in the exclusionary rule.

Perhaps more troubling is the decision by the majority to prohibit consideration of the Livingston "LIFER—3 strikes and you're out" legislation to lock up three-time repeat offenders and throw away the key. This measure has already passed the other body by an overwhelming majority and the voters of Washington State have made it their law.

Finally, we will not have a chance today to clarify our stance toward the reprehensible crime of child pornography—something the other body has already done by a unanimous vote. What is it going to take before this House will stand up to its responsibilities?

□ 1200

Mr. Speaker, I urge a no vote on this rule, and I strenuously urge it. I would like to defeat this rule so that before we go home, we can go back to the drawing board and do a real crime bill, a crime bill that deals with the three strikes and you are out, the LIFER bill. One that deals with the death penalty and habeas corpus change. One that deals with the evidentiary rules change, the Regional Crime Prison Task Force ideas, the Crime Victims Fund, and the use of closed military bases, possibly. One that deals with public housing evictions related with youthful crime, and one that deals with pornography control.

Mr. Speaker, these are ideas whose time has come, but we are not going to

take them up today, because the majority on the Committee on Rules said no. No, they are not germane. But they sure are relevant to life in America.

Mr. Speaker, I am going to urge the defeat of this rule so we can do our job properly.

Mr. Speaker, I include for the RECORD the following documents:

**ROLLCALL VOTES IN THE RULES COMMITTEE ON AMENDMENTS TO THE PROPOSED RULE ON H.R. 3351 ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS**

1. Open rule—This amendment to the proposed rule provides for one-hour, open rule and makes the Judiciary Committee amendment in the nature of a substitute in order as an original bill for the purpose of amendment under the five-minute rule.

Vote (Defeated 2-6): Yeas—Quillen, Goss; Nays—Moakley, Beilenson, Frost, Hall, Gordon, Slaughter. Not voting: Derrick, Bonior, Wheat, Solomon, Dreier.

2. (en bloc)

McCollum (FL) #5—Requires the Attorney General to establish a Regional Prison Task Force to plan a nationwide regional prison system. Establishes a federal Regional Prison Fund consisting of appropriated funds—authorizes the fund through FY 2004 with \$1 billion for each of FY 1994—FY 1996 criminal fines in the Crime Victims Fund above \$150 million, and funds in the Justice Asset Forfeiture Fund after certain distributions. Sets eligibility requirements on States (including minimum mandatory sentences and pretrial detention).

McCollum (FL) #6—Adds the text of the Republican crime bill (H.R. 2782).

Regula (OH) #7—Grants authority to the Secretary of Defense to transfer part or all of military bases slated for closing and surplus military equipment to the States and localities for use as military-style boot camp prison facilities; Also authorizes the Secretary of Defense to detail members of the military to these camps to serve as instructors and advisers on a temporary and voluntary basis.

Livingston (LA) #12—Requires life imprisonment upon conviction of a third violent felony if the previous violent felonies were committed during at least two separate criminal episodes.

Machtley (RI) #14—Codifies the priority of the Rhode Island Claims Settlement Act over the Indian Gaming Regulatory Act. The Settlement Act establishes state and local jurisdiction over tribal lands of Rhode Island's Narragansett Indian Tribe. The Narragansett Indians are attempting to establish a high-stakes casino despite local opposition.

Machtley (RI) #16—Provides for expedited eviction procedures of federal public housing

and section 8 assisted housing tenants engaged in firearm-related criminal activities. Prohibits for 3 years the granting of any public housing preference to former tenants evicted for firearm-related criminal activities.

Vote (Defeated 2-6): Yeas—Quillen, Goss; Nays—Moakley, Beilenson, Frost, Hall, Gordon, Slaughter. Not voting: Derrick, Bonior, Wheat, Solomon, Dreier.

3. Smith (NJ) #21—Expresses the Sense of the Congress that child pornography is a crime deserving full prosecution under the federal child pornography statute (U.S.C. sec. 2256) and the Justice Department misinterprets this statute in *Knorr v. U.S.*, 977 F. 2d 815, at 820-823, (3rd Cir., 1992).

Vote (Defeated 3-5): Yeas—Quillen, Goss, Hall; Nays—Moakley, Beilenson, Frost, Gordon, Slaughter. Not voting: Derrick, Bonior, Wheat, Solomon, Dreier.

4. Adoption of rule—

Vote (Adopted 6-2): Yeas—Moakley, Beilenson, Frost, Hall, Gordon, Slaughter. Nays—Quillen, Goss. Not voting: Derrick, Bonior, Wheat, Solomon, Dreier.

**OPEN VERSUS RESTRICTIVE RULES 95TH-103D CONG.**

Congress (years)	Total rules granted <sup>1</sup>	Open rules		Restrictive rules	
		Number	Per-cent <sup>2</sup>	Number	Per-cent <sup>3</sup>
95th (1977-78)	211	179	85	32	15
96th (1979-80)	214	161	75	53	25
97th (1981-82)	120	90	75	30	25
98th (1983-84)	155	105	68	50	32
99th (1985-86)	115	65	57	50	43
100th (1987-88)	123	66	54	57	46
101st (1989-90)	104	47	45	57	55
102d (1991-92)	109	37	34	72	66
103d (1993-94)	50	12	24	38	76

<sup>1</sup>Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

<sup>2</sup>Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

<sup>3</sup>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 rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th-102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Nov. 17, 1993.

**OPEN VERSUS RESTRICTIVE RULES: 103D CONG.**

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D-5; R-25)	3 (D-0; R-3)	PQ: 245-176. A: 259-164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D-1; R-18)	1 (D-0; R-1)	PQ: 248-171. A: 249-170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D-2; R-5)	0 (D-0; R-0)	PQ: 243-172. A: 237-178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D-1; R-8)	3 (D-0; R-3)	PQ: 248-166. A: 249-163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (6-4; R-9)	8 (D-3; R-5)	PQ: 247-170. A: 248-170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D-8; R-29)	1 (not submitted) (D-1; R-0)	A: 240-185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D-2; R-12)	4 (1-D not submitted) (D-2; R-2)	PQ: 250-172. A: 251-172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D-8; R-12)	9 (D-4; R-5)	PQ: 252-164. A: 247-169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D-1; R-5)	0 (D-0; R-0)	PQ: 244-168. A: 242-170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D-1; R-7)	3 (D-1; R-2)	A: 212-208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308-0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D-1; R-5)	6 (D-1; R-5)	A: Voice Vote (May 20, 1993).
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251-174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D-19; R-32)	8 (D-7; R-1)	PQ: 252-178. A: 236-194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D-6; R-44)	6 (D-3; R-3)	PQ: 240-177. A: 226-185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D-4; R-3)	2 (D-1; R-1)	A: 244-176. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D-20; R-33)	27 (D-12; R-15)	A: 294-129. (June 16, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D-1; R-22)	5 (D-1; R-4)	A: 263-160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401-0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261-164. (July 21, 1993).
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994-95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D-8; R-6)	2 (D-2; R-0)	PQ: 245-178. F: 205-216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D-8; R-7)	2 (D-2; R-0)	A: 224-205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D-109; R-40)		A: 246-172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237-169. A: 234-169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D-3; R-9)	1 (D-1; R-0)	A: 213-191-1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization	91 (D-67; R-24)		A: 241-182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238-188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D-0; R-7)	3 (D-0; R-3)	PQ: 240-185. A: 225-195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D-1; R-2)	2 (D-1; R-1)	A: 239-150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D-1; R-2)	2 (D-1; R-1)	PQ: 235-187. F: 149-254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D-7; R-7; 1-1)	10 (D-7; R-3)	A: Voice Vote. (Oct. 15, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumber Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D-0; R-0)	0	A: 252-170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390-8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act-1993	2 (D-1; R-1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D-6; R-11)	4 (D-1; R-3)	A: 238-182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D-8; R-19)	9 (D-1; R-8)	
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D-9; R-6)	4 (D-1; R-3)	
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: All Methods Young Offenders	21 (D-7; R-14)	6 (D-3; R-3)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

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

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

Mr. Speaker, I want to take just a moment to clear up some of the misunderstandings that my friend, the gentleman from Florida [Mr. GOSS], has brought forward.

As the gentleman knows, as he well pointed out, with all rules that come to the floor and all matters to be debated, as the gentleman very well said, you deal with them differently. Sometimes they are open rules, and sometimes they are closed rules, and that is a matter of good policy to make those determinations.

In this situation the majority of the Committee on Rules did not say what was germane and what was not germane. It was the Parliamentarian. It is very clear. So let me point out that every amendment that is germane, that is relevant to this bill, is made in order. Only those amendments that are not germane were not allowed, and the Committee on Rules did not determine what was germane and what was not germane. That was done by the rules of this House. So all amendments that are germane are made in order.

Mr. Speaker, why do you have germane rules? So that every bill that comes here does not become a Christmas tree. So that someone says, "Well, let's build a bridge in California," or, "Let's talk about bees in Florida." There has to be some order so that every bill here does not become a Christmas tree.

The points and the issues that the gentleman from Florida [Mr. GOSS] pointed out are significant and they need to be brought up. That is why, as the gentleman knows, there is a suspension calendar, where many of these

bills could be brought up immediately and discussed on their own merits, as they deserve to be, rather than being a Christmas tree ornament for a bill in which they are not germane. So let us put that aside. Every amendment that was germane, that is relevant to this bill, as determined by the Parliamentarian, not by the Committee on Rules, was made in order.

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

Mr. GORDON. I yield to my friend from Florida.

Mr. GOSS. Mr. Speaker, I would just state to the gentleman that we have a procedure in the Committee on Rules that is as the gentleman has outlined, but we have found it many times in the best interests of the legislation and the deliberative process of this House to protect certain amendments that are presented to us which are not germane, for a technical reason or some other reason, but, nevertheless, of value to the legislation. I would hate to think how many times the Committee on Rules has actually protected non-germane amendments. To say that is not our way of business, we do that routinely, as the gentleman knows.

Mr. Speaker, I am delighted to hear the gentleman say that we are basically going to follow through the procedures that Members on our side have been arguing for, and that we are just simply not going to do that anymore. I do not think the gentleman is saying that. I think the gentleman very well understands that we are going to continue to provide protection for non-germane amendments, and that is the decision of the majority. That is where my complaint lies.

Mr. GORDON. Mr. Speaker, reclaiming my time, I would say certainly. I am just clarifying the point that my

friend from Florida, Mr. GOSS, tried to make when he said that the majority of the Committee on Rules determined that these were not germane. That is not correct. It was the Parliamentarian, the rules of the House, that determined that these amendments were not germane, that is, not relevant to this particular bill. Whether or not they could have or should have been overruled is a different matter. The question before us is whether or not they were germane. That was determined by the Parliamentarian.

Mr. Speaker, another item of interest that I should clear up was there was some dispersion cast upon how suspensions are some horrible closed rule, that the worst of all closed rules is a suspension.

Let me remind my friend again from Florida, Mr. GOSS, that a suspension is only put on the calendar when both the minority and the majority leadership agree to it, and that it has to get two-thirds of the votes of the House to pass.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. GORDON. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I beg to differ with the gentleman. There have been many suspensions put on the calendar that the minority did not agree to, and we have defeated them on a party line vote.

Mr. GORDON. Mr. Speaker, reclaiming my time, they are agreed to not in substance, but having them put on the calendar. I stand corrected. I know there is always consultation with the minority on those.

Mr. BURTON of Indiana. If the gentleman would yield further, but not always agreement.

Mr. GORDON. Not always agreement. Just like in my family, we do not always agree either. But the point is, it takes two-thirds to pass those bills, and that is the protection that we all have in this House.

So now that we have cleared up that this is not some horrible effort to try to stop debate, I would encourage my friend, the gentleman from Florida [Mr. GOSS], to do as I did in the Committee on Rules, and that we could bring some of these up, such as the pornography bill, for example, that has passed in the Senate, on suspensions.

□ 1210

We are going to have some more suspensions before we close this year. I think that is a very good place for that. I think he is going to get strong support. Now let us get to this bill.

Another mischaracterization was that somehow this bill, this boot camp bill, this bill to try to give States and communities more flexibility in dealing with young offenders, somehow is mandating that States and communities treat someone that is 21 or 22 years old as if they are a minor. That is not the case whatsoever.

This bill simply gives the States the right to do that, if they choose to. It does not require them to do that.

Mr. Speaker, I just wanted to take a moment to clear up some, I think, miscommunication on this bill.

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

Mr. GORDON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I just was up and discussed some matters with regard to this rule with the Parliamentarian. I just want to clarify for the RECORD here what is happening in this rule, and I want the gentleman to confirm it.

If I understand correctly, the Schumer amendment with regard to definitions of young offenders is enacted as soon as we pass the rule; is that correct?

Mr. GORDON. Mr. Speaker, that is correct.

Mr. WALKER. Mr. Speaker, if the gentleman will continue to yield, it makes in order the Solomon amendment later on. It is my understanding that the Solomon amendment, as structured in this rule, would then wipe out the Schumer amendment. Is that true?

Mr. GORDON. Mr. Speaker, that is my understanding, yes.

Mr. WALKER. And then the McCollum amendment that is also in the rule would then wipe out the Solomon amendment.

Mr. GORDON. That is my understanding.

Mr. WALKER. So that we have a rule that essentially takes a side with a self-enacting amendment, and then by giving the gentleman from New York

[Mr. SOLOMON] an opportunity to offer his amendment on drugs, we have to knock out the language with regard to sexual assaults, use of a firearm in the commission of a crime and a crime of violence in order to get drugs included; is that right?

Mr. GORDON. It is my understanding that that is what the gentleman from New York [Mr. SOLOMON] is trying to do, when he goes after the age requirement.

Mr. WALKER. Mr. Speaker, the gentleman from New York [Mr. SOLOMON] is not going after the age requirement. The gentleman from New York [Mr. SOLOMON] is trying to include language that would make drug possession offenses a part of the definition here as well. But in order for him to do that, he has to knock out sexual assaults and the use of a firearm in the commission of a crime or a crime of violence; is that correct?

Mr. GORDON. Mr. Speaker, it appears that is correct.

It also appears that the gentleman from New York [Mr. SOLOMON] should have drawn his amendment more narrowly.

Mr. WALKER. The gentleman from New York [Mr. SOLOMON] was attempting to do something which is real, and the committee, in its bill, is putting the Schumer amendment in and not allowing the Schumer amendment to compete equally on the floor.

And then they go one step further, if I understand it correctly, if the House decides that drug possession is, in fact, real and needs to be adopted, then they put the gentleman from Florida [Mr. MCCOLLUM] in the position of having to wipe out the drug language in order to get his language in to lower the age; is that correct?

Mr. GORDON. Mr. Speaker, we were both here during the time of the debate when this bill was on suspension, and the primary concern at that time was the age. This was an attempt to reduce that age, because many Members on the gentleman's side of the aisle said that the original, I guess it was 28 years old, was too old. And in an attempt to, again, accommodate many of the gentleman's concerns, this was reduced down to age 22.

Mr. WALKER. Mr. Speaker, the gentleman is absolutely right, and I appreciate his continuing to yield. We are concerned about the age.

I am concerned about 22-year-olds being called teenagers, too.

Mr. GORDON. Only if the State or the community, in other words, if Pennsylvania wanted to do that, then this would allow them to do it. The important thing is, this does not require any State or community to do it but, rather gives them that right, additional State and community right.

Mr. WALKER. Mr. Speaker, I understand that, but a little while ago we had a bill out here that called 30-year-

olds teenagers, and now we are calling 22-year-olds teenagers, and now we are calling 22-year-olds teenagers. We are extending teenagers all over the place here.

My real concern, in this particular sequence, is the way the Committee on Rules has structured this. It appears to me that they have taken two steps to assure that the gentleman from New York [Mr. SOLOMON] cannot get drug offenses into the bill. And that does concern me, because it looks to me as though there was an absolute attempt here on the part of the Committee on Rules to structure this rule in a way that drug offenses are not given a fair shot of being included as a part of the definition of young offender.

Mr. GORDON. Mr. Speaker, as my friend from Pennsylvania knows, all amendments that were germane, that is, all amendments that were relevant to this bill were made in order. And as a matter of fact, interestingly, the gentleman from Florida [Mr. MCCOLLUM] can take that age level down to 17.

Mr. WALKER. Mr. Speaker, I understand the gentleman's point, but that is the trouble with structured rules.

The problem here is, not everybody is out here competing equally. And they have structured a rule in a way that does, in fact, totally diminish, if not eliminate, the ability of the gentleman from New York [Mr. SOLOMON] to deal with drug offenses. And so the only point I am making is, I just want Members to understand, when they vote for this rule, they are voting for a rule which, once again, undermines our ability to deal with drug problems in this country.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. GORDON. Mr. Speaker, what Members are also, when they vote for this rule, what they are also voting for is a rule that allowed all amendments that were relevant, that were introduced, to be made in order. So every amendment that was relevant to this bill was made in order. That is what they will be voting for.

What they will be voting against is making amendments that are not relevant, amendments that might say that we are going to go to the Moon in 2 years, that we are going to plant a tree in the backyard of the White House. This is not a Christmas tree bill. This is a bill in which all amendments that are relevant will have a chance to be fairly debated.

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

Mr. GORDON. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I thank the gentleman for yielding to me.

I do not want to take a lot of his time, but let me just say, I do not want to weigh in at this point on the argument about the rule. Members from the Committee on Rules can make those arguments.

But the gentleman from Pennsylvania mischaracterizes, it seems to me, what is done in this bill about youthful offenders. We are not making in this bill adults teenagers. What we are doing is, we are saying to the States, if a youngster who happens to be 19 years old and 2 days is the type of a candidate that should go through this program, because he has no previous record, but he has committed some offenses, then the States have discretion to do that.

Now, the gentleman has been around long enough to know that there are a lot of youthful offenders that should be treated as adult offenders. And nobody is saying otherwise. But there are certain categories of youthful offenders that are prime candidates for this type of a program.

And the problem with the system today is that we have lost the element of certainty in the criminal justice system, certainty that those that commit offenses are going to get caught and, second, certainty that once caught they are going to be punished.

The judges in this country, unfortunately, have one of two options: To either send the youthful offender back home to the same bad environment. And it should not be any surprise if we have him back in the system, perhaps 14 and 15 times, as is presently the case, before we realistically can deal with them. Or the judge can send them to jail, where they come out worse for the experience.

So this is a program that, first of all, would take a serious look at the criminal justice system for youthful offenders and try to make some major structural changes.

Mr. GORDON. Mr. Speaker, reclaiming my time, I, in no way, want to cut off my friend, the gentleman from Pennsylvania. This is my time that we have been working on here for a while.

If I might suggest, I am going to reclaim my time from the gentleman from New Jersey [Mr. HUGHES], allow the gentleman then to gain time from the gentleman from Florida [Mr. GOSS] and continue with, I am sure, a constructive discussion.

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

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York [Mr. FISH], the ranking member of the Committee on the Judiciary.

□ 1220

Mr. FISH. Mr. Speaker, H.R. 3351 is a bill from the Committee on the Judiciary dealing with alternative methods of punishment for young offenders. Before the Committee on Rules, I urged an open rule on this legislation. I specifically asked that amendments by Mr. MCCOLLUM, Mr. LIVINGSTON, and Mr. REGULA be made in order. None was made in order. The legislation be-

fore us is meritorious in its own right. It also had the prospect of being a vehicle on which the House could consider far more important and sweeping anticrime provisions. This opportunity has been lost, and I urge a "no" vote on the rule.

Mr. Speaker, as the Members know, this legislation failed to receive the requisite two-thirds vote under suspension of the rules on November 3. This occurred, in part, because H.R. 3351 defined a "young offender" as an individual of 28 years of age or younger. Alternative methods of punishment for young offenders—such as boot camps—may make sense, but not for individuals of 28 years of age, who may well have committed one or more serious crimes on previous occasions. The rule does address this problem.

But this legislation also failed to pass because many Members of this House are upset about the overall procedure on crime legislation. Unfortunately, the Judiciary Committee has not taken up the omnibus crime legislation introduced by the gentleman from Texas [Mr. BROOKS]—H.R. 3131. That omnibus legislation would have permitted the gentleman from Florida [Mr. MCCOLLUM] to offer the Republican crime bill (H.R. 2872) as a germane substitute. Instead, we found ourselves considering six comparatively narrow grant proposals, including H.R. 3351. Meanwhile, the other body is legislatively addressing the problem of violent crime in a broad and comprehensive manner.

Mr. Speaker, the Members of the House of Representatives also deserve the opportunity to address the major problems facing our criminal justice system. Everyone fully understands that the serious and tragic problem of violent crime in our society must be confronted.

The Committee on Rules has the authority to make in order amendments that will allow this House to address crime as it should be addressed. For example, Congressman MCCOLLUM submitted the text of the Republican crime bill for their consideration. This Crime Control Act of 1993—H.R. 2872—is an excellent piece of legislation and the House should have an opportunity to make a judgment on its merits. Congressman MCCOLLUM also submitted an amendment that would establish a nationwide system of regional prisons and provide \$1 billion to finance these badly needed facilities. As everyone knows, over 70 percent of the crime committed in America is committed by repeat offenders. These felons often go free because of a lack of prison space or overcrowded facilities. We must deal realistically with the perpetrators of violent crime. The regional prisons concept is an idea whose time has come.

I urge that the Rules Committee make in order Congressman LIVING-

STON's proposal requiring life imprisonment for offenders convicted of a felony for a third time. This three-strikes-and-you're-out proposal overwhelmingly passed in a referendum in the State of Washington on November 2 and overwhelmingly passed the Senate last week. I also urge the Committee to make in order a proposal submitted by Congressman REGULA that would allow military bases slated for closing to be used as military-style boot camp facilities.

Mr. Speaker, we have only a few days left. It is a travesty that we have allowed the other body to totally determine the contents of the crime bill. This coequal House should have had its opportunity to address this tragic national problem as well.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Texas [Mr. BROOKS], chairman of the Committee on the Judiciary.

Mr. BROOKS. Mr. Chairman, I rise in support of the rule on H.R. 3351, a rule which I believe is eminently fair to all points of view on the legislation.

H.R. 3351 provides a grant program to assist States and local governments in developing methods of punishment for young offenders in addition to the traditional punishments of incarceration or probation.

Many of the amendments filed with the Rules Committee on H.R. 3351 were nongermane to the subject matter of the bill, but several others were pertinent and deserved consideration by the full House.

The majority of this body has already indicated their support for H.R. 3351. The only real issue raised is how a "young offender" is to be defined. The rule clearly permits the Members to work their collective will on this matter.

I think it is a good rule and a fair rule. I urge its adoption.

I want to say that it is typical of the fine, careful craftsmanship of the chairman, the gentleman from Massachusetts [Mr. MOAKLEY], his full committee, and his staff.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I just would ask the gentleman to restate that. What was that, the fine, what was that, craftsmanship?

Mr. BROOKS. Fine and careful craftsmanship.

Mr. BURTON of Indiana. If the gentleman will continue to yield, I just wanted to make sure that I got that correct.

Mr. BROOKS. Spelled with a C.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. GOODLING], the ranking member of the Committee on Education and Labor.

Mr. GOODLING. Mr. Speaker, the problem we are faced with today is, we have a rule that will do in the Vice President's whole idea of reinventing government. The ideas are very good in 3351. The problem is, they are exactly, almost exactly, the same as legislation which is already on the books and which is in operation, which most of us voted for last year when we reauthorized the juvenile justice legislation. The Juvenile Delinquency Prevention Act was reauthorized in the 102d Congress.

In that plan, in that law, the State plan section of the Juvenile Justice and Delinquency Prevention Act, as amended by Public Law 102-586, provides for the funding of programs which recognize the varying degrees of seriousness of delinquent behavior and provides for alternative methods of punishing illegal activities based on the crimes such youth have committed.

Current law specifically encourages courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting, including expanded use of probation, remediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps, and similar programs and secure community-based treatment facilities linked to other support services such as health, education, and job training.

In addition, in the law which is presently on the books, part H institutes a program to establish up to 10 military-style boot camps for juvenile delinquents. All of this is presently in the legislation that is presently on the books and presently in operation.

What we do here to mess up reinventing government. If you remember, the Vice President used a quote when he talked about the National Performance Review Report. I quote:

Government programs accumulate like coral reefs—the slow and unplanned accretion of tens of thousands of ideas, legislative actions, and administrative initiatives \*\*\* now we must clear our way through those reefs.

Mr. Speaker, to continue with that metaphor, this coral reef already exists. There is no need to create another reef could be a hazard to ships in the sea. We all agree with the thrust of the legislation. The problem is, we already have the exact remedies on the books. As I said before, now we will get competing jurisdictions, we will get people competing for the same funds, and I guess we will then develop several different bureaucracies to do exactly the same.

□ 1230

I am sure the chairman of our committee would love to have an opportunity to work this out with the Judiciary Committee so that we are not in

competition, but as a matter of fact we are working together for the same goal.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank my colleague from Florida for yielding me this time.

Mr. Speaker, I think it was very humorous what my good colleague and good friend, the gentleman from Texas [Mr. BROOKS], said, that the Rules Committee was carefully crafting this rule. It smacks of hundreds and probably thousands of rules that have come out of the Rules Committee over the past several years that are closed. They do not really allow the minority or Members who oppose pieces of legislation the ability to propose amendments on the floor, and I think that to describe that as craftsmanship stretches that word beyond the definition found in the dictionary. For that reason alone I oppose this rule.

But I would like to talk about another issue that I think is very, very important, and that is boot camps. One of the things that the legislation that is to be before us shortly talks about is authorizing \$200 million in three straight fiscal years for grants to States to develop alternative methods of punishment for young offenders, and the States can apply for that money, and then local communities can apply to the State for those moneys. But none of the money can be used for land acquisition, construction projects, and it limits administrative overhead.

Now I do not mind the limiting of administrative overhead, but how are we going to provide a facility at which you can train these youthful offenders and bring them back into the mainstream of public life unless we have a building, we have to have some kind of a facility outside of a jail.

What I have proposed this year in H.R. 1957 is allowing these closed military bases around the country to be used at least in part for these youthful offender boot camps. And I would say to my colleagues, I have talked to the gentleman from New Jersey [Mr. HUGHES] about this, and I will be discussing this with him later on in the debate on the actual bill, and I talked to the gentleman from California [Mr. DELLUMS], chairman of the House Armed Services Committee about using these military bases. They are both inclined to want to do that.

But I just would like to say this legislation that is going to be before us does not provide a mechanism for buildings and other infrastructure that will provide a place for these people to be trained and to bring them back into the mainstream of society. So I would like to urge my colleagues to give long and careful thought to using parts of military installations that are going to be closed, allowing the States to have

first bid on these properties so that they can use them for these boot camps. If we were to do that, we could cut out a lot of unnecessary expenditures that are going to have to be made to provide facilities for this.

We have the facilities already. They are there and they are going to be closed down. Why not use those military installations for a very worthwhile purpose?

So I would say to my colleagues, think about H.R. 1957, because it ought to be a part of this mix.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio [Mr. KASICH], the ranking minority member of the Committee on the Budget.

Mr. KASICH. Mr. Speaker, I appreciate the gentleman yielding me the time.

Mr. Speaker, I like the concept, but once again Congress is treading in the area of not paying for something. And I certainly hope we are not going to try to use Vice President GORE's reinventing government as a way to pay for it, because as we all know, the Vice President sent a package up here that was supposed to save \$9 billion. And now that the package has woven its way through the various committees in Congress, first of all it was debilitated from \$9 billion in savings for America down to \$300 million, \$9 billion to \$300 million. I mean, that is the rapidly shrinking savings bill.

Then after the bill wound its way through seven various congressional committees, it is actually going to cost us \$1.5 billion. So we went from \$9 billion in savings for America to \$1.5 billion in increased deficits for America.

The Vice President also went on to say that we should not use the Congressional Budget Office, the bible of the Clinton administration in terms of guaranteeing the sanctity of budget numbers. Now he wants to get off the CBO estimate formula, and do my colleagues want to know something? That makes me very happy that we are no longer going to use CBO, and we are going to use our own scoring methods.

But once again, this legislation underscores the fact that we do not want to pay for anything in this city. We are going to have one opportunity to pay for things, and it is coming on Monday, and that is a vote for the Penny-Kasich amendment to try to reduce the Federal deficit by \$90 billion and restore some fiscal sanity to the operation of our Government.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for yielding the time.

Mr. Speaker, with scant notice, the Justice Department filed a brief with the U.S. Supreme Court in September asking the High Court to remand the

Knox child pornography case—a conviction that was upheld by the Third Circuit Court of Appeals—to apply a substantial weakened statement than what has been in existence over the past decade in both the Bush and Reagan administrations.

The Justice Department action—through its interpretation of our Nation's child porn laws—was, is, and will continue to be absolutely unwarranted, giving protection to the child pornography peddlers and the pedophiles at the direct expense of exploited children. Stunned and outraged by this, close to 200 Members of the House have either signed on to the resolution that the gentleman from California [Mr. DOOLITTLE] and I have introduced House Resolution 281, or sent letters off to the Justice Department demanding that this reinterpretation of the Nation's child pornography laws be abandoned.

Regrettably, the Justice Department has responded following a letter from Mr. Clinton to Janet Reno with new legislation. The President's letter to Reno indicated that he agreed with the Reno Justice Department interpretation; that he agreed with the Knox brief that the statute was not broad enough to cover the child pornography which we have prosecuted successfully for the past decade. The Reno legislation constitutes a rewrite of the child porn law, which would do more damage than Members can possibly imagine.

Pat Trueman, head of the Child Exploitation and Obscenity Office at the Bush Justice Department, has written, and I quote: "Attorney General Reno's proposed child pornography legislation is unnecessary and would cause child pornographers to go free." He points out that this will happen if the Reno legislation passes because the many cases pending or recently decided would have a strong argument that the Federal law was unclear and insufficient until Congress' clarification. Mr. Speaker, the law is clear enough to have withstood judicial scrutiny for a decade.

Passage of the Reno legislation would be a boon to the pornographers and pedophiles who have been rightfully prosecuted by the Reagan and Bush Justice Departments. As Senator HATCH stated during debate on this issue on the Senate floor earlier this month:

It is abominable that we have to be in a position where the Government is aiding with the position and the defense of pedophiles and of the child pornographers, rather than siding with the position and the beliefs on the side of the child and the clear intent of the law.

The Reno Justice Department has fabricated out of whole cloth a new two-part test for determining what it considers child pornography and what it will prosecute as such. The Reno Justice Department believes that only

materials which include nudity or visibility—as through a veil—of the genitals or pubic area should be considered child pornography. This rules out materials obviously meant to pander to pedophiles—such as those in this very case—in which the pornographer focuses unnaturally on the private parts of a young girl or boy set to suggestive music. This also rules out those materials—again including those in the *Knox* case—in which the children are scantily clad in skimpy bikinis, underwear, or other abbreviated and revealing clothing.

In addition, as the second part of this new two-part test is created, the Justice Department is requiring that the child be engaged in a lascivious action. The Justice Department shifts the burden of guilt from the pornographer to the exploited child. This is a broad departure from the current interpretation by which lasciviousness is defined by the actions of the pornographer and the intent to sexually arouse the viewer. Senator BOND appropriately addressed this matter on the Senate floor earlier this month:

American criminal law has traditionally focused on the intent of the criminal, rather than that of the victim. This is not the time to alter that tradition, when the welfare and the safety of our Nation's children are at stake.

This second part of the test carriers with it the most danger for our children. Most child pornography involves children acting innocently, even sleeping; but the pornographer changes the focus of the materials through his actions. All in all, Mr. Speaker, the Justice Department's misinterpretation of the Child Protection Act of 1984 would give the green light to child pornographers by making a substantial part of child porn nonprosecutable and legal.

An action of this magnitude from an administration which has continually claimed its strong advocacy for protecting children, breaches the border of hypocrisy. A front page article in today's Washington Times outlines the anatomy of how this brief came to be in the Clinton Justice Department in some detail. While the talk of the administration has been admirable, the actions—including the nomination of key members of its staff, such as the Deputy Solicitor General—speak volumes, none of them all that admirable. Talk, is cheap, Mr. Chairman; actions speak louder than words.

The Knox brief constitutes a complete falsification of the congressional intent of passing the Child Protection Act of 1984. Yet, President Clinton is trying to blame the Congress for his inaccurate interpretation. The true intent of Congress has been the prosecution policy of the past decade and has been upheld time and time again at the lower court level. The Clinton Justice Department has completely reinvented

child porn policy and in doing so has put children in danger. Now the administration is trying to backtrack and shift the blame to Congress by saying the law is broken. I say to my colleagues: the law is not broken; we need to enforce the current statute which has been upheld by the courts and not look for political cover while the pedophiles and pornographers go greed. We ought not rewrite the law; we ought to demand a correct enforcement of the current law.

Let me just say, Mr. Chairman, that I went before the Rules Committee to make the language of the Smith-Doolittle resolution in order as an amendment to H.R. 3351. Since there is no omnibus crime bill that this Chamber will consider this year, the gentleman from California [Mr. DOOLITTLE] and I asked a very modest request on behalf of the children of this Nation that we be allowed to offer our resolution, which has close to 200 cosponsors. This clearcut sense of Congress resolution calls on the administration to simply continue with the prosecution policy which was even in place during the early weeks of the Clinton administration and to abandon its misinterpretation of the statute.

Furthermore, Mr. Chairman, allow me to point out that the Senate by a vote of 100 to 0 went on record to say that it is not the law that is the problem; it is the interpretation that is flawed.

□ 1240

We are asking for the very basic right to make that kind of statement here today, and we have been denied that by way of this rule. My hope is—because I think the rule will probably pass—that the Judiciary Committee will move expeditiously to allow this resolution to get floor consideration.

Forget the politics. Let us think about the exploited and abused children. And let us remember those pedophiles and child pornographers who have been given the green light to do the kind of horrible atrocities to those children that they routinely engage in for profit.

Mr. Speaker, I ask that this resolution, House Resolution 281, be brought before the House immediately so we can go on record on the side of the exploited children; in solidarity with those kids who will be exploited by child pornographers and pedophiles; and against the reinterpretation by Mr. Clinton and Ms. Reno which is totally unwarranted; and against the Reno legislation which, if passed, will likely lead to those who have been convicted under the law going free.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I regretfully rise to speak against this rule. I say regretfully because I support the basic concept of the bill that is being presented in terms of this rule.

I believe that there should be alternative forms of punishment and of rehabilitation for young offenders. Similarly, I believe that with our most violent offenders we need to keep them off the streets longer.

Probably the No. 1 problem to law enforcement today is the early release of violent criminals right back onto the street, and that is why I favor truth in sentencing which simply says convicted criminals in this country should serve at least 85 percent of the time imposed by a judge or jury as a sentence and not be released earlier.

My problem with this rule, however, very simply is that I do not think it is clear that the various amendments add to each other rather than might replace each other. In other words, different amendments would change the age for youthful offenders, different amendments would change the requirements for an offender to fit into a young offender rehabilitation program. I am very much concerned that the way the rule is drafted that inadvertently if we passed one amendment and then we passed a second amendment, the second amendment will totally replace the first amendment rather than adding terms and conditions onto it.

Therefore, I think we do not know what we are going to have in this bill until we figure out which amendment passes last. I do not think it was the intent of the Committee on Rules to give us a king-of-the-hill rule here in which deliberately it is the last amendment that passes. Therefore, again, with the greatest amount of reluctance, I ask for rejection of this rule, but if it is rejected, I hope it can be rewritten and come back to us during this session.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I heard the bill described a few minutes ago as an object of legislative craftsmanship. I think I might change that a little bit and call it crafty, because this is a very, very interesting rule.

First of all, the rule itself has a self-enacting provision. The self-enacting provision says that we are going to define 22-year-olds, in other words, adults, as teenagers for the purposes of this particular bill. So right away we are adopting in the rule the concept that people who are adults by age and by the way in which they interact in our society are now going to be treated like teenagers.

We have done this before, but I would suggest it is a bad practice. So we do that in the rule.

Then we turn around and we say that those adults that if they have been convicted of sexual assault, use of a firearm in the commission of a crime, a crime of violence, then they cannot be regarded as a young offender. Well, I happen to think that that is right. I think that the age ought to be 18, but people who are convicted of crimes of violence or sexual assault ought not be regarded in this young-offender program.

But then they make some amendments in order later on. One of the things that we want to get into this, in addition to sexual assault and crimes of violence, is drug-possession offenses and convicted of offenses of sale of drugs.

The problem we have right now in this town, in addition to backtracking on child pornography laws, this administration has been backtracking in a big way on drug laws. They have backtracked on drug enforcement. They have backtracked on drug treatment. They are backtracking on the drug program all over the country, and now we have this particular amendment that did not allow drugs to be an offense that keeps people out of the young-offender program. But in order to get drugs in, you have to knock out sexual assaults, firearms, and crimes of violence. This is a pretty tough test to do.

But I think that that is something that someone along the line had in mind, pretty crafty, and then if you put drugs into the bill, you have got another amendment that comes along that those of us who want to lower the age from 22 to 18, in other words, to say let us not have adults being treated as teenagers, let us bring it back down to teenager, then you have got to wipe out the drug offense in order to get to the 18-year-old amendment. I mean, that is real clever, folks. That is a real nice way to go.

But it certainly makes this rule into something that can be almost described as a pro-drug rule, because it means that you cannot get to the drug offenses as a part of this rules process in any kind of meaningful way, and yet the committee has taken it upon itself to define some categories and also to define 22-year-olds as teenagers.

I would suggest the best way to solve some of these problems is to defeat this rule, send it back to the Committee on Rules, get something that allows drug offenses to be included in the definition, allow us to deal with sexual assault and firearms crimes, and then we can have a debate, a real debate, about whether or not the age should be 22 or 18.

I think in that debate I think that we will reflect the will of the vast majority of middle-class Americans when we say that we want teenagers to be teenagers.

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

To close this down on our side, it is sort of ironic that we have already dealt with the subject of trying to provide funds for drug programs for people in jail, and here we are talking about a youthful-offender program where we need it the most, and we have crafted a rule that one way or another seems to leave us with a HOBSON'S choice on whether we are going to be able to do that. What we have is a stealth king-of-the-hill rule, whether we intended to have it or did not intend to have it, but it is what we have got, which is probably why many of us voted against this bill in committee.

I did want to say that the freedom-of-access bill that came through yesterday was basically a committee substitute, and all points of order were waived against it, because it was not germane, it is technically true to say that the Committee on Rules does not make the distinction on germaneness, but it is absolutely true to say that the Committee on Rules has the power to protect against arguments of germaneness.

So while we have cleared that point up, we did have the authority, the ability, and the opportunity to make in order many of these amendments that would have given us the opportunity to debate some serious way to get tough on crime.

I think that is what America wants. They are asking us to do that. If we defeat this rule, we will have the opportunity to craft those measures for floor debate.

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

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

Mr. Speaker, earlier inadvertently I guess I cut off my friend, the gentleman from Pennsylvania, from speaking. I have some time now, and I have no further speakers. I would like to offer him now that we know we have some time, and I will be glad to yield.

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

Mr. GORDON. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman. I think I made my point a minute ago. I thank him very much for his courtesy on that.

Mr. GORDON. Mr. Speaker, in conclusion, let me just say there were a number, I think, of worthwhile suggestions of legislation presented here today. I like the idea that the gentleman from Indiana [Mr. BURTON] presented of using some of the abandoned military bases for boot camps. I have recommended that, and I hope we can move forward with that type of legislation as well as some of the other suggestions.

But that is not the question before us today. The question before us is a bill

entitled H.R. 3351, the Alternative Punishment for Youth Offenders Act.

Let me say that, again, in conclusion, that every amendment that was brought to this committee that was relevant, germane, and pertinent to this bill was made in order.

You know, I am sorry that people who did not draw their amendments in such a way to make them in order, but every amendment that the Parliamentarian of this House said was relevant, pertinent, and germane to this bill was made in order. That is the question before us in whether or not, in a vote for this rule, is a vote to make every amendment that was brought before this body that was relevant, germane, and pertinent to this bill available for debate.

Mr. Speaker, that is the conclusion of my remarks.

Mr. Speaker, I have no further 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 SPEAKER pro tempore (Mr. MAZZOLI). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 238, nays 179, not voting 16, as follows:

[Roll No. 584]

YEAS—238

Abercrombie	Collins (IL)	Ford (TN)
Ackerman	Collins (MI)	Frank (MA)
Andrews (ME)	Condit	Frost
Andrews (NJ)	Conyers	Furse
Applegate	Coppersmith	Gejdenson
Bacchus (FL)	Costello	Gephardt
Baesler	Coyne	Geren
Barca	Cramer	Gibbons
Barcia	Danner	Gilman
Barlow	Darden	Glickman
Barrett (WI)	de la Garza	Gonzalez
Becerra	Deal	Gordon
Bellenson	DeFazio	Green
Berman	DeLauro	Gutierrez
Bevill	Dellums	Hall (OH)
Bilbray	Derrick	Hall (TX)
Bishop	Deutsch	Hamburg
Blackwell	Dingell	Hamilton
Bonior	Dixon	Harman
Borski	Dooley	Hastings
Boucher	Durbin	Hayes
Brewster	Edwards (CA)	Hefner
Brooks	Edwards (TX)	Hilliard
Browder	Engel	Hinchee
Brown (FL)	English (AZ)	Hoagland
Brown (OH)	English (OK)	Hochbrueckner
Bryant	Eshoo	Holden
Byrne	Evans	Hoyer
Cardin	Farr	Hughes
Carr	Fazio	Hutto
Chapman	Fields (LA)	Inslee
Clay	Filner	Jefferson
Clayton	Fingerhut	Johnson (GA)
Clement	Flake	Johnson (SD)
Clyburn	Foglietta	Johnson, E.B.
Coleman	Ford (MI)	Johnston

Kanjorski	Mollohan	Scott	Shaw	Spence	Upton
Kaptur	Montgomery	Serrano	Shays	Stearns	Vucanovich
Kennedy	Murtha	Sharp	Shuster	Stenholm	Walker
Kildee	Nadler	Shepherd	Skeen	Stump	Walsh
Kleczka	Natcher	Sisisky	Skelton	Sundquist	Weldon
Klein	Neal (MA)	Skaggs	Smith (MI)	Talent	Wolf
Klink	Neal (NC)	Slaughter	Smith (NJ)	Taylor (MS)	Young (AK)
Kopetski	Oberstar	Smith (IA)	Smith (OR)	Taylor (NC)	Young (FL)
Kreidler	Oliver	Spratt	Smith (TX)	Thomas (CA)	Zeliff
LaFalce	Ortiz	Stark	Snowe	Thomas (WY)	Zimmer
Lambert	Orton	Strickland	Solomon	Torkildsen	
Lantos	Owens	Studds			
LaRocco	Pallone	Stupak			
Laughlin	Parker	Swett			
Lehman	Pastor	Swift			
Levin	Payne (NJ)	Synar			
Lewis (GA)	Payne (VA)	Tanner			
Lipinski	Pelosi	Tauzin			
Lloyd	Penny	Tejeda			
Long	Peterson (FL)	Thompson			
Lowe	Pickett	Thornton			
Maloney	Pickle	Thurman			
Mann	Pomeroy	Torres			
Manton	Poshard	Torricelli			
Margolies-	Price (NC)	Towns			
Mezvinsky	Rahall	Traffant			
Markey	Rangel	Tucker			
Martinez	Reed	Unsoeld			
Matsui	Reynolds	Valentine			
Mazzoli	Richardson	Velazquez			
McCloskey	Roemer	Vento			
McCurdy	Rose	Visclosky			
McHale	Rostenkowski	Volkmer			
McKinney	Rowland	Waters			
McNulty	Roybal-Allard	Watt			
Meehan	Rush	Waxman			
Meek	Sabo	Whitten			
Menendez	Sanders	Williams			
Mfume	Sangmeister	Wise			
Miller (CA)	Sarpalius	Woolsey			
Mineta	Sawyer	Wyden			
Minge	Schenk	Wynn			
Mink	Schroeder	Yates			
Moakley	Schumer				

NAYS—179

Allard	Franks (NJ)	Linder
Archer	Galleghy	Livingston
Army	Gallo	Machtley
Bachus (AL)	Gekas	Manzullo
Baker (CA)	Gilchrest	McCandless
Baker (LA)	Gillmor	McCullum
Ballenger	Gingrich	McCrery
Barrett (NE)	Goodlatte	McDade
Bartlett	Goodling	McHugh
Barton	Goss	McInnis
Bateman	Grams	McKeon
Bentley	Grandy	McMillan
Bereuter	Greenwood	Meyers
Billrakis	Gunderson	Mica
Billey	Hancock	Michel
Blute	Hansen	Miller (FL)
Boehert	Hastert	Molinari
Bonilla	Hefley	Moorhead
Bunning	Heger	Morella
Burton	Hobson	Murphy
Buyer	Hoekstra	Myers
Callahan	Hoke	Nussle
Calvert	Horn	Oxley
Camp	Houghton	Packard
Canady	Huffington	Paxon
Castle	Hunter	Peterson (MN)
Coble	Hutchinson	Petri
Collins (GA)	Hyde	Pombo
Combust	Inglis	Porter
Cox	Inhofe	Portman
Crane	Istook	Pryce (OH)
Crapo	Jacobs	Quillen
Cunningham	Johnson (CT)	Quinn
DeLay	Johnson, Sam	Ramstad
Diaz-Balart	Kasich	Ravenel
Dickey	Kim	Regula
Doolittle	King	Ridge
Dorman	Kingston	Roberts
Dreier	Klug	Rogers
Duncan	Knollenberg	Rohrabacher
Dunn	Kolbe	Ros-Lehtinen
Emerson	Kyl	Roth
Everett	Lancaster	Roukema
Ewing	Lazio	Royce
Fawell	Leach	Santorum
Fields (TX)	Levy	Saxton
Fish	Lewis (CA)	Schaefer
Fowler	Lewis (FL)	Schiff
Lightfoot		Sensenbrenner

NOT VOTING—16

Andrews (TX)	Dicks	Stokes
Boehner	Kennelly	Washington
Brown (CA)	McDermott	Wheat
Cantwell	Moran	Wilson
Clinger	Obey	
Cooper	Slatery	

□ 1310

The Clerk announced the following pair:

On this vote:

Mr. Stokes for, with Mr. Boehner against.

Mr. SMITH of Texas and Mr. TAYLOR of Mississippi changed their vote from "yea" to "nay."

Mr. HILLIARD changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider laid on the table.

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 314 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. 3351.

□ 1311

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. 3351) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation, with Mrs. CLAYTON 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 Texas [Mr. BROOKS] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of H.R. 3351. This bill provides a grant program to assist states and local governments in developing methods of punishment for young offenders in addition to the traditional punishments of incarceration or probation.

The thrust of the legislation is twofold: To reclaim young offenders from

becoming repeat, hardened criminals and to make sure that punishment and retraining is indeed imposed—rather than the unsupervised probation that masquerades as punishment in so many jurisdictions.

Alternative punishments can include such punishments as boot camps, community-based incarceration, and community service programs structured to intercept youth who are starting down the path of no return to a lifetime of crime.

Neither the communities in which youthful offenders live—no society as a whole—can afford to lose young people to lives of crime. Once incarcerated with career criminals, youthful offenders often become hardened criminals themselves and return to their communities with no further hope of becoming law-abiding, productive citizens.

All steps to turn young offenders around must be taken now, before we lose another generation to this vicious cycle. This bill is just one attempt by the Federal Government to help the states and local governments achieve this crucial goal.

I thank the gentleman from New York [Mr. SCHUMER], who is the distinguished chair of the Judiciary Committee's Subcommittee on Crime and Criminal Justice, as well as the members of the subcommittee for their leadership on this important issue.

I urge support for this proposal.

Madam Chairman, I reserve the balance of my time.

□ 1320

Mr. SENSENBRENNER. Madam Chairman, I yield myself 3 minutes.

Madam Chairman, the Committee on the Judiciary has brought to the House of Representatives another hollow shell in its efforts to fight crime on behalf of the American people. What we have just heard the distinguished gentleman from Texas [Mr. BROOKS] say about this bill sounds very good. It does authorize \$200 million for each of the next 2 fiscal years to establish alternative methods of incarceration for youthful offenders, but it does not provide one dime to incarcerate one youthful offender or to give to the States to do the same thing. So once again Congress is fighting crime by getting people's expectations up that something is going to be done, when in fact nothing meaningful is done.

Earlier this week the chairman of the relevant appropriations subcommittee, the gentleman from Iowa [Mr. SMITH], was quoted in the newspaper as saying that unless those who are pushing anticrime legislation develop a funding mechanism, there is not enough money left in the budget to fund any of these anticrime activities. Not this one, and not the ones we passed on Tuesday of last week.

So again the debate is going to be hollow, because there is not going to be

one penny appropriated from the U.S. Treasury to back up all of the nice things that are being said about this legislation.

There are further problems with the legislation, however. This bill sets the age for youthful offenders at 22 years old. That means that someone who can vote, who can serve on a jury, who is responsible for his or her contracts, will still be punished as a youthful offender so long as they are less than 22 years old.

Many of the perpetrators of the most heinous crimes in our communities fall into this category. These are the people who, in my opinion, should be facing the traditional means of incarceration, and that is being locked up in prison, and being locked up in prison for a long period of time.

I do not think that they should be eligible for the alternative methods of punishment, whether it is community-based rehabilitation centers, boot camps, or the like. I think that this legislation should be drafted to ensure that the alternative methods of punishment for those who do fit in this category should be for nonviolent crimes, and should be targeted at those who have got the greatest chance of rehabilitation, rather than being used as a copout for repeat offenders, those who have committed violent crimes, simply because it is more expensive to put them in a prison.

I am also concerned that the 22-year-old age limitation is too high. The original version of this bill set it at 28, which was outrageous, but the self-executing amendment contained in the rule took care of that. There will be amendments later on today to reduce that age to 18. That is a youthful person. A 22-year-old is not.

Madam Chairman, I reserve the balance of my time.

Mr. BROOKS. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Madam Chairman, I thank the chairman of the Committee on the Judiciary and the distinguished dean of the Texas delegation [Mr. BROOKS] for yielding.

Madam Chairman, as I listened to Chairman BROOKS talk about the boot camps operated by the Marine Corps from 1941 to 1944, it reminded me of the days when I was an assistant district attorney in Houston, TX, where each day I had the obligation to prosecute many felonies. I agree with the proposition put forth in this bill that crimes involving sex, crimes involving assault on human beings, those criminals should not be eligible for boot camp.

Madam Chairman, I take with great pride the fact that during my days as a prosecutor, I sent many people to the penitentiaries of Texas for assaults, robberies, murders, and crimes involving abuse of human beings. But one crime sticks out in my mind with par-

ticular pride, and it involved an 18-year-old youngster whose parents were deceased and who was raised by an elderly relative and had no discipline in his life.

Madam Chairman, he was arrested and charged with 18 different felonies. Not one of those involved abuse of any human being. Not one of those involved drugs or narcotics or sex crimes. They were all mischief, in tearing up property that belonged to other people.

Because of his background, I took a risk. I took a risk of allowing him to go into the Marine Corps, where he had to go to boot camp. A complaint was made against me to the district attorney of Harris County for discharging those 18 felonies. I admit, Madam Chairman, I was nervous about that. But when we got the Marine Corps in, we found out that this young man, under threat from me that he would go to the penitentiary if he did not serve with honor and distinction in the Marine Corps, we found that he finished the boot camp of the Marine Corps with honor, being the No. 1 graduate in the boot camp.

He was then sent to advanced Marine Corps training where he finished number one. Then at the time of the investigation, he was an honor graduate in an advanced communication school.

Madam Chairman, here is an example of a young man who would have been in the penitentiary learning the crimes of the future, how to rob and kill and how to abuse human beings, but instead he got valuable lessons from boot camp.

I am a strong supporter of boot camp, because we have too many youngsters running around who have no discipline, who do not know how to take a bath, who do not know what it is to clean up, and do not know what it is to do anything by way of educating themselves. I think boot camps should have a mandatory requirement that they learn to read and write in order to get out of boot camp.

Mr. SENSENBRENNER. Madam Chairman, I yield 4 minutes to the distinguished gentleman from Pennsylvania [Mr. GOODLING], the ranking Republican on the Committee on Education and Labor.

Mr. GOODLING. Madam Chairman, I do not rise in opposition to the thrust of the legislation. What I am concerned about is the fact that you are duplicating something that is already law. If you want to take the time to look at what many of you voted on last year, Public Law 102-586, November 4, 1992, exactly what the chairman was mentioning is what this law is all about.

Madam Chairman, what I wish we would have had is all those people who are enthused about boot camps going before the Committee on Appropriations this year, because, as I said, we have got \$107 million to do everything that the chairman mentioned, but we sure could have used some help before

the Committee on Appropriations to do some more than what we have done.

Let me talk about boot camps. It sounds like boot camps are something new. Again, in the law that you passed, if you will read it, it tells you how you establish the boot camp, it tells you where you establish the boot camp, it tells you who can be a participant in the boot camp, and it tells you the capacity. It tells you that you can use former Army bases for this purpose.

All of this is already in the legislation, and that is why I say it is so foolish for us to come here and try to find ways to get groups competing for the same dollar. And that is what we are doing. We are competing for exactly the same dollar that is in legislation that is already law, that has \$107 million appropriated for it next year.

What is very good about the law as it is presently on the books is that it does some of the things that the minority member just spoke of.

□ 1330

What it does in this law, it says it provides for the funding of programs which recognize the varying degrees of seriousness of delinquent behavior and provides for alternative methods of punishing illegal activities based on the crimes such youth have committed. And that is very important.

Let me just mention some of the things, again, that are already in the books that the chairman talked about, already in law.

Current law specifically encourages courts to develop and implement a continuum of postadjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting, including expanded use of probation, detention, remediation, restitution, community services, treatment, home detention, intensive supervision, electronic monitoring, boot camps, and similar programs and secure community-based treatment facilities linked to other support, not only to the incarcerated but also to the family.

As I indicated before, in Part H of the law, the program is there, military style boot camps. So again, I would call on all of my colleagues not to put another piece of legislation on the books with authorization, when we already have the same legislation on the books as law with appropriation. And that is the big difference.

It was mentioned that this is a hollow effort. It is a hollow effort. We are talking about authorization to do exactly the same thing we now have funds appropriated to do.

I would ask my colleagues, do not put another piece of legislation on the books authorizing something that is presently law, where we are already fighting in order to get the appropriations to provide the necessary services that are in this law.

Please, colleagues, read the law we have passed last year. Most everybody supported it. Again, everything that we are talking about in authorization is presently part of this law. Just help us get more funding, if that is the way we want to go. Do not just give us more legislation to do the same without any appropriation.

Mr. BROOKS. Madam Chairman, I yield 5 minutes to the gentleman from New York [Mr. SCHUMER], the distinguished chairman of the Subcommittee on Crime and Criminal Justice, who is an expert on crime.

Mr. SCHUMER. Madam Chairman, I would first like to thank and commend the gentleman from Texas, Chairman BROOKS, for his steadfast support in bringing this important bill to the floor today, for this bill responds to a critical need in our criminal justice system.

Too often, Madam Chairman, young offenders in our Nation get no more than the proverbial slap on the wrist. The systems are so crowded that when they commit a low-level crime, they are simply told, go off on probation. They hardly ever see a probation officer. And then they think, oh, I may as well commit a bigger crime because nothing will happen to me then.

This is the wrong message at the wrong time.

Without meaningful alternatives, the judges simply give the unrestricted probation I mentioned and instead of learning that crime does not pay, these youthful offenders often come to believe that the system has no teeth.

On the other hand, some offenders learn too well that the system can be tough. Lacking any real alternative, the judge sentences these kids to prison, even though they pose no threat to the community and, with some work, may be salvageable from a life of crime.

These young people end up occupying expensive prison cells learning to be expert criminals and, tragically, the need to make room for these youthful offenders often results in the early release of truly dangerous and violent criminals.

There are a few areas in the country where experiments with alternative sentencing has worked well, toughening up the system and taking youths who might go one way or the other and making them into productive citizens, not criminals. The State of Georgia, the locality of Quincy, MA, each have programs involving boot camps, work. Someone puts graffiti all over a wall, they have to work for 12 weeks to erase that graffiti and other graffiti like it. Where the punishment is real and fits the crime, the young person learns the system has teeth. And at the same time, we are not sending people to hardcore facilities where they are not going to improve but come out even worse criminals. And they never stay

there for a very long period of time anyway.

So we have put together this bill to model itself and help spread these good works in other parts of the country. The bill is much needed. It makes clear that only young, nonviolent offenders will qualify for these programs.

Young offenders is defined, under the bill, as an individual who is 22 years old or younger, has not been convicted for sexual assault or a crime involving firearms and who has no previous conviction for any crime of violence punishable by imprisonment for a year or more.

Boot camps work. Boot camps often work better than prison for many offenders. The hard, rigorous life that one must do at a boot camp not only is punishment of a sort but also makes the person stronger so when he or she comes out, they may not lead a life of crime.

Workfare, working, making someone work off their crime works. Sometimes house arrest works. These are the kinds of things that our system ought to try.

By providing an incentive, by giving some funding to the localities, what we will learn, what we will do is teach localities these innovative and successful methods in the criminal justice system.

In health care, for instance, I have studied the criminal justice system for a while, in health care, if an advance in heart surgery occurs in San Diego, it spreads to Boston in a minute. But somehow, with the criminal justice system, localities that have done innovative and successful things for years, somehow those successful programs do not spread.

This bill will help it spread. This is the kind of innovation that can make our criminal justice system work.

Madam Chairman, I urge my colleagues to support the bill.

Mr. BROOKS. Madam Chairman, will the gentleman yield?

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

Mr. BROOKS. Madam Chairman, to my distinguished friend, knowing of his long interest in boot camps and their long history in this country, I wanted to say, does he agree that the Federal program we have where they have a regimen of physical training and labor-intensive work assignments 6 days a week, education, vocational training, substance abuse treatment, life skills programs, that is what they have in the Federal boot camps. It is a 6-month program.

They tell me that the success rate of these facilities in deterring the return of these individuals to the Federal prison system is 93 percent. If we can do that in boot camps around the United States, would it not save us untold anguish and troubles and moneys and problems?

Mr. SCHUMER. Madam Chairman, the gentleman is exactly correct. These boot camps really do work. What we are trying to do here is take programs that work and help other local and State areas implement them.

Mr. SENSENBRENNER. Madam Chairman, I yield myself 30 seconds.

Apparently, my friends over on the other side of the aisle were not listening to what the gentleman from Pennsylvania [Mr. GOODLING] said.

The gentleman from Pennsylvania [Mr. GOODLING] said we already passed the authorization legislation and got it funded to the tune of \$107 million. So all the good things that they are talking about this legislation doing have already been done.

This debate this afternoon merely duplicates existing law.

Madam Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Madam Chairman, of course, that is exactly the point I was trying to raise. The law is already on the books.

Beyond the boot camp program, we also have a Job Corps Program. I fought during the last administration, on my side of the aisle, to keep those Job Corps programs, because they are boot camps also. And in some instances, as a matter of fact, it is the last resort for those young people.

In some instances, it is the alternative to some kind of sentencing, an excellent program, a demanding program. Again, I cannot emphasize enough, I do not disagree with what they are saying and what the thrust is.

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My concern is we already have a law. We already have an authorization. We already have an appropriation. I do not know why we get into this competition business for the same bucks. We probably can end up having a bureaucracy on either side and forcing both.

Everything that has been mentioned by the chairman, by the gentleman from New York, is positively a part of the legislation that is now law, which is Public Law 102-586. I wish people would read it. I wish we would have an opportunity to work together to put this legislation together, because we are just now duplicating, only they in an authorization effort. We have already gone beyond the authorization period. We have gotten the appropriation.

I think we should move ahead with the law that is on the books, rather than authorizing a repeat.

Mr. BROOKS. Will the gentleman yield?

Mr. GOODLING. I am happy to yield to the gentleman from Texas.

Mr. BROOKS. Madam Chairman, I want to first congratulate my friend, the gentleman from Pennsylvania [Mr. GOODLING] for his perception and his

awareness of the benefits of boot camps for juveniles. I would say that it is an excellent program, a wonderful idea. This program simply extends the usefulness of reclaiming youths who stray early in life to those young men and women who are between the ages of 18 and 22. Obviously, this program is different because it goes beyond the age limits of a juvenile to those young adults up to age 22.

Mr. GOODLING. Madam Chairman, I would say to the gentleman, if all he wanted to do was to extend the age, then that is all he had to do, just say, "We will amend Public Law 102-586 by increasing the age."

My whole argument is that what we are going to do here is get into competition over the very same dollars, scarce dollars, I might add. I had to fight time and time again to keep the dollars going to the Job Corps, because I realize Job Corps is expensive, but the alternative is much more expensive.

What we are doing here again, I repeat, all we are doing is drawing up competition for the same dollars. The gentleman has already gotten \$107 million. Let us come back if we need more and get more, but let us not compete against each other for the same dollars to do exactly the same thing.

Mr. BROOKS. Madam Chairman, I yield 1 minute to the distinguished gentleman from Virginia [Mr. SCOTT], a member of the Committee on the Judiciary.

Mr. SCOTT. Madam Chairman, it is a pleasure for me to rise in support of this legislation and to congratulate the chairman, the gentleman from Texas [Mr. BROOKS] and the gentleman from New York [Mr. SCHUMER] for taking action which will actually reduce crime.

We have heard a lot of situations where juveniles are committing their 10th offense. What happened on the first offense? What happened was that the judge had the opportunity to either give a slap on the wrist or put the person in jail with incorrigibles. This legislation will provide the funding for the development and funding of innovative programs that will give the judge alternatives, alternatives outside of the juvenile court, in criminal court, where the judge will have an opportunity to provide a sanction that will do some good when it can do some good, before the young person is going to be completely incorrigible.

Madam Chairman, I rise in complete support of this legislation, and congratulate again the chairman and the gentleman from New York [Mr. SCHUMER] for their leadership on this issue.

Mr. SENSENBRENNER. Madam Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Madam Chairman, I thank the gentleman for yielding time to me. I doubt I will need that much time.

Madam Chairman, I would like to say to the chairman of the Committee on

the Judiciary and the ranking Republican, and those who are involved in this legislation, that one of the problems that we have with this bill, as I see it, is that the \$200 million that is going to be authorized in fiscal years 1994 and 1995 and 1996 cannot be used for the construction of buildings or other infrastructure that might be necessary for the boot camp portion of this proposal.

Therefore, I would like to suggest, and I wish I could have the attention of the chairman of the committee, the gentleman from Texas [Mr. BROOKS] and the gentleman from New Jersey [Mr. HUGHES], one of the things, and I touched on this with the gentleman from New Jersey a few moments ago, since the money cannot be used for infrastructure, we should work together with the Committee on Armed Services to get an agreement in legislative form that will allow the States to be able to, as a priority, get parts of these military bases for the boot camp proposal.

We have base closings all around the country. Many parts of those bases would be ideal. They have barracks that could be used. I would just like to suggest that.

Mr. BROOKS. Will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Texas.

Mr. BROOKS. Madam Chairman, in reply to my distinguished friend, the gentleman from Indiana [Mr. BURTON], the committee has already initiated discussions with the Committee on Armed Services. I am particularly willing to work in that area. The important thing to remember is that if States receive grants under this program, and thus are able to use the Federal money for boot camp programs, that would free other money within those States on a matching basis to buy land, build buildings. The notion of using vacant military installations as a result of downsizing is a worthwhile suggestion, but not quite as simple as it sounds.

Mr. BURTON of Indiana. I understand. That is why we need to get the Committee on Armed Services involved.

Mr. BROOKS. That is right. We need their full support.

Mr. BURTON of Indiana. There does not need to be a large expenditure of funds, because these structures are already there. It is just a matter of getting cooperation with the Department of Defense and the gentleman's committee and others, so we can get the job done.

Mr. BROOKS. I understand.

Mr. HUGHES. Will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from New Jersey.

Mr. HUGHES. Madam Chairman, the gentleman is absolutely right. Indeed, I

think it was 3 or 4 years ago, with the chairman's help, we were able to get some language in the correctional options program that would give the States, for that program, a priority in securing surplus, excess military facilities around the country. The gentleman is right. Many of them are ideally suited for that. Indeed, the National Institute of Corrections has done quite a bit of work in this area, working with the States and trying to identify those opportunities.

Committees already have a priority, as the gentleman from Indiana [Mr. BURTON] knows, in opting for excess military facilities, but I think we do need to work more closely with the Committee on Armed Services. I think the gentleman is right on target.

In many instances the facilities are not suitable, as the gentleman knows, but there are many facilities that are suitable, and States should be aware of those and enjoy a priority, so we can indeed rate those kinds of facilities.

Mr. BURTON of Indiana. If I can just say to my colleagues, when we come back in January or February, could we get together with the gentleman from California [Mr. DELLUMS] and see if we cannot work out some legislation that will facilitate this as soon as possible?

Mr. HUGHES. If the gentleman will continue to yield, that is an excellent suggestion.

Mr. BURTON of Indiana. I thank my colleague.

Mr. BROOKS. Madam Chairman, I yield 1 minute to the gentleman from Arizona [Mr. PASTOR].

Mr. PASTOR. Madam Chairman, I just want to let the gentleman from Indiana [Mr. BURTON] and other people know that we have a base in Mesa, AZ, Williams Air Force Base, that is going to be closed down. Right now we started a program, and in place there is a program that is being administered by the DOD, Department of Defense, through Air Force, where we are taking dropouts and kids who have had problems with the law, and they are going through a boot camp, so it has been relatively successful. We think it is a very great idea, and we support the chairman's bill.

Mr. BROOKS. Madam Chairman, may I ask how much time we have remaining?

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] has 7 minutes remaining, and the gentleman from Wisconsin [Mr. SENSENBRENNER] has 15 minutes remaining.

Mr. BROOKS. Madam Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I rise in strong support of this measure. These alternatives are absolutely necessary. The

point we have to make here is that we are making investments. These are not costs. We are into a position here where we have got youths out on the streets that have no programs, no abilities to get jobs. We have to repair that.

It is particularly important to extend the age for a juvenile opportunity to participate in these programs from 18 to 22. I ran a program for 5½ years in juvenile rehabilitation, and there just was not any place to put these youngsters after having reached the age of 19. My experience tells me that 70 percent of the youthful offenders can be repaired, can be put back out on the street, can become productive citizens. This is incredibly the right thing to do. If we do not take advantage of this opportunity, we will have missed the mark. We will have relegated a relatively major part of the productive population to oblivion.

Madam Chairman, I share with the chairman strong support for this bill, and wish everyone would give a serious and a yes consideration.

□ 1350

Mr. SENSENBRENNER. Madam Chairman, I yield 7 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, the bill that is before us today is not inherently a bad bill. It is indeed a good bill in the sense that it addressed the concerns many of us have about young offenders who are first time offenders or maybe second time offenders who get in trouble at a youthful age and really should have alternatives to prison incarceration or routine prison incarceration to try to get them on the right track to rehabilitate them at the earliest age and divert them away from the life of crime they otherwise would get into in a major prison system. The boot camp concept has been tried in my State and elsewhere, and it is a good idea.

There are, however, a couple of major problems with the bill. One of them, as pointed out by the gentleman from Pennsylvania [Mr. GOODLING] earlier, is that we already have this in legislation, and we do not need to repeat or reinvent the wheel.

Second, I am going to offer an amendment shortly to address the other big problem. The bill is directed at those who are 22 years of age and under. Truly, the problem today that we have with youthful offenders are those who are the juveniles, under the age of 18. And that is a sad story, but it is true that we have had a dramatic increase in violent crime and other crimes by those who are under that age. And I would cite a few statistics to show that.

The fact of the matter is that between 1985 and 1991 the number of 17-

year-olds arrested for murder increased by 121 percent, the number of 16-year-olds by 158 percent, the number of 15-year-olds by 217 percent, and the number of the rest of the boys under 12 doubled during that timeframe and in the Nation as a whole. And I would submit they get even worse in the last couple of years since these statistics were taken.

We need to be concerned about those who are under the age of 18. We only have limited resources. We do not need to be expanding to 28, as the bill originally had, or 22, as it has now has. We need to focus limited resources in this area on where they should be focused.

But I would like to make a bigger point. This bill is simply not addressing the major problem the American public is concerned most with. It is a pygmy bill along with the other five little bills that were put out here a week or so ago on suspension, this one being defeated on suspension so that we could bring it to the floor, debate it under a rule and amend it. None of the bills addresses really the big problem. The big problem we have in this Nation today with crime, and violent crime in particular, is the revolving door of all of these folks who are committing these violent crimes, who go out quickly, do not serve nearly all of their sentences, and they are released again and commit crimes over and over and over again.

It is only a fraction of people who commit the crimes in this country, commit most of the crimes, 80 percent of the violent crimes, and they are released again and again. Our prisons are overcrowded, and we do not have a criminal justice system that works.

Where is the beef? Where is the bill, I would suggest, that would address this? The chairman has said to us in the past, and I am sure he will say it to us again today, we are going to produce some of these bills next spring, or a comprehensive bill. But the fact is that today as we go out on recess we do not have the beef, we do not have the comprehensive bill to address the violent crime crisis in America in the House. The other body has been addressing that. We have not. And it really is shameful that we do not have the issue before us today to address it.

Let me give a citation very quickly on the juvenile area that we are dealing with here today. Not only do 7 percent of the criminals account for 80 percent of violent crime in this country, what we face with the juvenile problem in this country is the fact that 29 percent of those arrested for most violent crime were under the age of 18 in this country between 1987 and 1992. Only about 7 percent of young offenders are responsible for up to three-quarters of violent crimes committed by juveniles. The fact about the matter is that we have this same problem with these violent youthful offenders, young

people 12, 13, 14, 15 years of age. We need to take those very violent criminals, whatever age they are off the streets, lock them up and throw away the key. We need to address that problem.

We need to have what the Republicans proposed in our prison alternative in our comprehensive bill, and that is a prison system of cooperative partnership with the States, a system that says the Federal Government will pay for half of the cost of the building of regional prisons to house State-convicted violent criminals, if in return for it the States agree that for those particular types of criminals, and the sexual offenders of a violent nature, that they will have truth in sentencing, that they will require those criminals to serve at least 85 percent of their sentences instead of allowing them back on the streets, and again in turn agree to minimum mandatory sentences for the folks that we are concerned about.

We need to have the three-time offender, three-time felon violent crime offender law that the other body has adopted, and the State of Washington adopted and the American public wants, and that the gentleman from Louisiana [Mr. LIVINGSTON] first authored, and I gather now several others on the other side have come up with. We need to have measures that will take these violent criminals off the streets. That is the No. 1 problem that is not out here today. Whether they are juveniles or not, they are the big problem that America sees first.

Then we need to be able to get to the other problems that are here. In addition, we need to reform the laws that are in the way of the appeals process and of carrying out the sentences of those who serve on death row. In order to put swiftness and certainty of punishment back into our criminal justice system, to fix, in order to have deterrence in the system again, to deter crime, we have to stop these endless appeals. We have to make sure that the sentences that are given are carried out, and to make sure those who are given regular sentences deserve their sentences, and make it so that the law does not impede carrying out the death penalty so that these people know when they commit to these heinous crimes they are going to get the full measure of the law. That is not out here today. We do not have the opportunity to vote on it in this session of Congress.

That is the problem with this bill. It is not the fact that the bill itself is inherently flawed in anything other than the age, but it is a fact that we are not talking about the major crime legislation that Americans think of when they think of violent crime, and when they think of juveniles today, sadly, because it is violent crime that this small portion but significant portion of

juveniles are committing that are making the headlines and that is indeed increasing the risks for Americans on the streets of this country today. And it is shocking that it is this young, youthful group that are committing the greatest percentage of these heinous crimes, and those young people, I submit, are not going to be reformed and rehabilitated with boot camps or anything of that nature. They need to be treated as adults, they need to be taken off the streets and locked up.

Then we need to supplement the laws that are already on the books with programs like in this bill here today. Republicans already, we are waiting to see the beef, we are waiting to see the really tough measures that we need to restore faith in our criminal justice system and make it work again. And when we see that, out here we will all be a lot happier about what is going on.

Mr. BROOKS. Madam Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. LEHMAN].

Mr. LEHMAN. Madam Chairman, I do not know what I am hearing here. It sounds to me like we have a very good bill, and some Members in this House do not know how to deal with that.

Madam Chairman, I rise to express my strong support for this legislation.

Boot camps are a sound idea and a concept that has broad public support. I believe boot camps will be extremely effective in combatting crimes in areas like my district in central California. Fresno has witnessed a dramatic rise in gang membership among our local youth. This increase in gang activity has literally turned many of our local streets into war zones.

Some time ago I asked our local police chief if a child who stole a car for the first time was a criminal, and the police chief said no, but by the time he steals the fifth or the sixth car he is.

The problem is that today we have absolutely nothing to intercede and prevent the juvenile delinquent from becoming a full-fledged criminal. Our juvenile halls are overcrowded and inadequate, and our criminal justice system only has the resources to deal with the worst offenders. Without programs specifically designed to deal with juvenile crime I believe that violence will escalate to unmanageable levels in the not-too-distant future.

This is an important bill. Let us pass it.

Mr. SENSENBRENNER. Madam Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Madam Chairman, I thank the gentleman for yielding the time.

Madam Chairman, I would like to take this time to ask the gentleman from Texas [Mr. BROOKS], the gentleman from New Jersey [Mr. HUGHES], and the gentleman from New York [Mr.

SCHUMER] a question, and I have three very specific questions.

I would ask Chairman BROOKS, your bill, H.R. 3351 says "to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation."

In Public Law 102-586 it says,

(1) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation) \* \* \*

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Now, my three questions are: First, how does H.R. 3351 complement Public Law 102-586; second, will the two bills, or will your bill be in competition for dollars? Will H.R. 3351 be in competition for dollars between Public Law 102-586; and the third question, could we have just raised the age of 19 to 22?

But my most important question is: Will these two laws be in competition for the same dollars if they are supposed to do the same thing?

Mr. HUGHES. Madam Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from New Jersey.

Mr. HUGHES. Madam Chairman, I think I can explain it.

A number of years ago, and I think it has been 3 or 4 years ago, we developed that at a time when I chaired the Subcommittee on Crime, and we developed that program by way of a demonstration program. And this is a general program for the country, not a demonstration program. That is, in essence, the biggest difference.

Mr. GILCHREST. Is the gentleman saying that Public Law 102-586 is a demonstration program, and that this particular bill makes it permanent?

Mr. HUGHES. That is right; that is right. This is permanent legislation. This is generic legislation. It is not a demonstration program.

We had developed a number of demonstration programs in that law. This is a generic program for the country.

Mr. GILCHREST. Public Law 102-586, I assumed, and I did not see anything in the law that said it was temporary, or a demonstration project, and I assumed that it was law, and it was a permanent program for young offenders up to the age of 19. If it is, and I understand that it is, if it is a permanent program up to the age of 19, my question is: How does the new bill complement this public law? And will they be in competition for the dollars?

Mr. HUGHES. I can tell the gentleman, if the gentleman will yield further to me, that the law that was developed, I think it was of the 1989 crime initiative, was a demonstration program, period. That was developed and worked out in conference between the House and the Senate, as I recall, and it was a demonstration program. This is generic in nature, and it will enable us to develop these programs throughout the country, not as by way of demonstration grants, but all States can apply.

Mr. GILCHREST. So the gentleman is saying that this 3351 complements the existing law to change it? I do understand that a public law is permanent, that the appropriation for this funding can be ongoing.

Mr. HUGHES. If the gentleman will yield further, but because of the limited resources, we limited the number of grant applications in various regions. This eliminates those artificial barriers.

Mr. GILCHREST. So the way this new legislation complements the old is that there are not a limited number of grants?

Mr. HUGHES. There are other differences, but that is the primary difference.

Mr. GILCHREST. I thank the gentleman.

Mr. SENSENBRENNER. Madam Chairman, I yield myself 1 minute.

The \$200 million contained in this bill, if it is divided into the 50 States, that is an average of \$4 million per State. You do not buy much boot camp with \$4 million per State.

The question that has not been answered that the gentleman from Maryland [Mr. GILCHREST] has been raising is why set up another program besides the one that has been the law for almost a year and have them in competition for dollars with each other. That will further disperse the amount of money that is available and make whatever good that is done by the boot camps much, much less effective.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Madam Chairman, I rise today in strong support of the legislation before us today. Our Nation's crime problem is worsening, Americans are rightly concerned, and it is time to directly confront the problems we face.

Of course, we need additional prison space. We need to provide the resources for additional law enforcement personnel. But, while punishing violent offenders is a critically important part of the fight against crime, we also need to consider preventative measures in the fight against crime. This country simply cannot afford to allow young non-violent offenders to drift toward a life of violent crime. It is a mistake to sim-

ply give up on these young offenders and label them criminals, when a second chance and a strict discipline may prevent them from becoming a much bigger burden on society later in life. Grants to establish boot camps, substance abuse treatment and technical training programs for young offenders can help reduce crime now and allow them a chance to assume a constructive role in our society. Let us pass this forward-thinking legislation and give States the flexibility and resources to develop programs which address their crime-fighting needs. I urge my colleagues to support H.R. 3351. This bill lets the States decide if a youthful, nonviolent crime offender should be in these programs. Madam Chairman, I talked to my brother Jack Bailey a short time ago. He is chief states attorney for the State of Connecticut. He is in complete support of this legislation—he has heard all the horror stories about boot camps. Take a guilty man give him a place in a boot camp and he comes out rested and in good shape to be a second story burglar—this is not correct and no State would be part of such a program.

Mr. SENSENBRENNER. Madam Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I understand firsthand the value of treatment for chemical dependency, because I have been there, and I also understand that 60 percent of the adolescent treatment centers in America have closed in the last 3 years. I also understand that 50 percent of the treatment centers for adults in this country have closed over the last 5 years, and as the Department of Health and Human Services study showed recently, there are 5.5 million addicts in America.

Madam Chairman, it is no wonder that we have an epidemic of violent crime. As any police chief or any cop in America will tell you, 85 to 90 percent of violent crime is tied indirectly or directly to the drug problem.

So we have to deal with the underlying cause of crime, which is clearly the drug problem.

I commend the people working together on this bill for providing the alternative methods of punishment for young offenders. We truly do need to do everything possible to provide treatment to these youthful offenders who need and want help. That is what this bill does, and that is why I support it.

Mr. BROOKS. Madam Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Madam Chairman, I rise in strong support of H.R. 3351, and I urge my colleagues to vote for its approval.

Madam Chairman, I rise in strong support of H.R. 3351 and urge my colleagues to vote for its approval.

I am especially supportive of provisions of this bill which authorize funding for boot camp style prisons.

Let's face it—for many young kids who have been convicted of a first-time, nonviolent offense, our traditional prisons do not work. Our prisons are violent, overcrowded, and hardly conducive to rehabilitation.

The only role models for young offenders are those who are serving lengthy sentences for violent and brutal crimes. There are gangs in prisons and there are drugs. In fact, a Federal judge recently refused to send an individual back to one prison because of excessive drug dealing that was occurring within that prison's walls.

With such an environment, is it any wonder that so many youths released from prisons will return within a few years after committing a more serious, and often violent crime? We are not rehabilitating youths in our prisons, we are allowing them to become career criminals.

That is why it is so important that we utilize alternatives to traditional incarceration, such as tough boot camp prisons. The atmosphere of boot camp-style prisons emphasizes respect for authority and self-discipline.

Inmates are forced to examine their own attitudes about crime. They have no time to get into trouble, almost every waking minute is scheduled with physical conditioning, hard work, and counseling. In many boot camps, the instructors serve as role models for the inmates.

But boot camp inmates do more than work. They receive counseling, they receive drug and alcohol treatment, they receive job training and education.

I will be offering an amendment later to clarify that boot camps and other alternative sentencing programs should include a strong job training and education component, and to provide the Job Corps Program as an excellent model for such job training and education activities.

Job Corps is the Nation's most successful comprehensive training program for disadvantaged youth.

Youths emerge from properly structured boot camp prisons mentally and physically ready to lead productive lives and avoid the elements which first brought them into conflict with the law.

If we are serious about controlling the violent crime in our communities, we must prevent at-risk youths from developing into adults that put our communities at risk. I urge my colleagues to support this tough alternative to traditional incarceration by voting for H.R. 3351.

Mr. BROOKS. Madam Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Madam Chairman, I, too, rise in support of this legislation.

I think one important part that all of us need to recognize is that this bill is relating to nonviolent criminals. We are going to continue to send violent criminals to jail.

We are talking about alternatives for nonviolent criminals. It just does not

make sense to take a young person who has committed a nonviolent crime and put him in a cell with a person who knows all the tricks of the trade.

I strongly support this bill. We will have some opportunities to improve on this bill with some additional amendments that will put more emphasis on vocational training, education, helping individuals with drug and alcohol problems, and for once this Congress is beginning to focus on our kids and their problems, and I strongly support the bill.

Mr. SENSENBRENNER. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOKS. Madam Chairman, I yield 5 minute to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Madam Chairman, first, I want to thank the distinguished chairman of the Committee on the Judiciary for yielding me time and congratulate him and the gentleman from New York [Mr. SCHUMER], who is the chairman of the Subcommittee on Crime and Criminal Justice, for crafting this particular bill. It is a good bill.

Madam Chairman, I found the argument being presented today by my colleague, the gentleman from Florida [Mr. MCCOLLUM], very interesting, because he did not take much time to talk about the bill before us. He talked about a whole host of other initiatives he preferred to be before us, but what he did not mention to you is that many of those provisions are very controversial.

The death-penalty provisions are very controversial. I happen to support them. But they were part of the reason we did not end up with a crime bill in the last Congress.

I would say that Members on his side of the aisle in the other body filibustered it to death. So we did not get many of those provisions.

Today we do not have an omnibus crime bill because of some of that opposition.

But this bill is probably one of the most important ingredients of the crime bill, contrary to what has been suggested.

You know, if we could do something in this country about youthful offenders, those between 12 and 25, we would solve 80 percent of the crime problem.

□ 1410

You know, 70 percent of the offenders today are drug-related offenders. They are swelling our prisons because we have not dealt with their problems. We have youthful offenders coming into the system not very far from here, 10 times, 15 times, before the courts do anything about it, because judges have one of two options today. They can either send that youthful offender back home to the same bad environment, or

they send them off to jail where they come out worse for the experience. While in jail, we are not dealing with the immediate problems that they have. They go into jail illiterate, they come out illiterate; they go into jail without skills and they come out without skills; they go into jail with drug problems and they come out with drug problems. We should not marvel at the fact that we are seeing the same young people over and over again in the system. Part of the problem is the 12-year-old offender today that we cut loose and we see at 15 is the one we see when he is 16, the one we see when he is 17, only when we see him at age 18, he has committed a violent offense. This is what this program will do.

Now, the argument about whether or not we are going to permit 19-year-olds to come in or not to come in is ludicrous. I know that my colleague, the gentleman from Florida [Mr. MCCOLLUM], for whom I have the greatest respect, is making an argument that they are not youthful offenders.

Let me tell you something: We are talking about nonviolent offenders, those who are not carrying handguns, we are not talking about sex offenders; we are talking about youthful offenders. And if the States believe that a 19-year-old is fit for a boot camp, then the State should make that decision. We should not make it for them.

So this is a category of offenders that are nonviolent, that are not sex offenders, that have not carried a weapon, and the State can decide, up to 22 years of age, whether they are suitable for this particular program.

Now, not all youngsters ages 15 to 22 are the kind of offenders that we want in these programs. The States can make those decisions within the broad guidelines.

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

Mr. HUGHES. I yield to the subcommittee chairman, the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. I thank the gentleman for yielding.

Madam Chairman, I just want to commend the gentleman for his statement. As most in this Chamber know, he has been a leader in the area of boot camps and, of the two Federal laws on the books, one is the gentleman from New Jersey's and one is mine. We have worked together.

The gentleman has really pioneered the idea of alternatives to incarceration. I welcome not only his support on this bill but his help in amending it and his guidance to putting it together, and I thank him for his leadership on this matter.

Mr. HUGHES. Let me tell you, I think of all the provisions that we have, there are a lot of very good provisions that I congratulate the chairman for, the cops on the beat, the efforts and initiatives to deal with gangs. I be-

lieve this particular bill is the most important we have in the package, and for this reason, if we do not do something about our youthful offenders, we are going to lose another generation, another generation of young Americans. And if we have learned nothing else, we should have learned that we need to start dealing with them early, we need to start intervening earlier with these youthful offenders. We need to deal with their problems; their illiteracy, their lack of skills, their drug problems, psychological problems, psychiatric problems. And then we start doing that and develop the after-care that we need, the network of community-based services which I am going to be addressing later by way of an amendment. When we do that, we will start addressing some very serious problems that exist in the criminal justice system. We have lost the element of certainty in the system, and this will help us put it back into the system.

Mr. HORN. Madam Speaker, I will vote for H.R. 3351, the Alternative Punishments for Young Offenders Act. This legislation authorizes \$200 million a year for 3 years to encourage the State and local governments to develop alternative methods of punishments to traditional forms of unsupervised probation through incarceration.

This grant program comes none too soon as we see thousands of missed opportunities as to how we handle young offenders at the present time. Our State prisons and our county jails are filled with those who began their criminal behavior at an early age. Individuals who are incarcerated for serious crimes are being let go for the latest arrivals.

What is needed is a program to identify and classify the serious early offenders from the less serious ones. First offenders do not need boot camp. First offenders need help and diversion.

Recently, I had the opportunity to chat with Dr. Michael Schumacher, the chief probation officer of Orange County, CA, which is adjacent to my congressional district. His department, which includes both juvenile and adult probation, has recently completed a study which is significant. The records for the period 1985 through 1992 were analyzed. This extensive study involved 6,400 cases. In three studies, it turned out that an average of 8 percent of the juveniles created an average of 55 percent of all the subsequent cases and costs over this 7-year period. Those included in the study ranged in age from 13 through 18; 71 percent of the first offenders never came back into the juvenile justice system; 21 percent came back two or three times.

The problem cases who returned more than three times included those who were part of a disruptive family, those who were involved with drugs and alcohol, those who were failing in school, and those who hung around with peers who had similar characteristics. Of this problem 8 percent among the 14 year olds, only 16 percent were in gangs. By 16 years of age, 65 percent were in gangs. The period from 14 to 16 years of age is the pivotal period. Officials generally give youth in this age

group a break. A true break would be to analyze the family, substance abuse, education, and other problems, and then involve the whole family in helping to remedy the problem and thus to reverse this cycle that all too many families go through. When this is done, juveniles get out of the system; overall 92 percent came into contact and through the system two or three times and were never seen again.

Barry Nidorf, the chief probation officer of Los Angeles County, which is adjacent to Orange County, has informed me that under a grant from the National Institute of Corrections his county will validate the findings which I have mentioned above. In a recent review of a 6-month period of juvenile delinquency in Los Angeles County, 16 percent of the juveniles were responsible for consuming 67 percent of the resources from arrest through incarceration and probation.

Madam Chairman, I have seen a lot of creativity at the State and local level when it comes to corrections. Over two decades ago, I was honored to be one of the original co-founders and board members of the National Institute of Corrections which was originally suggested by the Honorable Warren Burger, then Chief Justice of the United States, and John Mitchell, then Attorney General. During my 18 years of service on the advisory board to the institute including the chairmanship of various committees, task forces, and the institute itself, I had the opportunity to see sheriffs, police chiefs, chief probation officers, directors of corrections, and mental health at State and local levels, wardens, superintendents, district attorneys, judges, and many others in city, county, and State government who cared and who in their own way were working to stem the tide of juvenile misbehavior.

This legislation will provide encouragement where dedicated public servants are on the firing line. They are our present bulwark between a peaceful civilization and chaos. I am confident that the type of study which was undertaken in Orange County, CA, will provide the type of analysis as to what works and what does not. Those are the success stories that the American taxpayer needs to see.

Mr. SANDERS. Madam Chairman, I rise today in support of H.R. 3351, which would provide \$200 million each year for the next 3 years in grants to States to develop alternative punishments for young offenders. It is clear that our judicial system, which already puts more of our population in jail than any industrialized nation except for South Africa, is not working to stop crime. This bill will allow the States to further develop innovative programs for alternative punishment of young offenders, such as boot camps, requiring restitution to victims, and community service.

In my own State of Vermont, substantial success has already been achieved with alternative forms of punishment. One example of these is the Court Diversion Program, applied in several counties, which diverts the cases of first-time offenders out of the standard court system and into an alternative process. This program, started in 1979, has significantly lessened the burden on State courts. In Chittenden County, for example, 2,589 juvenile offenders have gone through the court diversion program, with 98 percent of them suc-

cessfully completing their contracted obligations and only a 3 percent recidivism rate.

This is a good example of the kinds of innovative alternative we should be exploring, and H.R. 3351 will help encourage it. I urge my colleagues to support this bill, and strike a real blow against crime.

Mr. KNOLLENBERG. Madam Chairman, I rise today in opposition to H.R. 3351 because it is not the kind of strong action the American people are demanding.

As every American is painfully aware, our Nation is gripped by a wave of violent crime. Every day through our TV sets, we are bombarded by the violent images of carnage on our streets. Poll after poll shows that the American public is more concerned about this issue than any other. Yet, in the face of this crisis, the Democrat leadership offers us what amounts to an aspirin for a gunshot wound.

I oppose this bill for two reasons. First, it is really nothing more than political grandstanding. The language offers nothing new or innovative in the way of alternative sentencing, and instead mirrors Public Law 102-586 which has already established grant programs for boot camps and other forms of incarceration for youthful offenders.

Second, this legislation has been offered in lieu of a serious, comprehensive crime bill. The bill before us does not address prison overcrowding, it does not impose mandatory minimum penalties for violent crimes, it does not place any limits on endless death row appeals, and it does not eliminate the needless loopholes in our search and seizure laws.

These are the reforms that the American people expect from us—not the window dressing before us today.

I am ready to do whatever it takes to make America's communities safe again, but I cannot in good conscience support legislation which seeks to deceive the American people into thinking the House is tough on violent crime.

Mr. ROSTENKOWSKI. Madam Chairman, I rise in strong support of H.R. 3351, which provides alternative punishment programs for youthful offenders. This legislation establishes new programs to alleviate the pressing needs of our overcrowded prisons, while at the same time providing a program to redirect young lawbreakers before it is too late.

In the inner city today, many youths are without proper role models outside of the gang leaders who often serve as surrogate families, providing acceptance and encouragement for criminal acts, which can only lead young, impressionable individuals into drugs, jail, and sadly—death. Right now, the only thing first-time offenders learn in prison is how to be a better criminal—so judges are faced with the decision to either send first- or second-time lawbreakers to prison, or simply release them back on the streets.

An excellent example of alternative punishment for young offenders is the correctional boot camp. Currently 22 States enjoy success with boot camps and I am pleased to report that one is currently underway in my hometown of Chicago. These facilities place misguided young offenders into a rigorous program of military discipline and instill in these young people goals of self-worth and pride in group effort.

The boot camp will place nonviolent inmates into a military-style barracks, directing them through a 16-week program of physical, motivational, and educational training to be followed by a 14-week program of community service. The Cook County program and other alternative programs envisioned in this bill offer an innovative approach to break the crime cycle. These approaches deserve our support.

Mr. GENE GREEN of Texas. Madam Chairman, I rise today in support of H.R. 3351, the Alternative Punishment for Youth Offenders Act. As a State legislator I spent a great deal of time working on criminal justice issues, especially on matters that related to juvenile justice matters. In my last term as a State senator, I was proud to have worked on a crime package that not only addressed the issue of juvenile boot camps, but drug treatment facilities as well.

Juvenile boot camps have proven an effective alternative for youthful offenders. Our prison system is far too crowded to continue packing them with juvenile offenders when more effective alternatives exist. Furthermore, our prisons have become a training ground for young criminals as well as a recruiting tool for gangs. By separating youths from this environment we increase the chances that they can be truly rehabilitated.

There are a lot of different ideas about the best way to treat young offenders. With the rising rate of violent crime we hear repeated calls for action yet the solutions have proven illusive. Boot camps are one effective method and should be encouraged as a means to reduce violent crime and rehabilitate young offenders.

I encourage my colleagues to support this bill because it addresses the problem of juvenile crime with proven solutions. Our States have already created these boot camps and Federal assistance will help strengthen those efforts. Thank you.

Mr. BROOKS. Madam Chairman, I yield back the balance of my time.

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, modified by the amendment printed in part 1 of House Report 103-374, is considered as an original bill for the purpose of amendment and is considered as read.

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

#### H.R. 3351

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

#### SECTION 1. CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS.

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

(1) by redesignating part Q as part R;

(2) by redesignating section 1701 as section 1801; and

(3) by inserting after part P the following:

“PART Q—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

“SEC. 1701. GRANT AUTHORIZATION.

“(a) *IN GENERAL.*—The Director of the Bureau of Justice Assistance (referred to in this part as

the 'Director') may make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

"(b) ALTERNATIVE METHODS.—The alternative methods of punishment referred to in subsection (a) should ensure certainty of punishment for young offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young offenders who can be punished more effectively in an environment other than a traditional correctional facility, including—

"(1) alternative sanctions that create accountability and certainty of punishment for young offenders;

"(2) boot camp prison programs;

"(3) technical training and support for the implementation and maintenance of State and local restitution programs for young offenders;

"(4) innovative projects;

"(5) correctional options, such as community-based incarceration, weekend incarceration, and electronic monitoring of offenders;

"(6) community service programs that provide work service placement for young offenders at nonprofit, private organizations and community organizations;

"(7) demonstration restitution projects that are evaluated for effectiveness; and

"(8) innovative methods that address the problems of young offenders convicted of serious substance abuse (including alcohol abuse, and gang-related offenses), including technical assistance and training to counsel and treat such offenders.

#### "SEC. 1702. STATE APPLICATIONS

"(a) IN GENERAL.—(1) To request a grant under this part, the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(b) STATE OFFICE.—The office designated under section 507 of this title—

"(1) shall prepare the application as required under subsection (a); and

"(2) shall administer grant funds received under his part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

#### "SEC. 1703. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Director, in consultation with the Director of the National Institute of Corrections, shall make a grant under section 1701(a) to carry out the projects described in the application submitted by such applicant under section 1702 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application, the Director has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 1702 shall be considered approved, in whole or in part, by the Director not later than 45 days after first received unless the Director informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects, other than alternative facilities described in section 1701(b).

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Director shall not disapprove any application without first affording the applicant

reasonable notice and an opportunity for reconsideration.

#### "SEC. 1704. LOCAL APPLICATIONS.

"(a) IN GENERAL.—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 1701(b).

"(2) Such application shall be considered approved, in whole or in part, by the State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If such application is approved, the unit of local government is eligible to receive such funds.

"(b) DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.—A State that receives funds under section 1701 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 45 days after the Director has approved the application submitted by the State and has made funds available to the State. The Director shall have the authority to waive the 45-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

#### "SEC. 1705. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE DISTRIBUTION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount remaining funds described in this paragraph as the number of young offenders of such State bears to the number of young offenders in all the participating States.

"(b) LOCAL DISTRIBUTION.—A State that receives funds under this part in a fiscal year shall distribute to units of local government in such State for the purposes specified under section 1701 that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for correctional programs in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for correctional programs in such preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by such State for purposes specified under section 1701.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for such fiscal year will not be used by such State or that a State is not eligible to receive funds under section 1701, the Director shall award such funds to units of local government in such State giving priority to the units of local government that the Director considers to have the greatest need.

"(c) GENERAL REQUIREMENT.—Notwithstanding the provisions of subsections (a) and (b), not less than two-thirds of funds received by a State under this part shall be distributed to units of local government unless the State applies for and receives a waiver from the Director of the Bureau of Justice Assistance.

"(d) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75

percent of the total costs of the projects described in the application submitted under section 1702(a) for the fiscal year for which the projects receive assistance under this part.

#### "SEC. 1706. EVALUATION.

"(a) IN GENERAL.—(1) Each State and local unit of government that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the National Institute of Justice.

"(2) The Director may waive the requirement specified in paragraph (1) if the Director determines that such evaluation is not warranted in the case of the State or unit of local government involved.

"(b) DISTRIBUTION.—The Director shall make available to the public on a timely basis evaluations received under subsection (a).

"(c) ADMINISTRATIVE COSTS.—A State and local unit of government may use not more than 5 percent of funds it receives under this part to develop an evaluation program under this section."

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

#### "PART Q—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"Sec. 1701. Grant authorization.

"Sec. 1702. State applications.

"Sec. 1703. Review of State applications.

"Sec. 1704. Local applications.

"Sec. 1705. Allocation and distribution of funds.

"Sec. 1706. Evaluation.

#### "PART R—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings."

(c) DEFINITION.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)), is amended by adding after paragraph (23) the following:

"(24) The term 'young offender' means an individual, convicted of a crime, 22 years of age or younger—

"(A) who has not been convicted of—

"(i) a crime of sexual assault; or

"(ii) a crime involving the use of a firearm in the commission of the crime; and

"(B) who has no prior convictions for a crime of violence (as defined by section 16 of title 18, United States Code) punishable by a period of 1 or more years of imprisonment."

#### SEC. 2. AUTHORIZATION OF APPROPRIATION.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended by adding after paragraph (10) the following:

"(11) There are authorized to be appropriated \$200,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out the projects under part Q."

The CHAIRMAN. No amendment to the substitute, as modified, is in order except the amendments printed part 2 of House Report 103-374. Each amendment may be offered only by a Member designated in the report, shall be considered as read, is not subject to amendment, and is not subject to a demand for a division of the question.

Debate time on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

It is now in order to consider amendment No. 1, printed in part 2 of House Report 103-374.

## AMENDMENT OFFERED BY MR. HUGHES

Mr. HUGHES. Madam Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HUGHES: Page 3, line 20, strike "and".

Page 3, line 25, strike the period and add "; and".

Page 3, after line 25, insert the following: "(9) the provision for adequate and appropriate after care programs for the young offenders, such as substance abuse treatment, education programs, vocational training, job placement counseling, and other support programs upon release.

The CHAIRMAN. Pursuant to the rule, the gentleman from New Jersey [Mr. HUGHES] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Madam Chairman, I yield myself such time as I may consume.

I rise in support of my amendment to H.R. 3351.

The amendment offered today will make a good bill better. I compliment Chairman BROOKS and subcommittee Chairman SCHUMER for bringing this bill to the floor. Programs that provide alternatives to traditional incarceration for youthful offenders are essential in our criminal justice system and often a more appropriate response for youthful offenders.

My amendment speaks to an important component of these correctional programs. Youthful offenders, even more than adults, need followup support and supervision to ensure that peer pressure does not lead to backsliding into criminal conduct. There must be support provided in reentering the community and in facing the attendant pressures which initially led to the wrong choices. The amendment would encourage the Bureau of Justice Assistance to consider the provisions of after care as an important component of an alternative program.

The National Institute of Corrections, a recognized expert in the field of evaluating corrections programs, strongly recommends that no alternative programs, including boot camp type programs, be operated without an aftercare program. To a great extent, the success of the alternative programs is based on the aftercare component.

One program which provides an example of this success is the New York State program which operates the New York City shock supervision unit. The shock programs, such as boot camp, are followed by supervision after release to the community. According to a 1992 evaluation of the New York program, "shock graduates were more likely than comparison group members to be successful after release, despite

having spent considerably less time in State prison \* \* \* Success rates exceeded those of the comparison groups after 12, 24, and 36 months of followup."

It is essential that the programs be designed with a required aftercare component. This amendment would assist in promoting after care as an element to be included in order for a program to qualify for funding.

I urge adoption of this amendment.

Mr. SENSENBRENNER. Madam Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Madam Chairman, I think that this amendment adds to this bill, and we certainly support it on this side of the aisle.

Mr. BROOKS. Madam Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the chairman.

Mr. BROOKS. Madam Chairman, I rise in strong support of this amendment offered by the gentleman from New Jersey [Mr. HUGHES].

Followup care for the young people involved in the Certainty of Punishment Program would be an important component of that program. It does not take a social scientist to know that subsequent followup supervision and evaluation is critical to prevent a slide back to past patterns of antisocial behavior.

Professionals in the Criminal Justice System support such a component for grant programs, because it allows them to lend a steadying hand as offenders make the adjustment back to a normal life in their communities.

I compliment the gentleman from New Jersey for bringing this matter before us, and I urge adoption of this amendment.

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

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

Mr. SCHUMER. I thank the gentleman for yielding.

Madam Chairman, I want to compliment the gentleman from New Jersey. The programs like boot camp or even drug treatment in the prisons work much better when there is aftercare as well, helping the person who gets out adjust to his new life and keeping him off drugs. It is an excellent addition. I support the amendment and commend the gentleman.

Mr. HUGHES. I thank all the Members for their support and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2, printed in part 2 of House Report 103-374.

## AMENDMENT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Madam Chairman, I have an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. LOWEY: Page 3, line 7, after "programs" insert "that include education and job training activities such as programs modeled, to the extent practicable, after activities carried out under part B of title IV of the Job Training Partnership Act (relating to Job Corps) (29 U.S.C. 1691 et seq.)".

Page 3, line 11, after "projects" insert "such as projects consisting of education and job training activities for incarcerated young offenders, modeled, to the extent practicable, after activities carried out under part B of title IV of the Job Training Partnership Act (relating to Job Corps) (29 U.S.C. 1691 et seq.)".

The CHAIRMAN. Pursuant to the rule, the gentlewoman from New York [Mrs. LOWEY] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I want to congratulate and take this opportunity to thank Chairman SCHUMER, Chairman HUGHES, Chairman BROOKS, and Chairman PAT WILLIAMS for their leadership on the boot camp proposals that have been offered in this Congress.

Madam Chairman, I rise to offer my amendment to H.R. 3351 to clarify that boot camps and other alternative sentencing programs should include a strong job training and education component, and to provide the Job Corps Program as an excellent model for such job training and education activities. Why?

Because unless we make available education and training for real jobs, the shock of boot camp incarceration will inevitably wear off.

Because the present revolving-door Juvenile Justice System is failing miserably and at a devastating price.

And because Job Corps is the Nation's most successful comprehensive training program for disadvantaged youth.

Madam Chairman, if we are serious about intervening in the lives of troubled youth before they have been lost to the streets, we had better base our efforts on the most effective strategies for helping disadvantaged young people succeed.

Job Corps has had unparalleled success serving these populations and has done so for the last 30 years at a net savings to the taxpayer. Its methods should be replicated in the boot camps and innovative projects authorized under this important bill.

Madam Chairman, we all agree that instilling better discipline and physical conditioning is an important aspect of the boot camp concept. However, if offenders do not also gain academic, vocational, and social skills to enable them to obtain a decent job when they get out, they will simply be in better physical condition when they return to criminal life.

Without access to the kinds of services provided under Job Corps, most of these juvenile offenders get warehoused in youth detention centers or other facilities.

Then, most youth offenders are released at the age of 21, poorly educated, unskilled, and unprepared to enter the work force.

H.R. 3351, and the amendment which I am offering, do not reward criminal activity—they recognize that unless we move forcefully and creatively to intervene, we will lose a generation of young people to crime and hopelessness.

Madam Chairman, it is easy to talk tough about crime. It is more difficult to do something real to provide youth with a tangible alternative to crime. I believe that this bill, strengthened by my amendment, will do just that.

I understand that the chairman of the full committee and the chairman of the subcommittee have no objection to the amendment. I appreciate their leadership and support. I also want to acknowledge the work of Chairman WILLIAMS, chairman of the subcommittee with jurisdiction over Job Corps, with whom I have worked on this concept.

I urge my colleagues to support this amendment.

Mr. BROOKS. Madam Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the chairman of the committee.

Mr. BROOKS. Madam Chairman, I rise in strong support of the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

Counselors at existing boot camp programs have expressed to the committee their frustration that skills training is not given a greater role in the programs. These professionals see such training as crucial to rehabilitation of young offenders, and I certainly agree with their assessment.

This amendment is an important step to help correct the situation. I compliment the gentlewoman from New York for offering it, and I urge its adoption.

Mr. SENSENBRENNER. Madam Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentlewoman for yielding.

Madam Chairman, let me say that we have no objection to this amendment on this side of the aisle. I think it adds to the bill, but as the gentleman from

Pennsylvania [Mr. GOODLING] will say shortly, it is already in the law.

Mr. SCHUMER. Madam Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentlewoman for yielding. I also thank the gentlewoman for this amendment.

Madam Chairman, the Job Corps is a superb program, one of the few job training programs that works well. I think the gentlewoman has shown a great deal of perspicacity in combating the boot camp program and the Job Corps; it is an excellent addition and I urge its adoption.

Mr. GOODLING. Madam Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentlewoman for yielding.

I too agree that it is a good amendment. What I want to say in relationship to the amendment offered by the gentleman from New Jersey [Mr. HUGHES], and to the gentlewoman's amendment, is that it is exactly what is in the legislation which she helped us put together last year, which is now law and which has \$107 million appropriated. Both amendments are good amendments because they are exactly the same as she helped us put in the legislation last year when she served on the committee.

Mrs. LOWEY. I thank the gentleman from Pennsylvania. I feel that this legislation is important because, in light of the important appropriation, this amendment will clarify and further define what a boot camp is. As the gentleman and I know, boot camps are so very important that we feel, I feel, we are allocating funds and it is very important to show leadership and to make clear what these boot camps do.

□ 1420

Mr. GOODLING. Madam Chairman, will the gentlewoman yield?

Mrs. LOWEY. Certainly, I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Madam Chairman, I agree wholeheartedly, and as I said, the definition that the gentlewoman helped us put in the legislation last year is perfect legislation. It is in the legislation that is already appropriated.

Mrs. LOWEY. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. Does anyone in opposition seek time?

If not, the question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part 2 of House Report 103-374.

For what purpose does the gentleman from Rhode Island rise?

Mr. MACHTLEY. Madam Chairman, I ask unanimous consent to take my

amendment out of order after the Solomon amendment. This is amendment No. 3.

#### PARLIAMENTARY INQUIRIES

Mr. SENSENBRENNER. Madam Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. SENSENBRENNER. Madam Chairman, is it in order for the gentleman from Rhode Island to ask that the other two amendments that are made in order under the rule come up first and that his amendment come up after the last amendment made in order under the rule, which is the amendment to be offered by the gentleman from Florida [Mr. MCCOLLUM]?

The CHAIRMAN. The Chair cannot grant that request. The Committee must stay with the order that has been established by this rule.

Is the gentleman from Rhode Island offering his amendment now?

Mr. MACHTLEY. Madam Chairman, I ask unanimous consent to revise my amendment which is now at the desk.

The CHAIRMAN. The Clerk does not have the gentleman's modification.

Mr. MACHTLEY. Madam Chairman, I would like to make a verbal modification of my amendment that is now in order, pending the arrival of the written modification.

Mr. BROOKS. Madam Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. BROOKS. Madam Chairman, is it true that the gentleman is making a unanimous-consent request to modify the language of the amendment made in order under the rule as amendment No. 3, the Machtley amendment?

The CHAIRMAN. Is the gentleman from Rhode Island seeking to modify his amendment in writing?

Mr. MACHTLEY. I am seeking to revise my amendment which is at the desk, that is correct.

The CHAIRMAN. There is no modification at the desk. The Chair is trying to understand what the modification is.

Mr. MACHTLEY. I have an amendment at the desk, Madam Chairman. The original amendment is at the desk.

The CHAIRMAN. Would the gentleman please send up his modification? We only have the original amendment.

#### AMENDMENT OFFERED BY MR. MACHTLEY

Mr. MACHTLEY. Madam 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. MACHTLEY: Page 8, after line 11, insert the following:

"(e) LIMITATION.—Notwithstanding subsections (a) and (b), no State or unit of local government that receives funds from such State shall be eligible to receive funds under

this part unless such State has in effect throughout such State a law or policy which—

"(1) requires that a student who is in possession of a firearm or other weapon on school property or convicted of a crime involving the use of a firearm or weapon on school property—

"(A) be suspended from school for not less than a 10-day period; and

"(B) lose driving license privileges;

"(2) bans firearms and other weapons in a 100-yard radius of school property, except as provided by the Attorney General of the United States; and

"(3) requires mandatory sentences for crimes involving the use of a firearm or other weapon on school property.

The CHAIRMAN. Pursuant to the rule, the gentleman from Rhode Island will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. BROOKS. Madam Chairman, will the gentleman yield?

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

Mr. BROOKS. Madam Chairman, has the amendment been read, and is it modified?

Mr. MACHTLEY. The original amendment has not yet been modified. We are waiting for legislative counsel to make the modification which we discussed, so I am going to discuss the amendment which is going to be modified.

Mr. SENSENBRENNER. Madam Chairman, I rise in opposition to the amendment, and I claim the time.

The CHAIRMAN. The gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 10 minutes.

Mr. BROOKS. Madam Chairman, does the gentleman intend to modify the amendment?

Mr. MACHTLEY. The gentleman does intend to modify it, Madam Chairman, as soon as legislative counsel provides us with the modified version of the amendment.

Mr. BROOKS. The language is there now?

The CHAIRMAN. The language of the original amendment is here now.

MODIFICATION OF AMENDMENT OFFERED BY MR. MACHTLEY

Mr. MACHTLEY. Madam Chairman, I offer a modification to the amendment.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment offered by Mr. MACHTLEY: In line 2 of the original amendment strike "no State" and all that follows through "unless such" on line 4 and insert "in awarding grants the Director shall consider as an important factor whether".

On line 6 strike "student" and insert "juvenile".

On line 10 strike "for not less than a 10-day period" and insert "for a reasonable period of time".

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

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

There was no objection.

The CHAIRMAN. The gentleman from Rhode Island [Mr. MACHTLEY] is recognized for 10 minutes.

Mr. MACHTLEY. Madam Chairman, I rise today to offer an amendment which seeks to address the growing and quite frankly frightening problem of violence in our schools today.

The modification to my amendment does several things and I will explain those as I discuss this amendment.

Although H.R. 3351 is admittedly a grant program for punishment alternatives for youthful offenders, I think it is incumbent upon us as a United States Congress to do everything that we can to try and stem the tide of violence which is occurring in our schools, because it is a horrendous problem.

It seems like every day we are reading in newspapers and watching on TV the violence which is occurring with weapons inside our school systems.

Just yesterday a student went into a high school in my community in Rhode Island. I could stand here all day and give you examples of the most horrendous crimes which are occurring in our school systems. Every Member in this Congress probably could cite examples which are occurring in their districts.

Granted this is not just a control problem. It is much larger than that. It is not just the violence in the inner city urban areas, it is in our suburbs.

Listen to the first paragraph of a November 8, 1993, U.S. News & World Report article:

Security guards were unnecessary at 1,100-student Dartmouth High School, in a pretty university town 50 miles south of Boston, where the sons and daughters of professors studied alongside the sons and daughters of yacht owners and fishermen. The federal government honored the school for excellence in 1985. So it was a shock when two Dartmouth students and a third teenager burst into James Murphy's government class on April 12 armed with a bat, a billy club and a hunting knife. Police say they attacked freshman Jason Robinson, 16; one went after him with the bat, and as Murphy wrestled with the assailant, a second plunged the knife into Robinson's abdomen, killing him. Robinson's friend Shawn Pina, 15, had fought with one of the accused attackers earlier. A student in Murphy's class, Pina had been suspended after the fight and was not present when the three arrived allegedly looking for revenge.

What was the provocation for the killing of this student? Because Robinson asked why they wanted to see Pina.

Until recently, violence has not been associated with our schools, but today more than 3 million crimes a year are committed in our 85,000 schools in this Nation.

Two weeks ago New York Mayor David Dinkins announced plans to station city cops in all of their New York public schools at an estimated cost of \$60 million.

This trend is terrifying. We as a Congress must do something.

When we read studies, such as a Michigan study which reports that 9 percent of 8th graders carry a gun, knife, or club to school at least once a month. In all an estimated 270,000 guns go to school every day.

These days attending school represents an act of courage for many students. Sixteen percent of 8th graders, 14 percent of 10th graders and 12 percent of 12th graders told University of Michigan researchers that they fear for their safety in our school systems.

So what can we as a U.S. Congress do about this problem?

□ 1430

Can we cope and develop solutions? The problem admittedly, as I indicated, goes well beyond criminal laws. It involves the breakdown of family, it involves unstructured, undisciplined lives in many of your young people, it involves the violence inciting wrath, it involves violence on TV, and regrettably and unfortunately it involves young people who, in the words of a recent article, "suddenly and chillingly respect for life has ebbed strongly among teenagers." If our schools cannot teach brotherly love, and if they cannot teach the Golden Rule, at least they ought to make sure that the students understand that, if they commit an act of violence with a weapon in the school, there will be swift and unpleasant justice for them.

As our States are trying to cope with this enormous problem, Madam Chairman, we, as a Congress, must address it, and we must do all we can. My amendment says that, if States are going to qualify for these monies under this bill in 3351, as a factor for consideration, which is the first change which we just amended, they must, first, provide that if a juvenile is in possession of a firearm or other weapon on school property or convicted of a crime involving the use of a weapon on school property, they would be suspended for a reasonable time. Second, the school would determine that the assailant would lose driving license privileges for a reasonable time as well. Finally, the ban, this amendment which has been revised, bans firearms and other weapons in a 100-yard radius around the school property except, and this is an important exception, that the State may allow exceptions for school sponsored activities as well as other reasonable exceptions. This would take into consideration the person who has a home next to a school, a car which is parked across the street or some other incidental act. We are not banning weapons which are intended for legitimate purposes, but what we are saying is that we have had it with weapons and violence in school, and we are going to begin to take a stand.

Madam Chairman, I believe that my amendment is an important amendment today and that it needs to be addressed by the U.S. Congress, and this is the beginning. While there are some who might suggest that the Gun-Free School Act of 1990 already takes into consideration what I am suggesting, that particular bill has been determined by the U.S. court in California, the district court, as unconstitutional, as exceeding the U.S. Congress' power under the Commerce Act. My bill, by linking the ability to get these monies under this bill in fact will not be a constitutional problem.

Madam Chairman, I believe that my amendment is timely, and I believe it is in the best interest of the country, certainly in the best interest of education.

Mr. BROOKS. Madam Chairman, will the gentleman yield?

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

Mr. BROOKS. Madam Chairman, I looked at the language of the amendment, and it seems to me that the gentleman has tried to be as constructive as possible. I think his motivation is excellent. I think it is a sense of Congress, in effect, that may give some guidance to the States that will be useful to them, and I have no objection to the amendment. I hope that we can pass it promptly and go on to the amendment to be offered by the gentleman from Florida [Mr. MCCOLLUM] and wrap this package up.

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

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

Mr. SCHUMER. Madam Chairman, I agree with the chairman, the gentleman from Texas [Mr. BROOKS]. I think now the language does not impose mandates on the system, it is advisory, and it is advisory in a good direction. I compliment the gentleman from Rhode Island [Mr. MACHTLEY] for his change.

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

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

Mr. MCCOLLUM. Madam Chairman, I just want to join in the celebration of the amendment being offered by the gentleman from Rhode Island [Mr. MACHTLEY]. I think it was a good amendment in its original form. I do not have a problem with its being amended. They key to this is we want to try everything we can to get youthful offenders from being out there in the school area. We need to do everything we can to protect them and to stop the crime around our schools, which the gentleman indeed is directing us to do, and I think it is a constructive amendment.

But while we are talking about this, Madam Chairman, I think we have to remember again that this bill, except

for the gentleman's amendment, as the gentleman from Pennsylvania [Mr. GOODLING] said a little earlier, is a repeat of the Juvenile Justice Assistance Act that is already law. Once the gentleman's is adopted, this is going to be the only thing new about this bill, so it is a very positive thing the gentleman is putting in here, but it is the only new thing there.

But I support this, and I strongly support this, and I commend the gentleman from Rhode Island [Mr. MACHTLEY] for offering it as a very constructive thing.

Mr. MILLER of California. Madam Chairman, will the gentleman yield?

Mr. MACHTLEY. I yield to the gentleman from California.

Mr. MILLER of California. Madam Chairman, I thank the gentleman from Rhode Island [Mr. MACHTLEY] for yielding, and I rise in support of the gentleman's amendment.

Madam Chairman, I was hoping this amendment could have been mandatory. I think the time has come to realize that we have got to provide a very stringent policy with bright lines as to those students who make a conscious decision to bring guns into our schools and that those students have got to be barred from participation. I think, for a rather lengthy period of time in the school-day program. We have millions of young children who come from very difficult neighborhoods, very difficult families, very difficult environments, who do not decide to bring guns to school. They decide to bring themselves and the desire to learn, and they are not being overridden in that educational opportunity, that desire for an education, by very few students who are very dangerous because they choose to bring guns into the school environment.

Madam Chairman, I will propose on the Elementary Secondary Education Act a mandatory 1-year suspension for a student who brings a gun onto school premises because the time has come to recognize that these students do not come to school for education. They come to eat their lunch, get out of the rain, see their boyfriend or girlfriend, or kill somebody.

Mr. SENSENBRENNER. Madam Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. SANGMEISTER].

Mr. SANGMEISTER. Madam Chairman, the purpose of my rising is to enter into a colloquy with the sponsor of the amendment.

I say to the gentleman, "I think things have been clarified here with your amendment. As you know, you just filed that, so I just want to make sure because in Illinois we have a case that has been decided by the Illinois Supreme Court that says you cannot forfeit a driver's license unless that offense that you are being convicted of is somewhat related to driving, and, as I

read your amendment, possession of a gun in a school by a student has nothing to do with driving privileges, and what I was going to say is, if our State has to pass a law to that effect, we cannot because it would be unconstitutional. Now further I understand you have amended this, that this will only be a factor for a State to consider; is that correct?"

Mr. MACHTLEY. Madam Chairman, will the gentleman yield?

Mr. SANGMEISTER. I yield to the gentleman from Rhode Island.

Mr. MACHTLEY. That was the reason for changing the mandate to a factor because there are States which would have a difficult time in implementing it exactly as it was drafted. Sop, it is not a requirement. It is only a factor, and I say to the gentleman, "If your State has a statute or a court decision which would prohibit any of these, that obviously would be submitted along with the application."

Mr. SANGMEISTER. OK.  
So, to make it very clear, the State of Illinois, which does have a Supreme Court decision that says, "You cannot do this," will not affect the right of the State of Illinois to obtain funds to go forward with this program.

Mr. MACHTLEY. That is correct. That is only a factor.

Mr. SENSENBRENNER. Madam Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. GRAMS].

Mr. GRAMS. Madam Chairman, I want to thank the gentleman from Rhode Island [Mr. MACHTLEY] for the amendment, and I support it strongly. I did have some earlier concerns dealing with many of the school-based firearms safety courses and competitions that I believe are very useful and enhance the proper use and safe use of firearms, and that was a question I had about the gentleman's amendment. But I know now it is amended to make the language clearer that such programs would still be permitted and sanctioned and firearms could be used for those purposes.

Mr. MACHTLEY. And even more important, it is the State that is going to determine what is the appropriate exception as opposed to the Federal Government. This should be a States rights issue.

Mr. GRAMS. Right, and I appreciate that this has been made clear and included in as part of the gentleman's amendment.

Mr. SENSENBRENNER. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I support this amendment as it has been modified. I am a strong supporter of local control schools, and I have strenuously fought, and will continue to fight, trying to manage local schools from Washington. The original draft of the gentleman from Rhode Island's amendment attempted to do that by imposing mandates on local school systems. I think

that this amendment is a very constructive addition because it merely gives factors in how these grants are to be considered, and it will be up to the Federal Government in deciding how to parcel out whatever money becomes available to take into account local issues such as the one that has been raised by the gentleman from Illinois [Mr. SANGMEISTER] because it is no longer a mandate and because it does not retain the right of States and communities to control their own schools. I believe now that the modified amendment is a worthwhile addition to the bill and support it.

□ 1440

I yield to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Madam Chairman, to my distinguished friend, I want to commend him on his evaluation of the amendment in its original form. I was going to use as my principal argument the fact that if it mandated these provisions, it would have emasculated every school district in the United States by taking away their authority, and it would have been just what the gentleman said it was, a real disgrace to do that to every school district in the United States, in your district or mine. And I love that argument. I am glad we were able to work that out.

Mr. SENSENBRENNER. Madam Chairman, I thank the gentleman from Texas [Mr. BROOKS]. This is part of the bipartisan spirit that has permeated this House this week, and which I hope will continue.

Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The Clerk will report the amendment as modified.

AMENDMENT OFFERED BY MR. MACHTLEY, AS MODIFIED

The Clerk read as follows:

Amendment offered by Mr. MACHTLEY, as modified: Page 8, after line 11, insert the following:

“(e) CONSIDERATION.—Notwithstanding subsections (a) and (b), in awarding grants under this part, the Director shall consider as an important factor whether a State has in effect throughout such State a law or policy which—

“(1) requires that a juvenile who is in possession of a firearm or other weapon on school property or convicted of a crime involving the use of a firearm or weapon on school property—

“(A) be suspended from school for a reasonable period of time; and

“(B) lose driving license privileges for a reasonable period of time;

“(2) bans firearms and other weapons in a 100-yard radius of school property, but the State may allow exceptions for school-sponsored activities, as well as other reasonable exceptions.

“(f) DEFINITION.—For purposes of this part, ‘juvenile’ means 18 years of age or younger. Page 10, after line 3, insert the following:

SEC. 3. SENSE OF THE CONGRESS.

It is the sense of the Congress that States should impose mandatory sentences for

crimes involving the use of a firearm or other weapon on school property or within a 100-yard radius of school property.

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

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

There was no objection.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Rhode Island [Mr. MACHTLEY].

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 103-374.

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Madam 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. MCCOLLUM:

Page 9, strike lines 13 and 14, and insert the following:

“(24) The term ‘young offender’ means an individual, convicted of a crime, less than 18 years of age—

“(A) who has not been convicted of—

“(i) a crime of sexual assault; or

“(ii) a crime involving the use of a firearm in the commission of the crime; and

“(B) who has no prior convictions for a crime of violence (as defined by section 16 of title 18, United States Code) punishable by a period of 1 or more years of imprisonment.”.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. BROOKS. Madam Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] will be recognized for 10 minutes in opposition.

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

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

Madam Chairman, I rise to explain my amendment very briefly to the body. This bill, as we have said earlier, is an offender bill, a youthful offender bill, designed to have alternatives, such as boot camps and a number of other things, for those who are non-violent youthful offenders, and to provide grants to the States to support those programs.

As I have said earlier, I believe this bill does not do what we really need to do in the area of criminal law reform. We need to be getting at the truly violent criminals, and many of them, unfortunately, are youthful offenders.

We need to be stopping the revolving door of allowing the prisoners to go back out again and again who commit

these violent crimes. There are a number of ways in the Republican alternative legislation, that is not out here today and is not going to be out here, unfortunately, this session, that would address that problem.

But dealing with what we do have out here today, this bill, and I must say, by the way, the bill itself is not really necessary, as the gentleman from Pennsylvania [Mr. GOODLING] has explained, because the juvenile assistance bill that we passed last year already appropriates \$107 million, and what is in this bill is already authorized and appropriated for.

But, nonetheless, I find nothing that is offensive about the bill, except the fact that the age in this bill is at 22 years of age. And I believe very sincerely that we should be dealing with the limited resources we have and using those limited resources for those who are truly juveniles.

Virtually every State in the Union defines a juvenile as somebody under the age of 18. That is a typical age for a majority. It is also that age group where most of the problem is with crime today, especially violent crime.

Now, this bill does not deal with violent crime. But those who commit these first-time and second time offenses, that get started on the path to be eligible for the care that is provided in this bill, are the ones that, if untreated, are going to go on to commit the violent crimes.

So the shocking fact that we have so much violent crime today by those who are 12, 13, 14, 15, 16, and 17 years of age, is reason enough to focus the resources, the limited resources we have at the Federal level, to help the States deal with that problem, to divert these particular youths who commit their youthful offenses, their first-time offenses, away from the way of crime. In other words, rehabilitate them with boot camps and so on. We ought to devote it to that group so we do not get them to turn into violent offenders that are so rampant in this country.

Madam Chairman, that is why I think my amendment is important. It seems small. This bill though started at 28. We moved it down by the other side's voluntary efforts to 22. It really should be under 18. It should be the teenagers today.

The Wall Street Journal has said, and it is correct, “Throughout the country, district attorneys are naming juvenile crime as the No. 1 crime problem, and reform of the juvenile justice system as their top priority.”

But they are not talking about 21- and 22-year-olds. They are talking 12-, 13-, 14-, 15-, 16-, and 17-year-olds. Even sometimes younger. That is where the problem is. That is where the focus of attention is. And the reason for that is that between 1987 and 1992, 29 percent of those arrested for most violent crimes were under the age of 18.

It is also a fact that between 1985 and 1991, the number of 17-year-olds arrested for murder increased 121 percent, the number of 16-year-olds by 158 percent, the number of 15-year-olds by 217 percent, and the number of arrests for murder by boys 12 and under doubled.

In Florida alone, arrests of juveniles aged 10 to 17 increased in the 10-year period from 1982 through 1992 for murder by 151 percent; for attempted murder by 177 percent in my home State; for drug felonies, not including marijuana, by 667 percent; for auto theft, 304 percent; for carrying a concealed weapon, 348 percent; for robbery, 151 percent; for sexual assault, 127 percent; for sexual crimes, 173 percent; for sexual battery, 72 percent. These are in Florida alone in a 10-year period. That has been the increase in the rate of these crimes by those who are under 18 years of age. That is shocking. That is the reason why so much public attention in the law enforcement community is being devoted to correcting our juvenile justice system.

Let us give them the help they need for the juvenile justice system. Let us apply what little resource promotion we have here for grant programs in this bill to those who are truly juveniles. Not 22-year-olds, not 21-year-olds, but those who are under the age of 18, as commonly defined by most people in most States as juveniles.

Madam Chairman, that is all my amendment does, is simply change the provision of this bill that says youthful offenders are defined as 22 years of age, to those who are under 18.

I reserve the balance of my time.

Mr. BROOKS. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in strong opposition to the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The only issue before us is—how old is too old to be considered a young offender? Reasonable people can disagree on this. The bill, as introduced, established 28 years of age or younger as the appropriate target population for this program of alternative punishments. Others, including the gentleman from Florida, disagreed.

Even though the bill passed the committee with the age limit set at 28, we worked after the committee markup with the gentleman from Florida, a member of the committee, to address the concerns he raised. Not just on the appropriate age, but also on the type of crime required for eligibility. At that time, the gentleman from New York [Mr. SCHUMER] and I thought we had reached an agreement with the gentleman from Florida on both of these concerns, but other developments obviously intervened.

I think we need to keep in mind what we are trying to do here. This country

cannot afford to continue to lose young people to lives of crime. We do not want them becoming hardened criminals in prison and returning to their communities with no further hope of becoming law-abiding, productive citizens.

I would urge my colleagues that young persons age 22 are not past the age where they can be reclaimed and rechannelled to useful and productive pursuits in our society.

There are few among us who would not consider college-aged students to be young people, who have yet formed their adult identities. We should not give up on this age group. Unfortunately, the McCollum amendment would write these young people off.

Let us not lose them. For this reason, I urge my colleagues to cast a "no" vote on the amendment before the House.

□ 1450

Mr. MCCOLLUM. Madam Chairman, I yield myself 1 minute.

The chairman well knows that there was an agreement reached. We attempted to do it. I am very appreciative of what modifications were made, because the bill, as it was written originally, did have the opportunity for youthful offenders to include those who committed some heinous crimes. That was not the intent any of us wanted to reach. So I think the chairman and the subcommittee chairman, the gentleman from New York [Mr. SCHUMER] both did an act that was appropriate by modifying, in the rule and the bill today, those provisions that I would have otherwise done in this amendment besides the age. But the point is still critical on the age.

States out there can do what they want with 22-year-olds, but we need to focus what limited resources of the Federal Government there are to those that are there that are younger than 18, those that are really the problem area today, to try to stop the 7 percent of the youthful offenders that are committing most of the violent crimes in their category from ever getting to that stage. We need to devote those resources there.

There is an article in the Wall Street Journal, September 8, by Ms. Cramer, that says that today studies of urban violence on juveniles say the optimal age for intervention has been revised downward to age 8.

My amendment is a modest effort to direct resources where they should be directed.

Madam Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Madam Chairman, I thank the gentleman from Florida for yielding time to me.

I appreciate his leadership on this issue. I want to say, I certainly support the effort of the chairman of our full

committee, the gentleman from Texas [Mr. BROOKS], and the chairman of our subcommittee, the gentleman from New York [Mr. SCHUMER], for their efforts in this area, but I support providing alternative sentences to young offenders particularly, of course, young nonviolent offenders.

Nevertheless, I want to speak up for the McCollum amendment for two reasons.

First, although I think this has been adopted now by the committee and may be a resolved issue, we want to make clear that offenders eligible for alternative sentencing under this bill at least are, in fact, nonviolent offenders. And I think that the McCollum amendment has gone a long way, and I think the gentleman from New York [Mr. SCHUMER] earlier accepted similar language to eliminate the possibility that violent offenders could be given boot camp under this bill.

I have to say that as I read the amendment, I think that that possibility might still exist, because I believe the wording now says, individuals who are convicted of an offense with a firearm are not eligible. Individuals convicted of sexual assault are not eligible, and individuals with a prior conviction for any violent offense are not eligible.

If I am reading that right, that is a loophole that if someone's current offense is violent but it is not with a firearm and it is not sexual assault, suppose the offender murdered somebody with a knife but they have no prior violent convictions, they are now eligible for this program.

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

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

Mr. MCCOLLUM. Madam Chairman, the gentleman is correct.

Mr. SCHIFF. Madam Chairman, I think that could be repaired, though, in conference with the other body, if we pass this bill.

I think the other issue that is before us, at what age do we want to refer to someone as a youthful offender. I believe that in the minds of most people, when we talk about the remedies we are discussing here, particularly something like a boot camp, I think the public expects that we are talking about teenagers, probably those 15, 16, and 17 years old. I do not think that the public believes that we are talking about those still more old enough to know what they are doing and to be more accountable and that accountability does not have to mean prison. It just means not necessarily eligible for this kind of youthful alternative sentencing.

For that reason, I think the amendment of the gentleman from Florida should be adopted, and I support it. And if it is adopted, I urge support of the bill.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER], the distinguished chairman of the subcommittee.

Mr. SCHUMER. Madam Chairman, I thank the gentleman for yielding time to me.

First, I want to rise in opposition but say that I think my colleague from Florida has already had a constructive effect on this bill by the changes.

Let us talk about what this bill would do. No one convicted for sexual assault, a crime involving a firearm, no one convicted of a crime of violence is going to be eligible for boot camp at all.

What we are talking about is 19-, 20-, 21-year-olds who are committing their first crime, a nonviolent crime. And some of them may be much better to go to boot camp. Not all will go, that will be up to the judge. That will be up to the penal authorities. But for some, a boot camp may be better than prison.

But I would make another argument to my colleagues. If we pass the McCollum amendment, most of them will not get any sentence at all, at least in the large cities, the city that I live in.

I will give my colleagues an example. A 19-year-old kid vandalizes a store front, knocks out the windows, sprays graffiti all over it. If this amendment passed, the kid would get probation. That means nothing. It means once every so often a probation officer visits them.

Under the bill, that person could go to boot camp. And that is the whole point. It is very anomalous to say everyone under 18 deserves boot camp or everyone 18 or younger deserves boot camp, but no one over 18 deserves boot camp. There is a spectrum. There is a gray area.

There are probably some below 18 that I would not want to send to boot camp. They might deserve prison, depending on the crime they committed. But there are some above 18 who might be better suited for the boot camp.

And so I understand, once again, there is going to be demagoguery on this, not by the gentleman from Florida, I must say, to his credit. But there is going to be demagoguery on this.

We will say this weakens the law. It does not. The actual effect of this bill, without the amendment, is that it will be tougher than the bill with the amendment. Because anyone 19, 20, or 21, first crime, nonviolent, will get no punishment at all, instead of the boot camp or other alternative that they might deserve.

Mr. BROOKS. Madam Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Madam Chairman, my apologies for not listening to the details of the bill.

Does this bill authorize some new expenditures to fund the camps?

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

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

Mr. SCHUMER. Madam Chairman, it is an authorization, yes.

Mr. SABO. Madam Chairman, of how much?

Mr. SCHUMER. Madam Chairman, if the gentleman will continue to yield, I believe it is \$200 million.

Mr. SABO. Madam Chairman, what happens to our ability to actually fund this, if we reduce the discretionary funding caps.

Mr. SCHUMER. Madam Chairman, the gentleman brings up a good point. It is our hope, of course, we are authorizing this year, we could be funded in appropriation next year.

If we reduce the discretionally funding caps that some are proposing, this program and so many of the others, the cop on the beat, the regional prisons, the drug treatment in the prisons, so many of the others that we have would not be able to be funded or it would be far more difficult, if we want the dollars.

I want to compliment the other side. For the first time they have started to say, we do need money as well as tough penalties, my belief as well, to fight crime.

□ 1500

They are putting their money where their mouth is. The discretionary caps would really shut that down significantly.

Mr. MCCOLLUM. Would the Chair indicate how much time each side has remaining?

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] has 1½ minutes remaining, and the gentleman from Texas [Mr. BROOKS] has 3 minutes remaining.

Mr. BROOKS. Madam Chairman, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Madam Chairman, I did not actually intend to speak on this amendment, but after listening to parts of the debate, I thought it appropriate in that the State of Maryland, which I represent, has had some experience with this matter. Our experience has actually been in the opposite direction of this amendment.

Madam Chairman, we found in Maryland that it was advisable to actually raise the age of participation in the boot camp program, because there are, in fact, the category of young adult offenders who can benefit from this program. What we found is that if the offender was physically capable of participating in a rigorous program, such as the boot camp offered, that significant benefits could accrue to that particular inmate. It seems to me if we look at the figures, that they do not reflect that of crime just by 18-year-olds, but in fact reflect crimes by a group of

young adults that actually fall under the age of 28.

It seems to me that anything that would reduce the eligibility for boot camps would be movement in a bad direction, in the opposite direction of what we should be doing. If anything, we should be expanding.

I would just like to rise in strong opposition to this amendment based on our practical experience in Maryland where we actually raised the admission to boot camps in Maryland, and the fact that it actually worked and served a very useful purpose.

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

Madam Chairman, I simply would like to make a point in this. That is, that we are not debating anything but the question of how much money we are going to devote, how much of our limited resources, to what category. States are free, as the gentleman just testified, to include in boot camps and alternative programs all kinds of ages. They can go up to 28, they can be at 25, they can be somewhere else. We already have \$107 million appropriated for programs like this out there in another bill that was authorized last Congress. This bill would, if any moneys are available, allow up to a couple of hundred million more for essentially the same purpose. It may not be that it is necessary, but if we go forward and do this, all I am suggesting is that let us target that where it is most needed, with the Federal dollars.

The States can still divert others if they want to, but from our perspective with the limited Federal money, we do not have a lot to use in this area because we have so many other important areas to utilize our funds in, so let us give it to the juveniles, as everybody understands them, where the crisis is, those under 18, those teenagers under 18 that are shockingly increasing their violent crimes.

Let us get them caught into a system of alternatives before they get to be these hardened criminals committing these really bad crimes we are reading about every day. Let us take our little bit of money under this bill and say, "Target it, States. You can do what you want beyond this, but with these Federal dollars, target the money to those where it is most needed, clearly most needed right now," and see if we can in some way reduce the number of young people who are getting into the crimes of violence that we are reading about in the headlines every day.

I implore my colleagues, my amendment is a good amendment because it targets where our money is going to the most critical area of concern, the only reason I am offering it. Let us adopt this amendment and lower the age of qualification under 18, to the teenagers, where the biggest problem is.

I urge the adoption of the amendment.

Mr. BROOKS. Madam Chairman, I yield the remaining time to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Madam Chairman, I thank the distinguished chairman of the Committee on the Judiciary for yielding time to me.

Madam Chairman, this is a bad amendment. It is a bad amendment for many of the reasons that have already been articulated by the gentleman from Texas [Mr. BROOKS] and the gentleman from New York [Mr. SCHUMER]. I have four youngsters. They are all different. What is the difference really, generically, between someone who is 17 years and 11 months and somebody who is 18 years and 1 month? I know youngsters, I have seen youngsters who are mature at the age of 16, and I have seen them when they are not very mature at the age of 25.

All we do in this legislation is to give the States the discretion as to who is a fit subject for this type of an alternative to institutionalization. We give them the discretion. Not every youthful offender, and that is what we are talking about, we are not talking about teenagers, we are not talking about juvenile offenders, we are not decriminalizing, as seems to be suggested.

What we are doing is giving the States the opportunity to take a look at a pool of offenders, youthful offenders, up to the age of 22, and determine whether or not they are eligible, whether they are a fit subject for this type of punishment. That is all we have done. When we narrow it, as I think the distinguished gentleman from Maryland [Mr. WYNN] has just indicated, when we narrow that pool we are restricting basically the pool that will be eligible for this particular alternative to institutionalization.

As the distinguished subcommittee chairman indicated, in many instances what we are going to find is, they are going to be cut loose because the judge is not going to want to send them to jail. They are going to send them right back to the same bad environment at home that caused many of their problems. It is a bad amendment because it is bad policy.

It seems to me that what we need to do is reject this overwhelmingly, because it does do some harm, really, to this program because it denies the States the kind of flexibility they need to select those that are fit for the program.

Do not do that to this bill, because I think it really seriously undermines what we are all trying to do. I urge rejection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

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

## RECORDED VOTE

Mr. MCCOLLUM. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 228, not voting 9, as follows:

[Roll No. 585]

## AYES—201

Allard	Gilchrist	Murphy
Applegate	Gillmor	Myers
Archer	Gilman	Nussle
Armey	Gingrich	Orton
Bacchus (FL)	Goodlatte	Oxley
Bachus (AL)	Goodling	Packard
Baesler	Goss	Paxon
Baker (CA)	Grams	Peterson (MN)
Baker (LA)	Grandy	Petri
Ballenger	Greenwood	Pombo
Barlow	Gunderson	Porter
Barrett (NE)	Hall (TX)	Portman
Bartlett	Hamilton	Pryce (OH)
Barton	Hancock	Quinn
Bateman	Hansen	Ravenel
Bereuter	Hastert	Regula
Bevill	Hayes	Richardson
Billfrakis	Hefley	Ridge
Billey	Hobson	Roberts
Blute	Hoekstra	Robers
Boehlert	Hoke	Rohrabacher
Boehner	Horn	Ros-Lehtinen
Bonilla	Houghton	Roth
Brewster	Huffington	Roukema
Browder	Hunter	Royce
Bunning	Hutchinson	Santorum
Burton	Hyde	Saxton
Buyer	Inglis	Schaefer
Callahan	Inhofe	Schiff
Calvert	Istook	Sensenbrenner
Camp	Johnson, Sam	Shaw
Canady	Kasich	Shays
Castle	Kim	Shuster
Coble	King	Skeen
Collins (GA)	Kingston	Skelton
Combest	Klug	Smith (MI)
Condit	Knollenberg	Smith (NJ)
Cooper	Kolbe	Smith (OR)
Costello	Kyl	Smith (TX)
Cox	LaFalce	Snowe
Cramer	Lazio	Solomon
Crane	Leach	Spence
Crapo	Levy	Stenholm
Cunningham	Lewis (CA)	Stump
DeLay	Lewis (FL)	Sundquist
Deutsch	Lightfoot	Talent
Diaz-Balart	Linder	Tanner
Dickey	Lipinski	Tauzin
Doolittle	Livingston	Taylor (MS)
Dorman	Lloyd	Taylor (NC)
Dreier	Machtley	Thomas (CA)
Duncan	Manzullo	Thomas (WY)
Dunn	McCandless	Torkildsen
Emerson	MCCollum	Torricelli
English (OK)	McCrery	Traffant
Everett	McDade	Upton
Ewing	McHale	Valentine
Fawell	McHugh	Vucanovich
Fields (TX)	McInnis	Walker
Fish	McKeon	Walsh
Fowler	McMillan	Weldon
Franks (CT)	Meyers	Williams
Franks (NJ)	Mica	Wilson
Gallely	Michel	Young (AK)
Gallo	Miller (FL)	Young (FL)
Gekas	Molinar	Zeliff
Geren	Moorhead	Zimmer

## NOES—228

Abercrombie	Blackwell	Clayton
Ackerman	Bonior	Clement
Andrews (ME)	Borski	Clyburn
Andrews (NJ)	Boucher	Coleman
Andrews (TX)	Brooks	Collins (IL)
Barca	Brown (CA)	Collins (MI)
Barcia	Brown (FL)	Conyers
Barrett (WI)	Brown (OH)	Coppersmith
Becerra	Bryant	Coyne
Beilenson	Byrne	Danner
Bentley	Cardin	Darden
Berman	Carr	de la Garza
Bilbray	Chapman	de Lugo (VI)
Bishop	Clay	Deal

DeFazio	Klein	Price (NC)
DeLauro	Klink	Quillen
Dellums	Kopetski	Rahall
Derrick	Kreidler	Ramstad
Dingell	Lambert	Rangel
Dixon	Lancaster	Reed
Dooley	Lantos	Reynolds
Durbin	LaRocco	Roemer
Edwards (CA)	Laughlin	Rose
Edwards (TX)	Lehman	Rostenkowski
Engel	Levin	Rowland
English (AZ)	Lewis (GA)	Roybal-Allard
Eshoo	Long	Rush
Evans	Lowey	Sabo
Faleomavaega	Maloney	Sanders
(AS)	Mann	Sangmeister
Farr	Manton	Sarpalius
Fazio	Margolies-	Sawyer
Fields (LA)	Mezvinsky	Schenk
Filner	Markey	Schroeder
Fingerhut	Martinez	Schumer
Fiske	Matsui	Scott
Foglietta	Mazzoli	Serrano
Ford (MI)	McCloskey	Sharp
Ford (TN)	McCurdy	Shepherd
Frank (MA)	McKinney	Sisisky
Frost	McNulty	Skaggs
Furse	Meehan	Slaughter
Gejdenson	Meek	Smith (IA)
Gephardt	Menendez	Spratt
Gibbons	Mfume	Stark
Glickman	Miller (CA)	Stokes
Gonzalez	Mineta	Strickland
Gordon	Minge	Studds
Green	Mink	Stupak
Gutierrez	Moskley	Swett
Hall (OH)	Mollohan	Swift
Hamburg	Montgomery	Synar
Harman	Moran	Tejeda
Hastings	Morella	Thompson
Hefner	Murtha	Thornton
Hilliard	Nadler	Thurman
Hinchey	Natcher	Torres
Hoagland	Neal (MA)	Towns
Hochbrueckner	Neal (NC)	Tucker
Holden	Norton (DC)	Underwood (GU)
Hoyer	Oberstar	Unsoeld
Hughes	Obey	Velázquez
Hutto	Olver	Vento
Inslée	Ortiz	Visclosky
Jacobs	Owens	Volkmer
Jefferson	Pallone	Waters
Johnson (CT)	Parker	Watt
Johnson (GA)	Pastor	Waxman
Johnson (SD)	Payne (NJ)	Wheat
Johnson, E.B.	Payne (VA)	Whitten
Johnston	Pelosi	Wise
Kanjorski	Penny	Wolf
Kaptur	Peterson (FL)	Woolsey
Kennedy	Pickett	Wyden
Kennelly	Pickle	Wynn
Kildee	Pomeroy	Yates
Kleccka	Poshard	

## NOT VOTING—9

Cantwell	McDermott	Stearns
Clinger	Romero-Barcelo	Washington
Dicks	(PR)	
Herger	Slattery	

□ 1528

The Clerk announced the following pair:

On this vote:

Mr. Stearns for, with Mr. Cantwell against. Mrs. LOWEY, Mr. FOGLIETTA, Mr. FORD of Tennessee, Ms. KAPTUR, Ms. MARGOLIES-MEZVINSKY, Mr. ROSE, and Mr. CLEMENT changed their vote from "aye" to "no."

Messrs. BREWSTER, GOODLING, COX, and DEUTSCH, and Mrs. LLOYD changed their vote from "no" to "aye." So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1529

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GEPHARDT) having assumed the chair, Mrs. CLAYTON, Chairwoman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 3351) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation, pursuant to House Resolution 314, she reported the bill back to the House with an amendment adopted in 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, as modified, 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 engrossment and third reading of the bill.

The bill was ordered to be read a third time and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCCOLLUM. I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

Mr. MCCOLLUM moves to recommit the bill (H.R. 3351) to the Committee on the Judiciary, with instructions to report the bill back to the House forthwith, with the following amendment:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Crime Control Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Section 1. Short title and table of contents.

**TITLE I—PROTECTION OF NEIGHBORHOODS, FAMILIES, AND CHILDREN**

**Subtitle A—Safe Schools**

Sec. 101. Increased penalties for drug trafficking near schools.

Sec. 102. Federal safe school districts.

Sec. 103. Enhanced penalty for violation of the Gun-Free School Zones Act.

**Subtitle B—Secure Neighborhoods**

Sec. 111. Enhanced local law enforcement.

Sec. 112. Authorization of appropriations.

Sec. 113. Community policing grants.

Sec. 114. Criminal street gangs offenses.

Sec. 115. Drive-by shootings.

Sec. 116. Addition of anti-gang Byrne grant funding objective.

Sec. 117. Increased penalties for drug trafficking near public housing.

**Subtitle C—Crimes Against Children**

Sec. 131. Death penalty for murder during the sexual exploitation of children.

Sec. 132. Increased penalties for sex offenses against victims below the age of 16.

Sec. 133. Penalties for international trafficking in child pornography.

Sec. 134. State legislation regarding child pornography.

Sec. 135. National registration of convicted child abusers.

Sec. 136. Increased penalties for assaults against children.

Sec. 137. Offense of inducing minors or other persons to use steroids.

Sec. 138. Increased penalties for drug distribution to pregnant women.

Sec. 139. Interstate enforcement of child support orders.

Sec. 140. Crimes involving the use of minors as RICO predicates.

Sec. 141. Increased penalties for using minors in drug trafficking and drug distribution to minors.

Sec. 142. Increased penalties for using a minor in commission of a Federal offense.

Sec. 143. International parental kidnapping.

Sec. 144. State court programs regarding international parental child abduction.

**Subtitle D—Punishment of Serious Juvenile Offenders**

Sec. 151. Serious juvenile drug offenses as armed career criminal act predicates.

Sec. 152. Adult prosecution of serious juvenile offenders.

Sec. 153. Amendments concerning records of crimes committed by juveniles.

**TITLE II—EQUAL PROTECTION FOR VICTIMS**

**Subtitle A—Victims' Rights**

Sec. 201. Right of the victim to fair treatment in legal proceedings.

Sec. 202. Right of the victim to an impartial jury.

Sec. 203. Victim's right of allocution in sentencing.

Sec. 204. Enforcement of restitution orders through suspension of Federal benefits.

Sec. 205. Prohibition of retaliatory killings of witnesses, victims and informants.

**Subtitle B—Admissibility of Evidence**

Sec. 211. Admissibility of evidence of similar crimes in sex offense cases.

Sec. 212. Extension and strengthening of rape victim shield law.

Sec. 213. Inadmissibility of evidence to show provocation or invitation by victim in sex offense cases.

Sec. 214. Admissibility of certain evidence.

**Subtitle C—Protecting the Integrity of the Judicial Process**

Sec. 221. General safeguards against racial prejudice or bias in the tribunal.

Sec. 222. Protection of jurors and witnesses in capital cases.

Sec. 223. Protection of court officers and jurors.

Sec. 224. Death penalty for murder of Federal witnesses.

**TITLE III—PROTECTION OF WOMEN**

**Subtitle A—Spouse Abuse and Stalking**

Sec. 301. Interstate travel to commit spouse abuse or to violate protective order; interstate stalking.

Sec. 302. Full faith and credit for protective orders.

**Subtitle B—Victims of Sexual Violence**

Sec. 311. Civil remedy for victims of sexual violence.

Sec. 312. Extension and strengthening of restitution.

Sec. 313. Pre-trial detention in sex offense cases.

**Subtitle C—Punishment of Sex Offenders**

Sec. 321. Death penalty for rape and child molestation murders.

Sec. 322. Increased penalties for recidivist sex offenders.

Sec. 323. Sentencing guidelines increase for sex offenses.

Sec. 324. HIV testing and penalty enhancement in sexual offense cases.

**TITLE IV—PREVENTION OF TERRORISM**

**Subtitle A—Enhanced Controls on Entry into the United States**

Sec. 401. Exclusion based on membership in terrorist organization advocacy of terrorism.

Sec. 402. Admissions fraud.

Sec. 403. Inspection and exclusion by immigration officers.

Sec. 404. Judicial review.

Sec. 405. Conforming amendments.

Sec. 406. Effective date.

**Subtitle B—Deportation of Alien Terrorists**

Sec. 411. Removal of alien terrorists.

**Subtitle C—Penalties for Engaging in Terrorism**

Sec. 421. Providing material support to terrorism.

Sec. 422. Sentencing guidelines increase for terrorist crimes.

Sec. 423. Extension of the statute of limitations for certain terrorism offenses.

Sec. 424. Enhanced penalties for certain offenses.

Sec. 425. Implementation of the 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation.

Sec. 426. Amendment to Federal Aviation Act.

Sec. 427. Offenses of violence against maritime navigation or fixed platforms.

Sec. 428. Weapons of mass destruction.

Sec. 429. National task force on counterterrorism.

Sec. 430. Death penalty for death caused by the use of a bomb or other destructive device.

**TITLE V—CRIMINAL ALIENS AND ALIEN SMUGGLING**

**Subtitle A—Deportation of Criminal Aliens**

Sec. 501. Expediting criminal alien deportation and exclusion.

Sec. 502. Authorizing registration of aliens on criminal probation or criminal parole.

Sec. 503. Expansion in definition of "aggravated felony".

Sec. 504. Deportation procedures for certain criminal aliens who are not permanent residents.

Sec. 505. Judicial deportation.

Sec. 506. Restricting defenses to deportation for certain criminal aliens.

- Sec. 507. Enhancing penalties for failing to depart, or reentering, after final order of deportation.
- Sec. 508. Miscellaneous and technical changes.
- Sec. 509. Authorization of appropriations for criminal alien information system.
- Subtitle B—Prevention and Punishment of Alien Smuggling
- Sec. 511. Border patrol agents.
- Sec. 512. Border patrol investigators.
- Sec. 513. Including alien smuggling as a racketeering activity for purposes of racketeering influenced and corrupt organizations (RICO) enforcement authority.
- Sec. 514. Enhanced penalties for employers who knowingly employ smuggled aliens.
- Sec. 515. Enhanced penalties for certain alien smuggling.
- Sec. 516. Expanded forfeiture for smuggling or harboring illegal aliens.
- TITLE VI—TAKING CRIMINALS OFF THE STREET**
- Subtitle A—Expanding Prison Capacity
- Sec. 601. Use of private activity bonds.
- Sec. 602. Federal-State partnerships for regional prisons.
- Sec. 603. Non-applicability of Davis-Bacon to prison construction.
- Subtitle B—Miscellaneous
- Sec. 611. Restricted Federal court jurisdiction in imposing remedies on State and Federal prison systems.
- TITLE VII—PUNISHMENT AND DETERRENCE**
- Subtitle A—Capital Offenses
- Sec. 701. Procedures for enforcing death penalty.
- Sec. 702. Equal Justice Act.
- Sec. 703. Prohibition of racially discriminatory policies concerning capital punishment or other penalties.
- Sec. 704. Federal capital cases.
- Sec. 705. Extension of protection of civil rights statutes.
- Sec. 706. Federal death penalties.
- Sec. 707. Conforming and technical amendments.
- Subtitle B—Violent Felonies and Drug Offenses
- Sec. 711. Drug testing of Federal offenders on post-conviction release.
- Sec. 712. Life imprisonment or death penalty for third Federal violent felony conviction.
- Sec. 713. Strengthening the Armed Career Criminals Act.
- Sec. 714. Enhanced penalty for use of semi-automatic firearm during a crime of violence or drug trafficking offense.
- Sec. 715. Mandatory penalties for firearms possession by violent felons and serious drug offenders.
- Sec. 716. Mandatory minimum sentence for unlawful possession of a firearm by convicted felon, fugitive from justice, or transferor or receiver of stolen firearm.
- Sec. 717. Increase in general penalty for violation of Federal firearms laws.
- Sec. 718. Increase in enhanced penalties for possession of firearm in connection with crime of violence or drug trafficking crime.
- Sec. 719. Smuggling firearms in aid of drug trafficking or violent crime.
- Sec. 720. Definition of conviction under chapter 44.
- Sec. 721. Definition of serious drug offense under the Armed Career Criminal Act.
- Sec. 722. Definition of burglary under the Armed Career Criminal Act.
- Sec. 723. Temporary prohibition against possession of a firearm by, or transfer of a firearm to, persons convicted of a drug crime.
- Subtitle C—Enhanced Penalties for Criminal Use of Firearms and Explosives
- Chapter 1—Instant Check System for Handgun Purchases**
- Sec. 731. Definitions.
- Sec. 732. State instant criminal check systems for handgun purchases.
- Sec. 733. Amendment of chapter 44 of title 18, United States Code.
- Sec. 734. Establishment and operation of criminal history system.
- Sec. 735. Operation of system for purpose of screening handgun purchasers.
- Sec. 736. Improvement of criminal justice records.
- Sec. 737. Access to State criminal records.
- Sec. 738. Improvements in State records.
- Sec. 739. Funding of State criminal records systems and dedication of funds.
- Sec. 740. Authorization of appropriations.
- Chapter 2—Other Firearms Provisions**
- Sec. 741. Increased penalty for interstate gun trafficking.
- Sec. 742. Prohibition against transactions involving stolen firearms which have moved in interstate or foreign commerce.
- Sec. 743. Enhanced penalties for use of firearms in connection with counterfeiting or forgery.
- Sec. 744. Increased penalty for knowingly false, material Statement in firearm purchase from licensed dealer.
- Sec. 745. Revocation of supervised release for possession of a firearm in violation of release condition.
- Sec. 746. Receipt of firearms by nonresident.
- Sec. 747. Disposition of forfeited firearms.
- Sec. 748. Conspiracy to violate Federal firearms or explosives laws.
- Sec. 749. Theft of firearms or explosives from licensee.
- Sec. 750. Penalties for theft of firearms or explosives.
- Sec. 751. Prohibition against disposing of explosives to prohibited persons.
- Sec. 752. Prohibition against theft of firearms or explosives.
- Sec. 753. Increased penalty for second offense of using an explosive to commit a felony.
- Sec. 754. Possession of explosives by felons and others.
- Sec. 755. Possession of explosives during the commission of a felony.
- Sec. 756. Summary destruction of explosives subject to forfeiture.
- Sec. 757. Elimination of outmoded parole language.
- Subtitle D—Miscellaneous
- Sec. 761. Increased penalties for travel act crimes involving violence and conspiracy to commit contract killings.
- Sec. 762. Criminal offense for failing to obey an order to land a private aircraft.
- Sec. 763. Amendment to the Mansfield amendment to permit maritime law enforcement operations in archipelagic waters.
- Sec. 764. Enhancement of penalties for drug trafficking in prisons.
- Sec. 765. Removal of tv broadcast license contingent on broadcast of public service announcements regarding drug abuse.
- TITLE VIII—ELIMINATION OF DELAYS IN CARRYING OUT SENTENCES.**
- Subtitle A—Post Conviction Petitions: General Habeas Corpus Reform.
- Sec. 801. Period of limitation for filing writ of habeas corpus following final judgment of a State court.
- Sec. 802. Authority of appellate judges to issue certificates of probable cause for appeal in habeas corpus and Federal collateral relief proceedings.
- Sec. 803. Conforming amendment to the rules of appellate procedure.
- Sec. 804. Discretion to deny habeas corpus application despite failure to exhaust State remedies.
- Sec. 805. Period of limitation for Federal prisoners filing for collateral remedy.
- Subtitle B—Special Procedures for Collateral Proceedings in Capital Cases.
- Sec. 811. Death penalty litigation procedures.
- Subtitle C—Funding for Litigation of Federal Habeas Corpus Petitions in Capital Cases.
- Sec. 821. Funding for death penalty prosecutions.
- TITLE IX—PUBLIC CORRUPTION**
- Sec. 901. Offenses.
- Sec. 902. Interstate commerce.
- Sec. 903. Narcotics-related public corruption.
- TITLE X—FUNDING**
- Sec. 1001. Reduction in overhead costs incurred in federally sponsored research.
- Sec. 1002. Overhead expense reduction.
- TITLE XI—PUNISHMENT FOR YOUNG OFFENDERS**
- Sec. 1101. Certainty of punishment for young offenders.
- Sec. 1102. Authorization of Appropriation.
- TITLE I—PROTECTION OF NEIGHBORHOODS, FAMILIES, AND CHILDREN**
- Subtitle A—Safe Schools
- SEC. 101. INCREASED PENALTIES FOR DRUG TRAFFICKING NEAR SCHOOLS.**
- Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—
- (1) in subsection (a) by striking "one year" and inserting "3 years"; and
- (2) in subsection (b) by striking "three years" each place it appears and inserting "5 years".
- SEC. 102. FEDERAL SAFE SCHOOL DISTRICTS.**
- (a) **ELECTION TO QUALIFY.**—
- (1) **IN GENERAL.**—By decision of a local educational agency or by referendum of the voters in a school district served by a local educational agency, a school district may elect to qualify as a Federal safe school district under this section.
- (2) **DEFINITION.**—For purposes of this section, the term "local educational agency" shall have the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965.
- (b) **FUNDING FOR ENHANCED SCHOOL SECURITY.**—
- (1) **IN GENERAL.**—The Attorney General may make a grant to a local educational agency serving a Federal safe school district or to a local law enforcement agency with jurisdiction over the school district, as appropriate, to pay for enhanced school security measures.

(2) ENHANCED SCHOOL SECURITY MEASURES.—The measures that may be funded by a grant under paragraph (1) include—

(A) equipping schools with metal detectors, fences, closed circuit cameras, and other physical security measures;

(B) providing increased police patrols in and around schools, including police hired pursuant to this title;

(C) mailings to parents at the beginning of the school year stating that the possession of a gun or other weapon in school will not be tolerated by school authorities;

(D) signs on each school indicating that the school is part of a Federal Safe School District; and

(E) gun hotlines.

**SEC. 103. ENHANCED PENALTY FOR VIOLATION OF THE GUN-FREE SCHOOL ZONES ACT.**

(a) IN GENERAL.—Section 924(a)(4) of title 18, United States Code, is amended—

(1) by striking "not more than 5 years" the 1st place such term appears and inserting "not less than 5 years and not more than 10 years"; and

(2) by striking the 3rd sentence.

(b) TECHNICAL AMENDMENT.—Section 924(a)(1)(B) of such title is amended by striking "(q)" and inserting "(r)".

**Subtitle B—Secure Neighborhoods**

**SEC. 111. ENHANCED LOCAL LAW ENFORCEMENT.**

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

(1) by redesignating part Q as part R;

(2) by redesignating section 1701 as section 1801; and

(3) by inserting after part P the following:

**"PART Q—COPS ON THE STREET GRANTS**

**"SEC. 1701. GRANT AUTHORIZATION.**

"The Director of the Bureau of Justice Assistance may make not less than 50, but not more than 100 grants to units of local government for the purposes of increasing police presence in the community.

**"SEC. 1702. APPLICATION.**

"(a) IN GENERAL.—To be eligible to receive a grant under this part, a chief executive of a unit of local government, shall submit an application to the Director. The application shall contain the information required under subsection (b) and be in such form and contain such other information as the Director may reasonably require.

"(b) GENERAL CONTENTS.—Each application under subsection (a) shall include a crime reduction plan which includes—

"(1) a request for funds available under this part for the purposes described in section 1701;

"(2) a description of the areas and populations to be served by the grant and a description of the crime problems within the areas targeted for assistance;

"(3) information required to be considered by the Director under section 1704;

"(4) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part;

"(5) detailed accounts of expenditures for law enforcement for the preceding 5-year period prior to receiving a grant under this part;

"(6) detailed accounts of local expenditures for law enforcement during any prior years in which grants were received under this part;

"(7) a description of how a portion of the grant would be used to ensure the safety of public and private elementary and secondary schools; and

"(8) an evaluation component, including performance standards and quantifiable goals to be used to determine project progress and the data to be collected to measure progress toward meeting the plan's goals.

**"SEC. 1703. ADMINISTRATIVE COSTS; GRANT RENEWAL.**

"(a) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration, technical assistance, and evaluation.

"(b) RENEWAL OF GRANTS.—A grant under this part may be renewed, subject to the availability of funds, if the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application and the requirements of this part.

**"SEC. 1704. SELECTION OF RECIPIENTS.**

"In awarding grants to units of local government under this part, the Director shall consider—

"(1) the crime rate per capita in the unit of local government for violent crime, including murder, rape, robbery, assault with a weapon, and kidnapping; and

"(2) the rate of increase of violent crime in such unit of local government over the most recent 3-year period for which statistics are available.

**"SEC. 1705. REPORTS.**

"(a) REPORT TO DIRECTOR.—Recipients who receive funds under this part shall submit to the Director not later than March 1 of each year a report that describes progress achieved in carrying out the plan required under section 1702(b).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year that shall contain a detailed statement regarding grant awards, activities of grant recipients, and an evaluation of projects established under this part.

**"SEC. 1706. DEFINITION.**

"For the purposes of this part, the term 'Director' means the Director of the Bureau of Justice Assistance."

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

**"PART Q—COMMUNITY POLICING; COP ON THE BEAT GRANTS**

"Sec. 1701. Grant authorization.

"Sec. 1702. Application.

"Sec. 1703. Allocation of funds; limitation on grants.

"Sec. 1704. Award of grants.

"Sec. 1705. Reports.

"Sec. 1706. Definitions.

**"PART R—TRANSITION; EFFECTIVE DATE; REPEALER**

"Sec. 1801. Continuation of rules, authorities, and proceedings."

**SEC. 112. AUTHORIZATION OF APPROPRIATIONS.**

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended by adding at the end the following:

"(12) There are authorized to be appropriated \$330,000,000 for each of the fiscal years 1994 through 1998 to carry out the projects under part Q."

**SEC. 113. COMMUNITY POLICING GRANTS.**

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 112(a), is amended—

(1) by redesignating part R as part S;

(2) by redesignating section 1801 as section 1901; and

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

**"PART R—COMMUNITY POLICING GRANTS**

**"SEC. 1801. GRANT AUTHORIZATION.**

"(a) GRANT PROJECTS.—The Director of the Bureau of Justice Assistance may make grants to units of local government and to community groups to establish or expand cooperative efforts between police and a community for the purposes of increasing police presence in the community, including—

"(1) developing innovative neighborhood-oriented policing programs;

"(2) providing new technologies to reduce the amount of time officers spend processing cases instead of patrolling the community;

"(3) purchasing equipment to improve communications between officers and the community and to improve the collection, analysis, and use of information about crime-related community problems;

"(4) developing policies that reorient police emphasis from reacting to crime to preventing crime;

"(5) creating decentralized police substations throughout the community to encourage interaction and cooperation between the public and law enforcement personnel on a local level;

"(6) providing training and problem solving for community crime problems;

"(7) providing training in cultural differences for law enforcement officials;

"(8) developing community-based crime prevention programs, such as safety programs for senior citizens, community anticrime groups, and other anticrime awareness programs;

"(9) developing crime prevention programs in communities that have experienced a recent increase in gang-related violence; and

"(10) developing projects following the model under subsection (b).

"(b) MODEL PROJECT.—The Director shall develop a written model that informs community members regarding—

"(1) how to identify the existence of a drug or gang house;

"(2) what civil remedies, such as public nuisance violations and civil suits in small claims court, are available; and

"(3) what mediation techniques are available between community members and individuals who have established a drug or gang house in the community.

**"SEC. 1802. APPLICATION.**

"(a) IN GENERAL.—(1) To be eligible to receive a grant under this part, a chief executive of a unit of local government, a duly authorized representative of a combination of local governments within a geographic region, or a community group shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) In an application under paragraph (1), a single office, or agency (public, private, or nonprofit) shall be designated as responsible for the coordination, implementation, administration, accounting, and evaluation of services described in the application.

"(b) GENERAL CONTENTS.—Each application under subsection (a) shall include—

"(1) a request for funds available under this part for the purposes described in section 1801;

"(2) a description of the areas and populations to be served by the grant; and

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would

otherwise be available for activities funded under this part.

“(c) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

“(1) a description of the crime problems within the areas targeted for assistance;

“(2) a description of the projects to be developed;

“(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources;

“(4) an explanation of how the requested grant shall be used to fill those gaps;

“(5) a description of the system the applicant shall establish to prevent and reduce crime problems; and

“(6) an evaluation component, including performance standards and quantifiable goals the applicant shall use to determine project progress, and the data the applicant shall collect to measure progress toward meeting project goals.

**“SEC. 1803. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.**

“(a) ALLOCATION.—The Director shall allocate not less than 75 percent of the funds available under this part to units of local government or combinations of such units and not more than 20 percent of the funds available under this part to community groups.

“(b) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration, technical assistance, and evaluation.

“(c) RENEWAL OF GRANTS.—A grant under this part may be renewed, subject to the availability of funds, if the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application and if the recipient can demonstrate significant progress toward achieving the goals of the plan required under section 1802(c).

“(d) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1802 for the fiscal year for which the projects receive assistance under this part.

**“SEC. 1804. AWARD OF GRANTS.**

“(a) SELECTION OF RECIPIENTS.—The Director shall consider the following factors in awarding grants to units of local government or combinations of such units under this part:

“(1) NEED AND ABILITY.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 1802(c).

“(2) COMMUNITY-WIDE RESPONSE.—Evidence of the ability to coordinate community-wide response to crime.

“(3) MAINTAIN PROGRAM.—The ability to maintain a program to control and prevent crime after funding under this part is no longer available.

“(b) GEOGRAPHIC DISTRIBUTION.—The Director shall attempt to achieve, to the extent practicable, an equitable geographic distribution of grant awards.

**“SEC. 1805. REPORTS.**

“(a) REPORT TO DIRECTOR.—Recipients who receive funds under this part shall submit to the Director not later than March 1 of each year a report that describes progress achieved in carrying out the plan required under section 1802(c).

“(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year containing—

“(1) a detailed statement regarding grant awards and activities of grant recipients; and

“(2) an evaluation of projects established under this part.

**“SEC. 1806. DEFINITIONS.**

“In this part—

“‘community group’ means a community-based nonprofit organization that has a primary purpose of crime prevention.

“‘Director’ means the Director of the Bureau of Justice Assistance.”

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 112(b), is amended by striking the matter relating to part R and inserting the following:

**“PART R—COMMUNITY POLICING GRANTS**

“Sec. 1801. Grant authorization.

“Sec. 1802. Application.

“Sec. 1803. Allocation of funds; limitations on grants.

“Sec. 1804. Award of grants.

“Sec. 1805. Reports.

“Sec. 1806. Definitions.

**“PART S—TRANSITION; EFFECTIVE DATE; REPEALER**

“Sec. 1901. Continuation of rules, authorities, and proceedings.”

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 112(c), is amended—

(1) in paragraph (3) by striking “and Q” and inserting “Q and R”; and

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

“(13) There are authorized to be appropriated \$70,000,000 for each of the fiscal years 1994 through 1998.”

**SEC. 114. CRIMINAL STREET GANGS OFFENSES.**

(a) OFFENSE.—Title 18, United States Code, is amended by inserting after chapter 93 the following:

**“CHAPTER 94—PROHIBITED PARTICIPATION IN CRIMINAL STREET GANGS AND GANG CRIME**

“Sec.

“1930. Prohibited activity.

“1931. Penalties.

“1932. Investigative authority.

**“§ 1930. Prohibited activity**

“(a) DEFINITIONS.—As used in this chapter—

“(1) the term ‘predicate gang crime’ means—

“(A) any act or threat, or attempted act or threat, which is chargeable under Federal or State law and punishable by imprisonment for more than 1 year, involving murder, assault, kidnapping, robbery, extortion, burglary, arson, property damage or destruction, obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or manufacturing, importing, receiving, concealing, purchasing, selling, possessing, or otherwise dealing in a controlled substance or controlled substance analogue (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

“(B) any act, punishable by imprisonment for more than 1 year, which is indictable under any of the following provisions of title 18, United States Code: sections 922 and 924(a)(2), (b), (c), (g), or (h) (relating to receipt, possession, and transfer of firearms); section 1503 (relating to obstruction of jus-

tice); section 1510 (relating to obstruction of criminal investigations); section 1512 (relating to tampering with a witness, victim, or informant); section 1513 (relating to retaliating against a witness, victim, or informant); or

“(C) any act indictable under subsection (b)(5) of this section;

“(2) the term ‘criminal street gang’ means any organization, or group, of 5 or more individuals, whether formal or informal, who act in concert, or agree to act in concert, for a period in excess of 30 days, with a purpose that any of those individuals alone, or in any combination, commit or will commit, 2 or more predicate gang crimes, one of which must occur after the enactment of this chapter and the last of which occurred within 10 years (excluding any period of imprisonment) after the commission of a prior predicate gang crime;

“(3) the term ‘participate in a criminal street gang’ means to act in concert with a criminal street gang with intent to commit, or that any other individual associated with the criminal street gang will commit, 1 or more predicate gang crimes; and

“(4) the term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

“(b) UNLAWFUL ACTS.—It shall be unlawful—

“(1) to commit, or to attempt to commit, a predicate gang crime with intent to promote or further the activities of a criminal street gang or for the purpose of gaining entrance to or maintaining or increasing position in such a gang;

“(2) to participate, or attempt to participate, in a criminal street gang, or conspire to do so;

“(3) to command, counsel, persuade, induce, entice, or coerce any individual to participate in a criminal street gang;

“(4) to employ, use, command, counsel, persuade, induce, entice, or coerce any individual to commit, cause to commit, or facilitate the commission of, a predicate gang crime, with intent to promote the activities of a criminal street gang or for the purpose of gaining entrance to or maintaining or increasing position in such a gang; or

“(5) to use any communication facility, as defined in section 403(b) of the Controlled Substances Act (21 U.S.C. 843(b)), in causing or facilitating the commission, or attempted commission, of a predicate gang crime with intent to promote or further the activities of a criminal street gang or for the purpose of gaining entrance to or maintaining or increasing position in such a gang. Each separate use of a communication facility shall be a separate offense under this subsection.

**“§ 1931. Penalties**

“(a) PENALTIES OF UP TO 20 YEARS OR LIFE IMPRISONMENT.—Any person who violates section 1930(b) (1) or (2) shall be punished by imprisonment for not more than 20 years, or by imprisonment for any term of years or for life if the violation is based on a predicate gang crime for which the maximum penalty includes life imprisonment, and if any person commits such a violation after 1 or more prior convictions for such a predicate gang crime, that is not part of the instant violation, such person shall be sentenced to a term of imprisonment which shall not be less than 10 years and which may be for any term of years exceeding 10 years or for life.

“(b) PENALTIES BETWEEN 5 AND 10 YEARS.—Any person who violates section 1930 (b)(3) or (b)(4) shall be sentenced to imprisonment for not less than 5 and not more than 10 years,

and if the individual who was the subject of the act was less than 18 years of age, such person shall be imprisoned for 10 years. A term of imprisonment under this subsection shall run consecutively to any other term of imprisonment, including that imposed for any other violation of this chapter.

"(c) PENALTIES OF UP TO 5 YEARS.—Any person who violates section 1930(b)(5) shall be punished by imprisonment for not more than 5 years.

"(d) ADDITIONAL PENALTIES.—In addition to the other penalties set forth in this section—

"(1) any person who violates section 1930(b) (1) or (2), 1 of whose predicate gang crimes involves murder or conspiracy to commit murder which results in the taking of a life, and who commits, counsels, commands, induces, procures, or causes that murder, shall be punished by death or by imprisonment for life;

"(2) any person who violates section 1930(b) (1) or (2), 1 of whose predicate gang crimes involves attempted murder or conspiracy to commit murder, shall be sentenced to a term of imprisonment which shall not be less than 20 years and which may be for any term of years exceeding 20 years or for life; and

"(3) any person who violates section 1930(b) (1) or (2), and who at the time of the offense occupied a position of organizer or supervisor, or other position of management in that street gang, shall be sentenced to a term of imprisonment which shall not be less than 15 years and which may be for any term of years exceeding 15 years or for life.

For purposes of paragraph (3) of this subsection, if it is shown that the defendant counseled, commanded, induced, or procured 5 or more individuals to participate in a street gang, there shall be a rebuttable presumption that the defendant occupied a position of organizer or supervisor, or other position of management in the gang.

"(e) FORFEITURE.—Whoever violates section 1930(b) (1) or (2) shall, in addition to any other penalty and irrespective of any provision of State law, forfeit to the United States—

"(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as a result of the violation; and

"(2) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation.

The provisions of section 413(b), (c), and (e) through (p) of the Controlled Substances Act (21 U.S.C. 853(b), (c), and (e) through (p)) shall apply to a forfeiture under this section.

#### "§ 1932. Investigative authority

"The Attorney General and the Secretary of the Treasury shall have the authority to investigate offenses under this chapter. This authority shall be exercised in accordance with an agreement which shall be entered into by the Attorney General and the Secretary of the Treasury."

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 93 the following:

#### "94. Prohibited participation in criminal street gangs and gang crimes 1930".

(c) SENTENCING GUIDELINES INCREASE FOR GANG CRIMES.—The United States Sentencing Commission shall at the earliest opportunity amend the sentencing guidelines to increase by at least 4 levels the base offense level for any felony committed for the purpose of gaining entrance into, or maintain-

ing or increasing position in, a criminal street gang. For purposes of this subsection, "criminal street gang" means any organization, or group, of 5 or more individuals, whether formal or informal, who act in concert, or agree to act in concert, for a period in excess of 30 days, with the intent that any of those individuals alone, or in any combination, commit or will commit, 2 or more acts punishable under State or Federal law by imprisonment for more than 1 year.

#### SEC. 115. DRIVE-BY SHOOTINGS.

(a) OFFENSE.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following new section:

##### "§ 931. Drive-by shootings

"(a) Whoever knowingly discharges a firearm at a person—

"(1) in the course of or in furtherance of drug trafficking activity; or

"(2) from a motor vehicle; shall be punished by imprisonment for up to 25 years, and if death results shall be punished by death or by imprisonment for any term of years or for life.

"(b) For purposes of this section, the term 'drug trafficking activity' means a drug trafficking crime as defined in section 929(a)(2) of this title, or a pattern or series of acts involving one or more drug trafficking crimes."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 44 of title 18, United States Code, is amended by adding at the end the following:

##### "931. Drive-by shootings."

#### SEC. 116. ADDITION OF ANTI-GANG BYRNE GRANT FUNDING OBJECTIVE.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

(1) in paragraph (20) by striking "and" at the end;

(2) in paragraph (21) by striking the period and inserting "; and"; and

(3) by inserting after paragraph (21) the following new paragraph:

"(22) law enforcement and prevention programs relating to gangs, or to youth who are involved or at risk of involvement in gangs."

#### SEC. 117. INCREASED PENALTIES FOR DRUG TRAFFICKING NEAR PUBLIC HOUSING.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within"; and

(2) in subsection (b) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within".

#### Subtitle C—Crimes Against Children

#### SEC. 131. DEATH PENALTY FOR MURDER DURING THE SEXUAL EXPLOITATION OF CHILDREN.

Section 2251(d) of title 18, United States Code, is amended by adding at the end the following: "Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life."

#### SEC. 132. INCREASED PENALTIES FOR SEX OFFENSES AGAINST VICTIMS BELOW THE AGE OF 16.

Paragraph (2) of section 2247 of title 18, United States Code, as so redesignated by section 403(a) is amended—

(1) in subparagraph (B) by striking "or" after the semicolon;

(2) in subparagraph (C) by striking "; and" and inserting "; or"; and

(3) by inserting a new subparagraph (D) as follows:

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;"

#### SEC. 133. PENALTIES FOR INTERNATIONAL TRAFFICKING IN CHILD PORNOGRAPHY.

(a) IMPORT RELATED OFFENSE.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

##### "§ 2258. Production of sexually explicit depictions of a minor for importation into the United States

"(a) Any person who, outside the United States, employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor with the intent that such minor engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (c), if such person intends, knows, or has reason to know that such visual depiction will be imported into the United States or into waters within a distance of 12 miles of the coast of the United States.

"(b) Whoever, outside the United States, knowingly receives, transports, ships, distributes, sells, or possesses with intent to transport, ship, sell, or distribute any visual depiction of a minor engaging in sexually explicit conduct if the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, shall be punished as provided under subsection (c), if such person intends, knows, or has reason to know that such visual depiction will be imported into the United States or into waters within a distance of 12 miles of the coast of the United States.

"(c) Any individual who violates this section, or conspires or attempts to do so, shall be fined under this title, or imprisoned not more than 10 years, or both, but, if such individual has a prior conviction under this chapter or chapter 109A of this title, such individual shall be fined according to the provisions of this title, or imprisoned not less than five years nor more than 15 years, or both."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by adding at the end the following:

"2258. Production of sexually explicit depictions of a minor for importation into the United States."

(c) TECHNICAL AMENDMENT.—Section 2251(d) of title 18, United States Code, is amended—

(1) by striking "not more than \$100,000" and inserting "under this title";

(2) by striking "not more than \$200,000" and inserting "under this title"; and

(3) by striking "not more than \$250,000" and inserting "under this title".

(d) SECTION 2251 PENALTY ENHANCEMENT.—Section 2251(d) of title 18, United States Code, is amended by striking "this section" the second place it appears and inserting "this chapter or chapter 109A of this title".

(e) SECTION 2252 PENALTY ENHANCEMENT.—Section 2252(b)(1) of title 18, United States Code, is amended by striking "this section" and inserting "this chapter or chapter 109A of this title".

(f) CONSPIRACY AND ATTEMPT.—Sections 2251(d) and 2252(b) of title 18, United States

Code, are each amended by inserting ", or attempts or conspires to do so," after "violates" each place it appears.

(g) RICO AMENDMENT.—Section 1961(1) of title 18, United States Code, is amended by striking "2251-2252" and inserting "2251, 2252, or 2258".

(h) TRANSPORTATION OF MINORS.—Section 2423 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "Whoever"; and

(2) by adding at the end the following:

"(b) Whoever travels in interstate or foreign commerce, or conspires to do so, for the purpose of engaging in any sexual act (as the term 'sexual act' is defined in section 2245 of this title) with a person under 18 years of age which would be in violation of chapter 109A of this title if such sexual act occurred in the special maritime and territorial jurisdiction of the United States," after "offense,".

#### SEC. 134. STATE LEGISLATION REGARDING CHILD PORNOGRAPHY.

(a) IN GENERAL.—Not later than the end of the 18th month beginning after the date of the enactment of this Act, each State shall enact legislation complying with guidelines established under subsection (b), and maintain such legislation in effect thereafter. Compliance with the preceding sentence shall be a condition to the receipt by a State of any grant, cooperative agreement, or other assistance under—

(1) section 1404 of the Victims of Crime Act (42 U.S.C. 10603); and

(2) the Child Abuse Prevention and Treatment Act (42 U.S.C. 1501 et seq.).

(b) GUIDELINES.—The Attorney General shall establish guidelines for State legislation prohibiting the production, distribution, receipt, or possession of materials depicting a person under 18 years of age engaging in sexually explicit conduct and providing for a maximum imprisonment of at least one year and for the forfeiture of assets used in the commission or support of, or gained from, such offenses.

#### SEC. 135. NATIONAL REGISTRATION OF CONVICTED CHILD ABUSERS.

(a) STATES TO REGISTER PERSONS CONVICTED OF OFFENSES AGAINST CHILDREN.—

(1) IN GENERAL.—Each State shall establish and maintain a registration program under this section requiring persons convicted of a criminal offense against a victim who is a child to register a current address and other information that the Attorney General deems relevant, with a designated State law enforcement agency for 10 years after being released from prison or otherwise being freed from detention after the conviction becomes final.

(2) ATTORNEY GENERAL TO ESTABLISH GUIDELINES.—The Attorney General shall establish guidelines for State registration programs under this section.

(3) MANDATORY ELEMENTS OF GUIDELINES.—Such guidelines shall include provision for—

(A) a requirement that the State obtain the fingerprints, physical description, and current photographs of each registered person;

(B) annual updating of the information contained in the registry by each registered person; and

(C) criminal penalties for failing to comply with the registration requirements.

(b) STATES TO REPORT.—

(1) IN GENERAL.—Each State shall report to the Attorney General, in such form and manner as the Attorney General shall prescribe—

(A) information about each conviction for a criminal offense against a victim who is a child; and

(B) the information on the registry that State is required to establish and maintain under subsection (a).

(2) ANNUAL SUMMARY OF CONVICTIONS.—The Attorney General shall publish an annual summary of convictions for offenses involving the physical, psychological, or emotional injuring, sexual abuse or exploitation, neglectful treatment, or maltreatment, of children, based on information reported under this section.

(c) SANCTION FOR NONCOMPLIANCE BY STATE.—If a State fails to comply with an obligation under subsection (a) or (b) during the period that begins 3 years after the date of the enactment of this Act, the allocation of funds under section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) shall be reduced by 25 percent, and the unallocated funds shall be reallocated to the States complying with those obligations.

(d) BACKGROUND CHECKS.—

(1) IN GENERAL.—A State may permit qualified entities to obtain from an authorized agency of the State a nationwide background check for the purpose of determining whether there is a report that a provider has been convicted of a background check crime.

(2) ATTORNEY GENERAL TO PROVIDE INFORMATION.—The Attorney General, in accordance with such rules and subject to such conditions as the Attorney General shall prescribe, shall provide to authorized agencies of States information possessed by the Department of Justice that would enable the agency to make the background check described in paragraph (1). In making such rules and setting such conditions, the Attorney General shall take care to assure—

(A) the currency and accuracy of the information; and

(B) that the States maintain procedures to permit providers to check and correct information relating to such providers.

(e) DEFINITIONS.—As used in this Act—

(1) the term "child" means a person who has not attained the age of 18 years;

(2) the term "State" includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States;

(3) the term "authorized agency of the State" means the agency of the State the State designates to carry out the background checks described in section 5;

(4) the term "qualified entity" means a business or organization of any sort that provides child care or child care placement services, including a business or organization that licenses or certifies others to provide such services;

(5) the term "provider" means any person who—

(A) seeks or has contact with a child while that child is receiving care from a qualified entity; and

(B) seeks employment or ownership of a qualified entity; and

(6) the term "background check crime" means, with respect to a provider, any crime committed by that provider that, as determined under rules prescribed by the Attorney General, may affect the safety of children under the care of a qualified entity with respect to which that provider has a relationship described in paragraph (5).

#### SEC. 136. INCREASED PENALTIES FOR ASSAULTS AGAINST CHILDREN.

(a) SIMPLE ASSAULT.—Section 113(e) of title 18, United States Code, is amended by striking "by fine" and all that follows through the period and inserting "—

"(A) if the victim of the assault is an individual who has not attained the age of 16

years, by a fine under this title or imprisonment for not more than one year, or both; and

"(B) by a fine under this title or imprisonment for not more than three months, or both, in any other case."

(b) ASSAULTS RESULTING IN SUBSTANTIAL BODILY INJURY.—Section 113 of title 18, United States Code, is amended by adding at the end the following:

"(7) Assault resulting in substantial bodily injury to an individual who has not attained the age of 16 years, by a fine under this title or imprisonment for not more than 5 years, or both."

(c) TECHNICAL AND STYLISTIC CHANGES TO SECTION 113.—Section 113 of title 18, United States Code, is amended—

(1) in paragraph (b), by striking "of not more than \$3,000" and inserting "under this title";

(2) in paragraph (c), by striking "of not more than \$1,000" and inserting "under this title";

(3) in paragraph (d), by striking "of not more than \$500" and inserting "under this title";

(4) in paragraph (e), by striking "of not more than \$300" and inserting "under this title";

(5) by modifying the left margin of each of paragraphs (a) through (f) so that they are indented 2 ems;

(6) by redesignating paragraphs (a) through (f) as paragraphs (1) through (6); and

(7) by inserting "(a)" before "Whoever".

(d) DEFINITIONS.—Section 113 of title 18, United States Code, is amended by adding at the end the following:

"(b) As used in this subsection—

"(1) the term 'substantial bodily injury' means bodily injury which involves—

"(A) a temporary but substantial disfigurement; or

"(B) a temporary but substantial loss or impairment of the function of any bodily member, organ, or mental faculty; and

"(2) the term 'serious bodily injury' has the meaning given that term in section 1365 of this title."

(e) ASSAULTS IN INDIAN COUNTRY.—Section 1153(a) of title 18, United States Code, is amended by inserting "(as defined in section 1365 of this title), an assault against an individual who has not attained the age of 16 years" after "serious bodily injury".

#### SEC. 137. OFFENSE OF INDUCING MINORS OR OTHER PERSONS TO USE STEROIDS.

Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended by inserting after subsection (a) the following new subsection:

"(b)(1) Whoever, being a physical trainer or adviser to a person, attempts to persuade or induce the person to possess or use anabolic steroids in violation of subsection (a), shall be fined under title 18, United States Code, imprisoned not more than 2 years (or if the person attempted to be persuaded or induced was less than 18 years of age at the time of the offense, 5 years), or both.

"(2) As used in this subsection, the term 'physical trainer or adviser' means a professional or amateur coach, manager, trainer, instructor, or other such person who provides athletic or physical instruction, training, advice, assistance, or any other such service to any person."

#### SEC. 138. INCREASED PENALTIES FOR DRUG DISTRIBUTION TO PREGNANT WOMEN.

The United States Sentencing Commission shall amend the sentencing guidelines to increase by at least 4 levels the base offense level for an offense under section 2241 (relating to aggravated sexual abuse) or section

2242 (relating to sexual abuse) of title 18, United States Code, and shall consider whether any other changes are warranted in the guidelines provisions applicable to such offenses to ensure realization of the objectives of sentencing. In amending the guidelines in conformity with this section, the Sentencing Commission shall review the appropriateness and adequacy of existing offense characteristics and adjustments applicable to such offenses, taking into account the heinousness of sexual abuse offenses, the severity and duration of the harm caused to victims, and any other relevant factors. In any subsequent amendment to the sentencing guidelines, the Sentencing Commission shall maintain minimum guidelines sentences for the offenses referenced in this section which are at least equal to those required by this section.

**SEC. 139. INTERSTATE ENFORCEMENT OF CHILD SUPPORT ORDERS.**

(a) **TITLE 28 AMENDMENT.**—Chapter 115 of title 28, United States Code, is amended by inserting after section 1738A the following new section:

**“§1738B. Full faith and credit given to child support orders**

“(a) **GENERAL RULE.**—The appropriate authorities of each State shall enforce according to its terms, and shall not modify except as provided in subsection (e), any child support order made consistently with the provisions of this section by a court of another State.

“(b) **DEFINITIONS.**—As used in this section, the term—

“(1) ‘child’ means any person under 18 years of age, and includes an individual 18 or more years of age for whom a child support order has been issued pursuant to the laws of a State;

“(2) ‘child’s State’ means the State in which a child currently resides;

“(3) ‘child support order’ means a judgment, decree, or order of a court requiring the payment of money, or the provision of a benefit, including health insurance, whether in periodic amounts or lump sum, for the support of a child and includes permanent and temporary orders, initial orders and modifications, ongoing support, and arrearages;

“(4) ‘child support’ means a payment of money or provision of a benefit described in paragraph (3) for the support of a child;

“(5) ‘contestant’ means a person, including a parent, who claims a right to receive child support or against whom a right to receive child support is claimed or asserted, and includes States and political subdivisions to whom the right to obtain a child support order has been assigned;

“(6) ‘court’ means a court, administrative process, or quasi-judicial process of a State which is authorized by State law to establish the amount of child support payable by a contestant or modify the amount of child support payable by a contestant;

“(7) ‘modification’ and ‘modify’ refer to a change in a child support order which affects the amount, scope, or duration of such order and modifies, replaces, supersedes, or otherwise is made subsequent to such child support order, whether or not made by the same court as such child support order; and

“(8) ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, and Indian country as defined in section 1151 of title 18.

“(c) **REQUIREMENTS OF CHILD SUPPORT ORDERS.**—A child support order made by a court

of a State is consistent with the provisions of this section only if—

“(1) such court, pursuant to the laws of the State in which such court is located, had jurisdiction to hear the matter and enter such an order and had personal jurisdiction over the contestants; and

“(2) reasonable notice and opportunity to be heard was given to the contestants.

“(d) **CONTINUING JURISDICTION.**—A court of a State which has made a child support order consistently with the provisions of this section has continuing, exclusive jurisdiction of that order when such State is the child’s State or the residence of any contestant unless another State, acting in accordance with subsection (e), has modified that order.

“(e) **AUTHORITY TO MODIFY ORDERS.**—A court of a State may modify a child support order with respect to a child that is made by a court of another State, if—

“(1) it has jurisdiction to make such a child support order; and

“(2) the court of the other State no longer has continuing, exclusive jurisdiction of the child support order because such State no longer is the child’s State or the residence of any contestant, or each contestant has filed written consent for the State to modify the order and assume continuing, exclusive jurisdiction of such order.

“(f) **ENFORCEMENT OF PRIOR ORDERS.**—A court of a State which no longer has continuing, exclusive jurisdiction of a child support order may enforce such order with respect to unsatisfied obligations which accrued before the date on which a modification of such order is made under subsection (e).”

(b) **CONFORMING AMENDMENT.**—The table of sections at the beginning of chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738A the following:

“1738B. Full faith and credit given to child support orders.”

**SEC. 140. CRIMES INVOLVING THE USE OF MINORS AS RICO PREDICATES.**

Paragraph (1) of section 1961 of title 18, United States Code, is amended—

(1) by striking “or” before “(E)”; and

(2) by inserting before the semicolon at the end of the paragraph the following: “, or (F) any offense against the United States that is punishable by imprisonment for more than 1 year and that involved the use of a person below the age of 18 years in the commission of the offense”.

**SEC. 141. INCREASED PENALTIES FOR USING MINORS IN DRUG TRAFFICKING AND DRUG DISTRIBUTION TO MINORS.**

(a) **DRUG DISTRIBUTION TO MINOR BY RECIDIVIST.**—Section 418(b) of the Controlled Substances Act (21 U.S.C. 859(b)) is amended by striking “one year” and inserting “3 years”.

(b) **USE OF MINOR IN TRAFFICKING BY RECIDIVIST.**—Section 420(c) of the Controlled Substances Act (21 U.S.C. 861(b)) is amended by striking “one year” and inserting “3 years”.

(c) **CONCURRENT VIOLATION OF PROHIBITION OF USE OF MINORS AND TRAFFICKING NEAR SCHOOLS.**—Section 419(b) of the Controlled Substances Act (21 U.S.C. 860(b)) is amended by inserting “, or under circumstances involving a violation of section 420(a),” before “is punishable”.

**SEC. 142. INCREASED PENALTIES FOR USING A MINOR IN COMMISSION OF A FEDERAL OFFENSE.**

(a) **IN GENERAL.**—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

**“§21. Use of children in Federal offenses**

“(a) Except as otherwise provided by law, whoever, being at least 18 years of age, uses

a child to commit a Federal offense, or to assist in avoiding detection or apprehension for a Federal offense, shall—

“(1) after a previous conviction under this subsection has become final, be subject to 3 times the maximum imprisonment and 3 times the maximum fine otherwise provided for the Federal offense in which the child is used; and

“(2) in any other case, be subject to 2 times the maximum imprisonment and 2 times the maximum fine for such offense.

“(b) As used in this section—

“(1) the term ‘child’ means a person who is under 18 years of age; and

“(2) the term ‘uses’ means employs, hires, uses, persuades, induces, entices, or coerces.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1 of title 18, United States Code, is amended by adding at the end the following new item:

“21. Use of children in Federal offenses.”

**SEC. 143. INTERNATIONAL PARENTAL KIDNAPPING.**

(a) **IN GENERAL.**—Chapter 55 (relating to kidnapping) of title 18, United States Code, is amended by adding at the end the following:

**“§1204. International parental kidnapping**

“(a) Whoever—

“(1) removes a child from the United States or retains a child (who has been in the United States) outside the United States—

“(A) in order to obstruct the lawful exercise of parental rights that are established in a court order;

“(B) in order to obstruct the lawful exercise of parental rights by the mother of that child, in the case of a child—

“(i) whose parents have not been married; and

“(ii) with regard to whom paternity has not been judicially established; and

“(iii) whose custody has not been judicially granted to a person other than the mother; or

“(C) in order to obstruct the lawful exercise of parental rights during the pendency of judicial proceedings to determine parental rights; or

“(2) in any other circumstances removes a child from the United States or retains a child (who has been in the United States) outside the United States, in order to obstruct the lawful exercise of parental rights; shall be fined under this title or imprisoned not more than 3 years, or both.

“(b) As used in this section—

“(1) the term ‘child’ means a person who has not attained the age of 16 years; and

“(2) the term ‘parental rights’, with respect to a child, means the right to physical custody of the child—

“(A) whether joint or sole (and includes visiting rights); and

“(B) whether arising by operation of law, court order, or agreement of the parties.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 55 of title 18, United States Code, is amended by adding at the end the following:

“1204. International parental kidnapping.”

**SEC. 144. STATE COURT PROGRAMS REGARDING INTERNATIONAL PARENTAL CHILD ABDUCTION.**

There is authorized to be appropriated \$250,000 to carry out under the State Justice Institute Act of 1984 (42 U.S.C. 10701-10713) national, regional, and in-State training and educational programs dealing with criminal and civil aspects of interstate and international parental child abduction.

**Subtitle D—Punishment of Serious Juvenile Offenders**

**SEC. 151. SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL ACT PREDICATES.**

Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking "or" at the end of clause (i);  
(2) by adding "or" at the end of clause (ii); and

(3) by adding at the end the following:  
"(iii) any act of juvenile delinquency that if committed by an adult would be a serious drug offense described in this paragraph;"

**SEC. 152. ADULT PROSECUTION OF SERIOUS JUVENILE OFFENDERS.**

Section 5032 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by striking "an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1003, 1005, 1009, or 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b)(1), (2), (3)), and inserting "an offense (or a conspiracy or attempt to commit an offense) described in section 401, or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841, 844, or 846), section 1002(a), 1003, 1005, 1009, 1010(b)(1), (2), or (3), of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b)(1), (2), or (3), or 963);"; and

(B) by striking "922(p)" and inserting "924(b), (g), or (h)";

(2) in the fourth undesignated paragraph—

(A) by striking "an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959)" and inserting "an offense (or a conspiracy or attempt to commit an offense) described in section 401, or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841, 844, or 846), section 1002(a), 1005, 1009, 1010(b)(1), (2), or (3), of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b)(1), (2), or (3), or 963),"; and

(B) by striking "subsection (b)(1)(A), (B), or (C), (d), or (e) of section 401 of the Controlled Substances Act, or section 1002(a), 1003, 1009, or 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b)(1), (2), (3))" and inserting "or an offense (or conspiracy or attempt to commit an offense) described in section 401(b)(1)(A), (B), or (C), (d), or (e), or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A), (B), or (C), (d), or (e), 844, or 846) or section 1002(a), 1003, 1009, 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b)(1), (2), or (3), or 963)"; and

(3) in the fifth undesignated paragraph by adding at the end the following: "In considering the nature of the offense, as required by this paragraph, the court shall consider the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities, involving the use or distribution of controlled substances or firearms. Such a factor, if found to exist, shall weigh heavily in favor of a transfer to adult

status, but the absence of this factor shall not preclude such a transfer."

**SEC. 153. AMENDMENTS CONCERNING RECORDS OF CRIMES COMMITTED BY JUVENILES.**

(a) IN GENERAL.—Section 5038 of title 18, United States Code, is amended by striking subsections (d) and (f), redesignating subsection (e) as subsection (d), and by adding at the end new subsections (e) and (f) as follows:

"(e) Whenever a juvenile has been found guilty of committing an act which if committed by an adult would be an offense described in clause (3) of the first paragraph of section 5032 of this title, the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation, Identification Division. The court shall also transmit to the Federal Bureau of Investigation, Identification Division, the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication. The fingerprints, photograph, and other records and information relating to a juvenile described in this subsection, or to a juvenile who is prosecuted as an adult, shall be made available in the manner applicable to adult defendants.

"(f) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist."

(b) REPEAL.—Section 3607 of title 18, United States Code, is repealed, and the corresponding item in the chapter analysis for chapter 229 of title 18 is deleted.

(c) CONFORMING AMENDMENT.—Section 401(b)(4) of the Controlled Substances Act (21 U.S.C. 841(b)(4)) is amended by striking "and section 3607 of title 18".

**TITLE II—EQUAL PROTECTION FOR VICTIMS**

**Subtitle A—Victims' Rights**

**SEC. 201. RIGHT OF THE VICTIM TO FAIR TREATMENT IN LEGAL PROCEEDINGS.**

The following rules, to be known as the Rules of Professional Conduct for Lawyers in Federal Practice, are enacted:

**"RULES OF PROFESSIONAL CONDUCT FOR LAWYERS IN FEDERAL PRACTICE"**

**"Rule 1. Scope"**

"Rule 2. Abuse of Victims and Others Prohibited"

"Rule 3. Duty of Enquiry in Relation to Client"

"Rule 4. Duty to Expedite Litigation"

"Rule 5. Duty to Prevent Commission of Crime"

**"Rule 1. Scope"**

"(a) These rules apply to the conduct of lawyers in their representation of clients in relation to proceedings and potential proceedings before Federal tribunals.

"(b) For purposes of these rules, 'Federal tribunal' and 'tribunal' mean a court of the United States.

**"Rule 2. Abuse of Victims and Others Prohibited"**

"(a) A lawyer shall not engage in any action or course of conduct for the purpose of increasing the expense of litigation for any

person, other than a liability under an order or judgment of a tribunal.

"(b) A lawyer shall not engage in any action or course of conduct that has no substantial purpose other than to distress, harass, embarrass, burden, or inconvenience another person.

"(c) A lawyer shall not offer evidence that the lawyer knows to be false or attempt to discredit evidence that the lawyer knows to be true.

**"Rule 3. Duty of Enquiry in Relation to Client"**

"A lawyer shall attempt to elicit from the client a truthful account of the material facts concerning the matters in issue. In representing a client charged with a crime, the duty of enquiry under this rule includes—

"(1) attempting to elicit from the client a materially complete account of the alleged criminal activity if the client acknowledges involvement in the alleged activity; and

"(2) attempting to elicit from the client the material facts relevant to a defense of alibi if the client denies such involvement.

**"Rule 4. Duty to Expedite Litigation"**

"(a) A lawyer shall seek to bring about the expeditious conduct and conclusion of litigation.

"(b) A lawyer shall not seek a continuance or otherwise attempt to delay or prolong proceedings in the hope or expectation that—

"(1) evidence will become unavailable;

"(2) evidence will become more subject to impeachment or otherwise less useful to another party because of the passage of time; or

"(3) an advantage will be obtained in relation to another party because of the expense, frustration, distress, or other hardship resulting from prolonged or delayed proceedings.

**"Rule 5. Duty to Prevent Commission of Crime"**

"(a) A lawyer may disclose information relating to the representation of a client to the extent necessary to prevent the commission of a crime or other unlawful act.

"(b) A lawyer shall disclose information relating to the representation of a client where disclosure is required by law. A lawyer shall also disclose such information to the extent necessary to prevent—

"(1) the commission of a crime involving the use or threatened use of force against another, or a substantial risk of death or serious bodily injury to another; or

"(2) the commission of a crime of sexual assault or child molestation.

"(c) For purposes of this rule, 'crime' means a crime under the law of the United States or the law of a State, and 'unlawful act' means an act in violation of the law of the United States or the law of a State."

**SEC. 202. RIGHT OF THE VICTIM TO AN IMPARTIAL JURY.**

Rule 24(b) of the Federal Rules of Criminal Procedure is amended by striking "the Government is entitled to 6 peremptory challenges and the defendant or defendants jointly to 10 peremptory challenges" and inserting "each side is entitled to 6 peremptory challenges".

**SEC. 203. VICTIM'S RIGHT OF ALLOCATION IN SENTENCING.**

Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) by striking "and" at the end of subdivision (a)(1)(B);

(2) by striking the period at the end of subdivision (a)(1)(C) and inserting "; and";

(3) by inserting after subdivision (a)(1)(C) the following: "(D) if sentence is to be imposed for a crime of violence or sexual abuse,

address the victim personally if the victim is present at the sentencing hearing and determine if the victim wishes to make a statement and to present any information in relation to the sentence.”;

(4) in the penultimate sentence of subdivision (a)(1) by striking “equivalent opportunity” and inserting “opportunity equivalent to that of the defendant’s counsel”;

(5) in the last sentence of subdivision (a)(1) by inserting “the victim,” before “, or the attorney for the Government.”; and

(6) by adding at the end the following new subdivision:

“(f) DEFINITIONS.—For purposes of this rule—

“(1) ‘crime of violence or sexual abuse’ means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code; and

“(2) ‘victim’ means an individual against whom an offense for which a sentence is to be imposed has been committed, but the right of allocution under subdivision (a)(1)(D) may be exercised instead by—

“(A) a parent or legal guardian if the victim is below the age of 18 years or incompetent; or

“(B) one or more family members or relatives designated by the court if the victim is deceased or incapacitated,

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present.”.

#### SEC. 204. ENFORCEMENT OF RESTITUTION ORDERS THROUGH SUSPENSION OF FEDERAL BENEFITS.

Section 3663 of title 18, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection:

“(g)(1) If the defendant is delinquent in making restitution in accordance with any schedule of payments or any requirement of immediate payment imposed under this section, the court may, after a hearing, suspend the defendant’s eligibility for all Federal benefits until such time as the defendant demonstrates to the court good-faith efforts to return to such schedule.

“(2) For purposes of this subsection—

“(A) the term ‘Federal benefits’—

“(i) means any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or appropriated funds of the United States; and

“(ii) does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility; and

“(B) the term ‘veterans benefit’ means all benefits provided to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.”.

#### SEC. 205. PROHIBITION OF RETALIATORY KILLINGS OF WITNESSES, VICTIMS AND INFORMANTS.

Section 1513 of title 18, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting a new subsection (a) as follows:

“(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

“(A) the attendance of a witness or party at an official proceeding, or any testimony

given or any record, document, or other object produced by a witness in an official proceeding; or

“(B) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole or release pending judicial proceedings given by a person to a law enforcement officer;

shall be punished as provided in paragraph (2).

“(2) The punishment for an offense under this subsection is—

“(A) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title; and

“(B) in the case of an attempt, imprisonment for not more than twenty years.”.

#### Subtitle B—Admissibility of Evidence

#### SEC. 211. ADMISSIBILITY OF EVIDENCE OF SIMILAR CRIMES IN SEX OFFENSE CASES.

The Federal Rules of Evidence are amended by adding after Rule 412 the following new rules:

##### “Rule 413. Evidence of Similar Crimes in Sexual Assault Cases

“(a) EVIDENCE ADMISSIBLE.—In a criminal case in which the defendant is accused of an offense of sexual assault, evidence of the defendant’s commission of another offense or offenses of sexual assault is admissible, and may be considered for its bearing on any matter to which it is relevant.

“(b) DISCLOSURE TO DEFENDANT.—In a case in which the government intends to offer evidence under this Rule, the attorney for the government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least 15 days before the scheduled date of trial or at such later time as the court may allow for good cause.

“(c) EFFECT ON OTHER RULES.—This Rule shall not be construed to limit the admission or consideration of evidence under any other Rule.

“(d) DEFINITION.—For purposes of this Rule and Rule 415, ‘offense of sexual assault’ means a crime under Federal law or the law of a State (as defined in section 513 of title 18, United States Code) that involved—

“(1) any conduct proscribed by chapter 109A of title 18, United States Code;

“(2) contact, without consent, between any part of the defendant’s body or an object and the genitals or anus of another person;

“(3) contact, without consent, between the genitals or anus of the defendant and any part of another person’s body;

“(4) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

“(5) an attempt or conspiracy to engage in conduct described in any of paragraphs (1) through (4).

##### “Rule 414. Evidence of Similar Crimes in Child Molestation Cases

“(a) EVIDENCE ADMISSIBLE.—In a criminal case in which the defendant is accused of an offense of child molestation, evidence of the defendant’s commission of another offense or offenses of child molestation is admissible, and may be considered for its bearing on any matter to which it is relevant.

“(b) DISCLOSURE TO DEFENDANT.—In a case in which the government intends to offer evidence under this Rule, the attorney for the government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least 15 days before the scheduled date of

trial or at such later time as the court may allow for good cause.

“(c) EFFECT ON OTHER RULES.—This Rule shall not be construed to limit the admission or consideration of evidence under any other Rule.

“(d) DEFINITION.—For purposes of this Rule and Rule 415, ‘child’ means a person below the age of 14 years, and ‘offense of child molestation’ means a crime under Federal law or the law of a State (as defined in section 513 of title 18, United States Code) that involved—

“(1) any conduct proscribed by chapter 109A of title 18, United States Code, that was committed in relation to a child;

“(2) any conduct proscribed by chapter 110 of title 18, United States Code;

“(3) contact between any part of the defendant’s body or an object and the genitals or anus of a child;

“(4) contact between the genitals or anus of the defendant and any part of the body of a child;

“(5) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on a child; or

“(6) an attempt or conspiracy to engage in conduct described in any of paragraphs (1) through (5).

##### “Rule 415. Evidence of Similar Acts in Civil Cases Concerning Sexual Assault or Child Molestation

“(a) EVIDENCE ADMISSIBLE.—In a civil case in which a claim for damages or other relief is predicated on a party’s alleged commission of conduct constituting an offense of sexual assault or child molestation, evidence of that party’s commission of another offense or offenses of sexual assault or child molestation is admissible and may be considered as provided in Rule 413 and Rule 414 of these Rules.

“(b) DISCLOSURE TO OTHER PARTIES.—A party who intends to offer evidence under this Rule shall disclose the evidence to the party against whom it will be offered, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least 15 days before the scheduled date of trial or at such later time as the court may allow for good cause.

“(c) EFFECT ON OTHER RULES.—This Rule shall not be construed to limit the admission or consideration of evidence under any other Rule.”.

#### SEC. 212. EXTENSION AND STRENGTHENING OF RAPE VICTIM SHIELD LAW.

(a) AMENDMENTS TO RAPE VICTIM SHIELD LAW.—Rule 412 of the Federal Rules of Evidence is amended—

(1) in subdivisions (a) and (b), by striking “criminal case” and inserting “criminal or civil case”;

(2) in subdivisions (a) and (b), by striking “an offense under chapter 109A of title 18, United States Code,” and inserting “an offense or civil wrong involving conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurred in the special maritime and territorial jurisdiction of the United States or in a Federal prison,”;

(3) in subdivision (a), by striking “victim of such offense” and inserting “victim of such conduct”;

(4) in subdivision (c)—

(A) by striking in paragraph (1) “the person accused of committing an offense under chapter 109A of title 18, United States Code” and inserting “the accused”; and

(B) by inserting at the end of paragraph (3) the following: “An order admitting evidence under this paragraph shall explain the reasoning leading to the finding of relevance,

and the basis of the finding that the probative value of the evidence outweighs the danger of unfair prejudice notwithstanding the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased inferences." and

(5) in subdivision (d), by striking "an offense under chapter 109A of title 18, United States Code" and inserting "the conduct proscribed by chapter 109A of title 18, United States Code,".

(b) INTERLOCUTORY APPEAL.—Section 3731 of title 18, United States Code, is amended by inserting after the second paragraph the following:

"An appeal by the United States before trial shall lie to a court of appeals from an order of a district court admitting evidence of an alleged victim's past sexual behavior in a criminal case in which the defendant is charged with an offense involving conduct proscribed by chapter 109A of this title, whether or not the conduct occurred in the special maritime and territorial jurisdiction of the United States or in a Federal prison."

**SEC. 213. INADMISSIBILITY OF EVIDENCE TO SHOW PROVOCATION OR INVITATION BY VICTIM IN SEX OFFENSE CASES.**

The Federal Rules of Evidence are amended by adding after Rule 415 (as added by section 421 of this Act) the following:

**"Rule 416. Inadmissibility of evidence to show invitation or provocation by victim in sexual abuse cases**

"In a criminal case in which a person is accused of an offense involving conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurred in the special maritime and territorial jurisdiction of the United States or in a Federal prison, evidence is not admissible to show that the alleged victim invited or provoked the commission of the offense. This Rule does not limit the admission of evidence of consent by the alleged victim if the issue of consent is relevant to liability and the evidence is otherwise admissible under these Rules."

**SEC. 214. INADMISSIBILITY OF CERTAIN EVIDENCE.**

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following:

**"§ 3510. Admissibility of evidence obtained by search or seizure**

"(a) EVIDENCE OBTAINED BY OBJECTIVELY REASONABLE SEARCH OR SEIZURE.—Evidence which is obtained as a result of a search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the fourth amendment to the Constitution of the United States, if the search or seizure was carried out in circumstances justifying an objectively reasonable belief that it was in conformity with the fourth amendment. The fact that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of the existence of such circumstances.

"(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR RULE.—Evidence shall not be excluded in a proceeding in a court of the United States on the ground that it was obtained in violation of a statute, an administrative rule or regulation, or a rule of procedure unless exclusion is expressly authorized by statute or by a rule prescribed by the Supreme Court pursuant to statutory authority.

"(c) RULE OF CONSTRUCTION.—This section shall not be construed to require or authorize the exclusion of evidence in any proceeding."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by adding at the end the following:

"3510. Admissibility of evidence obtained by search or seizure."

**Subtitle C—Protecting the Integrity of the Judicial Process**

**SEC. 221. GENERAL SAFEGUARDS AGAINST RACIAL PREJUDICE OR BIAS IN THE TRIBUNAL.**

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

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

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

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

**SEC. 222. PROTECTION OF JURORS AND WITNESSES IN CAPITAL CASES.**

Section 3432 of title 18, United States Code, is amended by inserting before the period the following: ", except that such list of the veniremen and witnesses need not be furnished if the court finds by a preponderance of the evidence that providing the list may jeopardize the life or safety of any person".

**SEC. 223. PROTECTION OF COURT OFFICERS AND JURORS.**

Section 1503 of title 18, United States Code, is amended—

(1) by designating the current text as subsection (a);

(2) by striking "fined not more than \$5,000 or imprisoned not more than five years, or both," and inserting "punished as provided in subsection (b).";

(3) by adding at the end the following:

"(b) The punishment for an offense under this section is—

"(1) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title;

"(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than twenty years; and

"(3) in any other case, imprisonment for not more than ten years."; and

(4) in subsection (a), as designated by this section, by striking "commissioner" each place it appears and inserting "magistrate judge".

**SEC. 224. DEATH PENALTY FOR MURDER OF FEDERAL WITNESSES.**

Section 1512(a)(2)(A) of title 18, United States Code, is amended to read as follows:

"(A) in the case of murder as defined in section 1111 of this title, the death penalty or imprisonment for life, and in the case of any other killing, the punishment provided in section 1112 of this title."

**TITLE III—PROTECTION OF WOMEN**

**Subtitle A—Spouse Abuse and Stalking**

**SEC. 301. INTERSTATE TRAVEL TO COMMIT SPOUSE ABUSE OR TO VIOLATE PROTECTIVE ORDER; INTERSTATE STALKING.**

(a) OFFENSE.—Part 1 of title 18, United States Code, is amended by inserting after chapter 110 the following:

**"CHAPTER 110A—DOMESTIC VIOLENCE AND OFFENSES AGAINST THE FAMILY**

"Sec.

"2261. Domestic violence and stalking.

**"§ 2261. Domestic violence and stalking**

"(a) OFFENSE.—Whoever, in a circumstance described in subsection (c), causes or attempts to cause bodily injury to, engages in sexual abuse against, or violates a protective order in relation to, another shall be punished—

"(1) if death results, by death or by imprisonment for any term of years or for life;

"(2) if permanent disfigurement or life-threatening bodily injury results, by imprisonment for not more than 20 years;

"(3) if serious bodily injury results, or if a firearm, knife, or other dangerous weapon is possessed, carried, or used during the commission of the offense, by imprisonment for not more than 10 years; and

"(4) in any other case, by imprisonment for not more than five years.

If, however, the defendant engages in sexual abuse and the penalty authorized for such conduct under chapter 109A exceeds the penalty which would otherwise be authorized under this subsection, then the penalty authorized for such conduct under chapter 109A shall apply.

"(b) MANDATORY PENALTIES.—A sentence under this section shall include at least 3 months of imprisonment if the offense involves the infliction of bodily injury on or the commission of sexual abuse against the victim. A sentence under this section shall include at least 6 months of imprisonment if the offense involves the violation of a protective order and the defendant has previously violated a protective order in relation to the same victim.

"(c) REQUIRED CIRCUMSTANCES.—The circumstance referred to in subsection (a) of this section is that the defendant traveled in interstate or foreign commerce, or transported or caused another to move in interstate or foreign commerce, with the intention of committing or in furtherance of committing the offense, and—

"(1) the victim was a spouse or former spouse of the defendant, was cohabiting with or had cohabited with the defendant, or had a child in common with the defendant; or

"(2) the defendant on two or more occasions—

"(A) has caused or attempted or threatened to cause death or serious bodily injury to or engaged in sexual abuse in relation to the victim; or

"(B) has engaged in any conduct that caused or was intended to cause apprehension by the victim that the victim would be subjected to death, serious bodily injury, or sexual abuse.

"(d) DEFINITIONS.—As used in this section—

"(1) the term 'protective order' means an order issued by a court of a State prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person;

"(2) the term 'sexual abuse' means any conduct proscribed by chapter 109A of this title, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison;

"(3) the terms 'serious bodily injury' and 'bodily injury' have the meanings, respectively, given those terms in section 1365(g) of this title; and

"(4) the term 'State' has the meaning given that term in section 513(c)(5) of this title."

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of Part 1 of title 18, United States Code, is amended by inserting after the item for chapter 110 the following:

"110A. Domestic violence and offenses against the family ..... 2261".  
**SEC. 302. FULL FAITH AND CREDIT FOR PROTECTIVE ORDERS.**

(a) REQUIREMENT OF FULL FAITH AND CREDIT.—Chapter 110A of title 18, United States Code, as enacted by section 141 of this Act, is amended by adding at the end the following:

"§ 2262. Full faith and credit for protective orders

"(a) A protective order issued by a court of a State shall have the same full faith and credit in a court in another State that it would have in a court of the State in which issued, and shall be enforced by the courts of any State as if it were issued in that State.

"(b) As used in this section—  
 "(1) the term 'protective order' means an order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person; and  
 "(2) the term 'State' has the meaning given in section 513(c)(5) of this title."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110A of title 18, United States Code, as enacted by section 141 of this Act, is amended by inserting at the end the following:

"2262. Full faith and credit for protective orders."

**Subtitle B—Victims of Sexual Violence**  
**SEC. 311. CIVIL REMEDY FOR VICTIMS OF SEXUAL VIOLENCE.**

(a) CAUSE OF ACTION.—Whoever, in violation of the Constitution or laws of the United States, engages in sexual violence against another, shall be liable to the injured party in an action under this section. The relief available in such an action shall include compensatory and punitive damages and any appropriate equitable or declaratory relief.

(b) DEFINITION.—For purposes of this section, "sexual violence" means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison.

(c) ATTORNEY'S FEES.—The Civil Rights Attorney's Fees Award Act of 1976 (42 U.S.C. 1988) is amended by striking "or" after "Public Law 92-318" and by inserting after "1964" the following: ", or section 411 of the Sexual Assault Prevention Act of 1993."

**SEC. 312. EXTENSION AND STRENGTHENING OF RESTITUTION.**

Section 3663 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting "or an offense under chapter 109A, chapter 110, or section 2261 of this title" after "an offense resulting in bodily injury to a victim" in paragraph (2);

(2) in subsection (b)—  
 (A) by striking "and" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (4) the following:

"(4) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and"; and

(3) in subsection (d), by inserting at the end the following: "However, the court shall

issue an order requiring restitution of the full amount of the victim's losses and expenses for which restitution is authorized under this section in imposing sentence for an offense under chapter 109A, chapter 110 or section 2261 of this title, unless the Government and the victim do not request such restitution."

**SEC. 313. PRE-TRIAL DETENTION IN SEX OFFENSE CASES.**

Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking ", or" at the end of subparagraph (A) and inserting a semicolon;  
 (2) by striking the period at the end of subparagraph (B) and inserting "; or"; and  
 (3) by adding after subparagraph (B) the following:

"(C) any felony under chapter 109A, chapter 110, or section 2261 of this title."

**Subtitle C—Punishment of Sex Offenders**  
**SEC. 321. DEATH PENALTY FOR RAPE AND CHILD MOLESTATION MURDERS.**

(a) OFFENSE.—Chapter 109A of title 18, United States Code, is amended by redesignating section 2245 as section 2246, and by adding the following new section:

"§ 2245. Sexual abuse resulting in death  
 "Whoever, in the course of an offense under this chapter, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 109A of title 18, United States Code, is amended by striking the item for section 2245 and adding the following:

"2245. Sexual abuse resulting in death.  
 "2246. Definitions for chapter."

**SEC. 322. INCREASED PENALTIES FOR RECIDIVIST SEX OFFENDERS.**

(a) REDESIGNATION.—Sections 2245 and 2246 of title 18, United States Code, as so designated by section 137, are redesignated sections 2246 and 2247, respectively.

(b) PENALTIES FOR SUBSEQUENT OFFENSES.—Chapter 109A of title 18, United States Code, is amended by inserting the following new section after section 2244:

"§ 2245. Penalties for subsequent offenses  
 "Any person who violates this chapter, after a prior conviction under this chapter or the law of a State (as defined in section 513 of this title) for conduct proscribed by this chapter has become final, is punishable by a term of imprisonment up to twice that otherwise authorized."

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 109A of title 18, United States Code, as amended by section 137, is amended—

(1) by striking "2245" and inserting "2246";  
 (2) by striking "2246" and inserting "2247"; and

(3) by inserting after the item relating to section 2244 the following:

"2245. Penalties for subsequent offenses."

**SEC. 323. SENTENCING GUIDELINES INCREASE FOR SEX OFFENSES.**

The United States Sentencing Commission shall amend the sentencing guidelines to increase by at least 4 levels the base offense level for an offense under section 2241 (relating to aggravated sexual abuse) or section 2242 (relating to sexual abuse) of title 18, United States Code, and shall consider whether any other changes are warranted in the guidelines provisions applicable to such offenses to ensure realization of the objectives of sentencing. In amending the guidelines in conformity with this section, the

Sentencing Commission shall review the appropriateness and adequacy of existing offense characteristics and adjustments applicable to such offenses, taking into account the heinousness of sexual abuse offenses, the severity and duration of the harm caused to victims, and any other relevant factors. In any subsequent amendment to the sentencing guidelines, the Sentencing Commission shall maintain minimum guideline sentences for the offenses referenced in this section which are at least equal to those required by this section.

**SEC. 324. HIV TESTING AND PENALTY ENHANCEMENT IN SEXUAL OFFENSE CASES.**

(a) IN GENERAL.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following:

"§ 2248. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty

"(a) TESTING AT TIME OF PRE-TRIAL RELEASE DETERMINATION.—In a case in which a person is charged with an offense under this chapter, a judicial officer issuing an order pursuant to section 3142(a) of this title shall include in the order a requirement that a test for the human immunodeficiency virus be performed upon the person, and that follow-up tests for the virus be performed six months and twelve months following the date of the initial test, unless the judicial officer determines that the conduct of the person created no risk of transmission of the virus to the victim, and so states in the order. The order shall direct that the initial test be performed within 24 hours, or as soon thereafter as feasible. The person shall not be released from custody until the test is performed.

"(b) TESTING AT LATER TIME.—If a person charged with an offense under this chapter was not tested for the human immunodeficiency virus pursuant to subsection (a), the court may at a later time direct that such a test be performed upon the person, and that follow-up tests be performed six months and twelve months following the date of the initial test, if it appears to the court that the conduct of the person may have risked transmission of the virus to the victim. A testing requirement under this subsection may be imposed at any time while the charge is pending, or following conviction at any time prior to the person's completion of service of the sentence.

"(c) TERMINATION OF TESTING REQUIREMENT.—A requirement of follow-up testing imposed under this section shall be canceled if any test is positive for the virus or the person obtains an acquittal on, or dismissal of, all charges under this chapter.

"(d) DISCLOSURE OF TEST RESULTS.—The results of any test for the human immunodeficiency virus performed pursuant to an order under this section shall be provided to the judicial officer or court. The judicial officer or court shall ensure that the results are disclosed to the victim (or to the victim's parent or legal guardian, as appropriate), the attorney for the Government, and the person tested.

"(e) EFFECT ON PENALTY.—The United States Sentencing Commission shall amend existing guidelines for sentences for offenses under this chapter to enhance the sentence if the offender knew or had reason to know that he was infected with the human immunodeficiency virus, except where the offender did not engage or attempt to engage in conduct creating a risk of transmission of the virus to the victim."

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 109A of

title 18, United States Code, is amended by inserting at the end the following new item: "2248. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty."

**TITLE IV—PREVENTION OF TERRORISM**  
**Subtitle A—Enhanced Controls on Entry into the United States**

**SEC. 401. EXCLUSION BASED ON MEMBERSHIP IN TERRORIST ORGANIZATION OF ADVOCACY OF TERRORISM.**

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)(II) by inserting "or" at the end;

(2) by adding after clause (i)(II) the following:

"(III) is a member of an organization that engages in terrorist activity or who actively supports or advocates terrorist activity,";

(3) by adding after clause (iii) the following:

"(iv) **TERRORIST ORGANIZATION DEFINED.**—As used in this Act, the term 'terrorist organization' means an organization which commits terrorist activity as determined by the Attorney General, in consultation with the Secretary of State."

**SEC. 402. ADMISSIONS FRAUD.**

(a) **EXCLUSION FOR FRAUDULENT DOCUMENTS AND FAILURE TO PRESENT DOCUMENTS.**—Section 212(a)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)) is amended—

(1) by striking "(C) MISREPRESENTATION" and inserting in lieu thereof the following:

"(C) **FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS**";

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

"(iii) **FRAUDULENT DOCUMENTS AND FAILURE TO PRESENT DOCUMENTS.**—

"(I) Any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer, is forged, counterfeit, altered, falsely made, stolen, or inapplicable to the alien presenting the document, or otherwise contains a misrepresentation of a material fact, is excludable.

"(II) Any alien who, in boarding a common carrier for the purpose of coming to the United States, presents a document that relates or purports to relate to the alien's eligibility to enter the United States, and fails to present such document to an immigration officer upon arrival at a port of entry into the United States, is excludable."

(b) **AVAILABILITY OF ASYLUM AND OTHER DISCRETIONARY RELIEF.**—

(1) Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following new subsection:

"(e)(1) **APPLICATION OF FRAUD EXCLUSION.**—Notwithstanding subsection (a) and except as provided in paragraph (2), any alien who is excludable under section 212(a)(6)(C)(iii) or section 212(a)(7)(A)(i) may not apply for or be granted asylum.

"(2) **EXCEPTION.**—The limitation under paragraph (1) shall not apply if the action upon which the exclusion is based was pursuant to direct departure from a country in which (A) the alien has a credible fear of persecution, or (B) there is a significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(3) **DEFINITION.**—As used in this subsection, the term 'credible fear of persecu-

tion' means (A) that it is more probable than not that the statements made by the alien in support of his or her claim are true, and (B) that there is a significant possibility, in light of such statements and of such other facts as are known to the officer about country conditions, that the alien could establish eligibility as a refugee within the meaning of section 101(a)(42)(A)."

(2) Section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended in the third sentence by inserting before the period "or to any alien who is excludable pursuant to section 212(a)(6)(C)(iii)".

**SEC. 403. INSPECTION AND EXCLUSION BY IMMIGRATION OFFICERS.**

Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) is amended to read as follows:

"(b) **INSPECTION AND EXCLUSION BY IMMIGRATION OFFICERS.**—

"(1) An immigration officer shall inspect each alien who is seeking entry to the United States.

"(2)(A) If the examining immigration officer determines that an alien seeking entry—

"(i)(I) is excludable under section 212(a)(6)(C)(iii), or

"(II) is excludable under section 212(a)(7)(A)(i),

"(ii) does not have any reasonable basis for legal entry into the United States, and

"(iii) does not indicate an intention to apply for asylum under section 208,

the alien shall be specially excluded from entry into the United States without a hearing.

"(B) The examining immigration officer shall refer to an immigration officer, specially trained to conduct interviews and make determinations bearing on eligibility for asylum, any alien who is (i) excludable under section 212(a)(6)(C)(iii) or section 212(a)(7)(A) (i) and (ii) who has indicated an intention to apply for asylum. Such an alien shall not be considered to have entered the United States for purposes of this Act.

"(C) An alien under subparagraph (B) who is determined by an immigration officer, specially trained to conduct interviews and make determinations bearing on eligibility for asylum, to be excludable and ineligible for the exception under section 208(e)(2), shall be specially excluded and deported from the United States without further hearing.

"(3)(A) Except as provided in subparagraph (B), if the examining immigration officer determines that an alien seeking entry is not clearly and beyond a doubt entitled to enter, the alien shall be detained for a hearing before an immigration judge.

"(B) The provisions of subparagraph (A) shall not apply—

"(i) to an alien crewman,

"(ii) to an alien described in paragraph (2)(A) or (2)(C), or

"(iii) if the conditions described in section 273(d) exist.

"(4) The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to enter is so challenged, before an immigration judge for a hearing on exclusion of the alien.

"(5) The Attorney General shall establish procedures that ensure that aliens are not specially excluded under paragraph (2)(A) without an inquiry into their reasons for seeking entry into the United States.

"(6)(A) Subject to subparagraph (B), an alien has not entered the United States for

purposes of this Act unless and until such alien has been inspected and admitted by an immigration officer pursuant to this subsection.

"(B) An alien who (i) is physically present in the United States, (ii) has been physically present in the United States for a continuous period of one year, and (iii) has not been inspected and admitted by an immigration officer may be said to have entered the United States without inspection. Such an alien is subject to deportation pursuant to section 241(a)(1)(B)."

**SEC. 404. JUDICIAL REVIEW.**

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) (as amended by section 732) is amended by adding after subsection (c) the following new subsections:

"(d) **HABEAS CORPUS REVIEW.**—Notwithstanding any other provision of law, no court shall have jurisdiction to review, except by petition for habeas corpus, any determination made with respect to an alien found excludable pursuant to section 212(a)(6)(C)(iii) or section 212(a)(7)(A)(i). In any such case, review by habeas corpus shall be limited to examination of whether the petitioner (1) is an alien, and (2) was ordered excluded from the United States pursuant to section 235(b)(2).

"(e) **OTHER LIMITS ON JUDICIAL REVIEW AND ACTION.**—Notwithstanding any other provision of law, no court shall have jurisdiction (1) to review the procedures established by the Attorney General for the determination of exclusion pursuant to section 212(a)(6)(C)(iii) or section 212(a)(7)(A)(i), or (2) to enter declaratory or injunctive relief with respect to the implementation of subsection (b)(2). Regardless of the nature of the suit or claim, no court shall have jurisdiction except by habeas corpus petition as provided in subsection (d) to consider the validity of any adjudication or determination of special exclusion or to provide declaratory or injunctive relief with respect to the special exclusion of any alien.

"(f) **COLLATERAL ENFORCEMENT PROCEEDINGS.**—In any action brought for the assessment of penalties for improper entry or re-entry of an alien under section 275 or 276, no court shall have jurisdiction to hear claims collaterally attacking the validity of orders of exclusion, special exclusion, or deportation entered under sections 235, 236, and 242."

**SEC. 405. CONFORMING AMENDMENTS.**

Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended—

(1) in the second sentence of paragraph (1) by striking out "Deportation" and inserting in lieu thereof "Subject to section 235(b)(2), deportation"; and

(2) in the first sentence of paragraph (2) by striking out "If" and inserting in lieu thereof "Subject to section 235(b)(2), if".

**SEC. 406. EFFECTIVE DATE.**

Except as otherwise provided, the amendments made by this subtitle shall take effect on the date of the enactment of this Act and shall apply to aliens who arrive in or seek admission to the United States on or after such date.

**Subtitle B—Deportation of Alien Terrorists**

**SEC. 411. REMOVAL OF ALIEN TERRORISTS.**

The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting the following new section:

**"REMOVAL OF ALIEN TERRORISTS**

**"SEC. 242C. (a) DEFINITIONS.**—As used in this section—

"(1) the term 'alien terrorist' means any alien described in section 241(a)(4)(B);

"(2) the term 'classified information' has the same meaning as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App. IV);

"(3) the term 'national security' has the same meaning as defined in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App. IV);

"(4) the term 'special court' means the court described in subsection (c) of this section; and

"(5) the term 'special removal hearing' means the hearing described in subsection (e) of this section.

"(b) APPLICATION FOR USE OF PROCEDURES.—The provisions of this section shall apply whenever the Attorney General certifies under seal to the special court that—

"(1) the Attorney General or Deputy Attorney General has approved of the proceeding under this section;

"(2) an alien terrorist is physically present in the United States; and

"(3) removal of such alien terrorist by deportation proceedings described in sections 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information.

"(c) SPECIAL COURT.—(1) The Chief Justice of the United States shall publicly designate up to 7 judges from up to 7 United States judicial districts to hear and decide cases arising under this section, in a manner consistent with the designation of judges described in section 103(a) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1803(a)).

"(2) The Chief Justice may, in his discretion, designate the same judges under this section as are designated pursuant to 50 U.S.C. 1803(a).

"(d) INVOCATION OF SPECIAL COURT PROCEDURE.—(1) When the Attorney General makes the application described in subsection (b), a single judge of the special court shall consider the application in camera and ex parte.

"(2) The judge shall invoke the procedures of subsection (e), if the judge determines that there is probable cause to believe that—

"(A) the alien who is the subject of the application has been correctly identified,

"(B) a deportation proceeding described in sections 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information, and

"(C) the threat posed by the alien's physical presence is immediate and involves the risk of death or serious bodily harm.

"(e) SPECIAL REMOVAL HEARING.—(1) Except as provided in paragraph (4), the special removal hearing authorized by a showing of probable cause described in subsection (d)(2) shall be open to the public.

"(2) The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent such alien. Counsel may be appointed as described in section 3006A of title 18, United States Code.

"(3) The alien shall have a right to introduce evidence on his own behalf, and except as provided in paragraph (4), shall have a right to cross-examine any witness or request that the judge issue a subpoena for the presence of a named witness.

"(4) The judge shall authorize the introduction in camera and ex parte of any item of evidence for which the judge determines that public disclosure would pose a risk to the national security of the United States because it would disclose classified information.

"(5) With respect to any evidence described in paragraph (4), the judge shall cause to be delivered to the alien either—

"(A)(i) the substitution for such evidence of a statement admitting relevant facts that the specific evidence would tend to prove, or (ii) the substitution for such evidence of a summary of the specific evidence; or

"(B) if disclosure of even the substituted evidence described in subparagraph (A) would create a substantial risk of death or serious bodily harm to any person, a statement informing the alien that no such summary is possible.

"(6) If the judge determines—

"(A) that the substituted evidence described in paragraph (4)(B) will provide the alien with substantially the same ability to make his defense as would disclosure of the specific evidence, or

"(B) that disclosure of the substituted evidence described in paragraph (5)(A) would create a substantial risk of death or serious bodily harm to any person,

then the determination of deportation (described in subsection (f)) may be made pursuant to this section.

"(f) DETERMINATION OF DEPORTATION.—(1) If the determination in subsection (e)(6)(A) has been made, the judge shall, considering the evidence on the record as a whole, require that the alien be deported if the Attorney General proves, by clear and convincing evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

"(2) If the determination in subsection (e)(6)(B) has been made, the judge shall, considering the evidence received (in camera and otherwise), require that the alien be deported if the Attorney General proves, by clear, convincing, and unequivocal evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

"(g) APPEALS.—(1) The alien may appeal a determination under subsection (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under such subsection.

"(2)(A) The Attorney General may appeal a determination under subsection (d), (e), or (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under any one of such subsections.

"(B) When requested by the Attorney General, the entire record of the proceeding under this section shall be transmitted to the court of appeals under seal. If the Attorney General is appealing a determination under subsection (d) or (e), the court of appeals shall consider such appeal in camera and ex parte."

#### Subtitle C—Penalties for Engaging in Terrorism

##### SEC. 421. PROVIDING MATERIAL SUPPORT TO TERRORISM.

(a) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by adding the following new section:

##### "§ 2339A. Providing material support to terrorists

"Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used to facilitate a violation of section 32, 36, 351, 844(f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2331, or 2339 of this title, or section 902(i) of the Federal Aviation

Act of 1958, as amended (49 U.S.C. App. 1472(i)), or to facilitate the concealment or an escape from the commission of any of the foregoing, shall be fined under this title, imprisoned not more than 10 years, or both. For purposes of this section, material support or resources shall include, but not be limited to, currency or other financial securities, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets."

(b) CLERICAL AMENDMENT.—The analysis for chapter 113A of title 18, United States Code, is amended by adding the following:

"2339A. Providing material support to terrorists."

##### SEC. 422. SENTENCING GUIDELINES INCREASE FOR TERRORIST CRIMES.

The United States Sentencing Commission is directed to amend its sentencing guidelines to provide an increase of not less than three levels in the base offense level for any felony, whether committed within or outside the United States, that involves or is intended to promote international terrorism, unless such involvement or intent is itself an element of the crime.

##### SEC. 423. EXTENSION OF THE STATUTE OF LIMITATIONS FOR CERTAIN TERRORISM OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by inserting after section 2385 the following:

##### "§ 3286. Extension of statute of limitations for certain terrorism offenses

"Notwithstanding the provisions of section 3282, no person shall be prosecuted, tried, or punished for any offense involving a violation of section 32 (aircraft destruction), section 36 (airport violence), section 112 (assaults upon diplomats), section 351 (crimes against Congressmen or Cabinet officers), section 1116 (crimes against diplomats), section 1203 (hostage taking), section 1361 (willful injury to government property), section 1751 (crimes against the President), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2331 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2340A (torture) of this title or section 902 (i), (j), (k), (l), or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1572 (i), (j), (k), (l), or (n)), unless the indictment is found or the information is instituted within 10 years after such offense shall have been committed."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by inserting below the item for:

"3285. Criminal contempt."

the following:

"3286. Extension of statute of limitations for certain terrorism offenses."

##### SEC. 424. ENHANCED PENALTIES FOR CERTAIN OFFENSES.

(a) TITLE 50.—(1) Section 1705(b) of title 50, United States Code, is amended by replacing "\$50,000" with "\$1,000,000".

(2) Section 1705(a) of title 50, United States Code, is amended by replacing "\$10,000" with "\$1,000,000".

(b) TITLE 18.—(1) Section 1541 of title 18, United States Code, is amended by replacing "\$500" with "\$250,000" and by replacing "one year" with "five years".

(2) Sections 1542, 1543, 1544 and 1546 of title 18, United States Code, are each amended by replacing "\$2,000" with "\$250,000" and by replacing "five years" with "ten years".

(3) Section 1545 of title 18, United States Code, is amended by replacing "\$2,000" with "\$250,000" and by replacing "three years" with "ten years".

**SEC. 425. IMPLEMENTATION OF THE 1988 PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION.**

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

**"§ 36. Violence at international airports**

"(a) Whoever, in a circumstance described in subsection (b) of this section, unlawfully and intentionally, using any device, substance or weapon—

"(1) performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious injury or death; or

"(2) destroys or seriously damages the facilities of an airport serving international civil aviation or a civil aircraft not in service located thereon or disrupts the services of the airport;

if such an act endangers or is likely to endanger safety at that airport, or attempts to do such an act, shall be fined under this title or imprisoned not more than 20 years, or both, and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) The circumstances referred to in subsection (a) of this section are—

"(1) the prohibited activity takes place in the United States; or

"(2) the prohibited activity takes place outside of the United States and the offender is later found in the United States."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"36. Violence at international airports."

(c) EFFECTIVE DATE.—This section shall take effect on the later of—

(1) the date of the enactment of this Act; or

(2) the date the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971, has come into force and the United States has become a party to the Protocol.

**SEC. 426. AMENDMENT TO FEDERAL AVIATION ACT.**

Section 902(n) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(n)) is amended by—

(1) striking out paragraph (3); and

(2) redesignating paragraph (4) as paragraph (3).

**SEC. 427. OFFENSES OF VIOLENCE AGAINST MARITIME NAVIGATION OR FIXED PLATFORMS.**

(a) OFFENSE.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following:

**"§ 2280. Violence against maritime navigation**

"(a) Whoever, in a circumstance described in subsection (c) of this section, unlawfully and intentionally—

"(1) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship;

"(3) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;

"(4) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship;

"(5) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if such act is likely to endanger the safe navigation of a ship;

"(6) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safe navigation of a ship;

"(7) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in paragraphs (1) to (6); or

"(8) attempts to do anything prohibited under paragraphs (1) through (7);

shall be fined under this title or imprisoned not more than 20 years, or both, and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) Whoever threatens to engage in conduct prohibited under paragraphs (2), (3) or (5) of subsection (a) of this section, with apparent determination and will to carry the threat into execution, if the threatened conduct is likely to endanger the safe navigation of the ship in question, shall be fined under this title or imprisoned not more than five years, or both.

"(c) The circumstances referred to in subsection (a) are—

"(1) in the case of a covered ship—

"(A) such activity is committed—

"(i) against or on board a ship flying the flag of the United States at the time the prohibited activity is committed;

"(ii) in the United States; or

"(iii) by a national of the United States or by a stateless person whose habitual residence is in the United States;

"(B) during the commission of such activity, a national of the United States is seized, threatened, injured or killed; or

"(C) the offender is later found in the United States after such activity is committed;

"(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, the offender is later found in the United States after such activity is committed; and

"(3) in the case of any vessel, such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

"(d) The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that he has on board his ship any person who has committed an offense under Article 3 of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation may deliver such person to the authorities of a State Party to that Convention. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action he should take. When delivering the person to a country which is a State Party to the Convention, the master shall, whenever practicable, and if possible

before entering the territorial sea of such country, notify the authorities of such country of his intention to deliver such person and the reason therefor. If the master delivers such person, he shall furnish the authorities of such country with the evidence in the master's possession that pertains to the alleged offense.

"(e) As used in this section, the term—

"(1) 'ship' means a vessel of any type whatsoever not permanently attached to the seabed, including dynamically supported craft, submersibles or any other floating craft, but such term does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up;

"(2) 'covered ship' means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country;

"(3) 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands and all territories and possessions of the United States.

**"§ 2281. Violence against maritime fixed platforms**

"(a) Whoever, in a circumstance described in subsection (c) of this section, unlawfully and intentionally—

"(1) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety;

"(3) destroys a fixed platform or causes damage to it which is likely to endanger its safety;

"(4) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety;

"(5) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in paragraphs (1) to (4); or

"(6) attempts to do anything prohibited under paragraphs (1)–(5);

shall be fined under this title or imprisoned not more than twenty years, or both; and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) Whoever threatens to engage in conduct prohibited under paragraphs (2) or (3) of subsection (a), with apparent determination and will to carry the threat into execution, if the threatened conduct is likely to endanger the safety of the fixed platform, shall be fined under this title or imprisoned not more than five years, or both.

"(c) The circumstances referred to in subsection (a) are—

"(1) such activity is committed against or on board a fixed platform—

"(A) that is located on the continental shelf of the United States;

"(B) that is located on the continental shelf of another country, by a national of the

United States or by a stateless person whose habitual residence is in the United States; or  
 "(C) in an attempt to compel the United States to do or abstain from doing any act;  
 "(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured or killed; or

"(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

"(d) As used in this section, the term—

"(1) 'continental shelf' means the sea-bed and subsoil of the submarine areas that extend beyond a country's territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea;

"(2) 'fixed platform' means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes;

"(3) 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands and all territories and possessions of the United States."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding at the end the following:

"2280. Violence against maritime navigation.  
 "2281. Violence against maritime fixed platforms."

(c) EFFECTIVE DATES.—This section shall take effect on the later of—

(1) the date of the enactment of this Act; or

(2)(A) in the case of section 2280 of title 18, United States Code, the date the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation has come into force and the United States has become a party to that Convention; and

(B) in the case of section 2281 of title 18, United States Code, the date the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf has come into force and the United States has become a party to that Protocol.

#### SEC. 428. WEAPONS OF MASS DESTRUCTION.

(a) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by adding at the end the following:

##### "§ 2339. Use of weapons of mass destruction

"(a) Whoever uses, or attempts or conspires to use, a weapon of mass destruction—  
 "(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States;

shall be imprisoned for any term of years or for life, and if death results, shall be pun-

ished by death or imprisoned for any term of years or for life.

"(b) For purposes of this section—

"(1) 'national of the United States' has the meaning given in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(2) 'weapon of mass destruction' means—  
 "(a) any destructive device as defined in section 921 of this title;

"(b) poison gas;

"(c) any weapon involving a disease organism; or

"(d) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113A of title 18, United States Code, is amended by adding the following:

"2339. Use of weapons of mass destruction."

#### SEC. 429. NATIONAL TASK FORCE ON COUNTERTERRORISM.

(a) ESTABLISHMENT.—The President shall establish a National Task Force on Counterterrorism comprised of the following seven members: the Deputy Attorney General of the United States, the Deputy Director of Operations of the Central Intelligence Agency or the Deputy Director of Central Intelligence, the Coordinator for Terrorism of the Department of State, an Assistant Secretary of Commerce as designated by the Secretary of Commerce, the Secretary of Defense for Special Operations Low Intensity Conflict, the National Security Advisor or the Deputy National Security Advisor for Special Operations Low Intensity Conflict, and the Assistant Secretary of Treasury for Enforcement. The Deputy Attorney General shall serve as the Chairperson of the Task Force and shall coordinate all antiterrorism activities of the intelligence community of the United States Government.

(b) DUTIES.—The National Task Force on Counterterrorism shall—

(1) formulate a definition as to what constitutes terrorism;

(2) define those intelligence assets dedicated for collection of information on terrorism;

(3) define the methods for the Task Force to be the central processor and distributor of intelligence on terrorism;

(4) outline all preventive and reactive policy issues with regards to terrorism;

(5) define the methods for the Task Force to have overall operational control for counterterrorist and terrorist anti-proliferation operations, both overt and covert;

(6) report to Congress no later than six months after the date of enactment of this Act, and each 90 days thereafter for the remainder of the two-year period beginning on such date, as to how the Task Force will implement paragraphs (1) through (5) of this section; and

(7) beginning 60 days after the date on which the report is submitted under paragraph (6), implement paragraphs (1) through (5) in accordance with the report.

(c) CHIEF AND DEPUTY CHIEF OF STAFF.—The National Task Force on Counterterrorism shall have a chief of staff and a deputy chief of staff who shall be appointed by the task force. The chief of staff shall be paid at a rate not to exceed the rate of basic pay payable for the highest rate payable for the Senior Executive Service.

#### SEC. 430. DEATH PENALTY FOR DEATH CAUSED BY THE USE OF A BOMB OR OTHER DESTRUCTIVE DEVICE.

Section 924 of title 18, United States Code, is amended by adding at the end the following:

"(1) CAUSING DEATH THROUGH THE USE OF A BOMB OR OTHER DESTRUCTIVE DEVICE.—

"(1) PENALTY.—

"(A) IN GENERAL.—Subject to subparagraph (B), a person who intentionally or with reckless disregard for human life causes the death of a person through the use of a bomb or other destructive device shall be sentenced to life imprisonment without release or to death if it is determined that imposition of a sentence of death is justified.

"(B) LIMITATION.—No person may be sentenced to the death penalty who was less than 18 years of age at the time of the offense."

#### TITLE V—CRIMINAL ALIENS AND ALIEN SMUGGLING

##### Subtitle A—Deportation of Criminal Aliens

#### SEC. 501. EXPEDITING CRIMINAL ALIEN DEPORTATION AND EXCLUSION.

(a) CONVICTED DEFINED.—Section 241(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)) is amended by adding at the end the following new subparagraph:

"(E) CONVICTED DEFINED.—In this paragraph, the term 'convicted' means a judge or jury has found the alien guilty or the alien has entered a plea of guilty or nolo contendere, whether or not the alien appeals therefrom."

(b) DEPORTATION OF CONVICTED ALIENS.—

(1) IMMEDIATE DEPORTATION.—Section 242(h) of such Act (8 U.S.C. 1252(h)) is amended—

(A) by striking "(h) An alien" and inserting "(h)(1) Subject to paragraph (2), an alien"; and

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

"(2) An alien sentenced to imprisonment may be deported prior to the termination of such imprisonment by the release of the alien from confinement, if the Service petitions the appropriate court or other entity with authority concerning the alien to release the alien into the custody of the Service for execution of an order of deportation."

(2) PROHIBITION OF REENTRY INTO THE UNITED STATES.—Section 212(a)(2) of such Act (8 U.S.C. 1182(a)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (G); and

(B) by inserting after subparagraph (E) the following new subparagraph:

"(F) ALIENS DEPORTED BEFORE SERVING MINIMUM PERIOD OF CONFINEMENT.—In addition to any other period of exclusion which may apply an alien deported pursuant to section 242(h)(2) is excludable during the minimum period of confinement to which the alien was sentenced."

(c) EXECUTION OF DEPORTATION ORDERS.—Section 242(i) of such Act (8 U.S.C. 1252(i)) is amended by adding at the end the following: "An order of deportation may not be executed until all direct appeals relating to the conviction which is the basis of the deportation order have been exhausted."

#### SEC. 502. AUTHORIZING REGISTRATION OF ALIENS ON CRIMINAL PROBATION OR CRIMINAL PAROLE.

Section 263(a) of the Immigration and Nationality Act (8 U.S.C. 1303(a)) is amended by striking "and (5)" and inserting "(5) aliens who are or have been on criminal probation or criminal parole within the United States, and (6)".

#### SEC. 503. EXPANSION IN DEFINITION OF "AGGRAVATED FELONY".

(a) EXPANSION IN DEFINITION.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended to read as follows:

"(43) The term 'aggravated felony' means—

“(A) murder;

“(B) any illicit trafficking in any controlled substance (as defined in section 102 of the Controlled Substances Act), including any drug trafficking crime as defined in section 924(c) of title 18, United States Code;

“(C) any illicit trafficking in any firearms or destructive devices as defined in section 921 of title 18, United States Code, or in explosive materials as defined in section 841(c) of title 18, United States Code;

“(D) any offense described in sections 1951 through 1963 of title 18, United States Code;

“(E) any offense described in—

“(1) subsections (h) or (i) of section 842, title 18, United States Code, or subsection (d), (e), (f), (g), (h), or (i) of section 844 of title 18, United States Code (relating to explosive materials offenses);

“(ii) paragraph (1), (2), (3), (4), or (5) of section 922(g), or section 922(j), section 922(n), section 922(o), section 922(p), section 922(r), section 924(b), or section 924(h) of title 18, United States Code (relating to firearms offenses), or

“(iii) section 5861 of title 26, United States Code (relating to firearms offenses);

“(F) any crime of violence (as defined in section 16 of title 18, United States Code, not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 5 years;

“(G) any theft offense (including receipt of stolen property) or any burglary offense, where a sentence of 5 years imprisonment or more may be imposed;

“(H) any offense described in section 875, section 876, section 877, or section 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

“(I) any offense described in section 2251, section 2251A or section 2252 of title 18, United States Code (relating to child pornography);

“(J) any offense described in section 1084 of title 18, United States Code, where a sentence of 5 years imprisonment or more may be imposed;

“(K) any offense relating to commercial bribery, counterfeiting, forgery or trafficking in vehicles whose identification numbers have been altered, where a sentence of 5 years imprisonment or more may be imposed;

“(L) any offense—

“(1) relating to the owning, controlling, managing or supervising of a prostitution business,

“(ii) described in section 2421 through 2424 of title 18, United States Code, for commercial advantage, or

“(iii) described in sections 1581 through 1585, or section 1588, of title 18, United States Code (relating to peonage, slavery, and involuntary servitude);

“(M) any offense relating to perjury or subornation of perjury where a sentence of 5 years imprisonment or more may be imposed;

“(N) any offense described in—

“(1) section 793 (relating to gathering or transmitting national defense information), section 798 (relating to disclosure of classified information), section 2153 (relating to sabotage) or section 2381 or section 2382 (relating to treason) of title 18, United States Code, or

“(ii) section 421 of title 50, United States Code (relating to protecting the identity of undercover intelligence agents);

“(O) any offense—

“(1) involving fraud or deceit where the loss to the victim or victims exceeded \$200,000; or

“(ii) described in section 7201 of title 26, United States Code (relating to tax evasion), where the tax loss to the Government exceeds \$200,000;

“(P) any offense described in section 274(a)(1) of the Immigration and Nationality Act (relating to alien smuggling) for the purpose of commercial advantage;

“(Q) any violation of section 1546(a) of title 18, United States Code (relating to document fraud), for the purpose of commercial advantage; or

“(R) any offense relating to failing to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony, where a sentence of 2 years or more may be imposed;

or any attempt or conspiracy to commit any such act. Such term applies to offenses described in this paragraph whether in violation of Federal or State law and applies to such offenses in violation of the laws of a foreign country for which the term of imprisonment was completed within the previous 15 years.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to all convictions entered before, on, or after the date of enactment of this Act.

#### SEC. 504. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) ELIMINATION OF ADMINISTRATIVE HEARING FOR CERTAIN CRIMINAL ALIENS.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following:

“(c) DEPORTATION OF ALIENS WHO ARE NOT PERMANENT RESIDENTS.—

“(1) Notwithstanding section 242, and subject to paragraph (5), the Attorney General may issue a final order of deportation against any alien described in paragraph (2) whom the Attorney General determines to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony).

“(2) An alien is described in this paragraph if the alien—

“(A) was not lawfully admitted for permanent residence at the time that proceedings under this section commenced, or

“(B) had permanent resident status on a conditional basis (as described in section 216) at the time that proceedings under this section commenced.

“(3) The Attorney General may delegate the authority in this section to the Commissioner or to any District Director of the Service.

“(4) No alien described in this section shall be eligible for—

“(A) any relief from deportation that the Attorney General may grant in his discretion, or

“(B) relief under section 243(h).

“(5) The Attorney General may not execute any order described in paragraph (1) until 14 calendar days have passed from the date that such order was issued, in order that the alien has an opportunity to apply for judicial review under section 106.”

(b) LIMITED JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) in the first sentence of subsection (a), by inserting “or pursuant to section 242A” after “under section 242(b)”;

(2) in subsection (a)(1) and subsection (a)(3), by inserting “(including an alien described in section 242A)” after “aggravated felony”; and

(3) by adding at the end the following new subsection:

“(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue.”

(c) TECHNICAL AND CONFORMING CHANGES.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended as follows:

(1) In subsection (a)—

(A) by striking “(a) IN GENERAL.—” and inserting “(b) DEPORTATION OF PERMANENT RESIDENT ALIENS.—(1) IN GENERAL.—”; and

(B) by inserting in the first sentence “permanent resident” after “correctional facilities for”;

(2) In subsection (b)—

(A) by striking “(b) IMPLEMENTATION.—” and inserting “(2) IMPLEMENTATION.—”; and

(B) by striking “respect to an” and inserting “respect to a permanent resident”;

(3) By striking out subsection (c);

(4) In subsection (d)—

(A) by striking “(d) EXPEDITED PROCEEDINGS.—(1)” and inserting “(3) EXPEDITED PROCEEDINGS.—(A)”;

(B) by inserting “permanent resident” after “in the case of any”; and

(C) by striking “(2)” and inserting “(B)”;

(5) In subsection (e)—

(A) by striking “(e) REVIEW.—(1)” and inserting “(4) REVIEW.—(A)”;

(B) by striking the second sentence; and

(C) by striking “(2)” and inserting “(B)”;

(6) By inserting after the section heading the following new subsection:

“(a) PRESUMPTION OF DEPORTABILITY.—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States.”; and

(7) The heading of such section is amended to read as follows:

“EXPEDITED DEPORTATION OF ALIENS CONVICTED OF COMMITTING AGGRAVATED FELONIES”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens against whom deportation proceedings are initiated after the date of enactment of this Act.

#### SEC. 505. JUDICIAL DEPORTATION.

(a) JUDICIAL DEPORTATION.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by inserting at the end the following new subsection:

“(d) JUDICIAL DEPORTATION.—

“(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony), if such an order has been requested prior to sentencing by the United States Attorney with the concurrence of the Commissioner.

“(2) PROCEDURE.—

“(A) The United States Attorney shall provide notice of intent to request judicial deportation promptly after the entry in the record of an adjudication of guilt or guilty plea. Such notice shall be provided to the court, to the alien, and to the alien’s counsel of record.

“(B) Notwithstanding section 242B, the United States Attorney, with the concurrence of the Commissioner, shall file at least 20 days prior to the date set for sentencing a charge containing factual allegations regarding the alienage of the defendant and satisfaction by the defendant of the definition of aggravated felony.

"(C) If the court determines that the defendant has presented substantial evidence to establish prima facie eligibility for relief from deportation under section 212(c), the Commissioner shall provide the court with a recommendation and report regarding the alien's eligibility for relief under such section. The court shall either grant or deny the relief sought.

"(D)(i) The alien shall have a reasonable opportunity to examine the evidence against him or her, to present evidence on his or her own behalf, and to cross-examine witnesses presented by the Government.

"(ii) The court, for the purposes of determining whether to enter an order described in paragraph (1), shall only consider evidence that would be admissible in proceedings conducted pursuant to section 242(b).

"(iii) Nothing in this subsection shall limit the information a court of the United States may receive or consider for the purposes of imposing an appropriate sentence.

"(iv) The court may order the alien deported if the Attorney General demonstrates by clear and convincing evidence that the alien is deportable under this Act.

"(3) NOTICE, APPEAL, AND EXECUTION OF JUDICIAL ORDER OF DEPORTATION.—

"(A)(i) A judicial order of deportation or denial of such order may be appealed by either party to the court of appeals for the circuit in which the district court is located.

"(ii) Except as provided in clause (iii), such appeal shall be considered consistent with the requirements described in section 106.

"(iii) Upon execution by the defendant of a valid waiver of the right to appeal the conviction on which the order of deportation is based, the expiration of the period described in section 106(a)(1), or the final dismissal of an appeal from such conviction, the order of deportation shall become final and shall be executed at the end of the prison term in accordance with the terms of the order.

"(B) As soon as is practicable after entry of a judicial order of deportation, the Commissioner shall provide the defendant with written notice of the order or deportation, which shall designate the defendant's country of choice for deportation and any alternate country pursuant to section 243(a).

"(4) DENIAL OF JUDICIAL ORDER.—Denial of a request for a judicial order of deportation shall not preclude the Attorney General from initiating deportation proceedings pursuant to section 242 upon the same ground of deportability or upon any other ground of deportability provided under section 241(a)."

(b) TECHNICAL AND CONFORMING CHANGES.—The ninth sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking out "The" and inserting in lieu thereof, "Except as provided in section 242A(d), the".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens whose adjudication of guilt or guilty plea is entered in the record after the date of enactment of this Act.

**SEC. 506. RESTRICTING DEFENSES TO DEPORTATION FOR CERTAIN CRIMINAL ALIENS.**

(a) DEFENSES BASED ON SEVEN YEARS OF PERMANENT RESIDENCE.—The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking out "has served for such felony or felonies" and all that follows through the period and inserting in lieu thereof "has been sentenced for such felony or felonies to a term of imprisonment of at least 5 years, provided that the time for appealing such conviction or sentence has expired and the sentence has become final."

(b) DEFENSES BASED ON WITHHOLDING OF DEPORTATION.—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended by—

(1) striking out the final sentence and inserting in lieu thereof the following new subparagraph:

"(E) the alien has been convicted of an aggravated felony."; and

(2) striking out the "or" at the end of subparagraph (C) and inserting "or" at the end of subparagraph (D).

**SEC. 507. ENHANCING PENALTIES FOR FAILING TO DEPART, OR REENTERING, AFTER FINAL ORDER OF DEPORTATION.**

(a) FAILURE TO DEPART.—Section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) is amended—

(1) by striking out "paragraph (2), (3), or 4 of" the first time it appears, and

(2) by striking out "shall be imprisoned not more than ten years" and inserting in lieu thereof, "shall be imprisoned not more than two years, or shall be imprisoned not more than ten years if the alien is a member of any of the classes described in paragraph (2), (3), or (4) of section 241(a)."

(b) REENTRY.—Section 276(b) of the Immigration and Nationality Act (8 U.S.C. 1326(b)) is amended—

(1) in paragraph (1), by (A) inserting after "commission of" the following: "three or more misdemeanors or", and (B) striking out "5" and inserting in lieu thereof "10",

(2) in paragraph (2), by striking out "15" and inserting in lieu thereof "20", and

(3) by adding at the end the following sentence:

"For the purposes of this subsection, the term 'deportation' shall include any agreement where an alien stipulates to deportation during a criminal trial under either Federal or State law."

(c) COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by inserting after subsection (b) the following new subsection:

"(c) In any criminal proceeding under this section, no alien may challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates—

"(1) that the alien exhausted the administrative remedies (if any) that may have been available to seek relief against such order,

"(2) that the deportation proceedings at which such order was issued improperly deprived the alien of the opportunity for judicial review, and

"(3) that the entry of such order was fundamentally unfair."

**SEC. 508. MISCELLANEOUS AND TECHNICAL CHANGES.**

(a) FORM OF DEPORTATION HEARINGS.—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: "; except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media (with or without the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien."

(b) CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.—No amendment made by this Act and nothing in section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i)), shall be construed to create any right or benefit, substantive or procedural, which is legally enforceable by any party against the United States, its agencies, its officers or any other person.

**SEC. 509. AUTHORIZATION OF APPROPRIATIONS FOR CRIMINAL ALIEN INFORMATION SYSTEM.**

There is authorized to be appropriated to carry out section 242(a)(3)(A) of the Immigration and Nationality Act, \$5,000,000 for fiscal year 1994 and \$2,000,000 for each of the fiscal years 1995, 1996, 1997, and 1998.

**Subtitle B—Prevention and Punishment of Alien Smuggling**

**SECTION 511. BORDER PATROL AGENTS.**

In addition to such amounts as are otherwise authorized to be appropriated, there is authorized to be appropriated for each of the fiscal years 1994, 1995, 1996, 1997, 1998, for salaries and expenses of the Border Patrol such amounts as may be necessary to provide for an increase in the number of agents of the Border Patrol by 3,000 full-time equivalent agent positions beyond the number of such positions at the Border Patrol on July 1, 1993.

**SEC. 512. BORDER PATROL INVESTIGATORS.**

In addition to such amounts as are otherwise authorized to be appropriated, there is authorized to be appropriated for each of the fiscal years 1994, 1995, 1996, 1997, 1998, for salaries and expenses of the Border Patrol such amounts as may be necessary to provide for an increase in the number of investigators of the Border Patrol by 1,000 full-time equivalent investigator positions beyond the number of such positions at the Border Patrol on July 1, 1993.

**SEC. 513. INCLUDING ALIEN SMUGGLING AS A RACKETEERING ACTIVITY FOR PURPOSES OF RACKETEERING INFLUENCED AND CORRUPT ORGANIZATIONS (RICO) ENFORCEMENT AUTHORITY.**

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or" before "(E) any act", and

(2) by inserting before the period at the end the following: "; or (F) any act which is indictable under section 274(a)(1) of the Immigration and Nationality Act (relating to alien smuggling)".

**SEC. 514. ENHANCED PENALTIES FOR EMPLOYERS WHO KNOWINGLY EMPLOY SMUGGLED ALIENS.**

(a) ADDITIONAL CRIMINAL PENALTY.—Section 274(a)(1) (8 U.S.C. 1324(a)(1)) is amended—

(1) by striking "or" at the end of subparagraph (C),

(2) by striking the comma at the end of subparagraph (D) and inserting "; or",

(3) by inserting after subparagraph (D) the following:

"(E) contracts or agrees with another party for that party to provide, for employment by the person or another, an alien who is not authorized to be employed in the United States, knowing that such party intends to cause such alien to be brought into the United States in violation of the laws of the United States," and

(4) by striking "five years" and inserting "ten years".

(b) TREATMENT OF SMUGGLING AS AN AGGRAVATED FELONY.—The first sentence of section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended by inserting "or any offense under section 274(a)" before "for which the term of imprisonment".

**SEC. 515. ENHANCED PENALTIES FOR CERTAIN ALIEN SMUGGLING.**

Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)) is amended by striking "five years" and inserting "ten years".

**SEC. 516. EXPANDED FORFEITURE FOR SMUGGLING OR HARBORING ILLEGAL ALIENS.**

Subsection 274(b) of the Immigration and Nationality Act (8 U.S.C. 1324(b)) is amended—

(1) by amending paragraph (1) to read as follows:

“(b) SEIZURE AND FORFEITURE.—(1) Any property, real or personal, which facilitates or is intended to facilitate, or which has been used in or is intended to be used in the commission of a violation of subsection (a) or of sections 274A(a)(1) or 274A(a)(2), or which constitutes or is derived from or traceable to the proceeds obtained directly or indirectly from a commission of a violation of subsection (a), shall be subject to seizure and forfeiture, except that—

“(A) no property, used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such property was a consenting party or privy to the illegal act;

“(B) no property shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such property was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any State; and

“(C) no property shall be forfeited under this paragraph to the extent of an interest of any owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of the owner, unless such action or omission was committed by an employee or agent of the owner, and facilitated or was intended to facilitate, or was used in or intended to be used in, the commission of a violation of subsection (a) or of section 274A(a)(1) or 274A(a)(2) which was committed by the owner or which intended to further the business interests of the owner, or to confer any other benefit upon the owner.”.

(2) in paragraph (2)—

(A) by striking “conveyance” both places it appears and inserting in lieu thereof “property”; and

(B) by striking “is being used in” and inserting in lieu thereof “is being used in, is facilitating, has facilitated, or was intended to facilitate”;

(3) in paragraphs (4) and (5) by striking “a conveyance” and “conveyance” each place such phrase or word appears and inserting in lieu thereof “property”; and

(4) in paragraph (4) by—

(A) striking “or” at the end of subparagraph (C),

(B) by striking the period at the end of subparagraph (D) and inserting “; or”, and

(C) by inserting at the end the following new subparagraph:

“(E) transfer custody and ownership of forfeited property to any Federal, State, or local agency pursuant to the Tariff Act of 1930, as amended (19 U.S.C. 1616a(c)).”.

**TITLE VI—TAKING CRIMINALS OFF THE STREET**

**Subtitle A—Expanding Prison Capacity**

**SEC. 601. USE OF PRIVATE ACTIVITY BONDS.**

(a) IN GENERAL.—Subsection (a) of section 142 of the Internal Revenue Code of 1986 (defining exempt facility bond) is amended by striking “or” at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting “, or”, and by adding at the end thereof the following new paragraph:

“(13) correctional facilities.”

(b) DEFINITION.—Section 142 of such Code is amended by adding at the end thereof the following new subsection:

“(k) CORRECTIONAL FACILITIES.—For purposes of subsection (a)(13), the term ‘correctional facilities’ means facilities for the confinement or rehabilitation of offenders or individuals charged with or convicted of criminal offenses, including prisons, jails, detention centers and drug and alcohol rehabilitation centers. Correctional facilities shall be treated in all events as serving the general public.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

**SEC. 602. FEDERAL-STATE PARTNERSHIPS FOR REGIONAL PRISONS.**

(a) CREATED BY ATTORNEY GENERAL.—The Attorney General shall—

(1) establish a Regional Prison Task Force comprised of—

(A) the Director of the Federal Bureau of Prisons; and

(B) a senior correctional officer of each State wishing to participate, who is designated for this purpose by the Governor of the State; and

(2) create a plan, in consultation with the Regional Prison Task Force for the establishment of a nationwide regional prison system, and report that plan to the Committees on the Judiciary and Appropriations of the House of Representatives and the Senate not later than 180 days after the date of the enactment of this Act.

(b) SCOPE OF PLAN.—The plan shall—

(1) define the boundaries and number of regions in which regional prisons will be placed;

(2) establish the terms of the partnership agreements that States must enter into with the Attorney General in order to participate in the regional prison system;

(3) set forth the extent of the role of the Federal Bureau of Prisons in administering the prisons;

(4) determine the way 2 or more States in a region will share responsibility for the activities associated with the regional prisons; and

(5) specify both the Federal responsibility and the State responsibility (which shall not be less than 50 percent) for construction costs and operating costs of the regional prisons.

(c) STATE ELIGIBILITY.—No State may send any prisoner to be held at a regional prison established under this section unless such State, as determined by the Attorney General—

(1) enters into a partnership agreement under subsection (a) and abides substantially by its terms;

(2) establishes minimum mandatory sentences of 10 years for persons who are convicted of a serious felony and are subsequently convicted of a crime of violence involving the use of a firearm or a crime of violence involving a sexual assault;

(3) establishes a truth in sentencing policy under which offenders will serve no less than 85 percent of the term of imprisonment to which they are sentenced—

(A) after the date the State enters into the partnership agreement, with respect to crimes of violence involving the use of a firearm or a crime of violence involving a sexual assault; and

(B) after a date set by the State which is not later than 2 years after that State enters into such agreement, with respect to all

other crimes of violence and serious drug trafficking offenses;

(4) provides pretrial detention similar to that provided in the Federal system under section 3142 of title 18, United States Code;

(5) takes steps to eliminate court imposed limitations on its prison capacity resulting from consent decrees or statutory provisions; and

(6) provides adequate assurances that—

(A) such State will not use the regional prison system to supplant any part of its own system; and

(B) funds provided by the State for the construction of regional prisons under this section will be in addition to what would otherwise have been made available for the construction and operation of prisons by the State.

(d) PRISONER ELIGIBILITY.—A State which is eligible under this section may send prisoners convicted of State crimes to serve their prison sentence in the regional prison established under this section if—

(1) the prisoner has been convicted of not less than 2 crimes of violence or serious drug trafficking offenses and then commits a crime of violence involving the use of a firearm or a crime of violence involving a sexual assault; or

(2) the prisoner is an illegal alien convicted of a felony offense punishable by more than 1 year's imprisonment.

(e) DEFINITIONS.—As used in this section—

(1) the term “crime of violence” is a felony offense that is—

(A) punishable by imprisonment for a term exceeding one year; and

(B) a crime of violence as defined in section 16 of title 18, United States Code;

(2) the term “serious drug trafficking offense” is a felony offense that is—

(A) punishable by imprisonment for a term exceeding one year; and

(B) defined in section 924(e)(2)(A) of title 18, United States Code;

(3) the term “serious felony” means a felony punishable by imprisonment for a term exceeding 1 year, or any act of juvenile delinquency involving the use or carrying of a firearm, knife, or destructive device that would be punishable by imprisonment for such term if committed by an adult, that—

(A) has as an element the use, attempted use, or threatened use of physical force against the person of another;

(B) is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another; or

(C) involves conduct in violation of section 401 of the Controlled Substances Act that consists of illegal distribution of a controlled substance;

(4) the term “crime of violence involving a sexual assault” is a crime of violence that is an offense as defined in chapter 109A of title 18, United States Code; and

(5) the term “State” includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

(f) REGIONAL PRISON FUND.—There is established in the Treasury the Regional Prison Fund. The Regional Prison Fund shall consist of—

(1) sums appropriated to it by Act of Congress;

(2) notwithstanding section 1401 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) or any other provision of law, the total of criminal fines deposited in the Crime Victims Fund during each fiscal year (beginning after the date of the enactment of this Act) that exceeds \$150,000,000; and

(3) notwithstanding any other provision of law, any portion of the Department of Justice Asset Forfeiture Fund that the Attorney General determines is remaining after distributions of—

(A) funds to be shared with State and local law enforcement;

(B) funds to pay warehouse and appraisal fees and innocent lien holders; and

(C) funds for Federal law enforcement.

(g) TRANSFERS.—The Secretary of the Treasury shall from time to time make appropriate transfers between funds to implement subsection (f).

(h) USE OF REGIONAL PRISON FUND.—The Attorney General may use any sums in the Regional Prison Fund to carry out this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Regional Prison Fund—

(1) \$1,000,000,000 for each of fiscal years 1994 through 1996; and

(2) such sums as may be necessary thereafter through fiscal year 2004.

#### SEC. 603. NON-APPLICABILITY OF DAVIS-BACON TO PRISON CONSTRUCTION.

(a) FEDERAL PRISON CONSTRUCTION.—Section 1 of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended, 40 U.S.C. 276a) is amended by adding at the end the following new subsection:

“(c) The requirements of this section shall not apply to contracts for construction, alteration, and/or repair of institutions used to incarcerate persons held under authority of any enactment of Congress.”.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on the date of enactment of this Act.

#### Subtitle B—Miscellaneous

#### SEC. 611. RESTRICTED FEDERAL COURT JURISDICTION IN IMPOSING REMEDIES ON STATE AND FEDERAL PRISON SYSTEMS.

(a) IN GENERAL.—Title 28, United States Code is amended by inserting after chapter 176 the following new chapter:

#### “CHAPTER 177—ACTIONS CHALLENGING CONDITIONS OF CONFINEMENT

“Sec.

“3401. Limitations on remedies.

“3402. Consent decrees.

“3403. Modification of orders or decrees.

#### “§ 3401. Limitations on remedies

“(a)(1) If the district court, in any action challenging the constitutionality of conditions of confinement in any prison, jail, detention facility, or other correctional institution housing persons accused or convicted of a crime or juveniles adjudicated delinquent, finds that one or more conditions of confinement are in violation of the United States Constitution, the court shall narrowly tailor any relief to fit the nature and extent of the violations and shall make the order no more intrusive than absolutely necessary to ensure that the violations are remedied. The court shall have no jurisdiction—

“(A) to impose a ceiling on the population of any institution or to require any adjustment of the release dates of inmates; or

“(B) to prohibit the use of tents or prefabricated structures for housing inmates.

#### “§ 3402. Consent decrees

“(a) No consent decree in any action challenging the constitutionality of conditions of confinement in any prison, jail, detention facility, or other correctional institution housing persons accused or convicted of a crime or juveniles adjudicated delinquent shall provide relief greater than the minimum required to bring the conditions of confine-

ment into substantial compliance with the United States Constitution.

“(b) In entering a consent decree, the court shall make a written finding that the relief provided in the decree is no greater than the minimum required to bring the conditions of confinement into substantial compliance with the United States Constitution. If it appears to the court that the relief provided in the decree is greater than the minimum required, the court may recommend changes in the decree.

#### “§ 3403. Modification of orders or decrees

“(a)(1) Upon motion of a defendant at any time, the court may conduct a hearing on whether an order or decree described in section 3401 or 3402 of this title should be modified in light of—

“(A) changed factual circumstances affecting the operation of the order or decree, whether or not foreseeable;

“(B) a change or clarification of the governing law, whether or not foreseeable;

“(C) a succession in office of an official responsible for having consented to a decree;

“(D) the government's financial constraints or any other matter affecting public safety or the public interest; or

“(E) any ground provided in Rule 60(b) of the Federal Rules of Civil Procedure.

“(2) The court shall conduct such a hearing if the motion was filed more than one year after the date of the order or decree or the date on which the last previous modification hearing was conducted, whichever is later.

“(b) If the court denies a motion to modify an order or consent decree under subsection (a) of this section, the court shall make a written finding that the relief provided in the order or decree, as of the date of decision, is no greater than the minimum required to bring the conditions of confinement into substantial compliance with the United States Constitution.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part VI of title 28, United States Code, is amended by inserting after the item relating to chapter 176 the following:

“177. Actions Challenging Conditions of Confinement ..... 3401”.

#### TITLE VII—PUNISHMENT AND DETERRENCE

#### Subtitle A—Capital Offenses

#### SEC. 701. PROCEDURES FOR ENFORCING DEATH PENALTY.

Title 18 of the United States Code is Amended—

(1) by adding the following new chapter after chapter 227:

#### “CHAPTER 228—DEATH PENALTY PROCEDURES

“Sec.

“3591. Sentence of death.

“3592. Factors to be considered in determining whether a sentence of death is justified.

“3593. Special hearing to determine whether a sentence of death is justified.

“3594. Imposition of a sentence of death.

“3595. Review of a sentence of death.

“3596. Implementation of a sentence of death.

“3597. Use of State facilities.

“3598. Appointment of counsel.

“3599. Collateral attack on judgment imposing sentence of death.

“3600. Application in Indian country.

#### “§ 3591. Sentence of death

“A defendant who has been found guilty of—

“(1) an offense described in section 794 or section 2381 of this title;

“(2) an offense described in section 1751(c) of this title if the offense, as determined beyond a reasonable doubt at a hearing under section 3593, constitutes an attempt to murder the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President;

“(3) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section which involved not less than twice the quantity of controlled substance described in subsection (b)(2)(A) or twice the gross receipts described in subsection (b)(2)(B);

“(4) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer, or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of the enterprise or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or members of the family or household of such a person;

“(5) an offense constituting a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), where the defendant, intending to cause death or acting with reckless disregard for human life, engages in such a violation, and the death of another person results in the course of the violation or from the use of the controlled substance involved in the violation; or

“(6) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at a hearing under section 3593, caused the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or caused the death of a person through the intentional infliction of serious bodily injury;

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified. However, no person may be sentenced to death who was less than eighteen years of age at the time of the offense.

#### “§ 3592. Factors to be considered in determining whether to recommend a sentence of death

“(a) MITIGATING FACTORS.—In determining whether to recommend a sentence of death, the jury, or if there is no jury, the court, shall consider whether any aspect of the defendant's character, background, or record, or any circumstance of the offense that the defendant may proffer as a mitigating factor exists, including the following:

“(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired.

“(2) DURESS.—The defendant was under unusual and substantial duress.

“(3) PARTICIPATION IN OFFENSE MINOR.—The defendant's participation in the offense, which was committed by another, was relatively minor.

"(4) NO SIGNIFICANT CRIMINAL HISTORY.—The defendant did not have a significant history of other criminal conduct.

"(5) DISTURBANCE.—The defendant committed the offense under severe mental or emotional disturbance.

"(6) VICTIM'S CONSENT.—The victim consented to the criminal conduct that resulted in the victim's death.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether to recommend a sentence of death for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider any aggravating factor for which notice has been provided under section 3593 of this title, including the following factors:

"(1) PREVIOUS ESPIONAGE OR TREASON CONVICTION.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of life imprisonment or death was authorized by statute.

"(2) RISK OF SUBSTANTIAL DANGER TO NATIONAL SECURITY.—In the commission of the offense the defendant knowingly created a grave risk to the national security.

"(3) RISK OF DEATH TO ANOTHER.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether to recommend a sentence of death for an offense described in paragraph (2) or (6) of section 3591 of this title, the jury, or if there is no jury, the court, shall consider any aggravating factor for which notice has been provided under section 3593 of this title, including the following factors:

"(1) CONDUCT OCCURRED DURING COMMISSION OF SPECIFIED CRIMES.—The conduct resulting in death occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), section 36 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1118 (prisoners serving life term), section 1201 (kidnapping), section 1203 (hostage taking), section 1751 (violence against the President or Presidential staff), section 1992 (wrecking trains), chapter 109A (sexual abuse), chapter 110 (sexual abuse of children), section 2261 (domestic violence and stalking) section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), section 2381 (treason), or section 2423 (transportation of minors for sexual activity) of this title, section 1826 of title 28 (persons in custody as recalcitrant witnesses or hospitalized following insanity acquittal), or section 902 (i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1472 (i) or (n) (aircraft piracy)).

"(2) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—The defendant—

"(A) during and in relation to the commission of the offense or in escaping or attempting to escape apprehension used or possessed a firearm as defined in section 921 of this title; or

"(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm, as defined in section 921 of this title, against another person.

"(3) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(4) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(5) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense or in escaping or attempting to escape apprehension, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(6) HEINOUS, CRUEL OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(7) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(8) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(9) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(10) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(11) TYPE OF VICTIM.—The defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice President-designate, or, if there was no Vice President, the officer next in order of succession to the office of the President of the United States, or any person acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A) of this title, if that official was in the United States on official business; or

"(D) a Federal public servant who was outside of the United States or who was a Federal judge, a Federal law enforcement officer, an employee (including a volunteer or contract employee) of a Federal prison, or an official of the Federal Bureau of Prisons—

"(i) while such public servant was engaged in the performance of his official duties;

"(ii) because of the performance of such public servant's official duties; or

"(iii) because of such public servant's status as a public servant.

For purposes of this paragraph, the terms 'President-elect' and 'Vice President-elect' mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2; a 'Federal law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense; 'Federal prison' means a Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and 'Federal judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a United States magistrate judge.

"(12) PRIOR CONVICTION OF SEXUAL ASSAULT OR CHILD MOLESTATION.—

"(A) IN GENERAL.—In the case of an offense under chapter 109A (sexual abuse) or chapter 110 (sexual abuse of children), the defendant has previously been convicted of a crime of sexual assault or crime of child molestation.

"(B) DEFINITIONS.—As used in this paragraph—

"(i) the term 'crime of sexual assault' means a crime under Federal or State law that involves—

"(I) contact between any part of the defendant's body or an object and the genitals or anus of another person, without the consent of that person;

"(II) contact between the genitals or anus of the defendant and any part of the body of another person, without the consent of that person;

"(III) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

"(IV) an attempt or conspiracy to engage in any conduct described in subclauses (I) through (III) of this clause;

"(ii) the term 'crime of child molestation' means a crime of sexual assault in which a child was the victim of the assault, and for the purposes of this clause, a child shall be considered not to have consented to any of the contact referred to in clause (i); and

"(iii) the term 'child' means a person below the age of 14 years."

"(d) AGGRAVATING FACTORS FOR DRUG OFFENSE DEATH PENALTY.—In determining whether to recommend a sentence of death for an offense described in paragraph (3), (4), or (5) of section 3591, the jury, or if there is no jury, the court, shall consider any aggravating factor for which notice has been provided under section 3593 of this title, including the following factors:

"(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(2) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section

102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(3) PREVIOUS SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a sentence of five or more years of imprisonment was authorized by statute.

"(4) USE OF FIREARM.—In committing the offense, or in furtherance of a continuing criminal enterprise of which the offense was a part, the defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm, as defined in section 921 of this title, to threaten, intimidate, assault, or injure a person.

"(5) DISTRIBUTION TO PERSONS UNDER TWENTY-ONE.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 418 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(6) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 419 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(7) USING MINORS IN TRAFFICKING.—The offense or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 420 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(8) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant.

**"§ 3593. Special hearing to determine whether to recommend a sentence of death**

"(a) NOTICE BY THE GOVERNMENT.—When the Government intends to seek the death penalty for an offense described in section 3591, the attorney for the Government shall file with the court and serve on the defendant a notice of such intent. The notice shall be provided a reasonable time before the trial or acceptance of a guilty plea, or at such later time before trial as the court may permit for good cause. If the court permits a late filing of the notice upon a showing of good cause, the court shall ensure that the defendant has adequate time to prepare for trial. The notice shall set forth the aggravating factor or factors the Government will seek to prove as the basis for the death penalty. The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family. The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subsection (a) and the defendant is found guilty of an offense described in section 3591, the judge who presided at the trial or before whom the

guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Prior to such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the provisions of the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under the section is necessary; or

"(3) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to paragraph (2) shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to—

"(1) any matter relating to any mitigating factor listed in section 3592 and any other mitigating factor; and

"(2) any matter relating to any aggravating factor listed in section 3592 for which notice has been provided under subsection (a) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided.

The information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant. The information presented by the Government in support of factors concerning the effect of the offense on the victim and the victim's family may include oral testimony, a victim impact statement that identifies the victim of the offense and the nature and extent of harm and loss suffered by the victim and the victim's family, and other relevant information. Information is admissible regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.

"(d) FINDINGS OF AGGRAVATING AND MITIGATING FACTORS.—The jury shall return special findings identifying any aggravating factor or factors for which notice has been provided under subsection (a) of this section and which the jury unanimously determines have been established by the Government beyond a reasonable doubt. A mitigating factor is established if the defendant has proven its existence by a preponderance of the evidence, and any member of the jury who finds the existence of such a factor may regard it as established for purposes of this section regardless of the number of jurors who concur that the factor has been established.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If an aggravating factor required to be considered under section 3592 is found to exist, the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist under subsection (d) outweigh any mitigating factor or factors. The jury, or if there is no jury, the court shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(f) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether to recommend a sentence of death, it shall not be influenced by prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question regardless of the race, color, religion, national origin, or sex of the defendant or of any victim. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or any victim did not affect the juror's individual decision and that the individual juror would have recommended the same sentence for the crime in question regardless of the race, color, religion, national origin, or sex of the defendant or any victim.

**"§ 3594. Imposition of a sentence of death**

"Upon the recommendation under section 3593(e) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release.

**"§ 3595. Review of a sentence of death**

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this section may be consolidated with an appeal of the judgment of conviction and shall have priority

over all other non-capital matters in the court of appeals.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) If the court of appeals determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(B) the evidence and information support the special findings of the existence of an aggravating factor or factors; and

"(C) the proceedings did not involve any other prejudicial error requiring reversal of the sentence that was properly preserved for and raised on appeal;

it shall affirm the sentence.

"(2) In any other case, the court of appeals shall remand the case for reconsideration under section 3593 or for imposition of another authorized sentence as appropriate, except that the court shall not reverse a sentence of death on the ground that an aggravating factor was invalid or was not supported by the evidence and information if at least one aggravating factor required to be considered under section 3592 remains which was found to exist and the court, on the basis of the evidence submitted at trial and the information submitted at the sentencing hearing, finds no mitigating factor or finds that the remaining aggravating factor or factors which were found to exist outweigh any mitigating factors.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

**"§ 3596. Implementation of a sentence of death**

"(a) IN GENERAL.—A person sentenced to death under this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal. The Marshal shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed, or in the manner prescribed by the law of another State designated by the court if the law of the State in which the sentence was imposed does not provide for implementation of a sentence of death.

"(b) SPECIAL BARS TO EXECUTION.—A sentence of death shall not be carried out upon a person who lacks the mental capacity to understand the death penalty and why it was imposed on that person, or upon a woman while she is pregnant.

"(c) PERSONS MAY DECLINE TO PARTICIPATE.—No employee of any State department of corrections, the Federal Bureau of Prisons, or the United States Marshals Service, and no person providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or re-

ligious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

**"§ 3597. Use of State facilities**

"A United States Marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

**"§ 3598. Appointment of counsel**

"(a) REPRESENTATION OF INDIGENT DEFENDANTS.—This section shall govern the appointment of counsel for any defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, for an offense against the United States, where the defendant is or becomes financially unable to obtain adequate representation. Such a defendant shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in section 3599(b) of this title has occurred. This section shall not affect the appointment of counsel and the provision of ancillary legal services under section 848(q) (4) through (10) of title 21, United States Code.

"(b) REPRESENTATION BEFORE FINALITY OF JUDGMENT.—A defendant within the scope of this section shall have counsel appointed for trial representation as provided in section 3005 of this title. At least one counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel.

"(c) REPRESENTATION AFTER FINALITY OF JUDGMENT.—When a judgment imposing a sentence of death has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the Government shall promptly notify the district court that imposed the sentence. Within ten days of receipt of such notice, the district court shall proceed to make a determination whether the defendant is eligible under this section for appointment of counsel for subsequent proceedings. On the basis of the determination, the court shall issue an order: (1) appointing one or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel; (2) finding, after a hearing if necessary, that the defendant rejected appointment of counsel and made the decision with an understanding of its legal consequences; or (3) denying the appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation. Counsel appointed pursuant to this subsection shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(d) STANDARDS FOR COMPETENCE OF COUNSEL.—In relation to a defendant who is entitled to appointment of counsel under this section, at least one counsel appointed for

trial representation must have been admitted to the bar for at least five years and have at least three years of experience in the trial of felony cases in the federal district courts. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to the bar for at least five years and have at least three years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(e) APPLICABILITY OF CRIMINAL JUSTICE ACT.—Except as otherwise provided in this section, the provisions of section 3006A of this title shall apply to appointments under this section.

"(f) CLAIMS OF INEFFECTIVENESS OF COUNSEL.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28, United States Code, in a capital case shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

**"§ 3599. Collateral attack on judgment imposing sentence of death**

"(a) TIME FOR MAKING SECTION 2255 MOTION.—In a case in which sentence of death has been imposed, and the judgment has become final as described in section 3598(c) of this title, a motion in the case under section 2255 of title 28, United States Code, must be filed within ninety days of the issuance of the order relating to appointment of counsel under section 3598(c) of this title. The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding sixty days. A motion described in this section shall have priority over all noncapital matters in the district court, and in the court of appeals on review of the district court's decision.

"(b) STAY OF EXECUTION.—The execution of a sentence of death shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28, United States Code. The stay shall run continuously following imposition of the sentence, and shall expire if—

"(1) the defendant fails to file a motion under section 2255 of title 28, United States Code, within the time specified in subsection (a), or fails to make a timely application for court of appeals review following the denial of such motion by a district court; or

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, United States Code, the motion under that section is denied and (A) the time for filing a petition for certiorari has expired and no petition has been filed; (B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or (C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of his decision, the defendant waives the right to file a motion under section 2255 of title 28, United States Code.

"(c) FINALITY OF THE DECISION ON REVIEW.—If one of the conditions specified in subsection (b) has occurred, no court thereafter shall have the authority to enter a stay

of execution or grant relief in the case unless—

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(2) the failure to raise the claim was (A) the result of governmental action in violation of the Constitution or laws of the United States; (B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or (C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

#### §3600. Application in Indian country

"Notwithstanding sections 1152 and 1153 of this title, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country as defined in section 1151 of this title and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has made an election that this chapter have effect over land and persons subject to its criminal jurisdiction."; and

(2) in the table of chapters at the beginning of part II, by adding the following new item after the item relating to chapter 227:

#### "228. Death penalty procedures ..... 3591". SEC. 702. EQUAL JUSTICE ACT.

(a) DEATH PENALTY FOR CIVIL RIGHTS MURDERS.—

(1) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

(2) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

(3) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

(4) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—Section 247(c)(1) of title 18, United States Code, is amended by inserting "the death penalty or" before "imprisonment".

#### SEC. 703. PROHIBITION OF RACIALLY DISCRIMINATORY POLICIES CONCERNING CAPITAL PUNISHMENT OR OTHER PENALTIES.

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

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

(1) the action of the United States or of a State includes the action of any legislative,

judicial, executive, administrative, or other agency or instrumentality of the United States or a State, or of any political subdivision of the United States or a State;

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

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

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

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

#### SEC. 704. FEDERAL CAPITAL CASES.

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

#### SEC. 705. EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES.

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

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

#### SEC. 706. FEDERAL DEATH PENALTIES.

(a) MURDER BY FEDERAL PRISONERS.—Chapter 51 of title 18, United States Code, is amended—

(1) by adding at the end the following:

##### "§ 1118. Murder by a Federal prisoner

"(a) Whoever, while confined in a Federal prison under a sentence for a term of life imprisonment, murders another shall be punished by death or by life imprisonment without the possibility of release.

"(b) For purposes of this section—

"(1) 'Federal prison' means any Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government;

"(2) 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death."; and

(2) by amending the table of sections by adding at the end:

"1118. Murder by a Federal prisoner."

(b) MURDER OF FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT OFFICERS.—Section 1114 of title 18, United States Code, is amended by striking "be punished as provided under sections 1111 and 1112 of this title, except that" and inserting ", or any State or local law enforcement officer while assisting, or on account of having assisted, any Federal officer

or employee covered by this section in the performance of duties, in the case of murder as defined in section 1111 of this title, be punished by death or imprisonment for life, and, in the case of manslaughter as defined in section 1112 of this title, be punished as provided in that section, and".

(c) HOMICIDES AND ATTEMPTED HOMICIDES INVOLVING FIREARMS IN FEDERAL FACILITIES.—Section 930 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "(c)" and inserting "(d)";

(2) by inserting after subsection (b) the following:

"(c) Whoever kills or attempts to kill any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, shall—

"(1) in the case of a killing constituting murder as defined in section 1111(a) of this title, be punished by death or imprisoned for any term of years or for life; and

"(2) in the case of any other killing or an attempted killing, be subject to the penalties provided for engaging in such conduct within the special maritime and territorial jurisdiction of the United States under sections 1112 and 1113 of this title.";

(3) in subsection (d)(2), by striking "(c)" and inserting "(d)";

(4) in subsection (g), by striking "(d)" each place it appears and inserting "(e)"; and

(5) by redesignating subsections (c), (d), (e), (f) and (g) as subsections (d), (e), (f), (g), and (h), respectively.

(d) DEATH PENALTY FOR CIVIL RIGHTS MURDERS.—

(1) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

(2) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

(3) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

(4) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—Section 247(c)(1) of title 18, United States Code, is amended by inserting "the death penalty or" before "imprisonment".

(e) DEATH PENALTY FOR GUN MURDERS.—Section 924 of title 18, United States Code, as amended by section 430 of this Act, is amended by adding at the end the following:

"(j) Whoever, in the course of a violation of subsection (c) of this section, causes the death of a person through the use of a firearm, shall—

"(1) if the killing is a murder as defined in section 1111 of this title, be punished by death or by imprisonment for any term of years or for life; and

"(2) if the killing is manslaughter as defined in section 1112 of this title, be punished as provided in that section."

(f) MURDER BY ESCAPED PRISONERS.—

(1) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section

110, is amended by adding at the end the following:

**"§ 1119. Murder by escaped prisoners**

"(a) Whoever, having escaped from a Federal prison where such person was confined under a sentence for a term of life imprisonment, kills another shall be punished as provided in sections 1111 and 1112 of this title.

"(b) As used in this section, the terms 'Federal prison' and 'term of life imprisonment' have the meanings given those terms in section 1118 of this title."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"1119. Murder by escaped prisoners."

(g) TORTURE.—

(1) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter:

**"CHAPTER 113B—TORTURE**

"Sec.

"2340. Definitions.

"2340A. Torture.

"2340B. Exclusive remedies.

**"§ 2340. Definitions**

"As used in this chapter—

"(1) the term 'torture' means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control;

"(2) the term 'severe mental pain or suffering' means the prolonged mental harm caused by or resulting from—

"(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

"(B) the administration or application, or threatened administration or application, of mind altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

"(C) the threat of imminent death; or

"(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the senses or personality; and

"(3) the term 'United States' includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301(38)).

**"§ 2340A. Torture**

"(a) Whoever, outside the United States and in a circumstance described in subsection (b) of this section, commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) The circumstances referred to in subsection (a) of this section are—

"(1) the alleged offender is a national of the United States; or

"(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or the alleged offender.

**"§ 2340B. Exclusive remedies**

"Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall

anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding."

(2) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 113A the following new item:

**"113B. Torture ..... 2340."**

(3) EFFECTIVE DATE.—This subsection shall take effect on the later of—

(1) the date of enactment of this section; or

(2) the date the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(h) CARJACKING RESULTING IN DEATH.—Section 2119 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "Whoever";

(2) by striking ", possessing a firearm as defined in section 921 of this title,";

(3) by striking "shall—" and all that follows through the end of the existing section and inserting "shall be punished as provided in subsection (c) of this section,"; and

(4) by adding at the end the following:

"(b) Whoever, in furtherance of a State or Federal crime of violence, obstructs, impedes, or makes unauthorized physical contact with, a motor vehicle of another, if such vehicle has been transported, shipped, or received in interstate or foreign commerce, shall be punished as provided in subsection (c) of this section.

"(c) A person violating this section shall—

"(1) be fined under this title or imprisoned not more than 15 years, or both;

"(2) if serious bodily injury (as defined in section 1365 of this title) results, be fined under this title or imprisoned not more than 25 years, or both; and

"(3) if death results, be fined under this title or imprisoned for any number of years up to life, or both, and shall be subject to the penalty of death."

**SEC. 707. CONFORMING AND TECHNICAL AMENDMENTS.**

(a) DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.—Section 34 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and all that follows through the end of the section and inserting a period.

(b) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking the period at the end of the section and inserting the following: ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds beyond a reasonable doubt at a hearing under section 3593 of this title that the offense directly concerned nuclear weaponry, military spacecraft and satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; sources or methods of intelligence or counterintelligence operations; or any other major weapons system or major element of defense strategy."

(c) TRANSPORTING EXPLOSIVES.—Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(d) MALICIOUS DESTRUCTION OF FEDERAL PROPERTY BY EXPLOSIVES.—Section 844(f) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(e) MALICIOUS DESTRUCTION OF INTERSTATE PROPERTY BY EXPLOSIVES.—Section 844(i) of title 18, United States Code, is amended by

striking "as provided in section 34 of this title".

(f) MURDER.—Section 1111(b) of title 18, United States Code, is amended to read as follows:

"(b) Within the special maritime and territorial jurisdiction of the United States—

"(1) whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life; and

"(2) whoever is guilty of murder in the second degree shall be imprisoned for any term of years or for life."

(g) KILLING OFFICIAL GUESTS AND INTERNATIONALLY PROTECTED PERSONS.—Subsection (a) of section 1116 of title 18, United States Code, is amended by inserting a period after "title" and striking the remainder of the subsection.

(h) KIDNAPPING.—Section 1201(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(i) HOSTAGE TAKING.—Section 1203(a) of title 18, United States Code, is amended by inserting after "or for life" the following "and, if the death of any person results, shall be punished by death or life imprisonment".

(j) MAILABILITY OF INJURIOUS ARTICLES.—The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and all that follows through the end of the paragraph and inserting a period.

(k) PRESIDENTIAL ASSASSINATION.—Subsection (c) of section 1751 of title 18, United States Code, is amended to read as follows:

"(c) Whoever attempts to murder or kidnap any individual designated in subsection (a) of this section shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life if the conduct constitutes an attempt to murder the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President."

(l) MURDER FOR HIRE.—Section 1958(a) of title 18 of the United States Code is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than \$50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined in accordance with this title, or both".

(m) VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.—Paragraph (1) of subsection (a) of section 1959 of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine in accordance with this title, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine in accordance with this title, or both;"

(n) WRECKING TRAINS.—The second to the last paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and all that follows through the end of the section and inserting a period.

(o) BANK ROBBERY.—Section 2113(e) of title 18, United States Code, is amended by striking "or punished by death if the verdict of the jury shall so direct" and inserting "or if death results shall be punished by death or life imprisonment".

(p) TERRORIST ACTS.—Section 2332(a)(1) of title 18, United States Code, is amended to read as follows:

"(1) if the killing is murder as defined in section 1111(a) of this title, be fined under

this title, punished by death or imprisonment for any term of years or for life, or both."

(q) AIRCRAFT HIJACKING.—Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1473), is amended by striking subsection (c).

(r) CONTROLLED SUBSTANCES ACT.—Section 408 of the Controlled Substances Act is amended by striking subsections (g)-(p), (q) (1)-(3) and (r).

(s) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking "a fine of not more than \$1,000,000 and imprisonment for life;" and inserting "death or imprisonment for life and a fine of not more than \$1,000,000;".

(t) INAPPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.—Chapter 228 of title 18, United States Code, as added by this Act, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801 et seq.).

#### Subtitle B—Violent Felonies and Drug Offenses

#### SEC. 711. DRUG TESTING OF FEDERAL OFFENDERS ON POST-CONVICTION RELEASE.

(a) DRUG TESTING PROGRAM.—(1) Chapter 229 of title 18, United States Code, is amended by adding at the end the following:

##### "§ 3608. Drug testing of Federal offenders on post-conviction release

"The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General and the Secretary of Health and Human Services, shall, as soon as is practicable after the effective date of this section, establish a program of drug testing of Federal offenders on post-conviction release. The program shall include such standards and guidelines as the Director may determine necessary to ensure the reliability and accuracy of the drug testing programs. In each district where it is feasible to do so, the chief probation officer shall arrange for the drug testing of defendants on post-conviction release pursuant to a conviction for a felony or other offense described in section 3563(a)(4) of this title."

(2) The table of sections at the beginning of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

"3608. Drug testing of Federal offenders on post-conviction release."

(b) DRUG TESTING CONDITION FOR PROBATION.—

(1) Section 3563(a) of title 18, United States Code, is amended—

(A) in paragraph (2), by striking out "and";

(B) in paragraph (3), by striking out the period and inserting "; and"; and

(C) by adding after paragraph (3) the following:

"(4) for a felony, an offense involving a firearm as defined in section 921 of this title, a drug or narcotic offense as defined in section 404(c) of the Controlled Substances Act (21 U.S.C. 844(c)), or a crime of violence as defined in section 16 of this title, that the defendant refrain from any unlawful use of the controlled substance and submit to periodic drug tests (as determined by the court) for use of a controlled substance. This latter condition may be suspended or ameliorated upon request of the Director of the Administrative Office of the United States Courts, or the Director's designee. In addition, the Court may decline to impose this condition for any individual defendant, if the defendant's presentence report or other reliable sentencing information indicates a low risk of future substance abuse by the defendant. A defendant who tests positive may be detained pending verification of a drug test result."

(2) DRUG TESTING FOR SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting after the first sentence the following: "For a defendant convicted of a felony or other offense described in section 3563(a)(4) of this title, the court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to periodic drug tests (as determined by the court), for use of a controlled substance. This latter condition may be suspended or ameliorated as provided in section 3563(a)(4) of this title."

(3) DRUG TESTING IN CONNECTION WITH PAROLE.—Section 4209(a) of title 18, United States Code, is amended by inserting after the first sentence the following: "If the parolee has been convicted of a felony or other offense described in section 3563(a)(4) of this title, the Commission shall also impose as a condition of parole that the parolee refrain from any unlawful use of a controlled substance and submit to periodic drug tests (as determined by the Commission) for use of a controlled substance. This latter condition may be suspended or ameliorated as provided in section 3563(a)(4) of this title."

(c) REVOCATION OF RELEASE.—

(1) REVOCATION OF PROBATION.—The last sentence of section 3565(a) of title 18, United States Code, is amended by inserting "or unlawfully uses a controlled substance or refuses to cooperate in drug testing, thereby violating the condition imposed by section 3563(a)(4)," after "3563(a)(3)".

(2) REVOCATION OF SUPERVISED RELEASE.—Section 3583(g) of title 18, United States Code, is amended by inserting "or unlawfully uses a controlled substance or refuses to cooperate in drug testing imposed as a condition of supervised release," after "substance".

(3) REVOCATION OF PAROLE.—Section 4214(f) of title 18, United States Code, is amended by inserting after "substance" the following: ", or who unlawfully uses a controlled substance or refuses to cooperate in drug testing imposed as a condition of parole."

#### SEC. 712. LIFE IMPRISONMENT OR DEATH PENALTY FOR THIRD FEDERAL VIOLENT FELONY CONVICTION.

Section 3581 of title 18, United States Code, is amended by adding at the end the following:

"(c) PUNISHMENT OF CERTAIN VIOLENT FELONS.—

"(1) GENERAL RULE.—Notwithstanding any other provision of this title or any other law, in the case of a conviction for a Federal violent felony, the court shall sentence the defendant to prison for life if the defendant has previously been convicted of two other violent felonies and if a death results from the violent felony, the defendant shall be subject to the death penalty.

"(2) DEFINITION.—As used in this section the term "violent felony" is a State or Federal crime of violence (as defined in section 16 of this title)—

"(A) that involves the threatened use, use, or the risk of use of physical force against the person of another;

"(B) for which the maximum authorized imprisonment exceeds one year; and

"(C) which is not designated a misdemeanor by the law that defines the offense.

"(3) RULE OF CONSTRUCTION.—This subsection shall not be construed to prevent the imposition of the death penalty."

#### SEC. 713. STRENGTHENING THE ARMED CAREER CRIMINALS ACT.

Section 924(e)(2)(A) of title 18, United States Code, as amended by section 151 of this Act, is amended—

(1) in clause (ii), by striking "or" at the end;

(2) in clause (iii), by adding "or" at the end; and

(3) by adding at the end the following: "(iv) an offense under State law which, if it had been prosecuted as a violation of the Controlled Substances Act at the time of the offense and because of the type and quantity of the controlled substance involved, would have been punishable by a maximum term of imprisonment of ten years or more;"

#### SEC. 714. ENHANCED PENALTY FOR USE OF SEMIAUTOMATIC FIREARM DURING A CRIME OF VIOLENCE OR DRUG TRAFFICKING OFFENSE.

(a) ENHANCED PENALTY.—Section 924(c)(1) of title 18, United States Code, is amended by inserting ", or semiautomatic firearm," after "short-barreled shotgun".

(b) SEMIAUTOMATIC FIREARM DEFINED.—Section 921(a) of such title is amended by adding at the end the following:

"(29) The term 'semiautomatic firearm' means any repeating firearm which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge."

#### SEC. 715. MANDATORY PENALTIES FOR FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.

(a) 1 PRIOR CONVICTION.—Section 924(a)(2) of title 18, United States Code, is amended by inserting ", and if the violation is of section 922(g)(1) by a person who has a previous conviction for a violent felony (as defined in subsection (e)(2)(B) of this section) or a serious drug offense (as defined in subsection (e)(2)(A) of this section), a sentence imposed under this paragraph shall include a term of imprisonment of not less than five years" before the period.

(b) 2 PRIOR CONVICTIONS.—Section 924 of such title, as amended by sections 430 and 706(e) of this Act, is amended by adding at the end the following:

"(k)(1) Notwithstanding subsection (a)(2) of this section, any person who violates section 922(g) and has 2 previous convictions by any court referred to in section 922(g)(1) for a violent felony (as defined in subsection (e)(2)(B) of this section) or a serious drug offense (as defined in subsection (e)(2)(A) of this section) committed on occasions different from one another shall be fined under this title, imprisoned not less than 10 years and not more than 20 years, or both.

"(2) Notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, a person described in paragraph (1) of this subsection with respect to the conviction under section 922(g)."

#### SEC. 716. MANDATORY MINIMUM SENTENCE FOR UNLAWFUL POSSESSION OF A FIREARM BY CONVICTED FELON, FUGITIVE FROM JUSTICE, OR TRANSFEROR OR RECEIVER OF STOLEN FIREARM.

(a) IN GENERAL.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following:

"(5) Whoever knowingly possesses a firearm in violation of paragraph (1) or (2) of section 922(g), or in violation of subsection

(i) or (j), shall be imprisoned not less than 5 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted under this paragraph, nor shall the term of imprisonment imposed under this paragraph run concurrently with any other term of imprisonment imposed under any other provision of law."

**SEC. 717. INCREASE IN GENERAL PENALTY FOR VIOLATION OF FEDERAL FIREARMS LAWS.**

Section 924(a)(1) of title 18, United States Code, is amended—

(1) by striking "\$5,000" and inserting "\$10,000"; and

(2) by striking "five" and inserting "10".

**SEC. 718. INCREASE IN ENHANCED PENALTIES FOR POSSESSION OF FIREARM IN CONNECTION WITH CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.**

Section 924(c)(1) of title 18, United States Code, is amended—

(1) by striking "five" and inserting "10"; and

(2) by striking "twenty" and inserting "30".

**SEC. 719. SMUGGLING FIREARMS IN AID OF DRUG TRAFFICKING OR VIOLENT CRIME.**

Section 924 of title 18, United States Code, as amended by sections 430, 706(e), and 715(b) of this Act, is amended by adding at the end the following:

"(1) Whoever, with the intent to engage in or to promote conduct which—

"(1) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

"(2) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(3) constitutes a crime of violence (as defined in subsection (c)(3) of this section; smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned for not more than ten years, fined under this title, or both."

**SEC. 720. DEFINITION OF CONVICTION UNDER CHAPTER 44.**

Section 921(a)(20) of title 18, United States Code, is amended in the 3rd sentence by inserting "(other than for a violent felony (as defined in section 924(e)(2)(B)) involving the threatened or actual use of a firearm or explosive, or for a serious drug offense (as defined in section 924(e)(2)(A)))" after "Any conviction".

**SEC. 721. DEFINITION OF SERIOUS DRUG OFFENSE UNDER THE ARMED CAREER CRIMINAL ACT.**

Section 924(e)(2)(A) of title 18, United States Code, as amended by sections 151 and 713 of this Act, is amended—

(1) by striking "or" at the end of clause (iii);

(2) by inserting "or" at the end of clause (iv); and

(3) by adding at the end the following:

"(v) an offense under State law that, if it were prosecuted as a violation of the Controlled Substances Act (21 U.S.C. 801 et seq.) as that Act provided at the time of the offense, would be punishable by a maximum term of imprisonment of 10 years or more;"

**SEC. 722. DEFINITION OF BURGLARY UNDER THE ARMED CAREER CRIMINAL ACT.**

Section 924(e)(2) of title 18, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following:

"(D) the term 'burglary' means a crime that—

"(i) consists of entering or remaining surreptitiously in a building that is the property of another person with intent to engage in conduct constituting a Federal or State offense; and

"(ii) is punishable by a term of imprisonment exceeding 1 year."

**SEC. 723. TEMPORARY PROHIBITION AGAINST POSSESSION OF A FIREARM BY, OR TRANSFER OF A FIREARM TO, PERSONS CONVICTED OF A DRUG CRIME.**

(a) TEMPORARY PROHIBITION.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(s)(1)(A) Except as provided in paragraph (2), it shall be unlawful for any individual who has been convicted in any court of a drug crime to possess a firearm during the period described in subparagraph (B).

"(B) The period described in this subparagraph is the period that begins with the date the individual committed the drug crime and ends 5 years after the most recent date (occurring after the commission of such crime) on which the individual has committed a drug crime or has violated any Federal or State law relating to firearms.

"(2) Paragraph (1) shall not apply with respect to convictions occurring on or before the date of the enactment of this subsection.

"(t)(1)(A) Except as provided in paragraph (2), it shall be unlawful for any person to transfer a firearm to any individual knowing or having reasonable cause to believe that the individual is under indictment for a drug crime.

"(B)(i) Except as provided in paragraph (2), it shall be unlawful for any person, during the period described in clause (i), to transfer a firearm to any individual knowing or having reasonable cause to believe that the individual has been convicted in any court of a drug crime.

"(ii) The period described in this clause is the period that begins with the date the individual committed the drug crime and ends 5 years after the most recent date (occurring after the commission of such crime) on which the individual has committed a drug crime or has violated any Federal or State law relating to firearms.

"(2) The second sentence of subsection (d) shall apply in like manner to paragraph (1) of this subsection."

(b) PENALTY.—Section 924(a)(1)(B) of this Act, as amended by section 103(b) of this Act, is amended by striking "or (r)" and inserting "(r), (s)(1), or (t)(1)".

(c) ENHANCED PENALTIES FOR POSSESSION OF A FIREARM DURING A DRUG CRIME.—Section 924 of such title, as amended by sections 430, 706(e), 715(b), and 719 of this Act, is amended by adding at the end the following:

"(m) Whoever, during and in relation to a drug crime (including a drug crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which he may be prosecuted in a court of the United States, possesses a firearm, in addition to the punishment provided for such drug crime, may be sentenced to imprisonment for not less than 15 days and not more than 2 years, and shall be fined not less than \$2,500 and not more than \$10,000, and if the firearm is a machine gun, or is equipped with a firearm silencer or firearm muffler, shall be sentenced to imprisonment for 15 years. In the case of a second or subsequent conviction under this sub-

section, such person shall be sentenced to imprisonment for not less than 15 days and not more than 2 years, and shall be fined not less than \$2,500 and not more than \$10,000, and if the firearm is a machine gun, or is equipped with a firearm silencer or firearm muffler, shall be sentenced to imprisonment for 30 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the drug crime in which the firearm was possessed."

(d) DEFINITION OF DRUG CRIME.—Section 921(a) of such title, as amended by section 714(b) of this Act, is amended by adding at the end the following:

"(30) The term 'drug crime' means any offense (other than a drug trafficking crime) punishable by imprisonment under—

"(A) any Act specified in section 924(c)(2); or

"(B) any State law involving the possession, distribution, or manufacture of a controlled substance (as defined in section 102 of the Controlled Substances Act)."

**Subtitle C—Enhanced Penalties for Criminal Use of Firearms and Explosives**

**Chapter 1—Instant Check System for Handgun Purchases**

**SEC. 731. DEFINITIONS.**

As used in this chapter:

(1) The term "background check crime" means a crime punishable by imprisonment for a term exceeding 1 year within the meaning of section 921(a)(20) of title 18, United States Code.

(2) The term "handgun" has the meaning given such term in section 921(a)(31) of title 18, United States Code.

(3) The term "licensee" means a licensed importer, licensed manufacturer, or licensed dealer, as defined in paragraphs (9), (10), and (11), respectively, of section 921(a) of title 18, United States Code.

(4) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

**SEC. 732. STATE INSTANT CRIMINAL CHECK SYSTEMS FOR HANDGUN PURCHASES.**

(a) IN GENERAL.—Not later than the date that is 12 months after the date of the enactment of this chapter, each State shall establish and maintain a system that, on receipt of an inquiry from a licensee pursuant to section 922(u)(1)(A) of title 18, United States Code, immediately researches the criminal history of a prospective handgun transferee, advises the licensee whether its records demonstrate that such transferee is prohibited from receiving a handgun by reason of subsection (g) or (n) of section 922 of such title, and, if such transferee is not so prohibited, provides the licensee a unique identification number with respect to the transfer.

(b) ADDITIONAL REQUIREMENTS.—A State instant criminal check system shall—

(1) provide for the privacy and security of the information contained in the system at least to the extent of the protections and remedies provided in section 552a(g) of title 5, United States Code;

(2) ensure that information provided to the system by a licensee pursuant to section 922(u)(1)(B)(i) of title 18, United States Code, is not retained in any form whatsoever, is not conveyed to any person except a person who has a need to know to carry out the purpose of that section, and is not used for any

purpose other than to carry out that section; and

(3) provide to a prospective handgun transferee who is denied receipt of a handgun on the basis of information provided by the system a procedure for the correction of erroneous information as otherwise set forth in this chapter.

(c) PROHIBITIONS ON USES OF INFORMATION.—

(1) RECORDATION BY THE GOVERNMENT.—No record or portion thereof generated by an inquiry concerning or a search of the criminal history of a prospective transferee under a State instant criminal check system established under subsection (a) shall be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof.

(2) REGISTRATION OF OWNERSHIP.—Neither the United States, nor a State, nor any political subdivision thereof may use information provided by a licensee pursuant to a State instant criminal check system established under subsection (a) of this section to establish any system for the registration of handguns, handgun owners, or handgun transactions or dispositions, except with respect to persons who are prohibited from receiving a handgun by reason of subsection (g) or (n) of section 922 of title 18, United States Code.

SEC. 733. AMENDMENT OF CHAPTER 44 OF TITLE 18, UNITED STATES CODE.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, as amended by sections 714(b) and 723(d) of this Act, is amended by adding at the end the following:

“(31) The term ‘handgun’ means—

“(A) a firearm (other than a firearm that is a curio or relic under criteria established by the Secretary by regulation) that has a short stock and is designed to be held and fired by the use of a single hand; and

“(B) any combination of parts designed and intended to be assembled into such a firearm and from which such a firearm can be readily assembled.”

(b) IDENTIFICATION PROCEDURE.—Section 922 of such title, as amended by section 721(a) of this Act, is amended by adding at the end the following:

“(u)(1) Upon a State instant criminal check system becoming operational pursuant to chapter 1 of subtitle C of title VII of the Crime Control Act of 1993, and notice by an appropriate State official by certified mail to each licensee in the State that such system is operational, a licensed importer, licensed manufacturer, or licensed dealer shall not knowingly transfer a handgun from the business inventory of such licensee to any other person who is not licensed under this chapter before the completion of the transfer unless—

“(A) the licensee contacts the State instant criminal check system; and

“(B)(i) the State system notifies the licensee that the system has not located any record that demonstrates that the receipt of a handgun by such other person would violate subsection (g) or (n); or

“(ii) at least 8 hours have elapsed since the licensee first contacted the system with respect to the transfer, and the system has not notified the licensee that the information available to the system demonstrates that the receipt of a handgun by the person would violate subsection (g) or (n).

“(2) Paragraph (1) shall not apply to a handgun transfer between a licensee and another person if—

“(A) the other person presents to the licensee a valid permit or license issued by the State or a political subdivision of the State

in which the transfer is to occur that authorizes the person to purchase, possess, or carry a firearm;

“(B) the Secretary has, under section 5812 of the Internal Revenue Code of 1986, approved the transfer;

“(C) the ability of the licensee to exchange information with the system described in paragraph (1) is impaired for a period of more than 8 hours due to natural or human disaster, insurrection, riot, hurricane, other act of God, or other circumstance beyond the control of the licensee; or

“(D) on application of the licensee, the State instant criminal check system has certified that compliance with paragraph (1)(B)(i) is impracticable because of the inability of the licensee to communicate with the system due to the remote location of the licensed premises.

“(3) If the State instant criminal check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a handgun by the person would violate subsection (g) or (n), and the licensee transfers a handgun to the person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

“(4)(A) If the licensee knowingly transfers a handgun to a person and willfully fails to comply with paragraph (1) with respect to the transfer and, at the time of the transfer, the State instant criminal check system was operating and information was available to the system demonstrating that receipt of a handgun by the person would violate subsection (g) or (n), the Secretary may, after notice and opportunity for a hearing, suspend for not more than 12 months or revoke any license issued to the licensee under section 923, and may impose on the licensee a civil fine of not more than \$10,000.

“(B) Any action by the Secretary under subparagraph (A) of this paragraph shall be subject to the procedures and remedies provided in subsections (e) and (f) of section 923.

“(5) A State employee responsible for providing information through a State instant criminal check system shall not be liable in an action at law for damages for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of a handgun is unlawful.

“(6) Notwithstanding any law, rule, or regulation of a State or political subdivision of a State that requires a waiting period prior to the receipt or sale of a handgun, after a State instant criminal check system has been placed in operation, a licensee may transfer, and a person may receive, a handgun immediately upon notification of the licensee pursuant to subparagraph (1)(B)(i). No permit or license shall be required by any State or political subdivision of a State for such transfer or receipt.”

(c) PENALTIES.—Section 924(a) of title 18, United States Code, as amended by section 716(a) of this Act, is amended by adding at the end the following:

“(6) A person who willfully violates section 922(u) shall be fined not more than \$2,000, imprisoned not more than 1 year, or both.”

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 120 days after the date of the enactment of this chapter.

SEC. 734. ESTABLISHMENT AND OPERATION OF CRIMINAL HISTORY SYSTEM.

(a) ESTABLISHMENT OF THE SYSTEM.—Each State shall establish a system accessible by telephone, and may establish other electronic means in addition to telephonic com-

munication, that any licensee, law enforcement officer, or court of law may contact for criminal history information. Information available to a licensee shall be limited to information concerning a background check crime or other information concerning whether receipt of a handgun by a prospective transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code. Information available to law enforcement officers and to courts of law shall include information concerning any arrest or conviction for any crime.

(b) CONTINUOUS OPERATION.—Each State shall take such steps as are necessary to ensure that the system operates continuously and without closing, at all times and days of each year for purposes of inquiries from law enforcement officers, licensees, and courts.

SEC. 735. OPERATION OF SYSTEM FOR PURPOSE OF SCREENING HANDGUN PURCHASERS.

(a) ACCURACY OF RESPONSES.—Each State shall take such steps as are necessary to ensure that not more than 2 percent of initial telephone responses of the system contain erroneous determinations that receipt of a handgun by a prospective handgun transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code.

(b) NOTIFICATION OF LICENSEES.—On establishment of a system under this section, each respective State shall notify the Secretary of the Treasury, and the Secretary shall notify each licensee, of the existence and purpose of the system and the telephone number and other electronic means that may be used to contact the system.

(c) OPERATION OF THE SYSTEM.—

(1) REQUIREMENTS FOR PROVISION OF INFORMATION.—The system established under this section shall not provide information to any person who places a telephone call to the system with respect to a person unless—

(A) the system verifies that the caller is a licensee; and

(B) the licensee—

(i) states that a person seeks to purchase a handgun from the licensee; and

(ii) provides the name, birth date, and social security account number (or if the transferee does not have a social security account number, other identifying information about the proposed transferee as required to make a valid identification).

(2) INFORMATION TO BE PROVIDED.—

(A) IN GENERAL.—If the system receives a telephone call with respect to the transfer of a handgun to a person and the requirements of paragraph (1) of this subsection are met, the system shall, in accordance with subparagraph (B) of this paragraph—

(i) if the receipt of a handgun by the person would violate subsection (g) or (n) of section 922 of title 18, United States Code, inform the licensee that the transfer is disapproved; and

(ii) if such a receipt would not be such a violation—

(I) assign a unique identification number to the transfer;

(II) provide the licensee with the number; and

(III) destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the person or the transfer.

(B) TIMING.—

(i) PROMPT RESPONSE REQUIRED.—The system shall make every effort to provide to the caller the information required by subparagraph (A) immediately or by return telephone call without delay.

(ii) RULES GOVERNING DELAYED RESPONSES.—If the system is unable to respond

immediately to the inquiry due to circumstances beyond the control of the system, the system shall—

(I) advise the caller that the response of the system will be delayed and state the reasons for the delay and the estimated length of the delay; and

(II) make every effort to provide the information required by subparagraph (A) within 8 hours after the licensee first contacted the system with respect to the transfer.

(d) CORRECTION OF ERRONEOUS SYSTEM.—

(1) ADMINISTRATIVE PROCEDURES.—If the system established under this section informs a licensee that receipt of a handgun by a person would violate subsection (g) or (n) of section 922 of title 18, United States Code, the person may request the system to provide the person with a detailed explanation, in writing, of the reasons therefor. Within 5 days after receipt of such a request, the system shall comply with the request. The requestor may submit to the system information to correct, clarify, or supplement records of the system with respect to the requestor. Within 5 days after receipt of such information, the system shall consider such information, investigate the matter further, correct all erroneous records relating to the requestor, and notify any department or agency of the United States or of any State or political subdivision of a State that was the source of the erroneous records or such errors.

(2) PRIVATE COURSE OF ACTION.—After all administrative remedies are exhausted and such records are not corrected, a person disapproved for the purchase or receipt of a handgun because the system established under this section provided erroneous information relating to the person may bring an action in any court of competent jurisdiction against the United States, or any State or political subdivision of a State that is the source of the erroneous information, for damages (including consequential damages), injunctive relief, mandamus, and such other relief as the court may deem appropriate. If the person prevails in the action, the court shall allow the person a reasonable attorney's fee as part of the costs.

#### SEC. 736. IMPROVEMENT OF CRIMINAL JUSTICE RECORDS.

The Attorney General shall expedite—

(1) the incorporation of the remaining State criminal history records into the Federal criminal records systems maintained by the Federal Bureau of Investigation; and

(2) the development of hardware and software systems to link State criminal history check systems into the National Crime Information Center.

#### SEC. 737. ACCESS TO STATE CRIMINAL RECORDS.

(a) MEANS OF COMMUNICATION.—Not later than 60 days after the date of the enactment of this chapter, the Attorney General shall—

(1) determine the type of computer hardware and software that shall be used to operate the Federal criminal records system and the means by which State criminal records system shall communicate with the Federal system;

(2) investigate the criminal records system of each State and determine for each State the extent of such accessible criminal records that each State shall be able to provide thereafter to the Federal system by the effective date of section 733; and

(3) notify each State of the determination made pursuant to paragraphs (1) and (2).

(b) FEDERAL SYSTEM.—Not later than the effective date of section 733, the Attorney General shall provide to each State access to the Federal Crime Information Center, in-

cluding the records of other States through a network, for the purpose of permitting the State to conduct instant criminal background checks required by that section.

#### SEC. 738. IMPROVEMENTS IN STATE RECORDS.

(a) IN GENERAL.—Section 509(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

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

"(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the records required by this Act with the Attorney General for the purpose of implementing this Act."

(b) ADDITIONAL FUNDING.—Section 509 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759) is amended by adding at the end the following:

"(e) In addition to other funds authorized in this Act, there are authorized to be appropriated for fiscal year 1994, to be available until expended, \$21,000,000 for the purpose of implementing subsection (b)(4)."

(c) WITHHOLDING FUNDS.—

(1) Effective on the effective date of section 733 of this Act, the Attorney General may refuse to make grants under title I of the Omnibus Crime Control and Safe Streets Act of 1968 to a State that does not establish and operate a State criminal background check system in compliance with this chapter. No State that receives funds pursuant to this chapter may charge more than \$3 per transaction to check for the existence of a felony record of a prospective purchaser of a handgun.

(2) Effective 1 year after the date of the enactment of this chapter, the Attorney General may reduce by up to 10 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with this chapter, and the portion of the amounts that are appropriated for allocation to the States under such title for the fiscal year that is equal to the amount of the reduction shall thereby be rescinded.

#### SEC. 739. FUNDING OF STATE CRIMINAL RECORDS SYSTEMS AND DEDICATION OF FUNDS.

(a) INCREASE IN SPECIAL ASSESSMENTS.—Section 3013(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(A)(iii), by striking "\$25" and inserting "\$30";

(2) in paragraph (2)(A), by striking "\$50" and inserting "\$75"; and

(3) in paragraph (2)(B), by striking "\$200" and inserting "\$250".

(b) SYSTEMS FOR SCREENING HANDGUN PURCHASERS AND FOR CRIMINAL JUSTICE PURPOSES.—Notwithstanding any other law, \$5 of each assessment collected under section 3013(a)(1)(A)(iii) of title 18, United States Code, \$25 of each assessment collected under subsection (a)(2)(A) of that section, and \$50 of each assessment collected under subsection (a)(2)(B) of that section shall be paid to the States, in proportion to the respective populations thereof, for the purposes of carrying out this chapter.

#### SEC. 740. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this chapter.

(b) LIMITATION ON USE.—No appropriation, grant, or fund authorized under this chapter

shall be used for any purpose other than the creation, maintenance, and operation of systems for access to criminal history records and screening systems for handgun purchasers as provided in this chapter.

#### Chapter 2—Other Firearms Provisions

#### SEC. 741. INCREASED PENALTY FOR INTERSTATE GUN TRAFFICKING.

Section 924 of title 18, United States Code, as amended by sections 430, 706(e), 715(b), 719, and 723(c) of this Act, is amended by adding at the end the following:

"(n) Whoever, with the intent to engage in conduct which constitutes a violation of section 922(a)(1)(A), travels from any State or foreign country into any other State and acquires, or attempts to acquire, a firearm in such other State in furtherance of such purpose shall be imprisoned for not more than 10 years."

#### SEC. 742. PROHIBITION AGAINST TRANSACTIONS INVOLVING STOLEN FIREARMS WHICH HAVE MOVED IN INTERSTATE OR FOREIGN COMMERCE.

Section 922(j) of title 18, United States Code, is amended to read as follows:

"(j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen."

#### SEC. 743. ENHANCED PENALTIES FOR USE OF FIREARMS IN CONNECTION WITH COUNTERFEITING OR FORGERY.

Section 924(c)(1) of title 18, United States Code, is amended by inserting "or during and in relation to any felony punishable under chapter 25," after "United States,".

#### SEC. 744. INCREASED PENALTY FOR KNOWINGLY FALSE, MATERIAL STATEMENT IN FIREARM PURCHASE FROM LICENSED DEALER.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by striking "(a)(6)"; and

(2) in paragraph (2), by inserting "(a)(6)," after "subsection".

#### SEC. 745. REVOCATION OF SUPERVISED RELEASE FOR POSSESSION OF A FIREARM IN VIOLATION OF RELEASE CONDITION.

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

"(h) MANDATORY REVOCATION FOR POSSESSION OF A FIREARM.—If the court has provided, as a condition of supervised release, that the defendant refrain from possessing a firearm, and if the defendant is in actual possession of a firearm (as defined in section 921) at any time prior to the expiration or termination of the term of supervised release, the court shall, after a hearing pursuant to the provisions of the Federal Rules of Criminal Procedure that are applicable to probation revocation, revoke the term of supervised release and, subject to subsection (e)(3) of this section, require the defendant to serve in prison all or part of the term of supervised release without credit for time previously served on post release supervision."

#### SEC. 746. RECEIPT OF FIREARMS BY NON-RESIDENT.

Section 922(a) of title 18, United States Code, is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive any firearms unless such receipt is for lawful sporting purposes.”

#### SEC. 747. DISPOSITION OF FORFEITED FIREARMS.

Section 5872(b) of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) DISPOSAL.—In the case of the forfeiture of any firearm, where there is no remission or mitigation of forfeiture thereof—

“(1) the Secretary may retain the firearm for official use of the Department of the Treasury or, if not so retained, offer to transfer the weapon without charge to any other executive department or independent establishment of the Government for official use by it and, if the offer is accepted, so transfer the firearm;

“(2) if the firearm is not disposed of pursuant to paragraph (1), is a firearm other than a machine gun or a firearm forfeited for a violation of this chapter, is a firearm that in the opinion of the Secretary is not so defective that its disposition pursuant to this paragraph would create an unreasonable risk of a malfunction likely to result in death or bodily injury, and is a firearm which (in the judgment of the Secretary, taking into consideration evidence of present value and evidence that like firearms are not available except as collector's items, or that the value of like firearms available in ordinary commercial channels is substantially less) derives a substantial part of its monetary value from the fact that it is novel, rare, or because of its association with some historical figure, period, or event, the Secretary may sell the firearm, after public notice, at public sale to a dealer licensed under chapter 44 of title 18, United States Code;

“(3) if the firearm has not been disposed of pursuant to paragraph (1) or (2), the Secretary shall transfer the firearm to the Administrator of General Services, who shall destroy or provide for the destruction of the firearm; and

“(4) no decision or action of the Secretary pursuant to this subsection shall be subject to judicial review.”

#### SEC. 748. CONSPIRACY TO VIOLATE FEDERAL FIREARMS OR EXPLOSIVES LAWS.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by sections 430, 706(e), 715(b), 719, 723(c), and 741 of this Act, is amended by adding at the end the following:

“(o) Whoever conspires to commit any offense punishable under this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.”

(b) EXPLOSIVES.—Section 844 of such title is amended by adding at the end the following:

“(k) Whoever conspires to commit any offense punishable under this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.”

#### SEC. 749. THEFT OF FIREARMS OR EXPLOSIVES FROM LICENSEE.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by sections 430, 706(e), 715(b), 719, 723(c), 741, and 748(a) of this Act, is amended by adding at the end the following:

“(p) Whoever steals any firearm from a licensed importer, licensed manufacturer, li-

censed dealer, or licensed collector shall be fined under this title, imprisoned not more than ten years, or both.”

(b) EXPLOSIVES.—Section 844 of such title, as amended by section 748(b) of this Act, is amended by adding at the end the following:

“(l) Whoever steals any explosive material from a licensed importer, licensed manufacturer, licensed dealer, or permittee shall be fined under this title, imprisoned not more than ten years, or both.”

#### SEC. 750. PENALTIES FOR THEFT OF FIREARMS OR EXPLOSIVES.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by sections 430, 706(e), 715(b), 719, 723(c), 741, 748(a), and 749(a) of this Act, is amended by adding at the end the following:

“(q) Whoever steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned for not less than two nor more than ten years, fined under this title, or both.”

(b) EXPLOSIVES.—Section 844 of such title, as amended by sections 748(b) and 749(b) of this Act, is amended by adding at the end the following:

“(m) Whoever steals any explosive materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce shall be imprisoned not less than two nor more than ten years, fined under this title, or both.”

#### SEC. 751. PROHIBITION AGAINST DISPOSING OF EXPLOSIVES TO PROHIBITED PERSONS.

Section 842(d) of title 18, United States Code, is amended by striking “licensee” and inserting “person”.

#### SEC. 752. PROHIBITION AGAINST THEFT OF FIREARMS OR EXPLOSIVES.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by sections 430, 706(e), 715(b), 719, 722(c), 741, 748(a), 749(a), and 750(a) of this Act, is amended by adding at the end the following:

“(r) Whoever steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned for not less than two nor more than ten years, fined under this title, or both.”

(b) EXPLOSIVES.—Section 844 of such title, as amended by sections 748(b), 749(b), and 750(b) of this Act, is amended by adding at the end the following:

“(n) Whoever steals any explosive materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce shall be imprisoned not less than two nor more than ten years, fined under this title, or both.”

#### SEC. 753. INCREASED PENALTY FOR SECOND OFFENSE OF USING AN EXPLOSIVE TO COMMIT A FELONY.

Section 844(h) of title 18, United States Code, is amended by striking “ten” and inserting “twenty”.

#### SEC. 754. POSSESSION OF EXPLOSIVES BY FELONS AND OTHERS.

Section 842(i) of title 18, United States Code, is amended by inserting “or possess” after “to receive”.

#### SEC. 755. POSSESSION OF EXPLOSIVES DURING THE COMMISSION OF A FELONY.

Section 844(h) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “carries” and inserting “possesses”; and

(2) in the 3rd sentence, by striking “carried” and inserting “possessed”.

#### SEC. 756. SUMMARY DESTRUCTION OF EXPLOSIVES SUBJECT TO FORFEITURE.

Section 844(c) of title 18, United States Code, is amended—

(1) by inserting “(1)” before “Any”; and

(2) by adding at the end the following:

“(2) Notwithstanding paragraph (1), in the case of the seizure of any explosive materials for any offense for which the materials would be subject to forfeiture where it is impracticable or unsafe to remove the materials to a place of storage, or where it is unsafe to store them, the seizing officer is authorized to destroy the explosive materials forthwith. Any destruction under this paragraph shall be in the presence of at least one credible witness. The seizing officer shall make a report of the seizure and take samples as the Secretary may by regulation prescribe.

“(3) Within sixty days after any destruction made pursuant to paragraph (2), the owner of, including any person having an interest in, the property so destroyed may make application to the Secretary for reimbursement of the value of the property. If the claimant establishes to the satisfaction of the Secretary that—

“(A) the property has not been used or involved in a violation of law; or

“(B) any unlawful involvement or use of the property was without the claimant's knowledge, consent, or wilful blindness, the Secretary shall make an allowance to the claimant not exceeding the value of the property destroyed.”

#### SEC. 757. ELIMINATION OF OUTDATED PAROLE LANGUAGE.

Section 924 of title 18, United States Code, is amended—

(1) in subsection (c)(1), by striking “No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.”; and

(2) in subsection (e)(1), by striking “, and such person shall not be eligible for parole with respect to the sentence imposed under this subsection”.

#### Subtitle D—Miscellaneous

#### SEC. 761. INCREASED PENALTIES FOR TRAVEL ACT CRIMES INVOLVING VIOLENCE AND CONSPIRACY TO COMMIT CONTRACT KILLINGS.

(a) TRAVEL ACT PENALTIES.—Section 1952(a) of title 18, United States Code, is amended by striking “and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.” and inserting “and thereafter performs or attempts to perform—

“(A) an act described in paragraph (1) or (3) shall be fined under this title, imprisoned not more than 5 years, or both; or

“(B) an act described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life.”

(b) MURDER CONSPIRACY PENALTIES.—Section 1958(a) of title 18, United States Code, is amended by inserting “or who conspires to do so” before “shall be fined” the first place it appears.

#### SEC. 762. CRIMINAL OFFENSE FOR FAILING TO OBEY AN ORDER TO LAND A PRIVATE AIRCRAFT.

(A) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following new section:

#### “§2237. Order to land

“(a)(1) A pilot or operator of an aircraft that has crossed the border of the United States, or an aircraft subject to the jurisdiction of the United States operating outside the United States, who intentionally fails to

obey an order to land issued by an authorized Federal law enforcement officer who has observed conduct or is otherwise in possession of information establishing reasonable suspicion that the aircraft is being used unlawfully in violation of the laws of the United States relating to controlled substances as that term is defined in section 102(6) of the Controlled Substances Act, or section 1956 or 1957 of this title (relating to money launderings), shall be fined under this title, or imprisoned for not more than 2 years, or both.

"(2) The Secretary of the Treasury and the Secretary of Transportation, in consultation with the Attorney General, shall make rules governing the means by which a Federal Law enforcement officer may communicate an order to land to a pilot or operator of an aircraft.

"(3) This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 or another law the Customs Service enforces or administers, or the authority of a Federal law enforcement officer under a law of the United States to order an aircraft to land.

"(b) A foreign nation may consent or waive objection to the United States enforcing the laws of the United States by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

"(c) For purposes of this section—

"(1) the term 'aircraft subject to the jurisdiction of the United States' includes—

"(A) an aircraft located over the United States or the customs waters of the United States;

"(B) an aircraft located in the airspace of a foreign nation, when that nation consents to United States enforcement of United States law; and

"(C) over the high seas, an aircraft without nationality, an aircraft of the United States registry, or an aircraft registered in a foreign nation that has consented or waived objection to the United States enforcement of United States law; and

"(2) the term 'Federal law enforcement officer' has the same meaning that term has in section 115 of this title.

"(d) An aircraft that is used in violation of this section is liable in rem for a fine imposed under this section;

"(e) An aircraft that is used in violation of this section may be seized and forfeited. The laws relating to seizure and forfeiture for violation of the customs laws, including available defenses such as innocent owner provisions, apply to aircraft seized or forfeited under this section."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

"2237. Order to land."

**SEC. 763. AMENDMENT TO THE MANSFIELD AMENDMENT TO PERMIT MARITIME LAW ENFORCEMENT OPERATIONS IN ARCHIPELAGIC WATERS.**

Section 481(c)(4) of Public Law 87-195 (22 U.S.C. 2291(c)) is amended by inserting "and archipelagic waters" after "territorial sea".

**SEC. 764. ENHANCEMENT OF PENALTIES FOR DRUG TRAFFICKING IN PRISONS.**

Section 1791 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting before "Any" the following new sentence: "Any punishment imposed under subsection (b) for a violation of this section involving a controlled substance shall be consecutive to any

other sentence imposed by any court for an offense involving such a controlled substance."

(2) in subsection (d)(1)(A) by inserting after "a firearm or destructive device" the following, "or a controlled substance in schedule I or II, other than marijuana or a controlled substance referred to in subparagraph (C) of this subsection";

**SEC. 765. REMOVAL OF TV BROADCAST LICENSE CONTINGENT ON BROADCAST OF PUBLIC SERVICE ANNOUNCEMENTS REGARDING DRUG ABUSE.**

Section 311 of the Communications Act of 1934 is amended by adding at the end the following new subsection:

"(e)(1) As part of its obligations to ensure that broadcast licenses are issued consistent with the public interest, convenience, and necessity, the Commission shall, in its review of any application for renewal of a commercial or noncommercial television broadcast license, consider the extent to which the licensee has participated in efforts to educate and inform the public as to the dangers of drug abuse and appropriate methods for obtaining treatment. The Commission shall not find that a renewal of such a license is consistent with the public interest, convenience, and necessity unless the applicant demonstrates that the station has broadcast public service announcements concerning drug and substance abuse and treatment during each hour of its broadcasting day, and that the duration of such announcements is equal to not less than 5 percent of the duration of the commercial advertisements broadcast by that station during that hour.

"(2) The Commission shall, in each annual report submitted under section 4(k) after the date of enactment of this subsection, include an analysis of broadcasters' progress in meeting the requirements of this subsection. Such report shall include statistics concerning the proportion of broadcast time devoted to public service announcements generally, and to meeting the requirements of this subsection."

**TITLE VIII—ELIMINATION OF DELAYS IN CARRYING OUT SENTENCES.**

**Subtitle A—Post Conviction Petitions: General Habeas Corpus Reform.**

**SEC. 801. PERIOD OF LIMITATION FOR FILING WRIT OF HABEAS CORPUS FOLLOWING FINAL JUDGMENT OF A STATE COURT.**

Section 2244 of title 28, United States Code, is amended by adding at the end the following:

"(d) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of the following times:

"(1) The time at which State remedies are exhausted.

"(2) The time at which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, where the applicant was prevented from filing by such State action.

"(3) The time at which the Federal right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable.

"(4) The time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence."

**SEC. 802. AUTHORITY OF APPELLATE JUDGES TO ISSUE CERTIFICATES OF PROBABLE CAUSE FOR APPEAL IN HABEAS CORPUS AND FEDERAL COLLATERAL RELIEF PROCEEDINGS.**

Section 2253 of title 28, United States Code, is amended to read as follows:

**"§2253. Appeal**

"(a) In a habeas corpus proceeding or a proceeding under section 2255 of this title before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

"(b) There shall be no right of appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.

"(c) An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, or from the final order in a proceeding under section 2255 of this title, unless a circuit justice or judge issues a certificate of probable cause."

**SEC. 803. CONFORMING AMENDMENT TO THE RULES OF APPELLATE PROCEDURE.**

Federal Rule of Appellate Procedure 22 is amended to read as follows:

**"RULE 22**

**"HABEAS CORPUS AND SECTION 2255 PROCEEDINGS**

"(a) APPLICATION FOR AN ORIGINAL WRIT OF HABEAS CORPUS.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application will ordinarily be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge is not favored; the proper remedy is by appeal to the court of appeals from the order of the district court denying the writ.

"(b) NECESSITY OF CERTIFICATE OF PROBABLE CAUSE FOR APPEAL.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, and in a motion proceeding pursuant to section 2255 of title 28, United States Code, an appeal by the applicant or movant may not proceed unless a circuit judge issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or the Government or its representative, a certificate of probable cause is not required."

**SEC. 804. DISCRETION TO DENY HABEAS CORPUS APPLICATION DESPITE FAILURE TO EXHAUST STATE REMEDIES.**

Section 2254(b) of title 28, United States Code, is amended to read as follows:

"(b) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the applicant. An application

may be denied on the merits notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State."

**SEC. 805. PERIOD OF LIMITATION FOR FEDERAL PRISONERS FILING FOR COLLATERAL REMEDY.**

Section 2255 of title 28, United States Code, is amended by striking the second paragraph and the penultimate paragraph thereof, and by adding at the end the following new paragraphs:

"A two-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of the following times:

"(1) The time at which the judgment of conviction becomes final.

"(2) The time at which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action.

"(3) The time at which the right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable.

"(4) The time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence."

**Subtitle B—Special Procedures for Collateral Proceedings in Capital Cases**

**SEC. 811. DEATH PENALTY LITIGATION PROCEDURES.**

Title 28, United States Code, is amended by inserting the following new chapter immediately following chapter 153:

**"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES**

"Sec.

"2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

"2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.

"2258. Filing of habeas corpus petition; time requirements; tolling rules.

"2259. Evidentiary hearings; scope of Federal review; district court adjudication.

"2260. Certificate of probable cause inapplicable.

"2261. Application to State unitary review procedures.

"2262. Limitation periods for determining petitions.

"2263. Rule of construction.

**"§ 2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment**

"(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

"(b) This chapter is applicable if a State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or stat-

ute must provide standards of competency for the appointment of such counsel.

"(c) Any mechanism for the appointment, compensation and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record: (1) appointing one or more counsel to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer; (2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or (3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) The ineffectiveness or incompetence of counsel during State or Federal collateral postconviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254 of this chapter. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal postconviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

**"§ 2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions**

"(a) Upon the entry in the appropriate State court of record of an order under section 2256(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application must recite that the State has invoked the postconviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus petition under section 2254 within the time required in section 2258, or fails to make a timely application for court of appeals review following the denial of such a petition by a district court;

"(2) upon completion of district court and court of appeals review under section 2254 the petition for relief is denied and (A) the time for filing a petition for certiorari has expired and no petition has been filed; (B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or (C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, in the presence of counsel and after having been advised of the consequences of his decision, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254.

"(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution or grant relief in a capital case unless—

"(1) the basis for the stay and request for relief is a claim not previously presented in the State or Federal courts;

"(2) the failure to raise the claim is (A) the result of State action in violation of the Constitution or laws of the United States; (B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or (C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State or Federal postconviction review; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

**"§ 2258. Filing of habeas corpus petition; time requirements; tolling rules**

"Any petition for habeas corpus relief under section 2254 must be filed in the appropriate district court within one hundred and eighty days from the filing in the appropriate State court of record of an order under section 2256(c). The time requirements established by this section shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

"(2) during any period in which a State prisoner under capital sentence has a properly filed request for postconviction review pending before a State court of competent jurisdiction; if all State filing rules are met in a timely manner, this period shall run continuously from the date that the State prisoner initially files for postconviction review until final disposition of the case by the highest court of the State, but the time requirements established by this section are not tolled during the pendency of a petition for certiorari before the Supreme Court except as provided in paragraph (1); and

"(3) during an additional period not to exceed sixty days, if (A) a motion for an extension of time is filed in the Federal district court that would have proper jurisdiction over the case upon the filing of a habeas corpus petition under section 2254; and (B) a showing of good cause is made for the failure to file the habeas corpus petition within the time period established by this section.

**"§ 2259. Evidentiary hearings; scope of Federal review; district court adjudication**

"(a) Whenever a State prisoner under a capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall—

"(1) determine the sufficiency of the record for habeas corpus review based on the claims actually presented and litigated in the State courts except when the prisoner can show that the failure to raise or develop a claim in the State courts is (A) the result of State action in violation of the Constitution or laws of the United States; (B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or (C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State postconviction review; and

"(2) conduct any requested evidentiary hearing necessary to complete the record for habeas corpus review.

"(b) Upon the development of a complete evidentiary record, the district court shall

rule on the claims that are properly before it.

**“§ 2260. Certificate of probable cause inapplicable**

“The requirement of a certificate of probable cause in order to appeal from the district court to the court of appeals does not apply to habeas corpus cases subject to the provisions of this chapter except when a second or successive petition is filed.

**“§ 2261. Application to State unitary review procedure**

“(a) For purposes of this section, a ‘unitary review’ procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. The provisions of this chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

“(b) A unitary review procedure, to qualify under this section, must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2256(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

“(c) Sections 2257, 2258, 2259, 2260, and 2262 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State ‘post-conviction review’ and ‘direct review’ in those sections shall be understood as referring to unitary review under the State procedure. The references in sections 2257(a) and 2258 to ‘an order under section 2256(c)’ shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the one hundred and eighty day limitation period under section 2258 shall be deferred until a transcript is made available to the prisoner or his counsel.

**“§ 2262. Limitation periods for determining petitions**

“(a) The adjudication of any petition under section 2254 of title 28, United States Code, that is subject to this chapter, and the adjudication of any motion under section 2255 of title 28, United States Code, by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters. The adjudication of such a petition or motion shall be subject to the following time limitations: “(1) A Federal district court shall determine such a petition or motion within 180 days of filing.

“(2)(A) The court of appeals shall hear and determine any appeal relating to such a petition or motion within 180 days after the notice of appeal is filed.

“(B) The court of appeals shall decide any application for rehearing en banc within 30 days of the filing of such application unless a responsive pleading is required in which case the court of appeals shall decide the application within 30 days of the filing of the responsive pleading. If en banc consideration is granted, the en banc court shall determine the appeal within 180 days of the decision to grant such consideration.

“(b) The time limitations under subsection (a) shall apply to an initial petition or motion, and to any second or successive petition or motion. The same limitations shall also apply to the re-determination of a petition or motion or related appeal following a remand by the court of appeals or the Supreme Court for further proceedings, and in such a case the limitation period shall run from the date of the remand.

“(c) The time limitations under this section shall not be construed to entitle a petitioner or movant to a stay of execution, to which the petitioner or movant would otherwise not be entitled, for the purpose of litigating any petition, motion, or appeal.

“(d) The failure of a court to meet or comply with the time limitations under this section shall not be a ground for granting relief from a judgment of conviction or sentence. The State or Government may enforce the time limitations under this section by applying to the court of appeals or the Supreme Court for a writ of mandamus.

“(e) The Administrative Office of United States Courts shall report annually to Congress on the compliance by the courts with the time limits established in this section.

**“§ 2263. Rule of construction**

“This chapter shall be construed to promote the expeditious conduct and conclusion of State and Federal court review in capital cases.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part VI of title 28, United States Code, is amended by inserting after the item relating to chapter 153 the following new item:

**“154. Special habeas corpus procedures in capital cases ..... 2256”.**

**Subtitle C—Funding for Litigation of Federal Habeas Corpus Petitions in Capital Cases**  
**SEC. 821. FUNDING FOR DEATH PENALTY PROCEEDINGS.**

Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new section:

“SEC. 515. Notwithstanding any other provision of this subpart, the Director shall provide grants to the States, from the funding allocated pursuant to section 511, for the purpose of supporting litigation pertaining to Federal habeas corpus petitions in capital cases. The total funding available for such grants within any fiscal year shall be equal to the funding provided to capital resource centers, pursuant to Federal appropriation, in the same fiscal year.”.

**TITLE IX—PUBLIC CORRUPTION**

**SEC. 901. OFFENSES.**

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

**“§ 226. Public corruption**

“(a) STATE AND LOCAL GOVERNMENT.—

“(1) HONEST SERVICES.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State of the honest services of an official of that State, shall be fined under

this title, or imprisoned for not more than 10 years, or both.

“(2) FAIR AND IMPARTIAL ELECTIONS.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State of a fair and impartially conducted election process in any primary, run-off, special, or general election—

“(A) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent, or that are invalid, under the laws of the State in which the election is held;

“(B) through paying or offering to pay any person for voting;

“(C) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

“(D) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information;

shall be fined under this title or imprisoned for not more than 10 years, or both.

“(3) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in paragraphs (1) and (2) are that—

“(A) for the purpose of executing or concealing a scheme or artifice described in paragraph (1) or (2) or attempting to do so, a person—

“(i) places in any post office or authorized depository for mail matter, any matter or thing to be sent or delivered by the Postal Service, or takes or receives from any such post office or depository, any such matter or thing, or knowingly causes to be delivered by mail according to the direction on the mail, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

“(ii) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

“(iii) uses or causes the use of any facility in interstate or foreign commerce;

“(B) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed so affect, interstate or foreign commerce; or

“(C) in the case of an offense described in paragraph (2), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have some authority over the administration of funds derived from an Act of Congress totaling \$10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

“(b) FEDERAL GOVERNMENT.—Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of an official of the United States shall be fined under this title or imprisoned for not more than 10 years, or both.

“(c) OFFENSE BY AN OFFICIAL AGAINST AN EMPLOYEE OR OFFICIAL.—

“(1) CRIMINAL OFFENSE.—Whoever, being an official of a State or the United States, directly or indirectly, discharges, demotes, suspends, threatens, harasses, or, in any manner, discriminates against another official of a State or the United States, or endeavors to do so, in order to carry out or to conceal a scheme or artifice described in subsection (a) or (b), shall be fined under this title or imprisoned for not more than 5 years, or both.

"(2) CIVIL ACTION.—(A) Any official who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against because of lawful acts done by the official as a result of a violation of subsection (a) or (b) or because of actions by the official on behalf of himself or herself or others in furtherance of a prosecution under subsection (a) or (b) (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may, in a civil action, obtain all relief necessary to make such individual whole, including—

"(1) reinstatement with the same seniority status the official would have had but for the violation of paragraph (1);

"(ii) 3 times the amount of back pay;

"(iii) interest on the back pay; and

"(iv) compensation for any special damages sustained as a result of the violation of paragraph (1), including reasonable litigation costs and reasonable attorney's fees.

"(B) An individual is not eligible for relief under subparagraph (A) if that individual participated in the violation of subsection (a) or (b) with respect to which such relief is sought.

"(C) A civil action or proceeding authorized by this paragraph shall be stayed by a court upon the certification of an attorney for the Government that prosecution of the action or proceeding may adversely affect the interests of the Government in a pending criminal investigation or proceeding. The attorney for the Government shall promptly notify the court when the stay may be lifted without such adverse effects.

"(d) DEFINITIONS.—As used in this section—

"(1) the term 'official' means—

"(A) in the case of an official of a State—

"(i) any person employed by, exercising any authority derived from, or holding any position in the government of a State, including any department, independent establishment, commission, administration, authority, board, or bureau, or a corporation or other legal entity established and subject to control by a State for the execution of a program of such State;

"(ii) a juror;

"(iii) any person acting or pretending to act under color of official authority; and

"(iv) any person who has been nominated, appointed, or selected to be an official described in clause (i), (ii), or (iii) or who has been officially informed that he or she will be so nominated, appointed, or selected; and

"(B) in the case of an official of the United States—

"(i) an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of the United States Government in any official function, under or by authority of any such department, agency, or branch of Government;

"(ii) a juror;

"(iii) any person acting or pretending to act under color of official authority; and

"(iv) any person who has been nominated, appointed, or selected to be an official described in clause (i), (ii), or (iii), or has been officially informed that he or she will be so nominated, appointed, or selected;

"(2) the term 'person acting or pretending to act under color of official authority' means any person who represents that he or she controls, is an agent of, or otherwise acts on behalf of an official;

"(3) the term 'State' means a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States, and any political subdivision of such State, District, commonwealth, territory, or possession; and

"(4) the term 'uses any facility in interstate or foreign commerce' includes the intrastate use of any facility that may also be used in interstate or foreign commerce."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections at the beginning of chapter 11 of title 18, United States Code, is amended by adding at the end the following item:

"226. Public corruption."

(2) Section 1961(1) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (relating to sports bribery)."

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (bribery in sporting contests)."

#### SEC. 902. INTERSTATE COMMERCE.

(a) IN GENERAL.—Section 1343 of title 18, United States Code, is amended—

(1) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "uses or causes to be used any facility in interstate or foreign commerce (as defined in section 226(d)(5) of this title)"; and

(2) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(b) CONFORMING AMENDMENTS.—(1) The section caption for section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility in interstate commerce."

(2) The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by striking the item relating to section 1343 and inserting the following:

"1343. Fraud by use of facility in interstate commerce."

#### SEC. 903. NARCOTICS-RELATED PUBLIC CORRUPTION.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by inserting after section 219 the following:

##### "§ 220. Narcotics and public corruption

"(a) OFFENSE BY PUBLIC OFFICIAL.—Any public official who, in a circumstance described in subsection (c), directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person in return for—

"(1) being influenced in the performance or nonperformance of any official act; or

"(2) being influenced to commit or to aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State;

shall be guilty of a class B felony.

"(b) OFFENSE BY PERSON OTHER THAN A PUBLIC OFFICIAL.—Any person who, in a circumstance described in subsection (c), directly or indirectly, corruptly gives, offers, or promises anything of value to any public official, or offers or promises any public official to give anything of value to any other person, with the intent—

"(1) to influence any official act;

"(2) to influence the public official to commit or aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State; or

"(3) to influence the public official to do or to omit to do any act in violation of such official's lawful duty;

shall be guilty of a class B felony.

"(c) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in subsections (a) and (b) are that the offense involves, is part of, or is intended to further or to conceal the illegal possession, importation, manufacture, transportation, or distribution of any controlled substance or controlled substance analogue.

"(d) DEFINITIONS.—As used in this section—

"(1) the terms 'controlled substance' and 'controlled substance analogue' have the meanings given those terms in section 102 of the Controlled Substances Act;

"(2) the term 'official act' means any decision, action, or conduct regarding any question, matter, proceeding, cause, suit, investigation, or prosecution which may at any time be pending, or which may be brought before any public official, in such official's official capacity, or in such official's place of trust or profit;

"(3) the term 'public official' means—

"(A) an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of the United States Government in any official function, under or by authority of any such department, agency, or branch of Government;

"(B) a juror;

"(C) an officer or employee or person acting for or on behalf of the government of any State, or any political subdivision of a State, in any official function, under or by the authority of any such State or political subdivision; and

"(D) any person who has been nominated or appointed to a position described in subparagraph (A), (B), or (C), or has been officially informed that he or she will be so nominated or appointed; and

"(4) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States."

(b) TECHNICAL AMENDMENTS.—(1) Section 1961(1) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "Section 201 (relating to bribery)."

(2) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "section 201 (bribery of public officials and witnesses)."

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 18, United States Code, is amended by inserting after the item for section 219 the following:

"220. Narcotics and public corruption."

#### TITLE X—FUNDING

##### SEC. 1001. REDUCTION IN OVERHEAD COSTS INCURRED IN FEDERALLY SPONSORED RESEARCH.

(a) CBO SCORING.—The Congressional Budget Office estimates that the reduction in overhead payments for federally funded university research required by this section will produce savings of \$1,540,000,000 over 5 years (\$150,000,000 for fiscal year 1994, \$310,000,000 for fiscal year 1995, \$350,000,000 for fiscal year 1996, \$360,000,000 for fiscal year 1997, and \$370,000,000 for fiscal year 1998).

(b) LIMITATION.—Notwithstanding any other law, on and after the date of the enactment of this Act, each head of a Federal agency making a grant to or entering into a contract with, an institution of higher education for research and development, shall reduce the overhead payment rate under the grant or contract to 90 percent of the current level and return the amount saved to the general fund of the Treasury.

**(c) DEFINITIONS.**—In this section—

(1) the term "institution of higher education" has the meaning stated in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)); and

(2) the term "Federal agency" means a department, agency, or instrumentality of the Federal Government (including an executive agency (as defined in section 105 of title 5, United States Code)).

**SEC. 1002. OVERHEAD EXPENSE REDUCTION.**

(a) **CBO SCORING.**—The Congressional Budget Office estimates that the reduction in administrative costs required by this section will produce savings of \$6,000,000,000 over 5 years (\$1,200,000,000 in each of fiscal years 1994, 1995, 1996, 1997, and 1998).

(b) **REDUCTION.**—The overhead expenses identified and reduced by the President in Executive Order 12837 are hereby reduced by an additional 5 percent. The reduction required by this section shall be taken from the total of such expenses before the reduction by the President.

**SECTION 1101. CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS.**

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

(1) by redesignating part Q as part R;

(2) by redesignating section 1701 as section 1801; and

(3) by inserting after part P the following:

**"PART Q—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS****"SEC. 1701. GRANT AUTHORIZATION.**

(a) **IN GENERAL.**—The Director of the Bureau of Justice Assistance (referred to in this part as the "Director") may make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

(b) **ALTERNATIVE METHODS.**—The alternative methods of punishment referred to in subsection (a) should ensure certainty of punishment for young offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young offenders who can be punished more effectively in an environment other than a traditional correctional facility, including—

"(1) alternative sanctions that create accountability and certainty of punishment for young offenders;

"(2) boot camp prison programs;

"(3) technical training and support for the implementation and maintenance of State and local restitution programs for young offenders;

"(4) innovative projects;

"(5) correctional options, such as community-based incarceration, weekend incarceration, and electronic monitoring of offenders;

"(6) community service programs that provide work service placement for young offenders at non-profit, private organizations and community organizations;

"(7) demonstration restitution projects that are evaluated for effectiveness; and

"(8) innovative methods that address the problems of young offenders convicted of serious substance abuse (including alcohol abuse, and gang-related offenses), including technical assistance and training to counsel and treat such offenders.

**"SEC. 1702. STATE APPLICATIONS.**

(a) **IN GENERAL.**—(1) To request a grant under this part, the chief executive of a State shall submit an application to the Di-

rector in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(b) **STATE OFFICE.**—The office designated under section 507 of this title—

"(1) shall prepare the application as required under subsection (a); and

"(2) shall administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

**"SEC. 1703. REVIEW OF STATE APPLICATIONS.**

(a) **IN GENERAL.**—The Director, in consultation with the Director of the National Institute of Corrections, shall make a grant under section 1701(a) to carry out the projects described in the application submitted by such applicant under section 1702 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application, the Director has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

(b) **APPROVAL.**—Each application submitted under section 1702 shall be considered approved, in whole or in part, by the Director not later than 45 days after first received unless the Director informs the applicant of specific reasons for disapproval.

(c) **RESTRICTION.**—Grant funds received under this part shall not be used for land acquisition or construction projects, other than alternative facilities described in section 1701(b).

(d) **DISAPPROVAL NOTICE AND RECONSIDERATION.**—The Director shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

**"SEC. 1704. LOCAL APPLICATIONS.**

(a) **IN GENERAL.**—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 1701(b).

"(2) Such application shall be considered approved, in whole or in part, by the State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If such application is approved, the unit of local government is eligible to receive such funds.

(b) **DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.**—A State that receives funds under section 1701 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 45 days after the Director has approved the application submitted by the State and has made funds available to the State. The Director shall have the authority to waive the 45-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

**"SEC. 1705. ALLOCATION AND DISTRIBUTION OF FUNDS.**

(a) **STATE DISTRIBUTION.**—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the number of young offenders of such State bears to the number of young offenders in all the participating States.

(b) **LOCAL DISTRIBUTION.**—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in such State for the purposes specified under section 1701 that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for correctional programs in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for correctional programs in such preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by such State for purposes specified under section 1701.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for such fiscal year will not be used by such State or that a State is not eligible to receive funds under section 1701, the Director shall award such funds to units of local government in such State giving priority to the units of local government that the Director considers to have the greatest need.

(c) **GENERAL REQUIREMENT.**—Notwithstanding the provisions of subsections (a) and (b), not less than two-thirds of funds received by a State under this part shall be distributed to units of local government unless the State applies for and receives a waiver from the Director of the Bureau of Justice Assistance.

(d) **FEDERAL SHARE.**—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1702(a) for the fiscal year for which the projects receive assistance under this part.

**"SEC. 1706. EVALUATION.**

(a) **IN GENERAL.**—(1) Each State and local unit of government that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the National Institute of Justice.

"(2) The Director may waive the requirement specified in paragraph (1) if the Director determines that such evaluation is not warranted in the case of the State or unit of local government involved.

(b) **DISTRIBUTION.**—The Director shall make available to the public on a timely basis evaluations received under subsection (a).

(c) **ADMINISTRATIVE COSTS.**—A State and local unit of government may use not more than 5 percent of funds it receives under this part to develop an evaluation program under this section."

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

**"PART Q—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS**

"Sec. 1701. Grant authorization.

"Sec. 1702. State applications.

"Sec. 1703. Review of State applications.

"Sec. 1704. Local applications.

"Sec. 1705. Allocation and distribution of funds.

"Sec. 1706. Evaluation.

"PART R—TRANSITION—EFFECTIVE DATE—  
REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings."

(c) DEFINITION.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)), is amended by adding after paragraph (23) the following:

"(24) The term 'young offender' means an individual, convicted of a crime, less than 18 years of age—

"(A) who has not been convicted of—

"(i) a crime of sexual assault; or

"(ii) a crime involving the use of a firearm in the commission of the crime; and

"(B) who has no prior convictions for a crime of violence (as defined by section 16 of title 18, United States Code) punishable by a period of 1 or more years of imprisonment."

SEC. 1102. AUTHORIZATION OF APPROPRIATION.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended by adding after paragraph (10) the following:

"(11) There are authorized to be appropriated \$200,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out the projects under part Q."

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

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

There was no objection.

POINT OF ORDER

Mr. BROOKS. Mr. Speaker, I make a point of order that the motion is non-germane.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. BROOKS. Mr. Speaker, it is the entire Republican crime bill tacked onto this bill, which is not pertinent to all of those programs and is well beyond the scope of the bill that is before us.

The SPEAKER pro tempore. Does the gentleman from Florida [Mr. MCCOLLUM] wish to be heard?

Mr. MCCOLLUM. I do wish to be heard, Mr. Speaker, on the point of order. This bill on the motion to recommit involves a number of provisions that are very vital to this House and that we have not had a chance to vote on today, including measures that are very definitely related to the high rate of juvenile crime we have in this country. In fact, the juvenile crime rate, which is what we are talking about—the juvenile crime rate in this country is where the big problem is today, sadly. It is there we have the violent crimes that are causing a great deal of concern among our American citizenry.

We have such an enormous growth in violent crime in this country among juveniles that it is a sad story that the Wall Street Journal reports that the district attorneys around this Nation say the single most important issue facing them is revising the laws of this Nation to solve that problem.

So I propose today in this motion to recommit one simple thing, something

that has not been out here on the floor before that should have been long ago, something that addresses the violent crime problem among the youth of this country and the violent crime problem generally in the only way we can get at it. It addresses the problem of the revolving door.

The SPEAKER pro tempore. The gentleman will please focus his remarks on the question before the House.

Mr. MCCOLLUM. If I might, Mr. Speaker, I am on that point of order question.

This proposed motion to recommit is in order, it is the comprehensive Republican crime proposal. It is in order, I would submit to the Speaker, because it is indeed the root cause of the problems being addressed in this bill. It is the only way to get at it. We have all kinds of ways of getting at that. And the scope of the bill before us today is indeed broad enough to encompass this entire problem.

The crux of this matter is that we have not faced the issue squarely. We need to face the fact we do not have enough prisons to house these folks in. We have a revolving door that basically the motion to recommit would establish that. We need to mend the law of the endless appeals of habeas corpus appeals by death row inmates, restore the death penalty at the Federal level. We have not had a vote on any of that in this session of Congress out on the floor, and this is one opportunity to have that vote today on this motion to recommit. It should be made in order, it should be put out. I tried to get it before the Rules Committee. We do not have it out here, and I submit this is the only way that this body can really address the violent crime problem facing our country today, Mr. Speaker.

The SPEAKER pro tempore (Mr. GEPHARDT). The Chair is prepared to rule.

The gentleman from Texas makes the point of order that the amendment proposed in the motion to recommit offered by the gentleman from Florida is not germane to the bill.

The test of germaneness in the case of a motion to recommit with instructions is the relationship of those instructions to the bill as perfected in the House.

In order to be germane, an amendment must relate to the subject matter under consideration. The bill as perfected narrowly amends the Omnibus Crime Control and Safe Streets Act of 1968 to establish a program of grants to States and local governments to develop alternatives to traditional incarceration of and unsupervised probation for youthful offenders.

On the other hand, the amendment proposed in the motion offered by the gentleman from Florida goes beyond the subject of alternative punishments for youthful offenders and proposes an omnibus crime bill.

Accordingly, the Chair finds that the amendment is not germane and, therefore, that the motion to recommit is not in order.

Mr. MCCOLLUM. Mr. speaker, I respectfully appeal the ruling of the Chair.

Mr. BROOKS. Mr. Speaker, I move to lay on the table the motion to appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table, which is a nondebatable motion.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCCOLLUM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 251, noes 172, not voting 10, as follows:

[Roll No. 586]

AYES—251

Abercrombie	Engel	LaRocco
Ackerman	English (AZ)	Laughlin
Andrews (ME)	English (OK)	Lehman
Andrews (NJ)	Eshoo	Levin
Andrews (TX)	Evans	Lewis (GA)
Applegate	Farr	Lipinski
Bacchus (FL)	Fazio	Lloyd
Baessler	Fields (LA)	Long
Barca	Filner	Lowey
Barcia	Fingerhut	Maloney
Barlow	Flake	Mann
Barrett (WI)	Foglietta	Manton
Becerra	Ford (MI)	Margolies-
Beilenson	Ford (TN)	Mezvinsky
Berman	Frank (MA)	Markey
Bevill	Frost	Martinez
Bilbray	Furse	Matsui
Bishop	Gejdenson	Mazzoli
Blackwell	Gephardt	McCloskey
Bonior	Geren	McCurdy
Borski	Gibbons	McHale
Boucher	Glickman	McKinney
Brewster	Gonzalez	McNulty
Brooks	Gordon	Meehan
Browder	Green	Meek
Brown (CA)	Gutierrez	Menendez
Brown (FL)	Hall (TX)	Mfume
Brown (OH)	Hamburg	Miller (CA)
Bryant	Hamilton	Mineta
Byrne	Harman	Minge
Cardin	Hastings	Mink
Carr	Hayes	Moakley
Chapman	Hefner	Mollohan
Clay	Hilliard	Montgomery
Clayton	Hinchev	Moran
Clement	Hoagland	Murphy
Clyburn	Hochbrueckner	Murtha
Coleman	Holden	Nadler
Collins (IL)	Hoyer	Natcher
Collins (MI)	Hughes	Neal (MA)
Condit	Hutto	Neal (NC)
Conyers	Inlee	Oberstar
Cooper	Jacobs	Obey
Coppersmith	Jefferson	Oliver
Costello	Johnson (GA)	Ortiz
Coyne	Johnson (SD)	Orton
Cramer	Johnson, E.B.	Owens
Danner	Johnston	Pallone
Darden	Kanjorski	Parker
de la Garza	Kaptur	Pastor
Deal	Kennedy	Payne (NJ)
DeFazio	Kennelly	Payne (VA)
DeLauro	Kildee	Pelosi
Dellums	Kleczka	Penny
Derrick	Klein	Peterson (FL)
Deutsch	Klink	Peterson (MN)
Dingell	Kopetski	Pickett
Dixon	Kreidler	Pomeroy
Dooley	LaFalce	Poshard
Durbin	Lambert	Price (NC)
Edwards (CA)	Lancaster	Rahall
Edwards (TX)	Lantos	Rangel

Reed  
Reynolds  
Richardson  
Roemer  
Rose  
Rostenkowski  
Rowland  
Roybal-Allard  
Rush  
Sabo  
Sanders  
Sangmeister  
Sarpaluis  
Sawyer  
Schenk  
Schroeder  
Schumer  
Scott  
Serrano  
Sharp  
Shepherd  
Sisisky

Skaggs  
Skelton  
Slaughter  
Smith (IA)  
Spratt  
Stark  
Stenholm  
Stokes  
Strickland  
Studds  
Stupak  
Swett  
Swift  
Synar  
Tanner  
Tauzin  
Taylor (MS)  
Tejeda  
Thompson  
Thornton  
Thurman  
Torres

Torricelli  
Towns  
Trafiacant  
Tucker  
Unsoeld  
Valentine  
Velazquez  
Vento  
Viscolsky  
Volkmmer  
Waters  
Watt  
Waxman  
Wheat  
Whitten  
Williams  
Wilson  
Wise  
Woolsey  
Wyden  
Wynn  
Yates

## NOES—172

Allard  
Archer  
Armey  
Bachus (AL)  
Baker (CA)  
Baker (LA)  
Ballenger  
Barrett (NE)  
Bartlett  
Barton  
Bateman  
Bentley  
Bereuter  
Billrakis  
Bliley  
Blute  
Boehler  
Boehner  
Bonilla  
Bunning  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Canady  
Castle  
Coble  
Collins (GA)  
Combest  
Cox  
Crane  
Crapo  
Cunningham  
DeLay  
Diaz-Balart  
Dickey  
Doolittle  
Dornan  
Dreier  
Duncan  
Dunn  
Emerson  
Everett  
Ewing  
Fawell  
Fields (TX)  
Fish  
Fowler  
Franks (CT)  
Franks (NJ)  
Gallegly  
Gallo  
Gekas  
Gilchrest  
Gillmor  
Gilman  
Goodlatte

Goodling  
Goss  
Grams  
Grandy  
Greenwood  
Gunderson  
Hancock  
Hansen  
Hastert  
Hefley  
Herger  
Hobson  
Hoekstra  
Hoke  
Horn  
Houghton  
Huffington  
Hunter  
Hutchinson  
Hyde  
Ingalls  
Inhofe  
Istook  
Johnson (CT)  
Johnson, Sam  
Kasich  
Kim  
King  
Kingston  
Klug  
Knollenberg  
Kolbe  
Kyl  
Lazio  
Leach  
Levy  
Lewis (CA)  
Lewis (FL)  
Lightfoot  
Linder  
Livingston  
Machtley  
Manzullo  
McCandless  
McCollum  
McCreery  
McDade  
McHugh  
McInnis  
McKeon  
McMillan  
Meyers  
Mica  
Michel  
Miller (FL)  
Molinar  
Moorhead  
Morella

Myers  
Nussle  
Oxley  
Packard  
Paxon  
Petri  
Pombo  
Porter  
Portman  
Pryce (OH)  
Quillen  
Quinn  
Ramstad  
Ravenel  
Regula  
Ridge  
Roberts  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Roth  
Roukema  
Royce  
Santorum  
Saxton  
Schaefer  
Schiff  
Sensenbrenner  
Shaw  
Shays  
Shuster  
Skeen  
Smith (MI)  
Smith (NJ)  
Smith (OR)  
Smith (TX)  
Snowe  
Solomon  
Spence  
Stump  
Sundquist  
Talent  
Taylor (NC)  
Thomas (CA)  
Thomas (WY)  
Torkildsen  
Upton  
Vucanovich  
Walker  
Walsh  
Weldon  
Wolf  
Young (AK)  
Young (FL)  
Zeliff  
Zimmer

## NOT VOTING—10

Cantwell  
Clinger  
Dicks  
Gingrich

Hall (OH)  
McDermott  
Pickle  
Slattery

Stearns  
Washington

□ 1555

Mr. MACHTLEY changed his vote from "aye" to "no."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECOMMIT OFFERED BY MR.

MC COLLUM

Mr. MCCOLLUM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. GEPHARDT). Is the gentleman opposed to the bill?

Mr. MCCOLLUM. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MCCOLLUM of Florida moves to recommit the bill (H.R. 3351) to the Committee on the Judiciary, with instructions to report the bill back to the House forthwith, with the following amendment:

Page 9, strike lines 13 and 14, and insert the following:

"(24) The term 'young offender' means an individual, convicted of a crime, less than 18 years of age—

"(A) who has not been convicted of—

"(i) a crime of sexual assault; or

"(ii) a crime involving the use of a firearm in the commission of the crime; and

"(B) who has no prior convictions for a crime of violence (as defined by section 16 of title 18, United States Code) punishable by a period of 1 or more years of imprisonment."

Page 10, after line 3, insert the following:

SEC. 3. FEDERAL-STATE PARTNERSHIPS FOR REGIONAL PRISONS.

(a) PLAN CREATED BY ATTORNEY GENERAL.—The Attorney General shall—

(1) establish a Regional Prison Task Force comprised of—

(A) the Director of the Federal Bureau of Prisons; and

(B) a senior correctional officer of each State wishing to participate, who is designated for this purpose by the Governor of the State; and

(2) create a plan, in consultation with the Regional Prison Task Force for the establishment of a nationwide regional prison system, and report that plan to the Committees on the Judiciary and Appropriations of the House of Representatives and the Senate not later than 180 days after the date of the enactment of this Act.

(b) SCOPE OF PLAN.—The plan shall—

(1) define the boundaries and number of regions in which regional prisons will be placed;

(2) establish the terms of the partnership agreements that States must enter into with the Attorney General in order to participate in the regional prison system;

(3) set forth the extent of the role of the Federal Bureau of Prisons in administering the prisons;

(4) determine the way 2 or more States in a region will share responsibility for the activities associated with the regional prisons; and

(5) specify both the Federal responsibility and the State responsibility (which shall not be less than 50 percent) for construction costs and operating costs of the regional prisons.

(c) STATE ELIGIBILITY.—No State may send any prisoner to be held at a regional prison established under this section unless such State, as determined by the Attorney General—

(1) enters into a partnership agreement under this section and abides substantially by its terms;

(2) establishes minimum mandatory sentences of 10 years for persons who are convicted of a serious felony and are subsequently convicted of a crime of violence involving the use of a firearm or a crime of violence involving a sexual assault;

(3) establishes a truth in sentencing policy under which offenders will serve no less than 85 percent of the term of imprisonment to which they are sentenced—

(A) after the date the State enters into the partnership agreement, with respect to crimes of violence involving the use of a firearm or a crime of violence involving a sexual assault; and

(B) after a date set by the State which is not later than 2 years after that State enters into such agreement, with respect to all other crimes of violence and serious drug trafficking offenses;

(4) provides pretrial detention similar to that provided in the Federal system under section 3142 of title 18, United States Code;

(5) takes steps to eliminate court imposed limitations on its prison capacity resulting from consent decrees or statutory provisions; and

(6) provides adequate assurances that—

(A) such State will not use the regional prison system to supplant any part of its own system; and

(B) funds provided by the State for the construction of regional prisons under this section will be in addition to what would otherwise have been made available for the construction and operation of prisons by the State.

(d) PRISONER ELIGIBILITY.—A State which is eligible under this section may send prisoners convicted of State crimes to serve their prison sentence in the regional prison established under this section if—

(1) the prisoner has been convicted of not less than 2 crimes of violence or serious drug trafficking offenses and then commits a crime of violence involving the use of a firearm or a crime of violence involving a sexual assault; or

(2) the prisoner is an illegal alien convicted of a felony offense punishable by more than 1 year's imprisonment.

(e) DEFINITIONS.—As used in this section—

(1) the term "crime of violence" is a felony offense that is—

(A) punishable by imprisonment for a term exceeding one year; and

(B) a crime of violence as defined in section 16 of title 18, United States Code;

(2) the term "serious drug trafficking offense" is a felony offense that is—

(A) punishable by imprisonment for a term exceeding one year; and

(B) defined in section 924(e)(2)(A) of title 18, United States Code;

(3) the term "serious felony" means a felony punishable by imprisonment for a term exceeding 1 year, or any act of juvenile delinquency involving the use or carrying of a firearm, knife, or destructive device that would be punishable by imprisonment for such term if committed by an adult, that—

(A) has as an element the use, attempted use, or threatened use of physical force against the person of another;

(B) is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another; or

(C) involves conduct in violation of section 401 of the Controlled Substances Act that consists of illegal distribution of a controlled substance;

(4) the term "crime of violence involving a sexual assault" is a crime of violence that is

an offense as defined in chapter 109A of title 18, United States Code; and

(5) the term "State" includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

(f) REGIONAL PRISON FUND.—There is established in the Treasury the Regional Prison Fund. The Regional Prison Fund shall consist of—

(1) sums appropriated to it by Act of Congress;

(2) notwithstanding section 1401 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) or any other provision of law, the total of criminal fines deposited in the Crime Victims Fund during each fiscal year (beginning after the date of the enactment of this Act) that exceeds \$150,000,000;

(3) notwithstanding any other provision of law, any portion of the Department of Justice Asset Forfeiture Fund that the Attorney General determines is remaining after distributions of—

(A) funds to be shared with State and local law enforcement;

(B) funds to pay warehouse and appraisal fees and innocent lien holders; and

(C) funds for Federal law enforcement.

(g) TRANSFERS.—The Secretary of the Treasury shall from time to time make appropriate transfers between funds to implement subsection (f).

(h) USE OF REGIONAL PRISON FUND.—The Attorney General may use any sums in the Regional Prison Fund to carry out this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Regional Prison Fund—

(1) \$1,000,000,000 for each of fiscal years 1994 through 1996; and

(2) such sums as may be necessary thereafter through fiscal year 2004.

#### SEC. 4. OVERHEAD EXPENSE REDUCTION.

(a) CBO SCORING.—The Congressional Budget Office estimates that the reduction in administrative costs required by this section will produce savings of \$6,000,000,000 over 5 years (\$1,200,000,000 in each of fiscal years 1994, 1995, 1996, 1997, and 1998).

(b) REDUCTION.—The overhead expenses identified and reduced by the President in Executive Order 12837 are hereby reduced by an additional 5 percent. The reduction required by this section shall be taken from the total of such expenses before the reduction by the President.

Mr. MCCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

#### POINT OF ORDER

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

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. BROOKS. Mr. Speaker, I make the point of order that the motion to recommit is not germane.

The SPEAKER pro tempore. Does the gentleman from Florida [Mr. MCCOLLUM] wish to be heard?

Mr. MCCOLLUM. I do wish to be heard, Mr. Speaker, on that.

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

Mr. MCCOLLUM. Mr. Speaker, the motion to recommit that I have offered would require that the Committee on the Judiciary take this bill back and report back to us an amendment to the bill, an addition to the bill, which would encompass a regional prison system being a partnership with the States whereby the Federal Government would pay 50 percent of the cost of building these regional prisons and the States would pay 50 percent to house violent criminals and sexual abusers who qualify in those States where the States have adopted truth in sentencing by requiring that all of those who are convicted who are eligible for these prisons serve at least 85 percent of their sentences, and it would require that they adopt minimum mandatory sentences for those individuals that would be sent to these regional prisons.

This amendment, this provision that would be adopted by my motion to recommit, Mr. Speaker, is the only way we are going to get at the real problem here that is facing the country today of the revolving door, and it is germane to this bill today because this bill addresses crime and youthful offenders, and the only way to effectively stop youthful offenders who commit violent crimes, and that is the crisis today most Americans see, is by building the prison that we need in America, going into a cost-sharing partnership with the States and taking these violent youthful offenders off the streets, locking them up, and throwing away the keys. We are not doing that today, Mr. Speaker.

If this is ruled out of order, which would be the second one today which we have tried to put out here, we will not be effectively dealing with the violent crime problem facing this Nation in this session of Congress. The American public demands that we have that opportunity, and that is why I am offering this motion to recommit today in the hopes that this body, with my colleagues' blessing, today will address the really critical problem of the revolving door of violent criminals and especially the violent crime among the youth today. We need the prisons. That is all this does is establish that which we have not brought out here.

Let me point out to my colleagues in closing that in 6 months from now, by the statistics we have, because it is violent crimes that are being committed in this country at a rate of 160,000 a month, if it takes 6 months to get this out here, this kind of a bill, if we do not do it tonight, we do not address the crime problem tonight with the bill I propose here, there will be over 966,000 more violent crimes a committed in that 6-month period.

□ 1600

It is shameful that we do not address it, Mr. Speaker. That is why I am offer-

ing it. That is what it is. I believe it is very germane to this crime bill today, because this crime bill, as it is tonight, really only addresses a very minor part of the problem.

The SPEAKER pro tempore (Mr. GEPHARDT). The point of order of the gentleman from Texas [Mr. BROOKS] has been heard. For the reasons stated on the prior point of order, the Chair rules that this point of order is well-taken, and that the motion is not germane. A program to establish a regional prison system to be used by States that establish certain standards for incarceration of prisoners generally goes beyond the subject of alternative punishments for youthful offenders.

Mr. MCCOLLUM. Mr. Speaker, I move to appeal the ruling of the Chair.

Mr. BROOKS. Mr. Speaker, I move to lay the motion to appeal on the table.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BROOKS] moves to lay the appeal on the table. The question is not debatable.

The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] to lay on the table the motion to appeal the ruling of the Chair.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. MCCOLLUM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 251, noes 171, not voting 11, as follows:

[Roll No. 587]

AYES—251

Abercrombie	Conyers	Glickman
Ackerman	Coppersmith	Gonzalez
Andrews (ME)	Costello	Gordon
Andrews (NJ)	Coyne	Green
Andrews (TX)	Cramer	Gutierrez
Applegate	Danner	Hall (TX)
Bacchus (FL)	Darden	Hamburg
Baesler	de la Garza	Hamilton
Barca	Deal	Harman
Barcla	DeFazio	Hastings
Barlow	DeLauro	Hayes
Barrett (WI)	Dellums	Hefner
Becerra	Derrick	Hilliard
Bellenson	Deutsch	Hinchey
Berman	Dingell	Hoagland
Bevill	Dixon	Hochbrueckner
Bilbray	Dooley	Holden
Bishop	Durbin	Hoyer
Blackwell	Edwards (CA)	Hughes
Bonior	Edwards (TX)	Hutto
Borski	Engel	Insole
Boucher	English (AZ)	Jacobs
Brewster	English (OK)	Jefferson
Brooks	Eshoo	Johnson (GA)
Browder	Evans	Johnson (SD)
Brown (CA)	Farr	Johnson, E.B.
Brown (FL)	Fazio	Johnston
Brown (OH)	Fields (LA)	Kanjorski
Bryant	Filner	Kaptur
Byrne	Fingerhut	Kennedy
Cardin	Flake	Kennelly
Carr	Foglietta	Kildee
Chapman	Ford (MI)	Kleczka
Clay	Ford (TN)	Klein
Clayton	Frank (MA)	Klink
Clement	Frost	Kopetski
Clyburn	Furse	Kreidler
Coleman	Gejdenson	LaFalce
Collins (IL)	Gephardt	Lambert
Collins (MI)	Geren	Lancaster
Condit	Gibbons	Lantos

LaRocco	Oliver	Skelton
Laughlin	Ortiz	Slaughter
Lehman	Orton	Smith (IA)
Levin	Owens	Spratt
Lewis (GA)	Pallone	Stark
Lipinski	Parker	Stenholm
Lloyd	Pastor	Stokes
Long	Payne (NJ)	Strickland
Lowe	Payne (VA)	Studds
Maloney	Pelosi	Stupak
Mann	Penny	Swift
Manton	Peterson (FL)	Synar
Margolies-	Peterson (MN)	Tanner
Mezvinsky	Pickett	Tauzin
Markey	Pickle	Taylor (MS)
Martinez	Pomeroy	Tejeda
Matsui	Poshard	Thompson
Mazzoli	Price (NC)	Thornton
McCloskey	Rahall	Thurman
McCurdy	Rangel	Torres
McHale	Reed	Torricelli
McKinney	Reynolds	Towns
McNulty	Richardson	Trafaicant
Meehan	Roemer	Tucker
Meek	Rose	Unsoeld
Menendez	Rostenkowski	Valentine
Mfume	Rowland	Velázquez
Miller (CA)	Roybal-Allard	Vento
Mineta	Rush	Visclosky
Minge	Sabo	Volkmmer
Mink	Sanders	Waters
Moakley	Sangmeister	Watt
Mollohan	Sarpalius	Waxman
Montgomery	Sawyer	Wheat
Moran	Schenk	Whitten
Murphy	Schroeder	Williams
Murtha	Schumer	Wilson
Nadler	Scott	Wise
Natcher	Serrano	Woolsey
Neal (MA)	Sharp	Wyden
Neal (NC)	Shepherd	Wynn
Oberstar	Sisisky	Yates
Obey	Skaggs	

## NOES—171

Allard	Franks (CT)	Manzullo
Archer	Franks (NJ)	McCandless
Army	Galleghy	McCollum
Bachus (AL)	Gallo	McCrary
Baker (CA)	Gekas	McDade
Baker (LA)	Gilchrest	McHugh
Ballenger	Gillmor	McInnis
Barrett (NE)	Gilman	McKeon
Bartlett	Goodlatte	McMillan
Barton	Goodling	Meyers
Bateman	Goss	Mica
Bentley	Grams	Michel
Bereuter	Grandy	Miller (FL)
Billrakis	Greenwood	Mollinari
Billey	Gunderson	Moorhead
Blute	Hancock	Morella
Boehlert	Hansen	Myers
Boehner	Hastert	Nussle
Bonilla	Hefley	Oxley
Bunning	Hergert	Packard
Burton	Hobson	Paxon
Buyer	Hoekstra	Petri
Callahan	Hoke	Pombo
Calvert	Horn	Porter
Camp	Houghton	Portman
Canady	Huffington	Pryce (OH)
Castle	Hunter	Quillen
Coble	Hutchinson	Quinn
Collins (GA)	Hyde	Ramstad
Combest	Inglis	Ravenel
Cooper	Inhofe	Regula
Cox	Istook	Ridge
Crane	Johnson (CT)	Roberts
Crapo	Johnson, Sam	Rogers
Cunningham	Kasich	Rohrabacher
DeLay	Kim	Ros-Lehtinen
Diaz-Balart	King	Roth
Dickey	Kingston	Roukema
Doolittle	Klug	Royce
Dornan	Kolbe	Santorum
Dreier	Kyl	Saxton
Duncan	Lazio	Schaefer
Dunn	Leach	Schiff
Emerson	Levy	Sensenbrenner
Everett	Lewis (CA)	Shaw
Ewing	Lewis (FL)	Shays
Fawell	Lightfoot	Shuster
Fields (TX)	Linder	Skeen
Fish	Livingston	Smith (MI)
Fowler	Machtley	Smith (NJ)

Smith (OR)	Talent	Walker
Smith (TX)	Taylor (NC)	Walsh
Snowe	Thomas (CA)	Wolf
Solomon	Thomas (WY)	Young (AK)
Spence	Torkildsen	Young (FL)
Stump	Upton	Zeliff
Sundquist	Vucanovich	Zimmer

## NOT VOTING—11

Cantwell	Hall (OH)	Stearns
Clinger	Knollenberg	Washington
Dicks	McDermott	Weldon
Gingrich	Slattery	

## □ 1616

Mr. WOLF and Mr. SMITH of Michigan changed their vote from "aye" to "no".

So the motion to table was agreed to. The result of the vote was announced as above recorded.

## MOTION TO RECOMMIT OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. GEPHARDT). Is the gentleman opposed to the bill?

Mr. MCCOLLUM. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MCCOLLUM of Florida moves to recommit the bill (H.R. 3351) to the Committee on the Judiciary, with instructions to report the bill back to the House forthwith, with the following amendment:

Page 9, strike lines 13 and 14, and insert the following:

"(24) The term 'young offender' means an individual, convicted of a crime, less than 18 years of age—

"(A) who has not been convicted of—

"(i) a crime of sexual assault; or

"(ii) a crime involving the use of a firearm in the commission of the crime; and

"(B) who has no prior convictions for a crime of violence (as defined by section 16 of title 18, United States Code) punishable by a period of 1 or more years of imprisonment."

Page 10, after line 3, insert the following:

## SEC. 3. NATIONAL TASK FORCE ON COUNTERTERRORISM.

(a) ESTABLISHMENT.—(1) The President should establish a National Task Force on Counterterrorism comprised of the following nine members: the Deputy Attorney General of the United States, the Deputy Director of Central Intelligence, the Coordinator for Terrorism of the Department of State, an Assistant Secretary of Commerce as designated by the Secretary of Commerce, the National Security Advisory or the Deputy National Security Advisory for Special Operations Low Intensity Conflict, the Assistant Secretary of the Treasury for Enforcement, the Director of the Federal Bureau of Investigation, the Vice Chairman of the Joint Chiefs of Staff, and an Assistant Secretary of Transportation appointed by the Secretary of Transportation.

(2) The Deputy Attorney General and the Deputy Director of Central Intelligence shall serve as the Co-Chairs of the Task Force which shall coordinate all counterterrorism activities of the intelligence community of the United States Government.

(b) DUTIES.—The National Task Force on Counterterrorism shall prepare a report to the Congress which shall—

(1) define terrorism, both domestic and international;

(2) identify Federal Government activities, programs, and assets, which may be utilized to counter terrorism;

(3) assess the processing, analysis, and distribution of intelligence on terrorism and make recommendations for improvement;

(4) make recommendations on appropriate national policies, both preventive and reactive, to counter terrorism;

(5) assess the coordination among law enforcement, intelligence and defense agencies involved in counterterrorism activities and make recommendations concerning how coordination can be improved; and

(6) assess whether there should be more centralized operational control over Federal Government activities, programs, and assets utilized to counter terrorism, and if so, make recommendations concerning how that should be achieved

(c) SUPPORT.—(1) The National Task Force on Counterterrorism shall have a Chief of Staff appointed by the Director of Central Intelligence and a Vice Chief of Staff appointed by the Attorney General. The Chief of Staff and the Vice Chief of Staff shall be paid at a rate not to exceed the rate of basic pay for the highest rate payable for the Senior Executive Service.

(2) The Task Force shall hire or have detailed to it from other agencies such staff as necessary to carry out its functions.

(3) The staff of the National Task Force on Counterterrorism shall coordinate all activities of the Task Force and act as the liaison for all agencies involved.

(d) REPORT.—The Task Force shall—

(1) report to Congress no later than 6 months after the date of enactment of this Act as to the review and recommendations outlined in subsection (b) and how the Task Force will implement those recommendations,

(2) beginning 60 days after the date on which the report is submitted under paragraph (1), implement the recommendations outlined in subsection (b) in accordance with the report, and

(3) beginning 180 days after the date on which the report is submitted under paragraph (1), report to Congress every 120 days on the progress of Task Force in implementing its recommendations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the National Task Force on Counterterrorism for fiscal year 1995 \$5,000,000, which shall remain available until expended.

Mr. MCCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

## POINT OF ORDER

Mr. BROOKS. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. BROOKS. Mr. Speaker, I make a point of order that the motion to recommit is not germane.

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

## □ 1620

Mr. MCCOLLUM. Mr. Speaker, unfortunately, I am rising a third time

today to take up the Members' time, but the reason I am doing that is because we are not addressing the serious crime issues today, and we have not done so in this Congress so far.

The SPEAKER pro tempore (Mr. GEPHARDT). If the gentleman will please focus his comments on the point of order.

Mr. MCCOLLUM. Mr. Speaker, I am, if the Chair will please indulge me. I am just laying the predicate. Because of your leadership, we do not have the bills out here to address the serious crime issues.

The SPEAKER pro tempore. The gentleman will please focus his remarks on the point of order.

Mr. MCCOLLUM. What this proposed motion would do today will be to send this bill back to the Committee on the Judiciary to report it back with a very straightforward amendment to it that is one which would address the problem of terrorism at the World Trade Center. It would set up an interagency task force, among other things, to coordinate efforts so we do not have something like what happened at the World Trade Center.

You are probably going to rule it out of order, like you have ruled the other two out of order, Mr. Speaker, and I respect that, but the fact is that the people who were involved with that World Trade Center and a lot of other Americans would like to see that issue addressed. We should be addressing the real crime issues tonight and not the issues that are out here.

I have nothing else to say on it. I am sorry I have to do that, but that is the only effort we have got we can make. I respectfully suggest this ought to be ruled in order. It is a tough violent crime question.

The SPEAKER pro tempore (Mr. GEPHARDT). The Chair has heard the argument on the point of order. The Chair rules that the motion to recommit is not germane for the similar reasons that were given on the other two points of order.

The amendment proposed in the motion to recommit offered by the gentleman from Florida [Mr. MCCOLLUM] goes beyond the subject of alternative punishments for youthful offenders and establishes a National Task Force on Counter-Terrorism to study and report to Congress its assessment of existing Federal counterterrorism efforts and to make recommendations for improvements to those efforts.

Accordingly, the Chair finds that the amendment is not germane, and therefore, that the motion to recommit is not in order.

Mr. MCCOLLUM. Mr. Speaker, I appeal the ruling of the Chair.

MOTION OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Speaker, I move to lay on the table the motion to appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Texas [Mr. BROOKS] to lay on the table the motion to appeal the ruling of the Chair.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCCOLLUM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 246, nays 171, not voting 16, as follows:

[Roll No. 588]

AYES—246

Abercrombie	Furse	Moakley
Ackerman	Gejdenson	Mollohan
Andrews (ME)	Gephardt	Montgomery
Andrews (NJ)	Geren	Moran
Andrews (TX)	Gibbons	Murphy
Applegate	Glickman	Murtha
Bacchus (FL)	Gonzalez	Nadler
Baesler	Gordon	Natcher
Barca	Green	Neal (MA)
Barcia	Gutierrez	Neal (NC)
Barlow	Hall (TX)	Oberstar
Barrett (WI)	Hamburg	Obey
Becerra	Hamilton	Olver
Bellenson	Harman	Ortiz
Berman	Hastings	Orton
Bevill	Hayes	Owens
Bilbray	Hefner	Pallone
Bishop	Hilliard	Parker
Blackwell	Hinchey	Pastor
Bonior	Hoagland	Payne (NJ)
Borski	Hochbrueckner	Payne (VA)
Boucher	Holden	Pelosi
Brewster	Hoyer	Penny
Brooks	Hughes	Peterson (FL)
Browder	Hutto	Peterson (MN)
Brown (CA)	Inslee	Pickett
Brown (FL)	Jacobs	Pickle
Brown (OH)	Jefferson	Pomeroy
Bryant	Johnson (GA)	Poshard
Byrne	Johnson (SD)	Price (NC)
Cardin	Johnston	Rahall
Carr	Kanjorski	Rangel
Chapman	Kaptur	Reed
Clay	Kennedy	Reynolds
Clayton	Kennelly	Richardson
Clement	Kildee	Roemer
Clyburn	Kleczka	Rose
Coleman	Klein	Rostenkowski
Collins (IL)	Klink	Rowland
Collins (MI)	Kopetski	Roybal-Allard
Condit	Kreidler	Rush
Conyers	LaFalce	Sabo
Coppersmith	Lambert	Sanders
Costello	Lancaster	Sangmeister
Coyne	Lantos	Sarpalius
Cramer	LaRocco	Sawyer
Danner	Laughlin	Schenk
Darden	Lehman	Schroeder
de la Garza	Levin	Schumer
Deal	Lewis (GA)	Scott
DeLauro	Lipinski	Serrano
Dellums	Lloyd	Sharp
Deutsch	Long	Shepherd
Dingell	Lowey	Sisisky
Dixon	Maloney	Skaggs
Dooley	Mann	Skelton
Durbin	Manton	Slaughter
Edwards (CA)	Margolies-	Smith (IA)
Edwards (TX)	Mezvinsky	Spratt
Engel	Markey	Stark
English (AZ)	Martinez	Stenholm
English (OK)	Matsui	Stokes
Eshoo	Mazzoli	Strickland
Evans	McCloskey	Studds
Farr	McCurdy	Stupak
Fazio	McHale	Swett
Fields (LA)	McKinney	Swift
Filner	McNulty	Synar
Fingerhut	Meehan	Tanner
Flake	Meek	Tauzin
Foglietta	Menendez	Taylor (MS)
Ford (MI)	Mfume	Tejeda
Ford (TN)	Miller (CA)	Thompson
Frank (MA)	Minge	Thornton
Frost	Mink	Thurman

Torres  
Torrice  
Towns  
Traficant  
Tucker  
Unsoeld  
Velazquez  
Vento

Visclosky  
Volkmer  
Waters  
Watt  
Waxman  
Wheat  
Whitten  
Williams

Wilson  
Wise  
Woolsey  
Wyden  
Wynn  
Yates

NOES—171

Allard	Gilman	Moorhead
Archer	Goodlatte	Moorella
Armey	Goodling	Myers
Bachus (AL)	Goss	Nussle
Baker (CA)	Grams	Oxley
Baker (LA)	Grandy	Packard
Ballenger	Greenwood	Paxon
Barrett (NE)	Gunderson	Petri
Bartlett	Hancock	Pombo
Barton	Hansen	Porter
Bateman	Hastert	Portman
Bentley	Hefley	Pryce (OH)
Bereuter	Herger	Quillen
Bilirakis	Hobson	Quinn
Billey	Hoekstra	Ramstad
Blute	Hoke	Ravenel
Boehliert	Horn	Regula
Boehner	Houghton	Ridge
Bonilla	Huffington	Roberts
Bunning	Hunter	Rogers
Burton	Hutchinson	Rohrabacher
Buyer	Hyde	Ros-Lehtinen
Callahan	Inglis	Roth
Calvert	Inhofe	Roukema
Camp	Istook	Royce
Canady	Johnson (CT)	Santorum
Castle	Johnson, Sam	Saxton
Coble	Kasich	Schaefer
Collins (GA)	Kim	Schiff
Combest	King	Sensenbrenner
Cooper	Kingston	Shaw
Cox	Klug	Shays
Crane	Kolbe	Shuster
Crapo	Kyl	Skeen
Cunningham	Lazio	Smith (MI)
DeLay	Leach	Smith (NJ)
Diaz-Balart	Levy	Smith (OR)
Dickey	Lewis (CA)	Smith (TX)
Doolittle	Lewis (FL)	Snowe
Dornan	Lightfoot	Solomon
Dreier	Linder	Spence
Duncan	Livingston	Stump
Dunn	Machtley	Sundquist
Emerson	Manzullo	Talent
Everett	McCandless	Taylor (NC)
Ewing	McCollum	Thomas (WY)
Fawell	McCrery	Torkildsen
Fields (TX)	McDade	Upton
Fish	McHugh	Vucanovich
Fowler	McInnis	Walker
Franks (CT)	McKeon	Walsh
Franks (NJ)	McMillan	Weldon
Gallely	Meyers	Wolf
Gallo	Mica	Young (AK)
Gekas	Michel	Young (FL)
Gilchrest	Miller (FL)	Zeliff
Gillmor	Molinari	Zimmer

NOT VOTING—16

Cantwell	Hall (OH)	Stearns
Clinger	Johnson, E.B.	Thomas (CA)
DeFazio	Knollenberg	Valentine
Derrick	McDermott	Washington
Dicks	Mineta	
Gingrich	Slattery	

□ 1638

So the motion to table was agreed to. The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, during rollcall vote No. 588 on H.R. 3351 I was unavoidably detained. Had I been present, I would have voted "yea."

MOTION TO RECOMMIT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. GEPHARDT). Is the gentleman opposed to the bill?

Mr. SENSENBRENNER. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SENSENBRENNER moves to recommit the bill H.R. 3351 to the Committee on the Judiciary with instructions to report the bill back to the House forthwith, with the following amendment: On page 10, line 3, before the period, insert "Provided, That 90 percent of the funds authorized under this Act be used to fund boot camp procedures authorized by Sec. 1701(b)(2):".

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

□ 1640

The SPEAKER pro tempore (Mr. GEPHARDT). The gentleman from Wisconsin [Mr. SENSENBRENNER] is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, this is a germane motion to recommit which deserves the support of all Members of this House.

The motion to recommit channels 90 percent of the funds authorized by the bill into boot-camp prison programs. All of the support in discussion on this bill on both sides of the aisle has been in support of boot camps, and boot camps, in my opinion, have a very worthwhile function in trying to rehabilitate youthful offenders.

However, this bill is a lot broader than boot camps, and I would direct the attention of the membership to the various types of programs that are authorized on page 3 of the bill which include alternative sanctions on financial accountability, technical training, and support for the implementation of State and local restitution programs, innovative projects, whatever that means, community-based incarceration, weekend incarceration, and electronic monitoring, community service programs, demonstration restitution programs, and innovative methods that include youthful offenders getting involved with serious substance abuse.

I would remind the membership that only \$200 million per year is authorized in this bill, which is an average of \$4 million per State per year. With all of these other types of authorizations, it is obvious that this money can be diffused quickly. Most of the support of this bill is because of its authorization in boot camps.

My motion to commit will mean that 90 percent of the funds will go for boot camps. I think that that way the boot camps can make an impact in the States.

I would urge support of my motion to recommit.

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

Mr. MFUME. Mr. Speaker, I ask unanimous consent that any and all votes with regard to passage of H.R. 3351 be reduced to 5 minutes.

The SPEAKER pro tempore. The Chair would state to the gentleman from Maryland that the Chair has the option of doing that and intends to do that.

Mr. MFUME. In that case, Mr. Speaker, I would withdraw the request. I thank the Chair.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

Mr. BROOKS. Mr. Speaker, I rise in opposition to the motion to recommit and would say very briefly that this would eliminate seven of the eight alternatives and initiatives we have for treating young offenders.

There are eight listed in the bill. They include things like innovative programs by various States. Some of them are community projects work programs, shock incarceration, ankle monitors, anything under the sun to try to save these people. Different States have different programs. This includes technical training, and you have drug training, and now if you put it all in a boot-camp program, you eliminate the option of States to decide how is the best way for them to deal with their young offenders. This we do not want to do.

I would say that it would be foolishness to do that only and eliminate every other idea in the world.

I would ask Members to vote against this motion to recommit.

Mr. Speaker, I yield to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, let me just add my words to that of the chairman in opposition to this motion.

The bill is grants to the States for innovative programs. Some States do boot camps very well, but there are other very good, very tough programs. For instance, in Quincy, MA, a youngster writes graffiti on the wall. They force him to work and clean the graffiti off on 12 weekends in a row.

In some States they will have somebody wear a bracelet around their ankle or around their arm so that they cannot leave their home for the weekend even if they do not have boot camps.

There are many innovative programs that may not be boot camps, and I do not see why we should constrict the States that 90 percent of the money has to go to boot camps when some States have very innovative programs that are not boot camps but that are tough, that work, that prevent kids from getting off with just a slap on the wrist.

I would urge the defeat of the motion to recommit.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—ayes 177, noes 243, not voting 13, as follows:

[Roll No. 589]

#### AYES—177

Allard	Goss	Oxley
Archer	Grams	Packard
Armey	Grandy	Paxon
Bachus (AL)	Greenwood	Peterson (MN)
Baker (CA)	Gunderson	Petri
Baker (LA)	Hancock	Pombo
Ballenger	Hansen	Porter
Barrett (NE)	Hastert	Portman
Bartlett	Hefley	Pryce (OH)
Barton	Herger	Quillen
Bateman	Hobson	Quinn
Bentley	Hoekstra	Ramstad
Bilirakis	Hoke	Ravenel
Bliley	Houghton	Regula
Blute	Huffington	Ridge
Boehlert	Hunter	Roberts
Boehner	Hutchinson	Rogers
Bonilla	Hyde	Rohrabacher
Bunning	Inglis	Roth
Burton	Inhofe	Roukema
Buyer	Istook	Royce
Callahan	Johnson (CT)	Santorum
Calvert	Johnson, Sam	Saxton
Camp	Kasich	Schaefer
Canady	Kim	Schiff
Castle	King	Sensenbrenner
Coble	Kingston	Shaw
Collins (GA)	Klug	Shays
Combest	Kolbe	Shuster
Condit	Kyl	Skeen
Cooper	Lazio	Skelton
Cox	Leach	Smith (NJ)
Crane	Lehman	Smith (OR)
Crapo	Levy	Smith (TX)
Cunningham	Lewis (CA)	Snowe
DeLay	Lewis (FL)	Solomon
Dickey	Lightfoot	Spence
Doolittle	Linder	Stenholm
Dorman	Livingston	Stump
Dreier	Machtley	Sundquist
Duncan	Manzullo	Talent
Dunn	McCandless	Tanner
Emerson	McCollum	Tauzin
English (OK)	McCrery	Taylor (MS)
Everett	McCurdy	Taylor (NC)
Ewing	McDade	Thomas (CA)
Fawell	McHugh	Thomas (WY)
Fields (TX)	McInnis	Torkildsen
Fish	McKeon	Torricelli
Fowler	McMillan	Upton
Franks (CT)	Meyers	Vucanovich
Franks (NJ)	Mica	Walker
Galleghy	Michel	Walsh
Gekas	Miller (FL)	Weldon
Geren	Molinar	Wolf
Gilchrest	Moorhead	Young (AK)
Gillmor	Myers	Young (FL)
Goodlatte	Nussle	Zeliff
Goodling	Orton	Zimmer

NOES—243

Abercrombie	Glickman	Obey
Ackerman	Gonzalez	Oliver
Andrews (ME)	Gordon	Ortiz
Andrews (NJ)	Green	Owens
Andrews (TX)	Gutierrez	Pallone
Applegate	Hall (TX)	Parker
Bacchus (FL)	Hamburg	Pastor
Baesler	Hamilton	Payne (NJ)
Barca	Harman	Payne (VA)
Barcia	Hastings	Pelosi
Barlow	Hayes	Penny
Barrett (WI)	Hefner	Peterson (FL)
Becerra	Hilliard	Pickett
Beilenson	Hinchey	Pickle
Bereuter	Hoagland	Pomeroy
Berman	Hochbrueckner	Poshard
Bevill	Holden	Price (NC)
Bilbray	Horn	Rahall
Bishop	Hoyer	Rangel
Blackwell	Hughes	Reed
Bonior	Hutto	Reynolds
Borski	Inslee	Richardson
Boucher	Jacobs	Roemer
Brewster	Jefferson	Rose
Brooks	Johnson (GA)	Rostenkowski
Browder	Johnson (SD)	Rowland
Brown (CA)	Johnson, E.B.	Roybal-Allard
Brown (FL)	Johnston	Sabo
Brown (OH)	Kanjorski	Sanders
Bryant	Kaptur	Sangmeister
Byrne	Kennedy	Sarpalius
Cardin	Kennelly	Sawyer
Carr	Kildee	Schenk
Chapman	Kleczka	Schroeder
Clay	Klink	Schumer
Clayton	Kopetski	Scott
Clement	Kreidler	Serrano
Clyburn	Kopetski	Scott
Coleman	LaFalce	Sharp
Collins (IL)	Lambert	Shepherd
Collins (MI)	Lancaster	Sisisky
Conyers	Lantos	Skaggs
Coppersmith	LaRocco	Slaughter
Costello	Laughlin	Smith (IA)
Coyne	Levin	Smith (MI)
Cramer	Lewis (GA)	Spratt
Danner	Lipinski	Stark
Darden	Lloyd	Stokes
de la Garza	Long	Strickland
Deal	Lowe	Studds
DeFazio	Maloney	Stupak
DeLauro	Mann	Swett
Dellums	Manton	Swift
Derrick	Margolies-	Synar
Deutsch	Mezvinisky	Tejeda
Dingell	Markey	Thompson
Dixon	Martinez	Thornton
Dooley	Matsui	Thurman
Durbin	Mazzoli	Torres
Edwards (CA)	McCloskey	Towns
Edwards (TX)	McHale	Trafcant
Engel	McKinney	Tucker
Eshoo (AZ)	McNulty	Unsoeld
Evans	Meehan	Valentine
Farr	Meek	Velazquez
Fazio	Mfume	Vento
Fields (LA)	Miller (CA)	Visclosky
Filner	Mineta	Volkmer
Fingerhut	Minge	Waters
Flake	Mink	Watt
Foglietta	Moakley	Waxman
Ford (MI)	Mollohan	Wheat
Ford (TN)	Montgomery	Whitten
Frank (MA)	Moran	Williams
Frost	Morella	Wilson
Furse	Murphy	Wise
Gallo	Murtha	Woolsey
Gejdenson	Nadler	Wyden
Gephardt	Natcher	Wynn
Gibbons	Neal (MA)	Yates
Gilman	Neal (NC)	
	Oberstar	

NOT VOTING—13

Cantwell	Hall (OH)	Slattery
Clinger	Knollenberg	Stearns
Diaz-Balart	McDermott	Washington
Dicks	Menendez	
Gingrich	Ros-Lehtinen	

□ 1701

Ms. PRYCE of Ohio changed her vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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 ayes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 336, noes 82, not voting 15, as follows:

[Roll No. 590]

AYES—336

Abercrombie	Dingell	Johnson (CT)
Ackerman	Dixon	Johnson (GA)
Andrews (ME)	Dooley	Johnson (SD)
Andrews (NJ)	Duncan	Johnson, E.B.
Andrews (TX)	Durbin	Johnston
Applegate	Edwards (CA)	Kanjorski
Bacchus (FL)	Edwards (TX)	Kaptur
Baesler	Engel	Kasich
Baker (LA)	English (AZ)	Kennedy
Barca	English (OK)	Kennelly
Barcia	Eshoo	Kildee
Barlow	Evans	Kingston
Barrett (WI)	Everett	Kleczka
Bateman	Ewing	Klein
Becerra	Farr	Klink
Beilenson	Fazio	Klug
Bentley	Fields (LA)	Kopetski
Berman	Filner	Kreidler
Bevill	Fingerhut	LaFalce
Bilbray	Fish	Lambert
Bilirakis	Flake	Lancaster
Bishop	Foglietta	Lantos
Blackwell	Ford (MI)	LaRocco
Bliley	Ford (TN)	Laughlin
Blute	Fowler	Lazio
Boehrlert	Frank (MA)	Leach
Bonior	Franks (CT)	Lehman
Borski	Franks (NJ)	Levin
Boucher	Frost	Levy
Brewster	Furse	Lewis (FL)
Brooks	Gallegly	Lewis (GA)
Browder	Gallo	Lipinski
Brown (CA)	Gejdenson	Livingston
Brown (FL)	Gephardt	Lloyd
Brown (OH)	Geren	Long
Bryant	Gibbons	Lowe
Buyer	Gillmor	Machtley
Byrne	Gilman	Maloney
Callahan	Glickman	Mann
Calvert	Goodlatte	Manton
Camp	Gordon	Manzullo
Canady	Grams	Margolies-
Cardin	Green	Mezvinisky
Carr	Greenwood	Markey
Castle	Gutierrez	Martinez
Chapman	Hall (TX)	Matsui
Clay	Hamborg	Mazzoli
Clayton	Hamilton	McCandless
Clement	Harman	McCloskey
Clyburn	Hastert	McCrery
Coble	Hastings	McCurdy
Coleman	Hayes	McDade
Collins (IL)	Hefner	McHale
Collins (MI)	Hilliard	McKeon
Condit	Hinche	McKinney
Conyers	Hoagland	McMillan
Cooper	Hobson	McNulty
Coppersmith	Hochbrueckner	Meehan
Costello	Hoekstra	Meek
Coyne	Holden	Mfume
Cramer	Horn	Miller (CA)
Crapo	Houghton	Mineta
Danner	Hoyer	Minge
Darden	Huffington	Mink
de la Garza	Hughes	Moakley
Deal	Hutto	Mollohan
DeFazio	Hyde	Montgomery
DeLauro	Inslee	Monthead
Dellums	Istook	Moran
Derrick	Jacobs	Morella
Deutsch	Jefferson	Murphy

Murtha	Rogers	Swift
Nadler	Rose	Synar
Natcher	Rostenkowski	Talent
Neal (MA)	Roth	Tanner
Neal (NC)	Roukema	Tauzin
Oberstar	Rowland	Tejeda
Obey	Roybal-Allard	Thomas (CA)
Oliver	Rush	Thomas (WY)
Ortiz	Sabo	Thompson
Orton	Sanders	Thornton
Owens	Sangmeister	Thurman
Oxley	Santorium	Torkildsen
Pallone	Sarpalius	Torres
Parker	Sawyer	Torrice
Pastor	Saxton	Towns
Payne (NJ)	Schaefer	Trafcant
Payne (VA)	Schenk	Tucker
Pelosi	Schroeder	Unsoeld
Penny	Schumer	Upton
Peterson (FL)	Scott	Valentine
Peterson (MN)	Sharp	Velazquez
Petri	Shaw	Vento
Pickett	Shepherd	Visclosky
Pickle	Sisisky	Volkmer
Pomeroy	Skaggs	Walsh
Porter	Skeen	Waters
Portman	Slaughter	Watt
Poshard	Smith (IA)	Waxman
Price (NC)	Smith (MI)	Weldon
Pryce (OH)	Smith (NJ)	Wheat
Quinn	Smith (OR)	Whitten
Rahall	Snowe	Wilson
Ramstad	Spence	Wise
Rangel	Spratt	Wolf
Ravenel	Stark	Woolsey
Reed	Stenholm	Wyden
Regula	Stokes	Wynn
Reynolds	Strickland	Yates
Richardson	Studds	Young (FL)
Ridge	Stupak	Zimmer
Roberts	Sundquist	
Roemer	Swett	

NOES—82

Allard	Gekas	Michel
Archer	Gilchrest	Miller (FL)
Armey	Gonzalez	Molinar
Bacchus (AL)	Goodling	Myers
Baker (CA)	Goss	Nussle
Ballenger	Grandy	Packard
Barrett (NE)	Gunderson	Paxon
Bartlett	Hancock	Pombo
Barton	Hansen	Quillen
Bereuter	Hefley	Rohrabacher
Boehner	Herger	Royce
Bonilla	Hoke	Schiff
Bunning	Hutchinson	Sensenbrenner
Burton	Inglis	Shays
Collins (GA)	Inhofe	Shuster
Combest	Johnson, Sam	Skelton
Cox	Kim	Smith (TX)
Crane	King	Solomon
Cunningham	Kolbe	Stamp
DeLay	Kyl	Taylor (MS)
Dickey	Lewis (CA)	Taylor (NC)
Doolittle	Lightfoot	Vucanovich
Dorman	Linder	Walker
Dreier	McCollum	Williams
Dunn	McHugh	Young (AK)
Emerson	McInnis	Zeliff
Fawell	Meyers	
Fields (TX)	Mica	

NOT VOTING—15

Cantwell	Hall (OH)	Ros-Lehtinen
Clinger	Hunter	Serrano
Diaz-Balart	Knollenberg	Slattery
Dicks	McDermott	Stearns
Gingrich	Menendez	Washington

□ 1714

The Clerk announced the following pairs:

On the vote:

Mr. Washington for, with Mr. Knollenberg against.

Mr. Cantwell for, with Mr. Stearns against.

Mr. BEREUTER changed his vote from "aye" to "no."

Mr. ROBERTS 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.

#### GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

#### PATENT AND TRADEMARK OFFICE AUTHORIZATION ACT OF 1993

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2632) to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1994, with a Senate amendment thereto, and concur in the Senate amendment with amendments.

The Clerk read the title of the bill.

The Clerk read the House amendments to the Senate amendment as follows:

House amendments to Senate amendment: In lieu of the text proposed to be inserted by the Senate amendment, insert the following:

#### SEC. 5. INTERIM PATENT EXTENSIONS.

Section 156 of title 35, United States Code, is amended—

(1) in subsection (c)(4) by striking out "extended" and inserting "extended under subsection (e)(1)";

(2) in the second sentence of subsection (d)(1) by striking "Such" and inserting "Except as provided in paragraph (5), such"; and

(3) by adding at the end of subsection (d) the following new paragraph:

"(5)(A) If the owner of record of the patent or its agent reasonably expects that the applicable regulatory review period described in paragraph (1)(B)(ii), (2)(B)(ii), (3)(B)(ii), (4)(B)(ii), or (5)(B)(ii) of subsection (g) that began for a product that is the subject of such patent may extend beyond the expiration of the patent term in effect, the owner or its agent may submit an application to the Commissioner for an interim extension during the period beginning 6 months, and ending 15 days, before such term is due to expire. The application shall contain—

"(i) the identity of the product subject to regulatory review and the Federal statute under which such review is occurring;

"(2) the identity of the patent for which interim extension is being sought and the identity of each claim of such patent which claims the product under regulatory review or a method of using or manufacturing the product;

"(iii) information to enable the Commissioner to determine under subsection (a)(1), (2), and (3) the eligibility of a patent for extension;

"(iv) a brief description of the activities undertaken by the applicant during the applicable regulatory review period to date with respect to the product under review and the significant dates applicable to such activities; and

"(v) such patent or other information as the Commissioner may require.

"(B) If the Commissioner determines that, except for permission to market or use the product commercially, the patent would be eligible for an extension of the patent term under this section, the Commissioner shall publish in the Federal Register a notice of such determination, including the identity of the product under regulatory review, and shall issue to the applicant a certificate of interim extension for a period of not more than 1 year.

"(C) The owner of record of a patent, or its agent, for which an interim extension has been granted under subparagraph (B), may apply for not more than 4 subsequent interim extensions under this paragraph, except that, in the case of a patent subject to subsection (g)(6)(C), the owner of record of the patent, or its agent, may apply for only 1 subsequent interim extension under this paragraph. Each such subsequent application shall be made during the period beginning 60 days before, and ending 30 days before, the expiration of the preceding interim extension.

"(D) Each certificate of interim extension under this paragraph shall be recorded in the official file of the patent and shall be considered part of the original patent.

"(E) Any interim extension granted under this paragraph shall terminate at the end of the 60-day period beginning on the date on which the product involved receives permission for commercial marketing or use, except that, if within that 60-day period the applicant notifies the Commissioner of such permission and submits any additional information under paragraph (1) of this subsection not previously contained in the application for interim extension, the patent shall be further extended, in accordance with the provisions of this section—

"(i) for not to exceed 5 years from the date of expiration of the original patent term; or

"(ii) if the patent is subject to subsection (g)(6)(C), from the date on which the product involved receives approval for commercial marketing or use.

"(F) The rights derived from any patent the term of which is extended under this paragraph shall, during the period of interim extension—

"(i) in the case of a patent which claims a product, be limited to any use then under regulatory review;

"(ii) in the case of a patent which claims a method of using a product, be limited to any use claimed by the patent then under regulatory review; and

"(iii) in the case of a patent which claims a method of manufacturing a product, be limited to the method of manufacturing as used to make the product then under regulatory review."

#### SEC. 6. CONFORMING AMENDMENTS.

Section 156 of title 35, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "(d)" and inserting "(d)(1)"; and

(B) in paragraph (3) by striking "subsection (d)" and inserting "paragraphs (1) through (4) of subsection (d)";

(2) in subsection (b) by striking "The rights" and inserting "Except as provided in subsection (d)(5)(F), the rights"; and

(3) in subsection (e)—

(A) in paragraph (1) by striking "subsection (d)" and inserting "paragraphs (1) through (4) of subsection (d)"; and

(B) in paragraph (2) by striking "(d)" and inserting "(d)(1)".

#### SEC. 7. PATENT TERM EXTENSIONS FOR AMERICAN LEGION.

(a) **BADGE OF AMERICAN LEGION.**—The term of a certain design patent numbered 54,296 (for the badge of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(b) **BADGE OF AMERICAN LEGION WOMEN'S AUXILIARY.**—The term of a certain design patent numbered 55,398 (for the badge of the American Legion Women's Auxiliary) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(c) **BADGE OF SONS OF THE AMERICAN LEGION.**—The term of a certain design patent numbered 92,187 (for the badge of the Sons of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

#### SEC. 8. INTERVENING RIGHTS.

The renewals and extensions of the patents under section 6 shall not result in infringement of any such patent on account of any use of the subject matter of the patent, or substantial preparation for such use, which began after the patent expired, but before the date of the enactment of this Act.

Amend the title so as to read: "A bill to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1994, and for other purposes."

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the House amendments to the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, and I shall not object, I ask the chairman of our Committee on the Judiciary for an explanation.

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

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

Mr. BROOKS. Mr. Speaker, H.R. 2632 authorizes \$103 million for the activities of the Patent and Trademark Office for fiscal year 1994. It was adopted by the House under suspension of the rules on October 12, 1993.

The Senate, on November 11, added a private patent extension to the legislation. The House amendment which we are now considering deletes this private extension and replaces it with an amendment to the Patent Term Restoration Act of 1984. Under that act, products in the regulatory approval process in 1984 were made eligible for a 2 year patent extension if the patent had not expired at the time of regulatory approval. No provision was made for products for which the regulatory review is so long that the 17 year patent expires before approval.

The House amendment allows patent holders who are eligible for a patent extension under the 1984 legislation to receive—prior to the expiration of the patent—an interim patent extension while awaiting regulatory approval. When such approval is received, the patent could then be extended pursuant to the Patent Term Restoration Act.

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

Mr. MOORHEAD. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I want to take the opportunity to thank the gentleman from California [Mr. MOORHEAD] for his work on this and so many other issues before the Subcommittee on Intellectual Property and Judicial Administration. I thank the gentleman.

Mr. MOORHEAD. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

#### MAKING IN ORDER ON SATURDAY, NOVEMBER 20, 1993, CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that it be in order on tomorrow, Saturday, November 20, 1993, for the Speaker to entertain motions to suspend the rules pursuant to clause 1 of rule XXVII and act to pass the following bills:

H.R. 1133, violence against women;

H.R. 324, Crimes Against Children Registration Act;

H.R. 3378, international parental kidnapping;

H.R. 3098, youth handgun safety;

H.R. 1237, National Child Protection Act;

H.R. 783, Nationality and Naturalization Act;

H.R. 897, Copyright Reform Act;

H.R. 3515, the Omnibus Agriculture Research and Promotion Improvements Act;

H.R. 2811, National Oceanic and Atmospheric Administration Atmospheric and Satellite Program Authorization;

H.R. 1994, Environmental Research and Development and Demonstration Authorization Act;

H.R. 3512, the National Environmental Policy Act administrative reorganization amendments;

H.R. 3402, the Fountain Darter Captive Propagation Research Act of 1993;

H.R. 2457, the Winter Run Chinook Salmon Captive Broodstock Act of 1993;

H.R. 3509, the governing international fisheries agreement between the United States and Russia;

H.R. 58, the Merchant Marine Memorial Enhancement Act of 1993;

H.R. 1250, the United States Flag Passenger Vessel Act of 1993;

H.R. 3474, Community Development Banking and Financial Institutions Act of 1993;

H.R. 2960, Amendments to the Competitiveness Policy Council Act;

H.R. 2921, authorize appropriations for restoration of historic buildings at black universities;

H.R. 2947, 2-year extension of authorization for black revolutionary war memorial;

H.R. 486, addition of Truman farm to Harry Truman National Historic Site in Missouri;

H.R. 3505, developmental disabilities reauthorization;

H.R. 3216, Domestic Chemical Diversion Control Act;

H. Con. Res. 131, regarding Sudan; and

H. Con. Res. 175, antiboycott resolution.

□ 1720

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

Mr. WALKER. Mr. Speaker, reserving the right to object, and I shall not object, I just wanted to clarify something. It is my understanding that we will proceed with the suspensions that the gentleman has asked be brought up by unanimous consent until a time certain tomorrow, and then at that point we will cut off the suspensions and move on to the intelligence bill. Is that correct?

Mr. FAZIO. Mr. Speaker, if the gentleman will yield, the time certain would be about 1 o'clock.

Mr. WALKER. We would move the intelligence bill. We would then go to the D.C. rule?

Mr. FAZIO. That is my understanding.

Mr. WALKER. We would not go back then to any bills left over that day off the Suspension Calendar, is that right?

Mr. FAZIO. Mr. Speaker, we have not had a chance to consult with the minority about any additional bills.

Mr. WALKER. I am suggesting if we do not complete these 25 bills, we would not go back to them later in the day?

Mr. FAZIO. Not without further consultation with the minority.

Mr. WALKER. Then there is the possibility those would come up on Sunday?

Mr. FAZIO. I think there is that possibility. Again, I assume it would be after consultation with the minority.

Mr. WALKER. Mr. Speaker, I would ask the gentleman, it would require further unanimous consent to do that?

Mr. FAZIO. It would require further request for unanimous consent, in concert with the minority.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

#### CLARIFYING REGULATORY OVERSIGHT EXERCISED BY RURAL ELECTRIFICATION ADMINISTRATION

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 3514) to clarify the regulatory oversight exercised by the Rural Electrification Administration with respect to certain electric borrowers.

The Clerk read the title of the resolution.

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

Mr. ROBERTS. Mr. Speaker, reserving the right to object, and I do not object, I yield to the distinguished chairman of the Committee on Agriculture to explain the bill.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, H.R. 3514 simply clarifies a provision in the Rural Electrification Loan Restructuring Act, which is now Public Law 103-129, which was recently signed into law.

We would clarify the regulatory authority of the REA, basically in the loan structure with respect to a borrower whose net worth exceeds 110 percent of the outstanding principal balance of all loans made or guaranteed by the REA.

The REA and the Department of Agriculture felt that the legislation was too broad, and this clarifies that. Basically, that is the intent and thrust of the bill.

Mr. Speaker, H.R. 3514 simply clarifies a provision in the Rural Electrification Loan Restructuring Act (Public Law 103-129) which was recently signed into law.

Under H.R. 3514, we would clarify the regulatory authority the Rural Electrification Administration is to exercise with respect to a borrower whose net worth exceeds 110 percent of the outstanding principal balance of all loans made or guaranteed to the borrower by REA.

H.R. 3514 would amend section 306E of the recently signed REA lending law. This provision seeks to ensure the elimination of unnecessary and burdensome requirements and controls imposed on those REA borrowers whose net worth exceeds 110 percent.

Since enactment of the legislation, the Department of Agriculture has brought to our attention its concern that section 306E is overly broad. The committee, after consultation with the administration, agreed upon the bill we now have before us to clarify section 306E. The bill amends section 306E of the Rural Electrification Act of 1936 to make it clear that REA is to minimize the regulations imposed on any REA borrower whose net worth exceeds 110 percent of the borrower's outstanding loan balance; and the Administrator of

REA is to ensure that the security for any loan made or guaranteed by REA is adequate.

H.R. 3514 further states that nothing in the new proposed section 306E limits the authority of the REA Administrator to establish terms and conditions with respect to the use by borrowers of the proceeds of loans made or guaranteed by REA or to take any other action authorized by law.

Mr. Speaker, H.R. 3514 will ensure that REA has the authority it needs to protect the public interest. This bill was reported out by voice vote of the Committee on Agriculture. H.R. 3514 also has the support of the administration and the National Rural Electric Cooperative Association, the organization that represents REA borrowers. I urge passage of the bill.

Mr. ROBERTS. Mr. Speaker, I thank the chairman for his explanation, and withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3514

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

**SECTION 1. ADMINISTRATIVE PROHIBITIONS APPLICABLE TO CERTAIN ELECTRIC BORROWERS.**

Section 306E of the Rural Electrification Act of 1936 is amended to read as follows:

**\*SEC. 306E. ADMINISTRATIVE PROHIBITIONS APPLICABLE TO CERTAIN ELECTRIC BORROWERS.**

“(a) **IN GENERAL.**—For the purpose of relieving borrowers of unnecessary and burdensome requirements, the Administrator, guided by the practices of private lenders with respect to similar credit risks, shall issue regulations, applicable to any electric borrower under this Act whose net worth exceeds 100 percent of the outstanding principal balance on all loans made or guaranteed to the borrower by the Administrator, to minimize those approval rights, requirements, restrictions, and prohibitions that the Administrator otherwise may establish with respect to the operations of such a borrower.

“(b) **SUBORDINATION OR SHARING OF LIENS.**—At the request of a private lender providing financing to such a borrower for a capital investment, the Administrator shall, expeditiously, either offer to share the government's lien on the borrower's system or offer to subordinate the government's lien on that property financed by the private lender.

“(c) **ISSUANCE OF REGULATIONS.**—In issuing regulations implementing this section, the Administrator may establish requirements, guided by the practices of private lenders, to ensure that the security for any loan made or guaranteed under this Act is reasonably adequate.

“(d) **AUTHORITY OF THE ADMINISTRATOR.**—Nothing in this section limits the authority of the Administrator to establish terms and conditions with respect to the use by borrowers of the proceeds of loans made or guaranteed under this Act or to take any other action specifically authorized by law.”

**SEC. 2. ISSUANCE OF REGULATIONS.**

The Administrator of the Rural Electrification Administration shall issue interim final regulations implementing this Act not later than 180 days after enactment.

If the regulations are not issued within such period of time, the Administrator may not, until the Administrator issues such regulations, require prior approval of, establish any requirement, restriction, or prohibition, with respect to the operations of any electric borrower under the Rural Electrification Act of 1936 whose net worth exceeds 100 percent of the outstanding principal balance on all loans made or guaranteed to the borrower by the Administrator.

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.

**CONFERENCE REPORT ON H.R. 1268, INDIAN TRIBAL JUSTICE ACT**

Mr. MILLER of California submitted the following conference report and statement on the bill (H.R. 1268) to assist the development of tribal judicial systems, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-383)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1268) to assist the development of tribal judicial systems, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Indian Tribal Justice Act”.*

**SEC. 2. FINDINGS.**

*The Congress finds and declares that—*

(1) *there is a government-to-government relationship between the United States and each Indian tribe;*

(2) *the United States has a trust responsibility to each tribal government that includes the protection of the sovereignty of each tribal government;*

(3) *Congress, through statutes, treaties, and the exercise of administrative authorities, has recognized the self-determination, self-reliance, and inherent sovereignty of Indian tribes;*

(4) *Indian tribes possess the inherent authority to establish their own form of government, including tribal justice systems;*

(5) *tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health and safety and the political integrity of tribal governments;*

(6) *Congress and the Federal courts have repeatedly recognized tribal justice systems as the appropriate forums for the adjudication of disputes affecting personal and property rights;*

(7) *traditional tribal justice practices are essential to the maintenance of the culture and identity of Indian tribes and to the goals of this Act;*

(8) *tribal justice systems are inadequately funded, and the lack of adequate funding impairs their operation; and*

(9) *tribal government involvement in and commitment to improving tribal justice systems is essential to the accomplishment of the goals of this Act.*

**SEC. 3. DEFINITIONS.**

*For purposes of this Act:*

(1) *The term “Bureau” means the Bureau of Indian Affairs of the Department of the Interior.*

(2) *The term “Courts of Indian Offenses” means the courts established pursuant to part 11 of title 25, Code of Federal Regulations.*

(3) *The term “Indian tribe” means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity, which administers justice under its inherent authority or the authority of the United States and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.*

(4) *The term “judicial personnel” means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal justice system.*

(5) *The term “Office” means the Office of Tribal Justice Support within the Bureau of Indian Affairs.*

(6) *The term “Secretary” means the Secretary of the Interior.*

(7) *The term “tribal organization” means any organization defined in section 4(l) of the Indian Self-Determination and Education Assistance Act.*

(8) *The term “tribal justice system” means the entire judicial branch, and employees thereof, of an Indian tribe, including (but not limited to) traditional methods and forums for dispute resolution, lower courts, appellate courts (including intertribal appellate courts), alternative dispute resolution systems, and circuit rider systems, established by inherent tribal authority whether or not they constitute a court of record.*

**TITLE I—TRIBAL JUSTICE SYSTEMS**

**SEC. 101. OFFICE OF TRIBAL JUSTICE SUPPORT.**

(a) **ESTABLISHMENT.**—*There is hereby established within the Bureau the Office of Tribal Justice Support. The purpose of the Office shall be to further the development, operation, and enhancement of tribal justice systems and Courts of Indian Offenses.*

(b) **TRANSFER OF EXISTING FUNCTIONS AND PERSONNEL.**—*All functions performed before the date of the enactment of this Act by the Branch of Judicial Services of the Bureau and all personnel assigned to such Branch as of the date of the enactment of this Act are hereby transferred to the Office of Tribal Justice Support. Any reference in any law, regulation, executive order, reorganization plan, or delegation of authority to the Branch of Judicial Services is deemed to be a reference to the Office of Tribal Justice Support.*

(c) **FUNCTIONS.**—*In addition to the functions transferred to the Office pursuant to subsection (b), the Office shall perform the following functions:*

(1) *Provide funds to Indian tribes and tribal organizations for the development, enhancement, and continuing operation of tribal justice systems.*

(2) *Provide technical assistance and training, including programs of continuing education and training for personnel of Courts of Indian Offenses.*

(3) *Study and conduct research concerning the operation of tribal justice systems.*

(4) *Promote cooperation and coordination among tribal justice systems and the Federal and State judiciary systems.*

(5) *Oversee the continuing operations of the Courts of Indian Offenses.*

(6) *Provide funds to Indian tribes and tribal organizations for the continuation and enhancement of traditional tribal judicial practices.*

(d) **NO IMPOSITION OF STANDARDS.**—*Nothing in this Act shall be deemed or construed to authorize the Office to impose justice standards on Indian tribes.*

(e) **ASSISTANCE TO TRIBES.**—(1) *The Office shall provide technical assistance and training*

to any Indian tribe or tribal organization upon request. Technical assistance and training shall include (but not be limited to) assistance for the development of—

- (A) tribal codes and rules of procedure;
- (B) tribal court administrative procedures and court records management systems;
- (C) methods of reducing case delays;
- (D) methods of alternative dispute resolution;
- (E) tribal standards for judicial administration and conduct; and
- (F) long-range plans for the enhancement of tribal justice systems.

(2) Technical assistance and training provided pursuant to paragraph (1) may be provided through direct services, by contract with independent entities, or through grants to Indian tribes or tribal organizations.

(f) **INFORMATION CLEARINGHOUSE ON TRIBAL JUSTICE SYSTEMS.**—The Office shall maintain an information clearinghouse (which shall include an electronic data base) on tribal justice systems and Courts of Indian Offenses, including (but not limited to) information on staffing, funding, model tribal codes, tribal justice activities, and tribal judicial decisions. The Office shall take such actions as may be necessary to ensure the confidentiality of records and other matters involving privacy rights.

#### SEC. 102. SURVEY OF TRIBAL JUDICIAL SYSTEMS.

(a) **IN GENERAL.**—Not later than six months after the date of the enactment of this Act, the Secretary, in consultation with Indian tribes, shall enter into a contract with a non-Federal entity to conduct a survey of conditions of tribal justice systems and Courts of Indian Offenses to determine the resources and funding, including base support funding, needed to provide for expeditious and effective administration of justice. The Secretary, in like manner, shall annually update the information and findings contained in the survey required under this section.

(b) **LOCAL CONDITIONS.**—In the course of any annual survey, the non-Federal entity shall document local conditions of each Indian tribe, including, but not limited to—

- (1) the geographic area and population to be served;
- (2) the levels of functioning and capacity of the tribal justice system;
- (3) the volume and complexity of the case-loads;
- (4) the facilities, including detention facilities, and program resources available;
- (5) funding levels and personnel staffing requirements for the tribal justice system; and
- (6) the training and technical assistance needs of the tribal justice system.

(c) **CONSULTATION WITH INDIAN TRIBES.**—The non-Federal entity shall actively consult with Indian tribes and tribal organizations in the development and conduct of the surveys, including updates thereof, under this section. Indian tribes and tribal organizations shall have the opportunity to review and make recommendations regarding the findings of the survey, including updates thereof, prior to final publication of the survey or any update thereof. After Indian tribes and tribal organizations have reviewed and commented on the results of the survey, or any update thereof, the non-Federal entity shall report its findings, together with the comments and recommendations of the Indian tribes and tribal organizations, to the Secretary, the Committee on Indian Affairs of the Senate, and the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives.

#### SEC. 103. BASE SUPPORT FUNDING FOR TRIBAL JUSTICE SYSTEMS.

(a) **IN GENERAL.**—Pursuant to the Indian Self-Determination and Education Assistance Act, the Secretary is authorized (to the extent provided in advance in appropriations Acts) to

enter into contracts, grants, or agreements with Indian tribes for the performance of any function of the Office and for the development, enhancement, and continuing operation of tribal justice systems and traditional tribal judicial practices by Indian tribal governments.

(b) **PURPOSES FOR WHICH FINANCIAL ASSISTANCE MAY BE USED.**—Financial assistance provided through contracts, grants, or agreements entered into pursuant to this section may be used for—

- (1) planning for the development, enhancement, and operation of tribal justice systems;
- (2) the employment of judicial personnel;
- (3) training programs and continuing education for tribal judicial personnel;
- (4) the acquisition, development, and maintenance of a law library and computer assisted legal research capacities;
- (5) the development, revision, and publication of tribal codes, rules of practice, rules of procedure, and standards of judicial performance and conduct;
- (6) the development and operation of records management systems;
- (7) the construction or renovation of facilities for tribal justice systems;
- (8) membership and related expenses for participation in national and regional organizations of tribal justice systems and other professional organizations; and
- (9) the development and operation of other innovative and culturally relevant programs and projects, including (but not limited to) programs and projects for—

- (A) alternative dispute resolution;
- (B) tribal victims assistance or victims services;
- (C) tribal probation services or diversion programs;
- (D) juvenile services and multidisciplinary investigations of child abuse; and
- (E) traditional tribal judicial practices, traditional tribal justice systems, and traditional methods of dispute resolution.

(c) **FORMULA.**—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary, with the full participation of Indian tribes, shall establish and promulgate by regulation, a formula which establishes base support funding for tribal justice systems in carrying out this section.

(2) The Secretary shall assess caseload and staffing needs for tribal justice systems that take into account unique geographic and demographic conditions. In the assessment of these needs, the Secretary shall work cooperatively with Indian tribes and tribal organizations and shall refer to any data developed as a result of the surveys conducted pursuant to section 102 and to relevant assessment standards developed by the Judicial Conference of the United States, the National Center for State Courts, the American Bar Association, and appropriate State bar associations.

(3) Factors to be considered in the development of the base support funding formula shall include, but are not limited to—

- (A) the caseload and staffing needs identified under paragraph (2);
- (B) the geographic area and population to be served;
- (C) the volume and complexity of the case-loads;
- (D) the projected number of cases per month;
- (E) the projected number of persons receiving probation services or participating in diversion programs; and
- (F) any special circumstances warranting additional financial assistance.

(4) In developing and administering the formula for base support funding for the tribal justice systems under this section, the Secretary shall ensure equitable distribution of funds.

#### SEC. 104. TRIBAL JUDICIAL CONFERENCES.

The Secretary is authorized to provide funds to tribal judicial conferences, under section 101 of this Act, pursuant to contracts entered into under the authority of the Indian Self-Determination and Education Assistance Act for the development, enhancement, and continuing operation of tribal justice systems of Indian tribes which are members of such conference. Funds provided under this section may be used for—

- (1) the employment of judges, magistrates, court counselors, court clerks, court administrators, bailiffs, probation officers, officers of the court, or dispute resolution facilitators;
- (2) the development, revision, and publication of tribal codes, rules of practice, rules of procedure, and standards of judicial performance and conduct;
- (3) the acquisition, development, and maintenance of a law library and computer assisted legal research capacities;
- (4) training programs and continuing education for tribal judicial personnel;
- (5) the development and operation of records management systems;
- (6) planning for the development, enhancement, and operation of tribal justice systems; and
- (7) the development and operation of other innovative and culturally relevant programs and projects, including (but not limited to) programs and projects for—

- (A) alternative dispute resolution;
- (B) tribal victims assistance or victims services;
- (C) tribal probation services or diversion programs;
- (D) juvenile services and multidisciplinary investigations of child abuse; and
- (E) traditional tribal judicial practices, traditional justice systems, and traditional methods of dispute resolution.

#### TITLE II—AUTHORIZATIONS OF APPROPRIATIONS

##### SEC. 201. TRIBAL JUSTICE SYSTEMS.

(a) **OFFICE.**—There is authorized to be appropriated to carry out the provisions of sections 101 and 102 of this Act, \$7,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000. None of the funds provided under this subsection may be used for the administrative expenses of the Office.

(b) **BASE SUPPORT FUNDING FOR TRIBAL JUSTICE SYSTEMS.**—There is authorized to be appropriated to carry out the provisions of section 103 of this Act, \$50,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(c) **ADMINISTRATIVE EXPENSES FOR OFFICE.**—There is authorized to be appropriated, for the administrative expenses of the Office, \$500,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(d) **ADMINISTRATIVE EXPENSES FOR TRIBAL JUDICIAL CONFERENCES.**—There is authorized to be appropriated, for the administrative expenses of tribal judicial conferences, \$500,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(e) **SURVEY.**—For carrying out the survey under section 102, there is authorized to be appropriated, in addition to the amount authorized under subsection (a) of this section, \$400,000.

(f) **INDIAN PRIORITY SYSTEM.**—Funds appropriated pursuant to the authorizations provided by this section and available for a tribal justice system shall not be subject to the Indian priority system. Nothing in this Act shall preclude a tribal government from supplementing any funds received under this Act with funds received from any other source including the Bureau or any other Federal agency.

(g) **ALLOCATION OF FUNDS.**—In allocating funds appropriated pursuant to the authorization contained in subsection (a) among the Bureau, Office, tribal governments and Courts of

Indian Offenses, the Secretary shall take such actions as may be necessary to ensure that such allocation is carried out in a manner that is fair and equitable to all tribal governments and is proportionate to base support funding under section 103 received by the Bureau, Office, tribal governments, and Courts of Indian Offenses.

(h) **NO OFFSET.**—No Federal agency shall offset funds made available pursuant to this Act for tribal justice systems against other funds otherwise available for use in connection with tribal justice systems.

### TITLE III—DISCLAIMERS

#### SEC. 301. TRIBAL AUTHORITY.

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal justice system within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the appointment of authority within the tribal government;

(4) alter in any way any tribal traditional dispute resolution forum;

(5) imply that any tribal justice system is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems of such governments.

And the Senate agree to the same.

GEORGE MILLER,  
BILL RICHARDSON,  
CRAIG THOMAS,

*Managers on the Part of the House.*

DANIEL K. INOUE,  
PAUL SIMON,  
DANIEL K. AKAKA,  
PAUL WELLSTONE,  
BYRON L. DORGAN,  
BEN NIGHTHORSE  
CAMPBELL,  
JOHN MCCAIN,  
FRANK H. MURKOWSKI,  
THAD COCHRAN,  
PETE V. DOMENICI,  
NANCY LANDON  
KASSEBAUM,

*Managers on the Part of the Senate.*

#### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1268) to assist the development of tribal judicial systems, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

There are two principle differences between the House bill and the Senate amendment. The first difference concerns the es-

tablishment of and funding for tribal judicial conferences. The Senate amendment includes a provision which authorizes tribal judicial conferences to contract for funding under the Indian Self-Determination Act to perform any function of the Office of Tribal Judicial Support, except for the administration of base support funding. The House bill does not include similar provisions for tribal judicial conferences. The House Subcommittee on Native American Affairs receive testimony from tribal court judges who opposed similar provisions in H.R. 1268 as introduced. Concerns were also expressed regarding the authority of tribal judicial conferences under the bill. However, communications with tribal judges since the measure passed the House indicate support for some form of tribal judicial conferences. Consequently, the Conference substitute authorizes tribal judicial conferences to receive funds under this Act pursuant to the Indian Self-Determination Act. The substitute specifically states the types of activities which can be performed by tribal judicial conferences under this Act. The provisions of the Substitute address the concerns raised in the House Subcommittee on Native American Affairs and is consistent with the intent of the Senate amendment.

The second principle difference between the House bill and the Senate amendment is Title IV of the Senate amendment which authorizes a study of Federal court review of tribal court decisions and tribal court enforcement of the Indian Civil Rights Act (25 U.S.C. 1301-1341). This study provision is widely opposed by Indian tribes and is contrary to the recommendations of the United States Commission on Civil Rights.

The differences between the text of the House bill, the Senate amendment thereto, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

#### SECTION 1. SHORT TITLE

##### House bill

Section 1 provides that this legislation may be cited as the "Indian Tribal Justice Act."

##### Senate amendment

The Senate amendment provides that this legislation may be cited as the "Indian Tribal Justice Systems Act".

##### Conference agreement

Same as House bill.

#### SECTION 2. FINDINGS

The House bill (H.R. 1268), the Senate amendment, and the Conference substitute set forth identical findings of the Congress.

#### SECTION 3. DEFINITIONS

The House bill, the Senate amendment, and the conference agreement set forth identical definitions for the terms "Bureau", "Courts of Indian Offenses", "Indian Tribe", "judicial personnel", "Office", "Secretary", "tribal organization", and "tribal justice system".

#### TITLE I—TRIBAL JUSTICE SYSTEMS

##### SECTION 101. OFFICE OF TRIBAL JUSTICE SUPPORT

##### House bill

The House bill authorizes the Office of Tribal Justice Support to provide funds to Indian tribes and tribal organizations for the "continuation and enhancement of traditional tribal judicial practices", but is otherwise identical to the Senate amendment.

##### Senate amendment

The Senate amendment does not separately authorize assistance for traditional tribal judicial practices, but is otherwise identical to the House bill.

##### Conference agreement

The conferees agree to the language of the House bill because it is consistent with the intent of the Senate amendment.

##### SECTION 102. SURVEY OF TRIBAL JUDICIAL SYSTEM

##### House bill

The House bill does not provide a time certain by which the Secretary must notify the Congress of the results of the initial survey or the annual updates, but it is otherwise identical to the Senate amendment.

##### Senate amendment

The Senate amendment is identical to the House bill except that it requires the Secretary to file the results of the initial survey and any annual update with the Congress within twelve months of the date on which a contract is executed for the conduct of the survey.

##### Conference agreement

The conferees agree to the language of the House bill because it clearly provides for an annual needs survey, the results of which must be filed with the Congress. The survey is intended to provide the Congress with reliable data on which to assess the continuing funding needs of tribal judicial systems. A key component of every annual survey will be the required consultation with Indian tribes and tribal organizations. The conferees want to make sure that such consultation is not hampered by an arbitrary time constraint. At the same time, it is the intention of the conferees that the annual survey results be provided to the Congress at such times as are consistent with legislative decisions relating to annual appropriations levels.

##### SECTION 103. BASE SUPPORT FUNDING FOR TRIBAL JUSTICE SYSTEMS

##### House bill

The House bill provides that the Secretary is authorized, to the extent provided in advance in appropriations acts, to enter into grants or contracts with Indian tribes or tribal organizations under the Indian Self-Determination and Education Assistance Act for the performance of any function of the Office of Tribal Justice Support and for the development and operation of tribal justice systems.

##### Senate amendment

The Senate amendment does not expressly authorize the Secretary to enter into Self-Determination grants or contracts with tribes or tribal organizations to perform the functions of the Office of Tribal Justice Support nor does it condition the Secretary's authority on the availability of appropriations. In all other respects the Senate amendment is identical to the House bill.

##### Conference agreement

The conferees agree to the provisions of the House bill because they conform to the intent of the Senate amendment and serve to make that intent explicit.

##### SECTION 104. TRIBAL JUDICIAL CONFERENCES

##### House bill

No provision.

##### Senate amendment

The Senate amendment provides that when two or more governing bodies of Indian tribes establish a judicial conference, the

conference shall be considered a tribal organization eligible to enter into Self-Determination contracts for funds to perform the duties of the Office of Tribal Justice Support, except for the administration of base support funding.

#### Conference agreement

The conferees have agreed to provisions which are substantially the same as those in the Senate amendment, with the exception that the substitute states with particularity those activities which may be undertaken by tribal judicial conferences pursuant to a contract with the Secretary under the Indian Self-Determination and Education Assistance Act.

#### STUDY OF TRIBAL/FEDERAL COURT REVIEW

##### House bill

No provision.

##### Senate amendment

Title IV of the Senate amendment requires a comprehensive study of the treatment by tribal justice systems of matters arising under the Indian Civil Rights Act and other Federal laws subject to enforcement in tribal justice systems. The study is to be conducted by an eight member panel composed of four representatives of tribal governments and four judges of the Federal Courts of Appeal.

#### Conference agreement

The Conferees agree that the provisions of Title IV of the Senate amendment should not be adopted. The study authorized under this title is strongly opposed by Indian tribes throughout the country. In addition, this study duplicates the work of the United States Commission on Civil Rights and is contrary to the Commission's findings. The United States Commission on Civil Rights conducted many hearings over a five year period which focused on the enforcement of the Indian Civil Rights Act by tribal courts. After five years of study the Commission concluded:

"Although the Commission received testimony from several witnesses who supported Federal court review of ICRA claims, most of them indicated that amending the statute to provide for such review should be a means of last resort. The Commission believes that respect for tribal sovereignty requires that prior to considering such an imposition, Congress should afford tribal forums the opportunity to operate with adequate resources, training, funding, and guidance, something that they have lacked since the inception of the ICRA.

"With a renewed commitment by Congress to provide adequate funding, training, and resources to tribal governments such that their judicial systems might achieve the respect that is due them, as well as congressional support for the recognition of tribal court judgments by state courts and authorities, the Commission hopes that the current trend towards the narrowing of tribal jurisdiction will be reversed, and that, instead, the future will become one of promise and greater respect for tribal sovereignty and authority." "The Indian Civil Rights Act," A Report of the United States Commission on Civil Rights, June 1991, p. 74.

The Congress has not provided adequate resources, training, funding and guidance to Indian tribes for the development and enhancement of tribal justice systems. The Conferees agree that Indian tribes must be given an opportunity to develop tribal justice systems with adequate funding, support and statutory authority. The Conferees believe that the provisions of the Conference

substitute will provide the appropriate statutory framework and the badly needed financial and technical resources for the continued development and enhancement of tribal justice systems. It is the decision of the Conferees that the provisions of Title IV of the Senate amendment are not timely. Prior to any examination of the possibility of Federal court review of tribal court decisions, the Congress must first provide adequate resources, training and funding to Indian tribes for the further enhancement of tribal justice systems.

The Conferees recognize the long standing principle that Indian tribes retain all sovereign authority not expressly divested by the Congress. This principle was articulated by the Supreme Court in *Iowa Mutual Ins. Co. v. La Plante*, 480 U.S. 9 (1987). The Supreme Court recognized that civil jurisdiction on an Indian reservation "presumptively lies in tribal court, unless affirmatively limited by a specific treaty provision or federal statute." 480 U.S. 9 (1987) at 18. The Conferees note that even in mandatory Public Law 83-280 states, Indian tribes still retain concurrent civil and criminal adjudicatory jurisdiction. The Conferees are concerned that prior policies may have precluded certain Indian tribes located in Public Law 83-280 states from receiving assistance for the development and operation of tribal justice systems. The Conferees direct the Bureau of Indian Affairs to provide financial and technical assistance to any eligible Indian tribe for the development, operation and enhancement of tribal justice systems.

#### TITLE II—AUTHORIZATION OF APPROPRIATIONS SECTION 201. TRIBAL JUSTICE SYSTEMS

##### House bill

The House bill authorizes \$7 million for each fiscal year from 1994 through 2000 for technical assistance and training and \$50 million per year over the same period for base support funding to tribal judicial systems. Administrative expenses of the Office of Tribal Justice Support are authorized at \$500,000 per year from fiscal year 1994 through 2000. The sum of \$400,000 is authorized for the initial survey of needs of tribal judicial systems. Any funds appropriated pursuant to this section are not to be subjected to the Indian Priority System or offset against other funds otherwise available for use in connection with tribal justice systems. All funds appropriated pursuant to this section are to be allocated fairly and equitably by the Secretary among the Bureau, Office, tribal governments and Courts of Indian Offenses.

##### Senate amendment

The Senate amendment is identical to the House bill except that it includes authorizations for such sums as may be necessary to carry out the Tribal/Federal Review Study and \$500,000 per year for fiscal years 1994 through 2000 for the administrative expenses of the tribal judicial conferences. In addition, the Senate amendment authorizes \$400,000 for each of the six fiscal years to conduct the needs survey, rather than the one year provided in the House bill.

#### Conference agreement

The conference substitute adopts the provisions of the House bill with the addition of the provision from the Senate amendment which authorizes \$500,000 in each fiscal year for the administrative expenses of the tribal judicial conferences.

#### TITLE III—DISCLAIMERS

##### SECTION 301. TRIBAL AUTHORITY

The House bill, the Senate amendment and the Conference agreement provide that noth-

ing in the Act shall be construed to: diminish the authority of each tribal government to determine the nature of its own legal system, including the role of the justice system within the tribal government and the authority to appoint personnel within the government; alter any traditional tribal dispute resolution mechanism; imply that a tribal justice system is an instrumentality of the United States; or diminish the trust responsibility of the United States to Indian tribal governments and justice systems.

GEORGE MILLER,  
BILL RICHARDSON,  
CRAIG THOMAS,

#### Managers on the Part of the House.

DANIEL K. INOUE,  
PAUL SIMON,  
DANIEL K. AKAKA,  
PAUL WELLSTONE,  
BYRON L. DORGAN,  
BEN NIGHTHORSE  
CAMPBELL,  
JOHN MCCAIN,  
FRANK H. MURKOWSKI,  
THAD COCHRAN,  
PETE V. DOMENICI,  
NANCY LANDON  
KASSEBAUM,

#### Managers on the Part of the Senate.

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that it be in order to immediately consider the conference report on the bill (H.R. 1268) to assist the development of tribal judicial systems, and for other purposes, and that it be considered as read.

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

There was no objection.

Mr. MILLER of California. Mr. Speaker, we have before us a bill and conference report representing the culmination of 6 years of work between the committees of the House and Senate. Over the last two Congresses, both the House and Senate have passed versions of legislation designed to support the development and enhancement of tribal justice systems. We have finally reached agreement with the Senate on substantive legislation to provide funds to Indian tribes for the development, enhancement, and continuing operation of tribal judicial systems. This legislation will provide badly needed resources to Indian tribes to improve the administration of tribal courts and provide for the fair dispensation of justice in Indian country.

This legislation has the overwhelming support of Indian country and the support of the administration. It also is consistent with the recommendations of the U.S. Commission on Civil Rights. The U.S. Commission on Civil Rights after 5 years of exhaustive hearings on tribal courts and the Indian Civil Rights Act found that for 20 years the Federal Government has failed to provide adequate resources for the operation of tribal justice systems. The Commission expressed its strong support for legislation to authorize spending for tribal courts in amounts equal to that of an equivalent State court and provides for the equitable distribution of funds based on objective criteria.

This compromise reflects the strong recommendations of the U.S. Commission of Civil

Rights and the wishes of Indian country. I believe this bill and conference report represent a fair and reasonable compromise and I urge my colleagues to support it.

The conference report was agreed to. A motion to reconsider was laid on the table.

#### EXPRESSING APPRECIATION TO W. GRAHAM CLAYTOR, JR.

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the joint resolution (H.J. Res. 294) to express appreciation to W. Graham Claytor, Jr., for a lifetime of dedicated and inspired service to the Nation, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, while I will not object, I take this reservation for the purpose of asking the gentleman from Washington [Mr. SWIFT] to explain what is in this bill.

Mr. SWIFT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think in my service here, one of the great men, one of the great personages that I have had the opportunity to serve with, was not in the Congress, but in fact was somebody I worked with in the administration, W. Graham Claytor, Jr. He has announced his retirement at age 81 as president of the National Railroad Passenger Corporation, better known as Amtrak. I am privileged to chair the subcommittee with jurisdiction over Amtrak, and I have served, as has the gentleman from California [Mr. MOORHEAD], as the ranking Republican on the full Committee on Energy and Commerce, with him, as president and chairman of the board of Amtrak since 1982.

What is interesting about this man, who is now retiring at age 81, is that what we just said about him caps the career, but does not even begin to discuss the breadth and the scope of his career.

It has included service in the U.S. Navy. It has included a brilliant legal career. It has included leadership of one of the Nation's largest private railroads, service as Secretary of the Navy, as Acting Secretary of Transportation, as Deputy Defense Secretary, and, of course, stewardship of Amtrak.

While he was in the Navy, he is credited with having saved almost 100 survivors from a sinking heavy cruiser, the U.S.S. *Indianapolis*, which had been torpedoed in shark-infested waters in the Pacific, by decisively changing the course of his ship. He did receive orders to do that several hours later.

I think this is a man whose service to this country in so many capacities, in

both the public and the private sector, is a model for so many of us who provide public service, and I am enormously pleased tonight to bring this joint resolution recognizing his years of service to the floor.

Mr. Speaker, I thank the gentleman very much for yielding on his reservation.

Mr. MOORHEAD. Mr. Speaker, continuing my reservation of objection, I strongly support the request of the gentleman from Washington. This resolution honors Graham Claytor for his long and distinguished service at the head of Amtrak. It is primarily his achievement that Amtrak is so much closer to self-sufficiency today and requires far less direct Federal support than when he took over in 1982. Those of us on the Energy and Commerce Committee have worked closely with Graham Claytor on numerous occasions, and we have seen first hand that he is bright, able, and totally trustworthy and honorable in his dealings with the Congress. We commend him for his outstanding service as president of Amtrak.

But Amtrak is only Mr. Claytor's most recent career. Before that, he was among other things, law clerk to Learned Hand and Louis Brandeis, a partner in the Washington law firm of Covington & Burling, the highly decorated skipper of a Navy destroyer that led the rescue of survivors from the torpedoing of the cruiser U.S.S. *Indianapolis* in shark-infested Pacific waters, president of Southern Railway, and Secretary of the Navy. Few Americans have achieved so much in either the public or private sector, much less both. We honor Graham for his years of faithful service to the United States in many capacities, and we wish him well on his retirement.

Mr. DINGELL. Mr. Speaker, the resolution we are calling up today expresses appreciation to a dear personal friend of mine who has announced his retirement at the age of 81 from the National Railroad Passenger Corporation, better known as Amtrak. W. Graham Claytor, Jr., has served ably and well as president and chairman of the board since 1982 after a long and successful career.

Graham Claytor has provided remarkable, inspired, and even heroic service to the Nation during a career that has included service in the U.S. Navy, a brilliant legal career, leadership of one of the Nation's largest private railroads, service as Secretary of the Navy, Acting Secretary of Transportation, and Deputy Secretary of Defense.

There wouldn't be a national passenger rail system today if it weren't for Graham. He understands railroads and is directly responsible for the dramatic improvement in the economics, quality, and marketability of rail passenger service that has occurred over the last decade. Through his vision of leadership Graham is personally responsible for having enabled Amtrak and Congress to withstand zealous attempts to eliminate the Nation's rail passenger system. We will miss his dedication and superb service to this Nation.

Mr. Speaker, I urge you and my House colleagues to join in support of this joint resolution.

Mr. MOORHEAD. Mr. Speaker, I will withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

#### H.J. RES. 294

Whereas W. Graham Claytor, Jr., has announced his retirement at age 81 from the National Railroad Passenger Corporation, better known as Amtrak, where he has served as President and Chairman of the Board since 1982;

Whereas W. Graham Claytor, Jr., has provided remarkable, energetic, inspired, and at times heroic service to the Nation during a career that has included service in the United States Navy, a brilliant legal career, leadership of one of the Nation's largest private railroads, service as Secretary of the Navy, Acting Secretary of Transportation, and Deputy Secretary of Defense, and stewardship of Amtrak during a period that witnessed the rebirth of the Nation's passenger rail system;

Whereas W. Graham Claytor, Jr., has brought to his work enormous intellectual and analytical skills developed at the University of Virginia, where he received his bachelor's degree in 1933, and Harvard Law School, where he graduated in 1936 summa cum laude and as President of the Harvard Law Review;

Whereas W. Graham Claytor, Jr., worked as a law clerk for two of the finest and most brilliant jurists in this nation's history, Judge Learned Hand of the United States Court of Appeals for the Second District in 1936-1937, and Supreme Court Justice Louis D. Brandeis in 1937-1938, and later as an associate and partner at the law firm of Covington & Burling;

Whereas W. Graham Claytor, Jr., served his Nation during World War II, advancing in the United States Navy from ensign to lieutenant commander, and held commands of the U.S.S. SC-516, the U.S.S. Lee Fox, and the U.S.S. Cecil J. Doyle;

Whereas W. Graham Claytor, Jr., is credited with having saved almost 100 survivors of the sinking heavy cruiser U.S.S. *Indianapolis*, which had been torpedoed in shark-infested waters in the Pacific, by decisively changing the course of his ship, the U.S.S. Doyle, to rescue the survivors hours before receiving orders to take part in the rescue;

Whereas W. Graham Claytor, Jr., retired in 1977 as Chairman and Chief Executive Officer of Southern Railways, where he also had served as Vice President of Law and President, and was responsible for revamping the corporation's management style, planning, and long-term focus, and for making the railroad one of the largest and most successful in the Nation;

Whereas W. Graham Claytor, Jr., brought his experience as a decisive Naval officer and premier corporate manager to bear on the challenge of shaping a strong, versatile, modern Navy through his appointment by President Jimmy Carter and confirmation by the Senate in 1977 as Secretary of the Navy, and on the challenge of providing for a strong defense within mounting budgetary constraints in 1979 as Deputy Secretary of Defense, as well as serving as Acting Secretary of Transportation;

Whereas W. Graham Claytor, Jr., was appointed President and Chairman of the Board

of Amtrak in 1982 at the age of 71, and is directly responsible for the dramatic improvement in the economics, quality, and marketability of rail passenger service that has occurred over the last decade, and in the resurgence of demand for Amtrak service as a means of addressing growing highway and airport congestion across the Nation;

Whereas the vision of leadership of W. Graham Claytor, Jr., is responsible for having enabled Amtrak and Congress to withstand zealous attempts to eliminate the Nation's rail passenger system by demanding of his corporation that Amtrak operate as a private business with strict attention to the bottom line and to improvements in efficiency and quality of service, and by engineering a substantial reduction in the corporation's revenue-to-cost ratio and in level of Federal support required to operate the system;

Whereas W. Graham Claytor, Jr., has positioned Amtrak to be the Nation's leader in the development of high-speed rail for the next century and has overseen development of the Northeast Corridor as the Nation's premier rail passenger line and a model for high-speed operations across the country; and

Whereas the retirement of W. Graham Claytor, Jr., will mean the loss of one of the Nation's most knowledgeable, inspiring, and persuasive voices in government service and of a close, personal friend to many in Congress, the Government, and business: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress recognizes the critical role of Amtrak in the Nation's transportation system, and that the Nation profoundly thanks W. Graham Claytor, Jr., for a lifetime of dedication and superb service to this Nation, for his willingness to assume major new public challenges at a time when his peers had long ago retired, for his ability to profoundly change the course of events, from the lives of the sailors of the U.S.S. Indianapolis to the preservation of national rail passenger service, and for his brilliant stewardship of Amtrak over the past decade.

The joint resolution 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.

#### GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on House Joint Resolution 294, the joint resolution just passed.

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

There was no objection.

#### SUNDRY DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United

States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

*To the Congress of the United States:*

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report four new and two revised deferrals of budget authority, totaling \$7.8 billion.

These deferrals affect International Security Assistance programs as well as programs of the Agency for International Development, the Department of State, and the General Services Administration. The details of these deferrals are contained in the attached report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, November 19, 1993.

□ 1100

#### THE ARAB BOYCOTT OF ISRAEL

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

Mrs. UNSOELD. Mr. Speaker, prospects for peace in the Middle East are greater today than at any other time in living memory. Israel is holding meaningful talks with her neighbors, and Jews and Palestinians are working toward a mutual understanding.

That is why the continuation of the Arab boycott of Israel is so unfortunate. It was outrageous even in an era of open conflict. Today, it is an impediment to the reconciliation all sides are working to achieve.

Many Americans do not know that this Arab boycott is aimed directly at us. United States companies that do business with Israel are put on an Arab blacklist and are not allowed to sell products or operate in Arab States.

A long list of American businesses have chosen to disregard the threat, and as a result they have been blacklisted. I would like to insert into the RECORD a list of many of these companies.

The boycott is not in the spirit of the times. I urge my colleagues to join with President Clinton and send a message that the Arab States must end this ugly instrument of confrontation.

#### AMERICAN COMPANIES BOYCOTTED BY THE ARAB LEAGUE

Accent Intl. Inc.—DE, Acme Servcs. & Containers—MI, AEL Industries Inc., Aetna Life and Casualty, Aerodynamics Industries Inc., Agfa Gavert—New York, Albi Enterprises Inc., Aldrich Chemical Co. Inc., All State, Ambrint Sugars Inc., Amerex Fire Intl. Inc., American Sys. Cope Maker Inc., American Elec. Laboratories—PA, American Express, American Motors Gnrl., American Motors Corp., American Products Company, American Tank Terminals, Inc., Amplica Inc.—California, April Music Inc.—Connecticut.

AGA-Alucrisse of America Inc., AGA Aluewiss Metal Inc., Alaska Packers Asso-

ciation, Apex-Automotive Warehouse, Aqua Chem Inc., Armstrong Machine Works, Arrow Inter-American Inc., AT&T, Atlantic Products—NJ, Atzmon Bros., Avia, Avon, Award, Baise Truck & Equipment, Banana Processors Inc., Barreto Peat Inc., Basco Division, Baxter Laboratories, Bell Laboratories, Bellows Gin, Bellows Vodka, Bell Telephone Laboratories, Berken Ellerman, Bio Lab Inc., Black Box, Blackword Music Inc.—CT.

B.L.D., Blue Flame Gas Corp.—DE, B&M Oil Inc., Briggs & Stratton Corp., Bulova Watch Company, Butler King, California Pretzel Co. Inc., Calpak Properties Inc., Calverpeat Inc., Carte Blanche, Cannon Group, C.B.S. Record Ltd.—NY.

C.B.S., C.B.S./EVR Inc.—NY, C.B.S. Holt Group, C.B.S. Films Inc.—CA, C&C Manufacturing, C.D.C., Certronics Data Computer, C. Gnrl. Corp., C. Gnrl. Intgrtd. Sys.—TX, Chanel Industries Gas Corp., C.H. Masland and Sons, Chapman Services Ltd., Chromelloy American Corp., Chrysler, Clayson Hrvstrs. Eqpmnt., Cluett Peabody and Co., Clupak Inc., Colgate Palmolive, Collins Pipeline Co., Colt Industries.

Colt Industries Operating, Compographic Corp., Comsat, Concept Industries, Concept Intl. Sales, Condec Corp., Connecticut Gnrl., Consolidated Aluminum, Consolidated Control Corp., Consolidated Diesel Elec., Contentinal Grain, Controls Corp., Conval Corp., Conval Intel. Ltd., Conval Ohio Inc., Convers Rubber Company, Cooper Lazer Sonics, Cooper Med. Corp.

Creative Playthings Inc., Crosley Intl. Inc., C. Telesystems Inc., Currier Smith Corp., C. World System Division, Data Intl. Corp., David Mikael Inc., Date Limited, Davol Industries, D.C.M. Trading Corp., De Lew Cather, Del Monte Corp., Dexter Corp., Direct Oil, Inc.—FL, Distribution Management, Distribution Systems, Dover, Doric Corp., Drukker, Dubledee Diamond Corp.

Du-Pont, Dwyer Instruments, East Tennessee Natural Gas, E.I. Dupont Nemours, Eltra Corp., Eltran, Emerald Trading Corp., Endico Potatoes Corp., Energy Products Holding Inc., Eschem, Ersh Inc.—NY, Esl Incorporated, Eamark Inc., Estech Inc., Estech Intl. Corp., Estech Investments Inc., Export Agencies Corp., Fairbanks, Fenchurch Risk Managers, Fidelity Mutual & Mutual Life.

Field & Co. Fruit Merchants Ltd., Field & Stream Pop. Gardening, Filbrelite Corp., Fisher Controls Co., Fisher Intl., Fisher Service, Fisher Mills, Ford Motors, Foster Grant Co. Inc., Gabriel Industry Inc., G.A.F. Corporation, Garland Industries, Garlock, G.D. Searle & Co., Gnrl. Electric Corp., Gnrl. Form Plastics Corp., Gnrl. Form Corp.—NY, Gnrl. Motors Overseas, Gnrl. Refractories Company, Gnrl. Telephone Electronics.

Genesco Inc., Gerber Products, Gilbey's Gin, Graphic Credit Corp., Granny Goose Foods Inc., Great Lakes Container Corp., Grefco Intl. Inc., Grove Intl., G.R.X. Export Corp., G.T.E. Intl. Inc., G.T.E. Credit Corp., G.T.E. Sylvania Inc., G.T.E. System Security Products, G.T.M. Dandy, Guinness Peat Aviation, Guit Company Inc., Gulf & Western Industries, Hammond Valve Corp.

Handiman Industries Inc., Hans Corp., Hartol Petroleum Corp., Harry Winston Inc., Heath Co.—MI, Helena Rubenstein Inc., Helene Curtis Inc., Henry C. Lytton & Co., Heritage Company of Houston, Hertz Corp., Heyden Newport Chemical Corp., Heward Robinson Co. Inc., H.F. Staiger Co. Inc., H.I.C. Inc., Hilton Hotels, H.M.W. Industries Inc., Holt Rinehart & Winston, Horizon Industries Inc., H.T. Gathering Co., Hughes Aircraft Systems.

I.B.M., I.D.A. Co., Idaho Falls Trunk & Equipmt., I.M.I. U.S.A. Co., Inta Lite Co., Intl. Finance, Intl. Hydron, Intl. Laboratories, Intl. Maritime Industries, Intl. Minerals & Chemical, Intl. Paper Co., Intl. Playtex Co., Intl. Sales Co., Iridium, J.B. Williams Corp., J.T. Case Co., Johnson Controls Inc., J. Schaeeneman Inc., Kaiser Jeep Corp., Kazser Roth, K.D.I., Kem Intl.

Kentro Inc., Kern Inc., Kern County Land Co., Keystone American Corp., Keystone Camera Corp., Keystone Lighting Corp., Kid California Inc., Kid Texas Inc., Lane, Langford Service Systems, Levi Strauss, Lewis Elec. Instrumentation, Lewis Investments Inc., Lewis Le Peat Inc.—IL, Lewis Metals Inc., Lewis Pharmaceuticals Inc.

Lewis Trading Inc., Lima Electronics Co., The Lincoln Electronic Co., Lincoln Dealer Leasing, Lincoln Mercury Division, Lomex Inc., Lonza Inc., Lily Minerals, Louis Dreyfuss U.S.A., Louisville Fertilizer Co., Lukenheimer Valve Corp., Mallinkrodt Inc., Manufacturers Junctionary, Mansanto, Mapleton Development Co., Maremont Corp., Marion Laboratories, Marion Manufacturing, Marline Drilling Co. Inc., Maxwell Products Co.

Mattel Inc., Medtronic Inc., Meinkaraly Corp. Inc., Midwestern Gas Transmission, Metalstitch U.S.A., Microwave Assots. Comm., Midwesco Enterprise, Miles Laboratories Inc., Milwaukee Die Casting Inc., Mine Publication Inc., Mitchell Supreme Fuel Co., M. Lowenstein Corp., Monroe Auto Equipment, Monsanto Co., Motorola Electronics Ltd., Mr. Tire Inc., Nabisco Inc., National Political Action, National Distillers Products, National Packing Co., National Patent Dvlpmnt., NCR Corp.

Nelson Concepts Inc., Nelson Stud Welding Division, Neuroedics Inc., Newport News Shipbldg & Dry Dock, New York Yankees Inc., Noonan Astley Le Penrce, North America Glass Industries, North Cliff Thayer Inc., N.W. Arkansas Truck & Equipmt, N.R.M., Oak Grove Trucking Company, O'Brien Spotorno Mitchell, One Systems Inc., Operates Inc., Olmet Corp.

O-S Petroleum Inc., Overseas Marine Services, Packing Corp. of America, Paddison Truck Lines Inc., Palmolive U.S., Paramount Cards Inc., Paramount Pictures Inc., Pearlson Engineering—FL, People Fertilizer Co., Perkin Elmer Corp., R.J. Reynolds, Tenneco Chem., T.R.W., Zenith.

#### BIPARTISAN REFORM: A NEW OPPORTUNITY

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

Mr. GINGRICH. Mr. Speaker, I was very saddened to hear the Budget chairman's comments just now. We have a new opportunity for bipartisan reform.

The gentleman from Minnesota [Mr. PENNY], a Democrat, and the gentleman from Ohio [Mr. KASICH], a Republican, have led a bipartisan group in writing a \$90 billion spending cut to reduce the deficit. Our former colleague, Vin Weber, in today's Wall Street Journal, has written an appeal for a bipartisan reform coalition.

Mr. Vin Weber is right. We can work together in a bipartisan effort to cut

spending, reform health, replace welfare with work, create jobs, and increase economic growth.

On Monday, every Member will have a chance to vote for spending cuts to reduce the deficit. I hope every Member who wants to reduce the deficit will vote "yes" on Penny-Kasich.

Mr. Speaker, I include for the RECORD the article to which I referred.

[From the Wall Street Journal, Nov. 19, 1993.]

#### CLINTON'S WINNING COALITION

(By Vin Weber)

With the passage of the North American Free Trade Agreement, President Clinton stands at a crossroads. In fighting for Nafta, he bucked the intense opposition of organized labor and the liberal establishment of his party, and succeeded in passing his first notable "New Democrat" initiative. It was a major victory—and a major shift in direction for a president who had all but abandoned the New Democrat agenda he campaigned on a year ago.

Now Mr. Clinton must make a crucial decision: Work to sustain the centrist political coalition that came together to pass Nafta? Or move back to the left and spend the rest of his presidency making up for doing the right thing on Nafta? How he chooses will have tremendous implications for the future of his administration, his party and the country.

The liberal wing of the Democratic Party is already on the offensive to regain its hegemony in the Clinton White House, attacking the coalition that passed Nafta as an unsustainable anomaly. Many of the president's liberal advisers are urging him to part with the coalition of Republicans and centrist Democrats that delivered the vote on Nafta, and move to "heal the wounds" of his party's left wing. If the president wants to govern as a New Democrat, he should resist this advice.

The Nafta coalition is not an aberration. This alliance is indeed sustainable and represents a potentially powerful centrist political force. The president can tap into this force and produce real change for America in the coming three years.

The Democratic Party's left wing argues that Mr. Clinton would be foolish to cast his lot with the Nafta coalition—that while Republicans supported Mr. Clinton on Nafta, they will not help him on other issues such as health care and the economy. This is simply not the case. If anything, the Nafta vote proves that when the president champions an approach to government that favors free trade and free enterprise, a majority of congressional Republicans will support him.

During the internal debate over Nafta, some House Republicans did argue that the GOP should abandon Nafta, even if the party agreed with the principles of the treaty, so as to deny Mr. Clinton the "big win" that would salvage his weakened presidency. But when it came time to vote, this argument found little currency. Republicans put principle over politics and voted for Nafta by a margin of 132-43. If the president gives them a reason to, they'll do it again.

There are several reasons to believe this is so. First, Republicans don't want to just oppose—they want to govern. The GOP has been in the minority in the House since 1954. If Republicans agree with the agenda, and are made real partners in pursuing it, they will jump at the chance to be part of a governing majority.

Second, the next Republican leader, Newt Gingrich, is prepared to go this route. Just as Mr. Clinton stands at a crossroads today, Mr. Gingrich was at a crossroads several months ago over Nafta. Many of his colleagues advised him that GOP members might react negatively to the idea of their next leader rescuing an incumbent Democratic president. But Mr. Gingrich opted for statesmanship and delivered the Republican vote. He is ready today to lead the GOP into a partnership for change with Mr. Clinton—provided it is real change and a real partnership.

Mr. Clinton should not turn away from this opportunity now. Rather, he should examine other issues on which the Nafta coalition can unite to pass real reforms for America. Some possibilities include:

The Economy. The reason Republicans have thus far opposed Mr. Clinton on his domestic agenda, while supporting his position on foreign trade, is that Mr. Clinton has pursued divergent policies in these two areas. In making the case for Nafta, Mr. Clinton found himself championing traditionally conservative economic principles: removing government barriers to free trade and free markets; creating incentives for productivity and investment; cutting taxes and removing barriers to entrepreneurship. These are core principles that Republicans will support on other issues as well.

But while Mr. Clinton supported these policies of lowering taxes and reducing government interference in international trade, he has thus far supported higher taxes and big government at home. If Mr. Clinton applies the principles he championed in the Nafta fight to his domestic economic agenda, the Nafta coalition will help him pass a pro-growth economic agenda in 1994.

Specifically, just as the president championed lowering taxes on businesses trading with Mexico (tariffs are taxes), he should pursue a policy of lower taxes on all American businesses. The one area where he could accomplish this—and where the Nafta coalition would eagerly help him—is in cutting the capital gains tax.

A capital gains tax cut is the logical extension of the trade policy Mr. Clinton has pursued with Nafta. Most of our major competitors in the new global economy, including Japan, Germany and Mexico, have a capital-gains tax rate of near zero. Having just had the vision to commit us to compete more freely in the global marketplace, Mr. Clinton must also realize that America cannot successfully compete with countries that have a zero tax on capital formation while we tax capital at 28 percent.

There is a precedent for Mr. Clinton to champion a capital-gains tax reduction: In 1978 a Democratic Congress passed, and a Democratic president signed into law, the ground-breaking Steiger capital-gains tax cut. Mr. Clinton should do it again. While George Bush was unable to get such a cut through Congress, if he harnesses the Nafta coalition, Mr. Clinton could.

Health Care. When he presented his health care proposal to Congress, the president said that, except for the principle of universal coverage, everything is on the table. This ensured that the final product of next year's health care debate in Congress will be a compromise plan. Mr. Clinton thus faces a choice: He can compromise to either the right or the left.

The president's liberal advisers want him to compromise left. Mr. Clinton's pollster, Stan Greenberg, argues that there is "no Nafta block of Republicans for health care"

and is advising the president to find common ground with liberals in his party who advocate a Canadian-style single-payer program. This is bad advice. If the president chooses to follow a New Democrat path, however, he can tap into the Nafta coalition to pass legislation that provides coverage for uninsured Americans while still using the power of the market to protect quality and choice.

**Welfare Reform.** During the presidential campaign, Mr. Clinton promised that his administration would pursue real welfare reform and stated his support for a two-year time limit on welfare recipients. To his credit, the president recently approved a trial reform program in Wisconsin, proposed by Republican Gov. Tommy Thompson, that would impose such a limit. If Mr. Clinton is prepared to work toward real reforms of the welfare system on the national level, the Nafta coalition could be harnessed to support and pass such legislation in Congress.

**Further Trade Liberalization.** Mr. Clinton should claim that the support of the Nafta coalition is a mandate for him to pursue the next step in building a hemispheric free trade zone—negotiations to incorporate Chile, Argentina and Venezuela into the Nafta trading bloc. The Nafta coalition could provide him with the votes he needs to get "fast track" authorization from Congress for such an effort, and to pass a final free trade agreement before the end of his first term.

All this is not only wise policy—it is smart politics. As the Democrats' collapse in the 1993 elections shows, the American people are dissatisfied with the leftward direction the Clinton administration has taken during its first year. Clearly voters are still angry and want change. But the change they are looking for still has not occurred. If the president chooses to return to his New Democrat roots, he can deliver the kind of real change Americans are looking for. And he will reap the political benefits.

This strategy is not without risk for the president. There is real danger that, were he to follow through with such a New Democrat agenda for the next three years, it would lead to an old Democrat primary challenge in 1996. But the president should realize that the opportunity here is not just tactical—it is historic. The chance to change the direction of the country, to build a new bipartisan political coalition, does not come along every day.

If Mr. Clinton does choose this course, it will require skill, courage and fortitude. It will infuriate many traditional constituencies and special interests in his party that want to resist change. But it could also mean the difference between being remembered as another Jimmy Carter, or earning a place in history as a modern John F. Kennedy.

#### HORN BUDGET DEFICIT REDUCTION PLAN

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. HORN. Mr. Speaker, Penny-Kasich is one answer; it is not the only answer. There are several possible answers to achieve the goal of balancing the budget, cutting this horrendous annual deficit and beginning reduction of the national debt, now \$4 trillion headed to \$5 trillion.

Instead of the pretense of acting in a few hours, why not take several days,

permit ideas to cut the deficit to be voted up or down by a majority vote without a closed rule that denies the people's representatives the opportunity to act?

Some of us have offered a proposal and will before the Rules Committee this morning, the Horn-Barlow-Stearns-Kingston et al. proposal which would cap growth at 2 percent to the year 2000, but which would exclude Social Security; exclude Medicare; exclude all of the civil, military, and veterans retirement funds; exclude Head Start and exclude the payment of interest. And we would achieve a cut and a savings of \$136.1 billion over the fiscal year 1994 through 1998 five year period. This proposal saved more than any other proposal before the House.

I include for the RECORD the Congressional Budget Office assessment of this plan as follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, November 18, 1993.

HON. STEPHEN HORN,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN: The Congressional Budget Office has reviewed a draft of your proposed amendment to H.R. 3400, with modifications specified by your staff, that would set limits on discretionary spending and on total spending for certain mandatory programs, and would enforce those limits with a reduction of nonexempt spending through a sequestration process. The limits and cuts would apply to virtually all discretionary programs (Head Start is exempt from cuts) and to mandatory programs listed in the legislation (Social Security, Medicare, and a number of other mandatory programs are not included in the list).

CBO is unable to estimate the effect of enactment of this proposal on discretionary and mandatory spending because it is likely that the sequestration procedure would not work as intended. There are a number of potential flaws in the sequestration mechanism specified in the draft amendment we reviewed, but the most fundamental relates to reductions in entitlement spending that would be required by the proposal. Instead of specifying how any required cuts in particular entitlement programs are to be achieved, the legislation provides general authority for executive agency heads to adjust benefits and eligibility requirements in order to achieve the savings. This implied repeal of the entitlement status of the affected programs is insufficient to override the specific language in individual laws that guarantees specified benefits to anyone who meets specified eligibility standards.

Nonetheless, for illustrative purposes, we have calculated the reductions in spending below CBO's September, 1993, baseline that would result if discretionary spending and spending for mandatory programs listed in the proposal were actually limited to the levels specified in the draft amendment. Those reductions are shown in the enclosed table.

I hope this information is helpful. If you have any questions we will be happy to answer them. The CBO staff contact is Jim Horney, who can be reached at 226-2880.

Sincerely,

ROBERT D. REISHAUER,  
Director.

#### ILLUSTRATIVE SAVINGS FROM REDUCING SPENDING TO THE LEVELS SPECIFIED IN DRAFT OF HORN AMEND- MENT TO H.R. 3400

[By fiscal year, outlays in billions of dollars]

	1994	1995	1996	1997	1998
Discretionary spending: CBO September 1993 baseline for total discretionary spending <sup>1</sup> .....	542.4	541.7	547.8	546.8	547.3
Limits specified in Horn amendment ..	537.0	537.0	537.0	537.0	537.0
Reductions below baseline required to comply with limits in Horn amendment .....	-5.4	-4.7	-10.8	-9.8	-10.3
Mandatory spending: CBO September 1993 baseline for mand- atory spending subject to prop- osal <sup>2</sup> .....	243.5	252.2	261.2	287.1	308.2
Limits specified in Horn amendment ..	241.6	246.4	251.3	256.3	261.5
Reductions below baseline required to comply with limits in Horn amendment .....	-1.9	-5.8	-9.9	-30.8	-46.7
Total reductions below baseline .....	-7.3	-10.5	-20.7	-40.6	-57.0

<sup>1</sup> CBO's baseline for total discretionary spending equals the estimated end-of-session limits on total discretionary spending under the Balanced Budget and Emergency Deficit Control Act.

<sup>2</sup> This represents CBO's September 1993 estimate of spending for all of the accounts listed in the proposal as being subject to the mandatory spending limit.

Source: Congressional Budget Office.

Total five year savings = \$136.1 billion.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Michele Payne, one of his secretaries.

□ 1730

#### VACATING OF SPECIAL ORDER AND REINSTATEMENT OF SPE- CIAL ORDER

Mr. VENTO. Mr. Speaker, I ask unanimous consent to vacate my 60-minute special order tonight and, in lieu thereof, be permitted to address the House for 5 minutes.

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

There was no objection.

#### REALLOCATION OF SPECIAL ORDER

Mr. VENTO. Mr. Speaker, I ask unanimous consent that the special order for the gentleman from Michigan [Mr. BONIOR], on Nov. 19, 1993, be allocated to the gentleman from New York [Mr. HINCHEY].

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

There was no objection.

H.R. 2923, THE DIETARY SUPPLEMENT CONSUMER PROTECTION ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, an ounce of prevention is worth a pound of cure. This aphorism which most of our mothers used is now a growing and important health care approach. Today lots of Americans use dietary supplements at least occasionally in an effort to lose weight. As many as 60 million Americans take dietary supplements daily every day of their lives. Obviously, they rightfully believe that they should be proactive in their approach to health care and do all they can to prevent the onset of disease. I also believe that we should do whatever we know to do in order to prevent the onset of illnesses and deaths.

But what happens if the supplements that we take are not what they claim to be? What if they are not manufactured correctly or they are not appropriate for certain segments of our public? What happens if the products that we buy make claims that cannot be substantiated? These are all real problems that must be addressed. Because of these potential problems, and others, I have introduced H.R. 2923, the Dietary Supplement Protection Act which would set standards for the manufacture of dietary supplements so that the consumer can be confident that she or he is receiving the health benefits that she or he intended to derive from the purchase.

There are a number of products which are very helpful under certain circumstances but can be dangerous to large classes of consumers under other circumstances.

For example, products which contain ingredients with naturally occurring forms of aspirin can be detrimental to children with Reyes syndrome. They should contain appropriate labels. My bill would mandate that appropriate warnings be placed on products that should have them.

In a recent study of supplements claiming to contain L-carnitine, a majority of the brands surveyed contained less than 60 percent of the L-carnitine that they claimed. This could prove fatal to Americans who suffer from carnitine deficiency and who rely on these products to adequately supply their needs.

Clearly, the vast majority of dietary supplements are safe and helpful. They are an important component of many preventive and curative regimes; but, as with any industry, there are a few bad actors, a few shady manufacturers whose product labels make claims for which there is no substantiation, others whose products do not indicate when a product may lose its potency,

and so on. My bill would ensure that these manufacturers act more responsibly.

Responsibility is a two-way street. If industry is to act responsibly, we must be certain that the agencies overseeing their actions also are responsible. Now let me make it clear that my next statement is not in any way meant to speak negatively about actions taken by the FDA under the very confusing legislative authority that they have had.

However in an attempt to bring clarity and to insure that they act reasonably, I have included a provision in my bill which would create an advisory committee which will include members from the dietary supplement industry and nutrition experts knowledgeable about supplements appointed by the Secretary of HHS—not by the FDA—to ensure that the regulations established are not onerous to the industry and that they are in accord with the legislative intent of the Congress.

The FDA knows that given the controversy this issue has caused, their actions will be closely watched to ensure that the actions they take are not extreme, unnecessary or out of line with congressional intent.

Mr. Speaker, every person has a right to choose what is best for his or her body. In order to exercise that right it is essential that the consumer of a dietary supplement be certain that the product they purchase is manufactured correctly and that they have accurate information about what it can or can not do. H.R. 2923 is a start that will help us reach these goals.

HUNGER AND HOMELESSNESS AWARENESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. VENTO] is recognized for 5 minutes.

Mr. VENTO. Mr. Speaker, I rise for special orders tonight to highlight Hunger and Homelessness Awareness Week. I would like to thank all of the Members who expressed a willingness to participate and who are submitting statements now or throughout the week to help draw attention and awareness to the plight of homeless and hungry Americans across this country.

I would also like to recognize the organizations that have been highly visible and vocal advocates for this week and year 'round, mobilizing support and interest for those in our society who are so often without a voice: the National Coalition for the Homeless, OXFAM International, and the National Student Campaign Against Hunger and Homelessness.

As chairman of the Speaker's Task Force on Homelessness I've spent a considerable amount of time this past year along with other Members, Rep-

resentatives BLACKWELL, KENNEDY, FRANK, COLLINS, EVANS, KILDEE, REYNOLDS, and GONZALEZ, examine new and past initiatives to deal with the problems of homelessness. I've had the opportunity to study and review the work I and others have done during the past 10 years. I certainly am not satisfied that we have found ironclad solutions. What I've learned anew is that there are no simple answers or programs to meet the myriad of problems that the homeless encounter. Yesterday, two new studies were released that demonstrate that we have a long way to go. They add a new urgency for the task force and this Congress to lead the way with innovative new initiatives that work.

The research released yesterday is not uplifting. The reports found that a startling 26-million Americans have been homeless at some time in their lives, close to half of whom have stayed in a shelter or on the street; 4.6 percent or 8.5 million of our fellow citizens reported being homeless within the past 5 years. Almost 86,000 persons in New York City using the shelter system each year. And in 3 years, 43,395 people, nearly 3 percent of Philadelphia's population have stayed in shelters. Further, these ground-breaking studies found that these Americans have been less victims of mental illness or substance abuse and more victims of growing poverty. This is disturbing, but it should be a call to action to evaluate and change our policy paths to meet the needs of people who are homeless where they are at.

Some policies are changing. I hope we have the patience and the political will in Congress to follow this call for change. Change involves risk—and when you are all done taking risks, then you are all done. The people we represent are not ready to throw up their hands. I am ready to try again to move beyond the McKinney Act and other laws that have been the first tentative steps to deal with temporary homelessness.

As Chairman of the Speaker's Task Force on Homelessness, I will next month renew the call for homeless prevention and for a strong national response to the crisis on our urban city streets and the quiet desperation along the rural routes of America. Some policymakers may evidence compassion fatigue for the homeless. But the personal, silent crisis—of good people—working people, some with disabilities, some with children thrown in the nightmare of being homeless by a structural economic recession.

The Speaker's task force has been working since March with our various Members tasked out to particular issues or interest or expertise—be it housing, health care, education, public assistance, or a study of model programs around the country. We have immersed ourselves in the current programs—serving the homeless and near

homeless, scheduling meetings, site visits, briefings, and hearings. We have been focusing on what is out there and how to improve upon it.

We have been examining the roots and causes of homelessness and the links between them—as in affordable housing, health care, mental health care, drug treatment, job training, underemployment, and the lack of a safety-net problem. We have been determining which programs work and are now developing our recommended changes to homeless and mainstream programs—like SSI, WIC, Food Stamps, EITC, housing assistance, Medicaid or Emergency Assistance—that will reduce homelessness through better services, prevention, and intervention.

I am hopeful that our task force report will help us to reinvent and reinvigorate our Federal policies and programs that assist our greatest asset—our own people. We need a well-balanced approach to the multiple problems with which we are faced. We need to address people holistically and get at the root problems of poverty, crime, affordable housing, quality education, and lack of jobs.

We must rethink the boundaries of federal policies—not just those serving Americans who are already homeless—providing decent housing is a key goal—but we must assure access to appropriate services.

We need to balance Federal guidelines and standards with State and local flexibility—integrating all our systems and services to reduce economic dependence and to alleviate poverty. And especially to integrate with social welfare programs and services already in place—eliminate overlap and streamline coordination in these difficult budget times.

Together we must do so within the context of an overall domestic policy stressing human investment, job creation, education, affordable health care, and stronger economic growth. The time is now to reduce our human deficit along with the looming Federal deficit that threatens the future lives and lifestyles of our children.

Our task, our goals are clear: to answer the challenge that confronts our society; to preserve existing families; care for one another; enable and empower people to care for themselves and their families; and to help mend the frayed and torn social fabric of our Nation. This is an effort worthy of our most effective advocacy and strongest leadership in which we can and must engage the American people and our resources.

Again, I want to thank everyone who is participating to make National Hunger and Homelessness Week one that will touch the lives of many.

□ 1740

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

Mr. VENTO. I yield to the gentleman from American Samoa.

Mr. FALDOMAEGA. Mr. Speaker, I thank the gentleman for yielding to me. I certainly want to commend him for the outstanding job that he has done over the years with our fellow colleagues in taking care of providing for the homeless. I want to submit an article that was an editorial under the Minneapolis Star Bulletin and Star Tribune on November 18 which speaks very well to the gentleman's efforts dealing with the problem of hunger and homelessness.

Mr. Speaker, I am pleased to join my distinguished colleagues this evening to speak about the plight of the homeless and the hungry, in conjunction with the National Hunger and Homelessness Awareness Week, sponsored by the National Coalition for the Homeless, The National Student Campaign against Hunger and Homelessness, and OXFAM America.

It is unfortunate that it has to take a nationally coordinated week to get the leaders and citizens of this country to focus their attention on the silent crisis of hunger and homelessness which has affected millions of our fellow citizens every year. Hunger and homelessness are a national problem now affecting various segments of society, including families with children and the working poor. This was once thought to be a temporary crisis, but has proven to be an enduring problem—and only through heightened public concern and increased attention will our leaders begin to find a solution to end this problem.

In the last few years, Congress began to debate this issue and responded to the acute and varied needs faced by the homeless by passing legislation such as the Steward McKinney Act, which provides a comprehensive set of services to address the needs of those without a stable home or enough to eat.

I am grateful to some of my colleagues who have been in the forefront of this issue in the past few Congresses. To name a few, Representative TONY HALL, past chairman of the recently discontinued House Select Committee on Hunger, and now chairman of the Hunger Caucus, has traveled to many places in the country and around the world to examine the causes of hunger, and the ability of a community to respond to those conditions; Representative BRUCE F. VENTO, chairman of the Speaker's task force of homelessness, who has spent a substantial amount of time examining new and past initiatives to deal with the problems of homelessness; and the late Representative Mickey Leland, who was a vocal and visible advocate for the hungry and homeless during his tenure as chairman of the House Select Committee on Hunger.

Mr. Speaker, researchers have noted that among the homeless are those who suffer from chronic unemployment and other economic problems, those who experience family crisis, those displaced by changes in the housing market, those with disabilities, and some with children. They are people who are both heterogeneous in their backgrounds and diverse in their life courses. The recently released figures are startling. A total of 26 million Americans—about 10 percent of the U.S.

population, have been on the streets or in a shelter at some time in their lives.

I want to thank the three national groups who work on these for their collaborative efforts in introducing the first National Hunger and Homelessness Awareness Week to promote this important and urgent problem and increase awareness across the country.

As a member of the hunger caucus, I urge my colleagues to recognize this frightening nightmare faced by millions of Americans and to work collectively in finding solutions to end the enduring problems of hunger and homelessness.

Mr. Speaker, I want to submit the following article from the editorial of the Minneapolis Star Tribune of November 18, 1993—which speaks of Mr. VENTO's tireless work and efforts on hunger and homelessness.

[From the Minneapolis Star Tribune, Nov. 18, 1993]

THE HOMELESSNESS—THIS WEEK, SEE YOUR UNLUCKY NEIGHBORS

As you hurry along a downtown sidewalk this week, chances are good you'll rush past someone with nowhere to go. Even in the frigid and compassionate north, homelessness is a year-round reality. It's too easy to sidestep that fact, to race past a mittenless family before the depth of their want becomes plain. Yet if the anguish of America's unluckiest citizens is ever to end, they must first be seen.

That's one reason to welcome National Hunger and Homelessness Awareness Week which began last Sunday and continues through Saturday. It offers well-meaning people a needed opportunity to dwell on an affliction they are tempted to ignore.

At Monday's kickoff press conference in Washington convened by Rep. Bruce Vento and the National Coalition for the Homeless. A study from Columbia University, for issuance, suggests that as many as 5.7 million Americans—3.1 percent of the population—have been homeless in the last five years. That group includes only people who have spent time on the streets or in emergency shelters—not the millions more who moved in temporarily with friends or family.

It's hard to shrug off a problem that afflicts so many. And it's shameful to shrug when children suffer most. A study by the University of Pennsylvania found that approximately 7 percent of African American children in Philadelphia and New York City had spent time in shelters between 1990 and 1992.

The reasons for homelessness are nearly as numerous as its victims. Some of the homeless lack education and marketable skills; some are addicts; some are mentally or physically ill; some are victims of domestic violence; some are casualties of divorce. Most are losers in a world with fewer jobs than job-seekers, in a competition that requires more cunning and cash than they can muster.

America has shrugged off the Reaganesque notion that these unfortunate people have chosen their fate. That illusion has been replaced by a tired despair—a sense that, no matter what we do, deepening poverty and homelessness will remain immutable facts of modern life. That assumption is as irrational as it is unkind.

As Rep. Vento has long maintained, there's nothing mysterious about surmounting this crisis. For years, the St. Paul congressman has led federal efforts to provide emergency assistance to the homeless. As chairman of

the new Speaker's Task Force on Homelessness, Vento has argued for reaching beyond stopgap measures to prevention. Striking at the roots of homelessness, he insists, means assuring the vulnerable poor what they lack: job training, medical care, housing assistance and social services. That's the goal of a new federal grant to Hennepin County, announced by HUD Secretary Henry Cisneros last month. The \$1.4 million program is meant to help the county work with 30 chronically homeless families—offering them all they need to create and maintain stable households.

Prevention is the ultimate answer to any disaster, and Vento deserves praise for pressing the point. Yet Americans aren't likely to reach out to their unlucky neighbors if they don't take time to notice them first. This week before Thanksgiving is a good time to do precisely that.

Mr. MFUME. Mr. Speaker, in a corner of my district in Baltimore, there's a little soup kitchen called Viva House. They serve meals 3 days a week, operating from donations from the people and businesses of Baltimore.

The man and woman who run Viva House, Brendan and Willa, have been there for a number of years, trying to stem the tide of the hungry in southwest Baltimore. I wish I could say they are succeeding.

In 1989, they served 122 people three meals a week out of the little house on Mount Street.

In 1990, they served 140.

In 1991, they served 168.

In 1992, they served 196.

This year, Brendan and Willa are serving 250 meals a day, 3 days a week, and the number does not show signs at all of decreasing. In 5 years, they've seen more than a 100-percent increase in hungry people lining up to be fed outside the brick walls of their humble home.

This is National Hunger and Homeless Awareness Week in the United States, and across the country, attention is being focused on the problem of those without food, of those without homes, of those who almost do not have lives.

Studies show 13.5 million Americans have lived on the streets or in homeless shelters at some point in their lives. In one night 3 years ago, the Census Bureau counted 230,000 homeless people across the country. Although some may dispute the numbers, the underlying facts are clear.

Something is wrong, something is very wrong.

Too often the cries for help and the calls for change go unheard and unheeded. Too many jobs are lost and too many families are destroyed. We cannot go on attempting to forge ahead in a war for economic success if we leave behind the casualties of the battles for economic survival.

Most of the homeless are not mentally retarded. Most of the homeless are not addicted to drugs. Most of the homeless are people seeking any way possible to regain their dignity and move forward to productive and enriching lives.

We must all look at ourselves and where we live. We must go back there and look to see what we've been looking over and looking past. Who hides in the crevices of our existence? Where are those people we have

walked by whom we could help if we stopped to try?

For every hungry person, there can be food. For every homeless person, there can be a job, a home, a life.

On Mount Street, outside the plain wooden doors of Viva House, the cure for what ails us is plainly stated by Brendan Walsh.

He says, "The only solution is for people to be able to work."

If that is not done, he will be feeding even more people by the time next year is through.

Mr. CLYBURN. Mr. Speaker, having made this mistake myself recently, I thought I should remind my fellow Members that regardless of the tough work we have ahead this weekend, we must all remember to eat and get enough sleep.

Likewise we must remember our duty as Congresspersons to ensure that every citizen of this country can also eat and sleep in safety.

Alice Roosevelt Longworth explained her philosophy on life was to "Fill what's empty. Empty what's full. And scratch where it itches."

Mr. Speaker, I believe we must work to fill the plate of every hungry man, woman, and child.

We must work with the Vice President to empty this Government of the waste and neglect that has prevented thousands of Americans access to safe, affordable housing.

And we must scratch the itch of desperation that is causing too many of those who have been denied these fundamental rights to turn to crime and violence.

Please join me today and for the rest of the week in recognizing Hunger and Homelessness Awareness Week.

Mr. FLAKE. Mr. Speaker, I rise today in honor of National Hunger and Homelessness Awareness Week in recognition of so many Americans who struggle each day for decent shelter and nourishment. So many of these Americans are children who sleep in the streets or in dirty unsafe shelters and do not know when their next meal will be. In a country as rich as ours, this is intolerable. This week should be dedicated to finding solutions.

Finding decent and affordable housing has been one of my top priorities since arriving in Congress 7 years ago. During this time I have served on the Banking Subcommittee on Housing and have been involved in drafting and fostering a variety of legislation addressing the vast housing needs of this Nation. A group of concerned Congresspersons and I drafted the comprehensive Mickey Leland Housing Act of 1990 in order to provide shelter for every person in this country in a humane and cost-effective manner. The goal of this bill was to be carried out through securing and improving existing and low income or moderate income housing while providing the necessary resources for new development and construction. I remain committed to the goal of this legislation, including finding a permanent and more humane shelter alternative to welfare hotels.

Because there are over 562 families living in welfare hotels in Queens, NY, today, I requested the Government Operation's Subcommittee on Employment, Housing and Aviation to hold a hearing on November 19, 1993,

to address the unacceptable use of welfare hotels in this country. This hearing will be the first time the assistant secretaries from both HUD and HHS come together to address the alleviation of welfare hotels. The two assistant secretaries will be pivotal in enacting solutions to alleviate welfare hotels. This is real movement toward reinventing government in an effort to better and more efficiently serve this Nation.

Because the responsibility of welfare hotels straddle two agencies and because so many Americans are in desperate need of basic shelter, I clearly understand that alleviating welfare hotels has been complex yet long overdue. We must find a solution that spans jurisdictional issues. The common mission of these two agencies are to meet the basic needs of this Nation.

One point is clear, we cannot continue this cycle of throwing away millions of Government dollars with absolutely no return on our investment. In New York, we are spending an average of \$2,640 per month for 1,442 families. With this kind of money, we could live in a mansion or decently house three or four families. But with the current spending structure, at the end of the year we have nothing to show for these millions of dollars.

Beyond inefficiencies and government waste, there are real people behind these statistics, many of whom are children. Yes, welfare hotels do provide a temporary roof. However, in many cases hotels do not provide a kitchen, provisions for basic health care, education and jobs, sanitation, safety, or security. Often these hotels are rodent ridden, filled of crime and prostitution. Studies have shown time and again that children cannot thrive in this kind of atmosphere. Without hope, we cannot expect these children to thrive and eventually become productive and well-adjusted adults. We are allowing a generation of innocent children to slip away from us when it is within our power to stop this cycle.

I am not interested in pointing fingers and placing blame, but in looking forward to permanent solutions. I have been working on legislation for more effective use of these funds and will continue in my commitment to address the decent and affordable housing needs of this Nation.

As we recognize Hunger and Homelessness Awareness Week and begin the holiday season, we must remember the millions of Americans and children who have nothing and nowhere to celebrate this year. We must work together and remain committed to finding decent shelter and nourishment for every American.

Mr. FALEOMAVAEGA. Mr. Speaker, I am pleased to join my distinguished colleagues this evening to speak about the plight of the homeless and the hungry, in conjunction with the National Hunger and Homelessness Awareness Week, sponsored by the National Coalition for the Homeless, The National Student Campaign against Hunger and Homelessness, and OXFAM America.

It is unfortunate that it has to take a nationally coordinated week to get the leaders and citizens of this country to focus their attention on the silent crisis of hunger and homelessness which has affected million of our fellow citizens every year. Hunger and homelessness

are a national problem now affecting various segments of society, including families with children and the working poor. This was once thought to be a temporary crisis, but has proven to be an enduring problem—and only through heightened public concern and increased attention will our leaders begin to find a solution to end this problem.

In the last few years, Congress began to debate this issue and responded to the acute and varied needs faced by the homeless by passing legislation such as the Steward McKinney Act, which provides a comprehensive set of services to address the needs of those without a stable home or enough to eat.

I am grateful to some of my colleagues who have been in the forefront of this issue in the past few Congresses. To name a few, Representative TONY HALL, past chairman of the recently discontinued House Select Committee on Hunger, and now chairman of the Hunger Caucus, has traveled to many places in the country and around the world to examine the causes of hunger, and the ability of a community to respond to those conditions; Representative BRUCE F. VENTO, chairman of the Speaker's Task Force on Homelessness, who has spent a substantial amount of time examining new and past initiatives to deal with the problems of homelessness; and the late Representative Mickey Leland, who was a vocal and visible advocate for the hunger and homeless during his tenure as chairman of the House Select Committee on Hunger.

Mr. Speaker, researchers have noted that among the homeless are those who suffer from chronic unemployment and other economic problems, those who experience family crisis, those displaced by changes in the housing market, those with disabilities, and some with children. They are people who are both heterogeneous in their backgrounds and diverse in their life courses. The recently-released figures are startling. A total of 26 million Americans—about 10 percent of the U.S. population, have been on the streets or in a shelter at some time in their lives.

I want to thank the three national groups who work on these for their collaborative efforts in introducing the first National Hunger and Homelessness Awareness Week to promote this important and urgent problem and increase awareness across the country.

As a member of the Hunger Caucus, I urge my colleagues to recognize this frightening nightmare faced by millions of Americans and to work collectively in finding solutions to end the enduring problems of hunger and homelessness.

Mr. GUTIERREZ. Mr. Speaker, first, I want to thank Congressman VENTO and Congressman HALL for all of their work on the issues of hunger and homelessness. I believe their efforts have positively impacted the quality of life for many of the hungry and homeless people in this country. However, this issue must be made a higher priority. The people of this country must be made aware of the suffering, for it is through the efforts of average Americans that the greatest strides will be made in housing the homeless and feeding the hungry.

It saddens me greatly that in this country, with all of our wealth and resources, we have yet to successfully address the problem of homelessness. There was a time when New

York was thought to be the only city in our Nation with a large homeless population, but all one has to do now is walk down Pennsylvania Avenue in Washington, LaSalle Street in Chicago, or through small towns in South Carolina and Missouri to find that this just is no longer the case. Homelessness is a nationwide problem, affecting urban and rural areas alike.

It seems ironic that with all of the new construction during the 1980's, much of which is now vacant, virtually none was directed for the purpose of serving those who needed it the most, our homeless men, women, and children. Unfortunately, this is a pretty good indication of where this country's priorities have been for the past decade.

In March of this year, a single-room occupancy hotel in Chicago burned to the ground, killing 19 people and leaving many others homeless once again. Another SRO in Chicago burned this summer, leaving many others without a place to call home. The tragedy for these people is not only the loss of shelter, but the loss of any stability and support they may have established. You and I may not be able to understand this because we have a home to go home to, a place to share a meal with family or friends, and a place to sleep. The homeless of our country do not have these simple luxuries. They wander all day, share a meal, if they can find it, with other homeless, and sleep under bridges, in parks, or in vacant shelter beds. There is no consistency or safety to their lives, making it very difficult for these citizens to look for work or keep themselves clean.

Chicago has taken some small steps toward helping the homeless. The city has allocated \$5 million in home funds specifically to build and rehab SRO units. This is not the case for many other cities. Only 10 States reported using CDBG funds for homeless programs. The President's recent efforts, particularly the DC Initiative, are symbolic of the importance this issue has in the present administration. Congress is also working hard to ensure that this country recognizes and assists its homeless by requiring the army to follow Federal law that permits homeless providers to acquire Federal land before private interests. However, many obstacles to completing our mission still exist. For example, the Senate VA-HUD Appropriations Subcommittee cut off funding for the interagency council on the homeless. This is a setback, but only temporary. The White House and HUD are working together to ensure that this agency is not extinguished; again, proving the commitment of President Clinton and Secretary Cisneros.

I commend Congressman VENTO and Congressman HALL for their hard work on the problem of homelessness and for arranging this special order. I believe that with more than 700,000 people homeless in this country, we must make it all of our problem.

Mr. SYNAR. For too many Americans, a home or enough food to eat are fantasies that they have no hope of enjoying.

There are many statistics out there: 1 in 5 children live in poverty, 30 million Americans go hungry, requests for emergency food assistance increased by nearly 20 percent last year, millions are homeless. The exact number of people in need is in dispute all the time.

Statistics and numbers, however, are not the issue. People are. People who, without reason, are in need. America is the richest country in the world, yet some of our people lack the most basic of needs.

For most Americans hunger and homelessness are only statistics. Economically, geographically, and psychologically they are separated from the hungry and homeless. They've never been hungry a day in their lives. They cannot fathom how a person can come to live on the streets or not be able to support themselves.

A question I've sometimes heard is why don't the hungry or homeless just get a job, any job? The sad fact is that even if a person worked full time at minimum wage he or she still would find it difficult to support him or herself, afford a place to live, or enough to eat. For many working Americans, it's just a short trip from self-sufficiency to bankruptcy. A doctor's bill, auto repair, or illness that forces them to miss work, can mean bills get unpaid. And once behind, they have no way of catching up. The result is that for many poor, life becomes a choice between having enough to eat or someplace to sleep, until finally, something's got to give. And people end up statistics.

For some of our people, the problem of hunger reaches beyond money. In rural areas, many elderly go hungry not from a lack of money, but from a lack of transportation and services such as shopping, meals-on-wheels, and community feeding programs. The problem is mostly unseen, and unfortunately, mostly ignored.

Even when one sees people on the street, it's difficult to comprehend. An old man carries a sign stating he's hungry and homeless as he walks between stopped cars, cup in hand. A woman sleeps on a sidewalk while a family pitches a tent in a city park. How did they get on the street? Where were they before? Why don't they have friends and family to keep them from this sort of life? Why aren't they in shelters? There are so many of them, it's overwhelming. And they're scary. They aren't clean. Sometimes they smell bad. Their clothes are ragged, their hair a mess. Perhaps they're mentally ill. Or maybe, we think, they're just drunks and drug addicts.

And so, all too often, we walk on by. Head down, eyes averted.

But pretending a problem doesn't exist won't make it go away. As a Nation we must look the hungry and homeless straight in the eye. As individuals we must put aside our prejudices and fears, forget the statistics, and see the people.

And in addressing the problems of hunger and homelessness, we must do more than work at the symptoms. Shelters and food banks are important, but they do not address the root causes of these problems. We must look at our society, with all its wealth, and ask ourselves why people are doing without and what we can do to fix it.

Mr. STOKES. Mr. Speaker, I would like to commend my distinguished colleague from Ohio, TONY HALL, and my distinguished colleague from Minnesota, BRUCE VENTO, for their effort to increase public awareness of homelessness and hunger by introducing the first nationally-coordinated Hunger and Homelessness Awareness Week.

Hunger and Homelessness are two of the most troubling epidemics plaguing the modern world. In the past, when we thought of the homeless, the image of a single individual asleep on a park bench or heating grate came to mind. Today, this image has been replaced in many parts of the country by entire families forced to live on the street.

The numbers are growing. A new study from Columbia University reveals that on any given day, an estimated 13.5 million Americans are homeless. Moreover, current census figures reflect an astounding 32 million Americans 1 out of 7 are living below the poverty line. It is inexcusable that people in the United States, the richest country in this world, should go hungry or homeless. Yet, this is the situation we confront today. Our economy is mired in a lackluster recovery, the budget deficit is staggering, and drugs, hunger and homelessness are the scourge of our cities.

My colleague, TONY HALL, demonstrated his commitment to combating hunger as chairman of the Select Committee on Hunger before it was disbanded by Congress. I am glad to see him today continuing his crusade against hunger.

Almost all American families feel the squeeze of rising house costs and stagnating incomes, but the families with the fewest resources suffer the worst consequences. For the homeless, shelter services can create additional problems. In many cities, shelters require individuals to leave by 7 a.m. and wait in line at night to ensure a hot meal and a place to sleep. Even shelters that allow for the homeless to stay during the day often do not allow children to remain at the site unattended. Child care is not provided at these sites, discouraging many from the job search.

Mr. Speaker, in their respective capacities as chairman of the Task Force on Homelessness and chairman of the hunger caucus, my colleagues have recognized the need to address such a critical issue. I strongly support them in their efforts and would again like to thank them for acknowledging those without the basic necessities of life. Although we have chosen to designate this week as National Hunger and Homelessness Awareness Week, we cannot stop at merely a designation. This designation should catalyze and spur our efforts to remedy this situation.

Mr. STARK. Mr. Speaker, it is fitting that, as we prepare to give thanks for the blessings in our lives, we remember the people in our country who will not have the warm comfortable environment that most of us will have in which to enjoy our Thanksgiving dinner.

It is for this reason that in 1974 Oxfam America instituted its annual Fast for a World Harvest to take place on the Thursday before Thanksgiving. People are invited to give up a meal or to fast the entire day and to give the money that would have been spent on food to Oxfam America to be used to fund projects that help people living in poverty become self-sufficient.

This year, as in the past, Members of Congress, their families, and staff have the opportunity to attend the Fifth Annual Oxfam America Mickey Leland Memorial Hunger Banquet on Thursday, November 18. The meal will give the participants the chance to visualize and experience the way the world's resources are

divided. Fifteen percent of the participants will enjoy a gourmet meal, 25 percent will eat a simple meal, and the remaining 60 percent will have only rice and water to eat.

In 1988, D.C. area employees of Fannie Mae choose the week before Thanksgiving to initiate a program they named Help the Homeless. The purpose of the program was to raise money for local nonprofit organizations that help homeless individuals and families get back on their feet and return to independent living. The program included a week of educational and fundraising activities and culminated in a 5-mile walk on Saturday.

The program has continued and it has expanded to involve area corporations, businesses, law firms, and nonprofits, so that over 50 groups sponsored the program last year. It has gone from raising \$90,000 in 1988 to raising nearly \$400,000 in 1992. It helped 4 organizations the first year and 59 local homeless service providers in 1992. The goal is to raise \$500,000 this year. The walkathon will take place on Saturday, November 20, at 10 a.m. on the Mall. Additional information is available through my office.

This year for the first time—through the efforts of the National Student Campaign Against Hunger and Homelessness, Oxfam America and the National Coalition for the Homeless—the week November 14–20 is being promoted as National Hunger and Homelessness Awareness Week. Thanks to the chairman of the Speaker's Task Force on Homelessness and the chairman of the hunger caucus, Members of Congress have been encouraged to focus this week on the problems brought about because of hunger and homelessness so that we might more tirelessly and effectively work to find solutions.

Most of us know the groups in our congressional districts that are making a difference in the lives of hungry and homeless individuals. It is the people who work day in and day out with needy people that best know what works and what doesn't work. We need to continually find ways of supporting them and their work. We can donate money or goods, we can donate our time and energy and we can let other people know of the good work an organization does. When a program is successful and can be replicated, we can help facilitate the process. Last, we can take the time to thank them for their care and hard work. This is a good week to do it.

Mr. SAWYER. Mr. Speaker, I would like to applaud my colleagues, Congressmen BRUCE VENTO and TONY HALL, for their efforts to bring about a week of national recognition of the problems of hunger and homelessness.

One of the most significant achievements we as a nation can realize this week is to increase our understanding of who the homeless are.

Recent research helps to dispel traditional stereotypes about this population. The homeless are not simply a few men, drinking alcohol, sitting on a city park bench. The population is diverse, both demographically and geographically. It includes women, youth, and families, both urban and rural, all across the country. In fact, the number of women and children in poverty, and therefore at risk of homelessness, continues to increase faster than for the rest of the population.

Conventional notions may not have been all that wrong in the past; we don't really know. Information about the homeless has been spotty at best. In fact, we've never even reached an agreed upon definition of the homeless.

The 1990 census was the first systematic attempt to include visible segments of that population in a national population count. Despite a great deal of effort, that attempt was not successful. The census data don't tell us much about that population at all. In fact, some have tried to use that data to develop policies about the homeless. It simply can't be done in good conscience. Faulty information can sometimes do more harm than good.

The research community has come a long way in developing reliable counting methods since the 1990 operation was planned. In fact, the Census Bureau recently brought together a group of experts to talk about what we need to know about the homeless and how we can gather that information reliably. Those efforts will help us to do a better job in the 2000 census and in other efforts designed specifically to learn about the homeless.

Research conducted since the 1990 census has led to some remarkable findings. We are learning that established definitions have been far too narrow to understand fully the dimensions of homelessness. Tragically, over the course of a lifetime, many of us may experience literal homelessness. This phenomenon is far more pervasive than we as a nation have acknowledged.

In fact, I believe that many of the millions not counted in the 1990 census were missed precisely because they were not part of the traditional American portrait of an intact family living in a conventional housing unit. Rather, those people exist somewhere between that ideal and literal homelessness. They are at risk of falling into literal homelessness, and we don't understand their condition very well.

I am hopeful that the new generation of research being conducted now will continue to increase our understanding of this population. That information is crucial both to establish effective programs and to dispel the stereotypes that have caused us to consider hopelessness a far away problem.

Once again, I am grateful for the efforts of my colleagues and the many organizations who are providing a meaningful opportunity to develop effective strategies for eliminating one of our Nation's most serious problems.

Mr. YATES. Mr. Speaker, November 18 has always been an ordinary day on our national calendar, falling midway between Veteran's Day, when we proudly honor the men and women who have served the Nation in our Armed Forces, and Thanksgiving Day, when families across America gather to give thanks for the bountiful good they have been blessed with. This year, Thursday, November 18 will take on a meaning closely related to the holidays on either side of it. On that day radio stations throughout the country will feature a classic American song familiar to all of us, one whose opening verse is the cry of those Americans who are unemployed, who are poor, and who are homeless:

They used to tell me  
I was building a dream  
And so I followed the mob

When there was earth to plough  
Or guns to bear  
I was always there  
Right there on the job  
They used to tell me  
I was building a dream  
With peace and glory ahead  
Why should I be standing in line  
Just waiting for bread?

Those poignant words are from the song "Brother, Can You Spare a Dime?," with lyrics by E.Y. "Yip" Harburg and music by Jay Gorney, written more than 60 years ago, in 1932, for the Broadway review "Americana." This great song standard will be heard and played, not only on Thursday, November 18, but throughout the month of November as the linchpin of a unique national fundraising project to benefit the homeless: "Brother, Can You Spare a Dime" Day. It will be a day to raise not only money, but consciousness, not only to assist, but to recognize the worth and dignity of a fast-growing segment of our population. If November days are set aside to honor our veterans and to celebrate good fortune, what a fitting idea to use one more November day to consider our homeless, many of whom are veterans, all of whom have precious little to be thankful for. The chorus of the song tells us:

Once I built a railroad  
Made it run  
Made it run against time  
Once I built a railroad  
Now it's done  
Brother can you spare a dime?  
Once I built a tower  
To the sun  
Brick and rivet and lime  
Once I built a tower  
Now it's done  
Brother can you spare a dime?  
Once in khaki suits  
Gee, we looked swell  
Full of yankee doodle-de-dum  
Half a million boots went sloggin' thru hell  
I was the kid with the drum  
Say, don't you remember  
They called me "Al"  
It was "Al" all the time  
Say, don't you remember  
I'm your pal  
Buddy, can you spare a dime?

The tragedy of working people compelled by larger social and economic forces to live and beg on the streets of our cities is as starkly real today as it was back in 1932, when "Brother, Can You Spare a Dime?" was written. Listening to the unemployed on Manhattan's streets asking for a dime inspired Harburg and Gorney to create this classic. Its poetic but direct words and moving melody touched a responsive chord in the suffering American people in the fall of 1932 when a recording of the song by a young crooner named Bing Crosby swept the country. Scores of other recordings have been made in the ensuing 60 years by singers and instrumentalists.

Yip Harburg and Jay Gorney are no longer with us but each is survived not only by a wonderful musical legacy, but also by family members who share their strong concerns for social justice. In recent years Mr. Gorney's widow, Sondra, noticed that performance and recording royalties for "Brother, Can you Spare a Dime" had risen, as they had in past

times of economic recession. Feeling uneasy and eager to do something constructive on behalf of her fellow citizens who were being hit the hardest, she contacted Yip Harburg's son, Ernie, who heads the Harburg Foundation, which in turn hired the entertainment publicist Morton Dennis Wax. Mr. Wax, then conceived the idea of using the song which best expressed the plight of the homeless to raise funds on their behalf through the National Coalition for the Homeless, the Nation's leading advocacy group and social service conduit for the homeless. His thought was to compile a special promotional compact disc containing notable recordings of "Brother, Can You Spare a Dime" recorded over the years which would not be offered for sale but would instead be mailed to over 5,000 radio stations in major cities throughout the country to be used by disc jockeys to solicit contributions from listeners. At the same time, specially designed posters and collection centers would be set up at major record stores throughout the country. Fred Karnas, executive director of NCH, became the cohost of this effort.

The broad base of support from the music and broadcasting organizations, retailers, record companies, and celebrities is a textbook example of how a single industry can unite behind a vital social cause. All administrative expenses for securing rights, mastering, manufacture and mailing of the CD's have been borne by the various host organizations—the Harburg Foundation, the Recording Industry Association of America, the Hit Factory, which mastered the CD, Polygram Group Distribution, which cut the CD's, and the National Coalition for the Homeless. Simultaneously, five major retail record chains—Tower Records, HMV Stores, Strawberries, Maxie Waxie's, and Rose Records—have agreed to distribute and display "Brother, Can You Spare a Dime" Day posters and envelopes to over 1,500 retail stores. The printing of posters and envelopes, featuring an artistic photograph of a homeless mother and child taken by Joseph Sorrentino, was paid for by the Harburg Foundation.

Broadcast personalities Phil Donahue and Sally Jessy Raphael prepared public service announcements heralding the project. And the cutting-edge singer, songwriter and actor Tom Waits recorded a new version of "Brother" at his own expense especially for the project. The Harburg and Gorney Estates have arranged with ASCAP, the performing rights organization, to earmark any royalties generated by the song in November 1993, and in all forthcoming Novembers for the National Coalition for the Homeless. Every dollar and dime raised by this project will go directly to the National Coalition for the Homeless for disbursement to the organizations and individuals who need it most.

The versions of "Brother, Can You Spare a Dime?" included on the promotional disc are by the following artists: Tom Waits, Abbey Lincoln, Bing Crosby with the Lenny Hayton Orchestra, Judy Collins, Al Jolson, Mandy Patinkin, Peter Yarrow, Cathy Chamberlain, Rudy Vallee, Odetta and Dr. John, the Weavers, Pat Harvey and Orchestra, Phil Harris and Orchestra, Phil Alvin, Barbara Streisand, Dave Brubeck, Sonny Criss, Bob Wilber, and a rare performance of "Brother, Can You

Spare a Dime" by Yip Harburg, himself. The artists represent a cross-section of American pop, jazz, big band, rock, blues, and folk musicians; this is yet another indication of the broad and undying appeal of this American standard.

America's journalists and publishers have played an important role in this admirable and unique campaign by giving it wide and supportive publicity. The National Press Club here in Washington was the site of a special kickoff theatrical concert on November 16, conceived by Deena Rosenburg Harburg, founding Chair of the Musical Theatre Program at New York University's Tisch School of the Arts, and Broadway director Mel Marvin, featuring top Broadway performers, vocalists from the Broadway stage. The event is cohosted by Arena Stage Theatre, with opening remarks by Zelda Fichandler, its cofounder, and Fred Karnas of the National Coalition for the Homeless.

"Brother Can You Spare A Dime?" Day will take place every November 18 until that time when all Americans partake fully of the American Dream.

#### GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

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

There was no objection.

#### REALLOCATION OF SPECIAL ORDER TIME

Mr. KASICH. Mr. Speaker, I ask unanimous consent that I may claim the time of the gentleman from Indiana [Mr. BURTON].

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

There was no objection.

#### URGING PASSAGE OF THE STRIKER REPLACEMENT BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. FORD] is recognized for 5 minutes.

Mr. FORD of Michigan. Mr. Speaker, American Airlines' plan to hire and train permanent replacements for its striking flight attendants underscores the urgent need for passage of the striker replacement bill.

Twice the House of Representatives has passed this simple and fair piece of legislation, which would bar employers from hiring permanent replacements for workers who go on strike legally. The House has awaited Senate action since it passed the bill in June. But a minority of Senators has prevented the bill from coming to a vote by threatening a filibuster.

President Clinton has endorsed the striker replacement bill. Labor Secretary Robert Reich has spoken strongly and repeatedly in favor of its passage. As he told my Committee on Education and Labor earlier this year, the

administration has no need to study this issue further, because the president has made up his mind: the bill should become law.

Press reports indicate that American has warned its employees that when they return to work at the end of this announced 11-day strike, some jobs probably would have been eliminated because it has a surplus of employees. At the same time, it has begun training replacements.

This is a blatant threat, against a group of employees who have been forced into concessions on pay and working conditions for years. It is also an empty threat, since American cannot finish training replacements in time for any of them to start flying before the strike ends. Under Federal law, they can be replaced if they are striking, but they cannot be fired if they have returned to work before replacements have taken their jobs.

I expect that the threat to hire permanent replacements will be used in the future to intimidate employees, since the workers American is now recruiting could be kept up to training standards should the Association of Professional Flight Attendants call another strike in the future.

Furthermore, if American's strategy of replacing many of its experienced flight attendants with hastily trained workers were to succeed, the airline would not be serving the interests of its customers. They certainly would feel the effects of demoralized flight attendants working alongside scabs.

I also want to voice my solidarity with these striking employees. The chief issue in this strike is American's desire to diminish staffing on flights to intolerable levels for both its employees and its customers. If the flying public has been wondering why it is becoming increasingly difficult on an airplane to get a meal on time or a second cup of coffee, it is because the airline industry, in an effort to cut costs, is reducing staff. The natural targets of passengers' growing ire are the hardworking employees who provide for their comfort and safety: The flight attendants.

Mr. Speaker, as chairman of the House Committee on Education and Labor, I urge American Airlines to return to the bargaining table and resolve these issues. The flight attendants have shown tremendous courage in going out on strike. That they have no strike fund is testament to the desperate course they have been forced to choose.

#### DO YOU HAVE A SUPERFUND SITE IN YOUR DISTRICT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. SWIFT] is recognized for 5 minutes.

Mr. SWIFT. Mr. Speaker, the Penny/Kasich amendment to H.R. 3400 would weaken existing cleanup standards designed to protect human health and the environment in a way that could affect every Superfund hazardous waste site with an ongoing cleanup. In addition, the amendment would undermine ongoing efforts to develop a balanced and comprehensive Superfund reauthorization bill. I urge my colleagues to reject this proposal.

The current Superfund law includes a preference for cleanup remedies which are perma-

nent and which provide for treatment of hazardous waste. Penny/Kasich, however, would eliminate this preference and substitute a preference for institutional controls such as fences and guards—and containment methods—such as caps which leave waste in place. It would also eliminate the need to comply with existing Federal and State cleanup standards.

EPA has opted for containment-style remedies where appropriate. In fact, in fiscal year 1992, EPA selected treatment-only remedies only 30 percent of the time, while on numerous other occasions it opted for either containment or a combination of treatment and containment. There are, however, a number of reasons why the Penny/Kasich proposal creating a preference for containment and controls is a bad idea:

First, institutional controls and containment do not adequately protect human health or the environment at many sites. Controls and containment leave hazardous waste in place. Fences or warnings, however, may not do a good enough job of keeping people away from contamination, and containment may fail due to the passage of time or a specific event such as a flood. Every congressional district with an ongoing Superfund cleanup—especially if the site is in a floodplain or wetlands—will be subject to these risks.

Second, the many new companies which have been working to develop innovative treatment technologies would be severely impacted. Jobs would be lost, and our ability to develop this technology for export would be decreased. These changes could hurt over 100 companies in over 30 States.

Third, reliance on containment and institutional controls would create yet another unfunded mandate for the States. States now pay all operation and maintenance costs at Superfund-financed cleanup sites. Because containment and control remedies are dependent on long-term maintenance, States could end up with a greater share of the cost of cleaning up sites.

Fourth, the proposal would make it more difficult to redevelop contaminated sites and could disproportionately affect minority communities. A shift to containment and control remedies would impede redevelopment of contaminated sites, and would also impose a greater burden on nearby residents.

Fifth, it is unclear if there would be any actual savings to the Federal Treasury. The vast majority of Superfund expenditures do not come from general revenues. Moreover, there are still thousands of sites which still need to be cleaned up. This proposal will simply allow lax cleanups with little or no reduction in budget outlays.

Sixth, because waste would be left in place, the cost of cleanup would simply be passed on to our children. Ultimately, the overall costs of containment, including failed remedies and long term operation and maintenance, may prove more expensive than the judicious use of treatment technologies.

Let me give an example to illustrate these points. At the French Limited site in Harris County, TX, a bioremediation technology was selected to clean up sludge, soil, ground water and surface water contaminated with volatile organic compounds (VOCs), phenols, heavy metals and PCBs. This technology was sug-

gested by the parties paying for the cleanup because it was more cost effective. Containment was not appropriate because the existing disposal pits were leaking contaminants which were difficult to contain, and because the site was within the San Jacinto floodplain.

Delaying the Penny/Kasich changes until October of next year as provided for in the amendment does not solve the problems with the amendment. Instead, parties who should be cleaning up contaminated sites will be thinking of ways to drag out cleanups until the new standards take effect. Even sites where a cleanup remedy is in place are not safe, because challenges to that remedy could be made based on the new standards. The only people to benefit will be the lawyers who think up new ways to slow down cleanups.

Congress and the administration are currently working to change Superfund to achieve real savings, for both the Federal treasury and private parties involved in cleanups. Passage of changes to the statute such as those in Penny/Kasich, however, makes it far more difficult to enact comprehensive and balanced changes to the statute this Congress. There is considerable room for thoughtful change and streamlining of current Superfund procedures, including changes to the way in which Superfund remedies are selected, but those require much more debate and consideration than can be achieved by the one-sided and simplistic solutions set forth in Penny/Kasich.

Attached to this statement are some of the many letters of protest I have received in response to this amendment. If you have a Superfund site in your district, or even a potential site, please consider what this amendment will do to slow down and weaken cleanups, and vote "no" on Penny/Kasich.

ENVIRONMENTAL PROTECTION AGENCY,

Washington, DC, November 19, 1993.

HON. AL SWIFT,

House Energy and Commerce Committee, House of Representatives, Washington, DC.

DEAR CONGRESSMAN SWIFT: I am writing with regard to the Penny/Kasich amendment to H.R. 3400. My understanding is that Section 217 of the Penny/Kasich amendment would change the preference from permanent remediation to containment at Superfund sites. It removes consideration of other Federal and state standards in selecting Superfund remedies. It also places a cap on EPA's annual Superfund appropriation.

I share the Penny/Kasich Task Force's goal of reducing spending and reforming the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). As you are aware, I have made Superfund reauthorization a top priority at EPA, and the Administration is actively engaged in formulating an ambitious reauthorization proposal.

As part of these on-going reauthorization deliberations, I am considering how to better balance permanence and treatment with long-term reliability and containment remedies. I am looking at how to foster economic redevelopment and how to more effectively incorporate land use planning into Superfund remedy decisions. I share the President's and the Vice President's interest in fostering innovative technologies, and believe we can accomplish this at Superfund sites. And I am committed to addressing the concerns of the environmental justice community with the Superfund program.

The proposal the Administration is developing will unite each of these complex and

critical interests into a faster, fairer, more efficient and more responsive environmental program. Each of these aspects of the Superfund reauthorization debate would be affected by the Penny/Kasich proposal; they deserve a full discussion within the Administration, with Congress, and with Superfund stakeholders. I do not believe it is appropriate to make sweeping policy changes to the Superfund program outside of our ongoing comprehensive reform efforts. Further, it is too early to estimate the budget ramifications of the various options under consideration.

For this reason, I oppose Section 217 of the Penny/Kasich Amendment and ask for your support as we proceed with CERCLA reauthorization.

Sincerely,

CAROL M. BROWNER,  
Administrator.

ASSOCIATION OF STATE AND TERRITORIAL SOLID WASTE MANAGEMENT OFFICIALS,

Washington, DC, November 16, 1993.

Hon. AL SWIFT,

Chairman, Transportation and Hazardous Materials Subcommittee, Energy and Commerce Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN SWIFT: The purpose of this letter is to urge that you oppose incorporation of a potential amendment, drawn from the Penny-Kasich Plan, addressing Superfund permanence criteria should it be proposed in amendment form to modify HR 3400, the Government Reform and Savings Act of 1993 Rescissions.

The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) is a non-profit association which represents the collective interests of waste program directors of the nation's States and Territories. Besides the State cleanup and remedial program managers, ASTSWMO's membership also includes the State regulatory program managers for solid waste, hazardous waste, underground storage tanks, and waste minimization and recycling programs. Our membership is drawn exclusively from State employees who deal daily with the many management and resource implications of the State waste management programs they direct. Working closely with the U.S. Environmental Protection Agency (U.S. EPA), we share the objectives of the Congress and the public in providing for safe, effective and timely investigation and cleanup of the many contaminated sites throughout the nation. ASTSWMO has a fundamental interest in the legislative dialogue surrounding Superfund issues and we believe we can offer a unique perspective to this debate.

It is our understanding that the House will soon be considering HR 3400, and that the Penny-Kasich Deficit Reduction Plan will, in some form, be considered as an amendment or amendments to HR 3400. We have reviewed the Penny-Kasich Plan and were disappointed to find that it contains yet another ill-advised assault on the integrity of the federal Superfund program in the form of its Proposal No. 20, title "Emphasize Land Use and Containment in Superfund". That innocuous title conceals a pernicious effect if this proposal were to be adopted, overturning the current statutory preference for permanence in cleanup requirements in favor of a blanket use of institutional controls.

It is our view that this issue is far too complex and controversial to be resolved as a part of a fast-moving fiscal bill. While there is a great deal to be debated and resolved

concerning the issues of permanence, and such alternative considerations as future land use, containment and institutional control mechanisms, the entire matter of how clean is clean must be resolved in the context of Superfund reauthorization. We believe there is considerable room for thoughtful change in and streamlining of the current procedures, but those require much more integration of effort and reciprocal cleanup procedures than can be achieved by this one-sided, simplistic Penny-Kasich proposal.

Such a fundamental change in direction for Superfund cleanups, as proposed in the Penny-Kasich plan, would cause major confusion in the implementation of the statute. We believe this confusion would result in demands for reevaluation at those fund lead sites that are now in the process of being cleaned up, and in delays at other sites which are near the start of remedial construction. Additionally, responsible parties are likely to seek similar relief at those sites they are currently addressing.

Consequently, we urge you to use your considerable influence to stop this potential amendment proposal from becoming a part of this important recession legislation. Its inclusion can only harm the swift adoption of the entire bill, and add a level of controversy to the eventual conference proceedings with the Senate. We look forward to continued participation in the Superfund debate within the proper forum—the authorization committees and subcommittees. Thank you for your continued leadership in this vital environmental legislative effort.

Sincerely,

DANIEL J. EDEN,  
President.

NOVEMBER 18, 1993.

MEMBERS,  
U.S. House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE: Late this week, the House will vote on H.R. 3400, the "reinventing government" legislation. During that debate, Representatives Penny and Kasich are expected to offer an amendment which we believe is a backdoor attempt to gut Superfund. We urge you to vote No on Penny-Kasich.

The Penny-Kasich amendment would significantly weaken fundamental principles of current law, although this amendment is being proposed completely outside of the ongoing legislative process on Superfund. Short-cutting the normal legislative process in this way completely excludes our chance for input while jeopardizing our neighborhoods and communities. This is an outrageous way for Congress to proceed, whatever your views on Superfund.

Like all Americans, we support the goals of reinventing government and reducing the deficit. But unlike many other Americans and certainly many of you who spend much of your time in Washington, we are personally touched by Superfund. We live, work and go to school near Superfund sites. We live in the communities which have been burdened with the polluting activities that created these sites; we live in the communities where the Superfund cleanup is disposed of; and we will most likely stay in these communities long after the polluters and the regulators have gone home.

We believe you should be working to make government more effective and reduce the deficit, but we urge you not to do this by adding to the burdens we have already borne. The price of reinventing government should not be the future well being of our families

and our communities. Don't balance the budget by making our communities national sacrifice zones.

There has been much debate on how to "fix" Superfund, for there is much that can be done to make this program more effective. But that debate should continue, not be cut short by an "end run" around the legitimate legislative process. Superfund legislation should be considered by the proper committees of Congress and in a forum which allows participation by those most directly affected.

The wrong way to modify Superfund is with H.R. 3400. This is a huge bill to reinvent government and stop certain wasteful or unneeded government programs. Reps. Penny and Kasich propose to add an amendment to change or cancel dozens more government programs. Buried in their amendment is a proposal to fundamentally change Superfund law, eliminating the law's goal of permanent remedies. No environmentalist has seen the legislative language they propose on Superfund. Neither the Environmental Protection Agency nor the congressional committees with jurisdiction have reviewed it. During debate H.R. 3400 and the Penny-Kasich amendment, there will be no time to adequately discuss or understand the provisions that gut the Superfund law.

We strongly oppose the Penny-Kasich amendment, and we urge you to vote NO.

Sincerely,

John Bowman, Environmental Pollution and Health Concerns Coalition, Oklahoma City, OK. Barbara Miller, Silver Valley Idaho Citizens Network, Kellogg, ID. Lorena Pospisil, Concerned Citizens of CENLA, Libuse, LA. Penny Newman, Concerned Neighbors in Action, Riverside, CA. Patsy Oliver, Friends of the Earth, Texarkana, TX. Mary Brasseaux, Help Our Polluted Environment (HOPE), Crowley, LA. Cora Tucker, Citizens for a Better Environment, Halifax, VA. Flo Gossen, Save Our Homes and Land, Lafayette, LA. Leah Wise, Southerners for Economic Justice, Durham, NC. Florence Robinson and Katherine Jones, North Baton Rouge Environmental Association, Baton Rouge, LA. Beth Gallegos, Citizens Against Contamination, Commer City, CO. Mary Ellender, People United to Restore the Environment (PURE), Sulphur, LA. RaJendra Samana and Robin Cannon, Concerned Citizens of South Central LA, Los Angeles, CA. Jerry Wattigny, Citizens Recycling and Environmental Advisory Committee, New Iberia, LA. Linda Price-King, Environmental Health Network, Chesapeake, VA. Carol Savoy, Concerned Citizens of Cameron, Lake Charles, LA. Fred Dye, Mountain Empire Environmental Team, Saltville, VA. Clara Baudoin, Cankton Cleaners Land Air and Water (CCLAW), Carencro, LA. Scott Mikros, South Cook County Environmental Action Coalition, Evergreen Park, IL. Mary Tutwiler, Acadiana Citizens for the Environment, New Iberia, LA. Joan Robinett, Concerned Citizens Against Toxic Waste, Loyall, KY. Gay Hanks, Vermillion Association to Protect the Environment (VAPE), Kaplan, LA. Kaye Kiker, West Alabama/East Mississippi Community Action Network (WE CAN), York, AL. Marie Flickinger and Catherine O'Brien, Texans for a Health Environment, Houston, TX.

Kathy Lanier, El Vos Del Pueblo, Tucson, AZ. Chris Shuey, Southwest Research and Information, Albuquerque, NM. (Representing citizens across the State of New Mexico.) Cheryl Graunstadt, Concerned for the Health and the Environment of Our Community's Kids (CHECK), Westland, MI. Nanna Mason, Garden Community Environmental Citizens' Group, Oklahoma City, OK. Dave Dempsey, Clean Water Action of Michigan. (Representing citizens throughout the State of Michigan.) Cha Smith, Washington Toxics Coalition. (Representing community groups and individuals in Washington State.) Tom Dent, New Mexico PIRG Fund, Albuquerque, NM. (Representing citizens across the State of New Mexico.) C.B. Pearson, Clark Fork Coalition, Missoula, MT. Esperanza Maya, People for Clean Air and Water El Pueblo, Kettleman City, CA. Ted Smith, Silicon Valley Toxics Coalition, San Jose, CA.

HAZARDOUS WASTE  
TREATMENT COUNCIL,

Washington, DC, November 19, 1993.

Re proposal No. 20 of the Penny/Kasich taskforce amendment is economically and environmentally unsound.

Hon. AL SWIFT,  
Longworth House Office Building,  
Washington, DC.

DEAR REPRESENTATIVE SWIFT: The Hazardous Waste Treatment Council (HWTC) urges you to OPPOSE Proposal No. 20 of the Penny/Kasich Taskforce Amendment to H.R. 3400, which would repeal the preference in the Federal Superfund law for permanent, effective cleanups of dangerously contaminated sites. Contrary to the intent of the Taskforce members, the Proposal will increase government spending, cost industry jobs, and decrease environmental protection.

The HWTC is a national association of companies committed to protecting human health and the environment through the use of the best available technologies to safely treat, recycle and dispose of hazardous wastes. Our members have invested literally hundreds of millions of dollars to develop pollution control technologies that have become the envy of the world.

We strongly oppose Proposal No. 20 because it would:

Destroy jobs, discourage investment in innovation, and abandon the competitive edge the U.S. currently has in this rapidly growing field. Precisely because of the current preference in the Superfund law for permanent treatment, preference in the Superfund law for permanent treatment, since 1986 companies have invested heavily in developing new and improved methods for treating hazardous wastes. Repealing that statutory provision will suppress demand for treatment services, create powerful disincentives for any continued investments in this area, cause huge losses in high-tech jobs, and diminish our nation's leading role in the multi-billion dollar global market for pollution control services.

Actually increase government and private sector spending at contaminated sites. Ironically, while Proposal No. 20 is offered as a "spending cut," it will drive up cleanup costs dramatically through its ill-advised reliance on "containment" methods rather than permanent treatment of hazardous wastes.

Rely on deceptively costly "containment systems" that frequently fail, thereby increasing cleanup costs well beyond that for

permanent treatment. Over the short-term only, containment systems seem less costly than certain treatment methods. However, over the long-term, the exact opposite is the case because containment systems by definition do not diminish the toxicity of on-site contamination. Containment systems that were touted as safe have in some cases already failed and required additional cleanup activities by EPA. For example, EPA's containment remedy at the Bruin Lagoon, PA site cost an estimated \$1.5 million, but an additional \$2.7 million had to be spent four years later when the containment system failed.

Increase spending associated with more expensive maintenance requirements. Unlike sites that have been permanently cleaned through actual destruction or removal of contamination, "contained" sites require costly operation and maintenance expenditures for decades to come. For example, maintenance costs for the containment systems at the Charles George, MA; Wade, PA; and Ludlow Sand & Gravel, NY sites are estimated at \$200,000, \$320,000 and \$450,000 per year for at least 30 years.

Advance an environmentally irresponsible method for addressing Superfund sites. Congress enacted the current statutory preference for treatment after hearing extensive expert testimony that all containment systems will ultimately fail. Merely "isolating" contaminated sites without treatment of toxics will create environmental "dead zones" that are forever undevelopable. Moreover, these so-called contained sites will become the burden of our children and grandchildren.

For these reasons, as well as those outlined by Administrator Browner of the EPA, the Association of State and Territorial Solid Waste Management Officials, many State environmental agencies, and over a dozen national environmental and social activist groups, we urge you to oppose Proposal No. 20 of the Penny/Kasich Amendment.

Sincerely,

RICHARD C. FORTUNA,  
Executive Director.

NATURAL RESOURCES DEFENSE  
COUNCIL, SIERRA CLUB, UNITED  
METHODIST BOARD OF CHURCH AND  
SOCIETY, CITIZENS' ENVIRON-  
MENTAL COALITION, HAZARDOUS  
WASTE TREATMENT COUNCIL, HUD-  
SON RIVER SLOOP CLEARWATER,  
ENVIRONMENTAL DEFENSE FUND,  
PHYSICIANS FOR SOCIAL RESPON-  
SIBILITY, FRIENDS OF THE EARTH,  
NATIONAL COUNCIL OF CHURCHES,  
IZAACK WALTON LEAGUE OF AMER-  
ICA, U.S. PUBLIC INTEREST RE-  
SEARCH GROUP,

NOVEMBER 16, 1993.

Re oppose proposal No. 20 of the natural resources section of the Penny/Kasich amendment to H.R. 3400 that would create "environmental dead zones" rather than clean up contaminated waste sites.

DEAR REPRESENTATIVE: We are writing to urge you, in the strongest possible terms, to oppose Proposal No. 20 of the Natural Resources Section of the Penny/Kasich Amendment to repeal an essential provision in the Superfund law that requires the Superfund program to actually clean-up Superfund sites using real, permanent treatment. By contrast, Natural Resources Proposal No. 20 advocates lowering clean-up standards to rely on "containment" of hazardous wastes—a "duck and cover" approach to the dangers of hazardous waste that is unreliable, has al-

ready been shown to fail, and rarely protects communities from long-term risks of leaving hazardous wastes on-site.

The worst tragedy for this program would be for the "clean-ups" of today to become the leaking and contaminated sites of tomorrow. The Penny/Kasich Amendment will reverse national policy, returning us to the "head in the sand" approaches that created many of these sites in the first place—containment and institutional land-use controls (deed restrictions, etc.).

"Containment" actions leave hazardous waste in communities they threaten by attempting to prevent the waste from leaking off-site. "Containment" was the preferred "clean-up" method of the Gorsuch-Lavelle era in the early 1980s. In response to containment's poor track record and extensive expert testimony that all containment systems would ultimately fail, in the 1986 Superfund Reauthorization, Congress inserted a preference for treatment into the law to encourage the selection of permanent solutions to the nation's hazardous waste dumpsite problems. Proposal No. 20 would eliminate this vital standard, and with it, the statutory assurance to communities that Superfund clean-ups will protect their health in the long term.

This issue requires reasoned debate and discussion—currently ongoing in the committees with proper jurisdiction in both the House and Senate—to craft a method to reform the Superfund program without destroying its mission: providing communities real protection from the long-term risks of hazardous waste. Arguing that the proposal would short-circuit more reasoned attempts at reform, the national association of state hazardous waste officials (ASTSWMO) has urged its members to contact their state delegations to oppose the Penny/Kasich proposal.

Most importantly, Proposal No. 20 is poor public policy because it would:

Seriously threaten public health. In the name of short-term cost savings, Proposal No. 20 would remove existing requirements for protective cleanups and allow contamination to remain in place, which will lead to future threats to public health if the containment systems fail. Failure has already occurred at some "contained" sites (see below). Eighty-three percent (83%) of all Superfund sites have residences adjacent or nearby the contaminated property, according to EPA. Proposal No. 20 would result in leaving contamination in or near these numerous residential areas.

Employ failure-prone cleanup methods at the majority of Superfund sites. Although these systems will supposedly control contamination for generations to come, "containment" systems have already failed at numerous Superfund sites within only years of installation. Documented cases abound of leakage through supposedly "impermeable" caps caused by damage from floods, rodents, erosion and man-made factors.

Lead to the declaration of environmental "dead zones" where serious contamination could be left uncleaned. Rather than remove and destroy pollutants, the "containment" approach essentially writes off contaminated areas from ever being useful resources again, irresponsibly transferring the uncertainties and burdens to future generations.

Rely on inadequate institutional controls that can shut out the voices of affected communities. Proposal No. 20 would try to keep people away from contamination using institutional controls, such as zoning or deed restrictions. There is no mechanism to ensure

that local citizens will have an adequate voice in the decision to create permanent dead zones in their communities. All too frequently, "contained" dead zones further burden economically disadvantaged areas and communities of color that are already saddled with serious toxic exposure and pollution problems. Moreover, unless real treatment is used, many sites will remain contaminated long after some restrictions could be changed or will expire.

Fail to deliver the cost savings promised. Containment "caps" often have to be repaired or replaced soon after installation, at a cost of millions of dollars. The Penny/Kasich cost estimates ignore these costs by assuming that containment systems never fail and will never have to be replaced or significantly repaired (See "Estimation of Resource Requirements for NPL Sites," Univ. of Tennessee, Knoxville). Moreover, unlike permanently treated sites, "contained" sites require long-term, continuous monitoring and maintenance at high annual costs. For these reasons, containment systems may well prove more expensive than permanent solutions.

Undermine investment in "green" technologies. A policy that penalizes investments in advanced pollution control technologies would create powerful disincentives for continued development of effective methods to solve our pollution problems.

Proposal No. 20 inappropriately attempts to resolve this complicated issue in a precipitous, knee-jerk fashion that loses sight of the goal of the Superfund program—protection of human health and the environment. A national cleanup program can only achieve the goal of providing real protection of public health and the environment if it employs effective and reliable clean-up strategies. Spending significant public and private funds on ineffective, inadequate remedies squanders scarce resources while providing little or no benefit to society or the environment.

For these reasons, we urge you to oppose Proposal No. 20 of the Natural Resources Section of the Penny/Kasich Amendment to H.R. 3400.

Sincerely,

Linda E. Greer, Senior Scientist, Natural Resources Defense Council. Peter Tyler, Associate Director for Policy, Physicians for Social Responsibility. Velma Smith, Director, Groundwater and Drinking Water Project, Friends of the Earth. Richard C. Fortuna, Executive Director, Hazardous Waste Treatment Council. Marchant Wentworth, Legislative Director, Izaak Walton League of America. Carolyn Hartmann, Staff Attorney, U.S. Public Interest Research Group. Bill Roberts, Legislative Director, Environmental Defense Fund. A. Blakeman Early, Washington Dir., Pollution and Toxics Program, Sierra Club. Paz Artaza-Regan, Program Director, United Methodist Board of Church and Society. Anne Rabe, Executive Director, Citizens' Environmental Coalition. Mary Anderson Cooper, Associate Director, Washington Office, National Council of Churches. Bridget Barclay, Environmental Director, Hudson River Sloop Clearwater.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 51, PROVIDING FOR ADMISSION OF STATE OF NEW COLUMBIA INTO THE UNION

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-384) on the resolution (H. Res. 316) providing for consideration of the bill (H.R. 51) to provide for the admission of the State of New Columbia into the Union, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 714, RESOLUTION TRUST CORPORATION COMPLETION ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-385) on the resolution (H. Res. 317) waiving points of order against the conference report to accompany the Senate bill (S. 714) to provide funding for the resolution of failed savings associations, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### UPDATE ON THE PENNY-KASICH GROUP BUDGET PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 60 minutes.

Mr. KASICH. Mr. Speaker, I wanted to just spend a little bit of time giving an update to the House about the development of the Penny-Kasich group budget proposal. It is interesting, because now the White House, and by the way, let me recap for a second. There are 31 Republicans and Democrats who, together, wrote a \$90 billion budget reduction plan. That is less than 1 penny on the dollar over 5 years. It is really unprecedented, the way it worked.

Frankly, we were a group of 31 ragtag Members drinking cold coffee out of a paper cup, and over the course of the last several days the Secretary of the Treasury, the Secretary of Defense, the Secretary of HHS, the First Lady, the President of the United States, have all begun to unleash attacks on the work product of the Kasich-Penny group.

Mr. Speaker, I must say that the charges that have been made by this administration have been wildly inaccurate, starting today with Secretary Aspin's claim that we are cutting somewhere between \$25 billion and \$30 billion out of national security. Our plan cuts a total of \$1.5 billion out of inventory and a bloated cash fund at the Pentagon.

This administration and the Secretary of Defense, unfortunately, had better go back and re-read our plan, and then he had better take a deep

breath when he goes back to read the plan that the administration advanced by slashing defense by \$130 billion.

The effort by the Penny-Kasich budget group to reduce Federal spending by less than one penny on a dollar over 5 years is something the American people have been calling for. Now the White House has unleashed the most furious of attacks on this plan, and they have done it by rallying those special interest groups who feed at the Federal trough, who have interests in trying to preserve the status quo in Washington, DC, and prevent any change. Those folk now are starting to work over the Members of Congress and trying to tell them that they should not vote for this and they should not vote for that, and if they do, they will be threatened at the polls, the same kind of practices this administration condemned just a short week ago.

In fact, the charges by Secretary Shalala and Mr. Bensen and Mr. Panetta all the way up the line really are the politics of fear. This is an administration that argued against the politics of fear, but now is beginning to perfect the politics of fear by trying to make a number of wild claims about the impact of the Penny-Kasich group proposals on all of these areas of Federal spending.

What is going to work for us, in our effort to win this fight, and frankly, we do not have the votes yet, but we know the opponents do not have the votes yet. That is why we cannot get a Committee on Rules meeting and we cannot get scheduled to have a vote tomorrow, like we have been promised, because the administration is trying to unleash all the ghosts and goblins to try to scare the Members of Congress into voting against this modest proposal to save less than one penny on a dollar over 5 years.

It is going to be up to the American people, as my colleague, my distinguished colleague from Pennsylvania, has said to me. "John, the key is to bring the revolution outside the city over the walls of the beltway into this city, so that the American people will begin to be heard and they will drown out the cries of the special interest groups."

I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding to me.

As a member of the group that helped draft this proposal, Mr. Speaker, I am not certain that I appreciate being called a member of a ragtag group, but I did appreciate the opportunity to work in this particular effort. As I pointed out yesterday when we were doing a similar kind of effort here on the floor, the gentleman from Ohio [Mr. KASICH] and his partner, the gentleman from Minnesota, are to be congratulated for the work that went into this.

Mr. KASICH. Mr. PENNY.

Mr. WALKER. Mr. PENNY that is correct.

The issue is, I think, as the gentleman describes it. We are now confronted with the issue of whether or not the special interest power in this town is going to prevail over the public will to do something about deficit spending.

□ 1750

Too often when we talk about spending deficits and debt in this country there is a belief that there is some magic silver bullet that can be shot that somehow will all of a sudden bring down the budget to balance and will in fact put us into a position where we can be all things to all people, that we can find a solution to our spending crisis without really cutting any real spending. If you have worked on this long enough, you realize that that just cannot happen, that ultimately it gets down to specifics. Whether you do across-the-board cuts or whether you go through program by program and try to figure out what can be cut and what can be eliminated, the fact is that you have to do the tough work at some point, and there are some special interest groups who are always going to be unhappy, because all of them are going to get hit somehow. That is what is happening here. You have kind of a witch's brew of the special interest groups, the administration, and those in Washington who simply like bigger Government, who now have decided that this particular proposal is unacceptable. Any proposal to cut spending in any kind of major way will be unacceptable to them.

Meantime, you have the groups around this town and out across the country who have been attempting to cut spending, who are making this suspending cut vote of the year. And it seems to me that we have to weigh those two, because on the one hand the special interest powers are going to be demanding their pound of flesh, they are going to be demanding a "no" vote because it is their desire to see that spending continue at whatever rate. But there is also the counterpressure that I think is welling up from the country to suggest that if you do not vote for Penny-Kasich that you are going to end up at some point being one of those people who is against doing something real about deficit numbers. And it seems to me that we will end up with a very clear choice.

My concern, I would say to my friend, is I am not certain we are going to get to that choice. It seems to me that the administration is playing not only the game outside where they are attempting to torpedo this effort, but it appears to me as though there is an inside game going on here as well that is drawing out the time at which we are going to have this vote, and is at-

tempting to cook up some kind of a deal that will not allow the stark contrast to be there, will not allow us to clearly identify which the real deficit-cutting vote is. And I wonder if the gentleman has had any experience in the course of the day today which would indicate to him that we are going to enthusiastically bring this proposal to the floor and allow the membership to work their will by voting up or down on this \$90 billion of spending cuts?

Mr. KASICH. They are about as enthusiastic in bringing this bill to the floor as a schoolteacher is in bringing her kids in for a final exam. I mean the bottom line is they are trying to avoid a vote on this proposal.

We were supposed to have a meeting in the Rules Committee yesterday to fashion the amendment. That was canceled. We were supposed to meet in the Rules Committee today to decide what we were going to do. That was canceled. The vote was originally scheduled for tomorrow. That was moved to Monday. And now the Rules Committee meeting is scheduled for tomorrow, the day and the time at which we were supposed to vote on this proposal.

I think that the Democrat leadership, which is committed to more spending, this scares them. You see, what this represents, I will say to my friend from Pennsylvania, is that there are some tremors on the ground right now. If you walk around here in Washington there are some tremors, and the tremors represent change, and it is starting to scare people, the way that the tremors that precede an earthquake begin to scare people. And if in fact the Penny-Kasich group budget that cuts only less a penny on the dollar over 5 years would pass, these tremors would translate into a full-scale earthquake, high on the Richter scale. So they are working both outside and inside to sabotage this plan.

Mr. WALKER. If the gentleman will yield, is it not interesting that when change was a political slogan they were all for it. When change is a real opportunity, they are very much against it.

Mr. KASICH. That is exactly right.

Mr. WALKER. Now it seems to me that that is what the American people need to focus on, that you have a political campaign that talked a lot about change. What the American people were really saying when they wanted things changed was they wanted this effort in Washington to constantly grow Government bigger and raise taxes and raise spending all the time, they wanted that stopped. And now when somebody comes along and suggests that we are going to reduce the size of the Government a little bit over 5 years, we are going to reduce the spending a little bit over 5 years, we are going to do so without raising taxes, well my goodness, we cannot have that kind of a change that is real.

Mr. KASICH. I would say to the gentleman that they are suggesting, each of these Cabinet officials has suggested that if we cut less than a penny on the dollar over the next 5 years that this will eventually end civilization as we know it.

Mr. WALKER. We ought to clarify what the gentleman is talking about. The gentleman is talking about a penny on the dollar over a 5-year period. That is basically one-fifth of 1 cent a year.

Mr. KASICH. That is correct.

Mr. WALKER. We are not talking about a penny each year so that it adds up to 5 cents after 5 years on the dollar. We are talking about one-fifth of a cent each year that ends up being 1 penny over a 5-year period. And the gentleman is right. I mean to hear them talking you would think that that kind of spending cut is going to absolutely emasculate the ability of the Government to provide services to the American people and to provide the common defense and all of the rest of the things that the Congress guarantees that it will do. What nonsense.

Mr. KASICH. Really the cuts represent only basically a spit in the ocean, and people may say or colleagues may say well, why are you so revved up about this and why do you feel so passionately about it then? Well, there is this three-legged stool, and it all needs to be attended to. One is to reduce the overhead of the Federal Government. Second is to end the choking accumulation of Federal regulations snuffing out jobs and killing small business. Third is the ever-growing tax burden on the American people and American business that creates jobs. And it has got to be our effort to reduce the overhead of the Federal Government, to reduce the tax burden on individuals and businesses, and to provide incentives to give businesses a reason to hire more people so we can have a more prosperous civilization. Finally we need to work on eliminating the costly regulations that choke off expansion in this country.

What this represents is a strong but relatively small first step to reducing the overhead of the Government. When we talk about reducing \$90 billion in spending over 5 years, that is all set by a \$2.5 trillion increase in the national debt. This is just mind-boggling, and they will not even agree, I say to the gentleman from Pennsylvania, to make the most sensible, modest amounts of reductions in the overhead of this Federal Government.

Mr. WALKER. The American people need to focus on this in terms of some real realities too. There is a lot of talk across the country that people want a balanced budget amendment to the Constitution. The gentleman does; I do. There are many of our colleagues who have lined up on the idea of a constitutional amendment to achieve a balanced budget.

You know we all talk about balanced budgets. I even talked some about cutting the debt. But let us be real about this when we talk about it. That means major changes in the cuts. Instead of the kind of cuts, the \$90 billion that the gentleman is talking about over 5 years, if you were going to balance the budget within 5 years you would have to talk more in terms of a \$700 billion cut over 5 years. You would have to talk about something that is many times more.

Mr. KASICH. I think the gentleman ought to reemphasize those numbers again.

Mr. WALKER. If we are being real about a balanced budget, if this is not some sort of phony exercise, and we are really going to balance the budget, we have to talk not about a \$90 billion cut over the 5 years, as it is in the Penny-Kasich proposal, but we have to talk more in terms of \$650 billion to \$700 billion in cuts over a 5-year period.

□ 1800

Mr. KASICH. The gentleman is not suggesting that there would be people who would vote for the balanced-budget amendment that would call for \$700 billion in cuts over 5 years who would be reluctant to vote for \$90 billion?

Mr. WALKER. Well, I am not so certain that that is the case, because I am hopeful that many of our colleagues will come to the determination that this is real, and that they want it done.

I am suggesting, however, that there are some people who are representing special-interest power who are talking to the membership at the present time who have no intention of ever seeing us move toward a balanced budget.

The gentleman would be interested and would be fascinated to know that I spent the day today down in the Committee on the Reorganization of Congress, the congressional reform committee, that is supposedly going to make this institution work better, and we were going through a series of amendments, and what suddenly occurred to me in the course of going through those amendments that we were being offered, amendments by the Democrats in particular, one Democrat in particular, that were aimed at preserving the spending machine in the Congress, that we were trying to figure out ways to assure that Congress would continue to spend and spend and spend and would give the membership here less ability to get in the way of the spending machine.

I am telling you that is the kind of attitude we are dealing with, and it is going to be difficult. If you take a look at the people who want to continue to spend the money, the people who really do believe the way to make the country better is to grow the Government bigger, the people who really do believe that you can spend Government money and somehow it is all for free, the peo-

ple who really do believe that you can continue to rob working families, working middle-class families in this country of their resources and spend it better in Washington, that those folks have an awful lot of power in this town, and they are now all coming down around the Penny-Kasich proposal, and that is what we are going to have to deal with.

I do not know, maybe we have a majority of Members who are willing to stand up against that kind of pressure. I hope so, because the only way you will break the back of that pressure is to stand up against it and do something real in terms of cutting spending over a 5-year period.

Mr. KASICH. I say to the gentleman, now, the interest groups, some of whom have very legitimate concerns, others who never want to get their snout out of the trough regardless of whether their programs work or not, that Members like the gentleman from Minnesota [Mr. PENNY] and Members like the gentleman and Members like me were willing to work with reasonable proposals to make their programs work better, to preserve the programs for the people who really need the help. We are not interested in slashing and burning and disrupting the way programs work. That is why we are here with a program that cuts less than a penny over 5 years out of a dollar, and it is important though that we win this fight against these special interests so that they do not go back to their offices smug with the fact that they were able once again to beat down the forces of change.

What makes this so unique is that you have got Republicans and Democrats who together came together to fashion this proposal, and that is why we need it.

You know, I say to the gentleman that it is up to the American people. They have got to start calling their Members of Congress between now and Monday to let them know that they ought to vote for the Penny-Kasich proposal, that they ought to begin to move in the direction of some fiscal sanity in this country, because if we do not, we are hard charging toward bankruptcy.

I yield to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Well, I thank the gentleman for yielding.

I was sitting in my office finishing a long week here in session, and I caught some of this debate on C-SPAN, and I thought I had to come over.

I have been a very strong supporter of the Penny-Kasich approach. It is about time this Congress makes some tough choices on reducing spending, and as I sat there watching, talking to my staff, a couple of thoughts came to my head.

First of all, we have taken some actions to cut spending, but we do not

really hear from our folks at home, the taxpayers, for the thanks that we should have received, I think, for cutting the spending.

A couple of examples, the beekeepers. The gentleman from New Jersey [Mr. ZIMMER] and I took on the beekeeper subsidy. We survived, and we were able to have a success that ended up winning. The only people we heard from were the beekeepers in our own districts who chastised us for taking away the subsidy, something that had been around too long for decades.

Mr. KASICH. In other words, the beekeepers do not call you honey anymore?

Mr. UPTON. That is right, and it was a pretty sweet deal.

The wool and mohair folks, again a subsidy that lasted way too long, and the only people that we heard from were sheepherders back home who were upset that finally this subsidy was over.

I would hope that the people watching this in their homes across the country tonight would see Congress is close to actually taking some concrete action on cutting spending first.

This is a very solid package, over \$100 billion in cuts.

But who are we hearing from? We are hearing from all of the lobbyists that are coming down the hall saying, "Wait a minute, even though this is \$100 billion in cuts, my program has a \$3 million hit here," \$3 million out of \$100 billion. "You have got to vote no."

Those of us who opened up the Washington Post the last couple of days have seen the press beginning to chastise this process, and I would hope that those Members who will truly stand for a balanced-budget amendment, those Members who want to do something about reducing the deficit, this is our chance. I would hope the phones will be ringing in our offices when we go into session tomorrow morning at 10 o'clock and on Sunday at 2, from our constituents across the country, urging their Member of Congress to vote "yes" on this very sound proposal that I know the gentleman from Ohio and the gentleman from Pennsylvania and others have worked very hard on.

Mr. WALKER. If the gentleman will yield further, the gentleman from Michigan makes a very valuable point, because I want to add to it.

You know, the gentleman was talking about the cuts that took place, and they did, and there have been some valuable things. And guess what, the world did not come to an end. I mean, when we were doing those cuts, there were people in here saying the world as we know it is about to end because of these dramatic and drastic cuts that are being proposed on the floor. We made the cuts, the world goes on, the Government has not fallen, and the fact is that there are lots of other things we can do now. We may have to

reform some structures; you might have to have a true revolution where you actually privatize some of what Government is now doing. There are a number of things that you have to do in order to cut spending and yet keep things going on.

But it is not the end of the world when you cut the spending. The fact is that there are ways of accommodating this in a big society like ours, and the gentleman makes, I think, an excellent point that all you get is the criticism from the people who are getting hurt. The rest of the world ought to look around and say, "Hey, they cut that spending and all of those terrible things they told us were going to happen did not really take place."

Mr. KASICH. Let me say this, not only is it a matter of the world will continue to go on, but all over the world governments that have relied on big government to try to solve their problems have moved in the direction of chopping government and privatizing government and trying to develop and create a program that leads to greater prosperity.

This is not a matter of just trimming back government for the heck of it. We want to trim it back because we want to reduce the overhead. We want to get rid of government that gets, in many cases, in people's way, and we want to get a system going that reduces our debt, continues to keep inflation low, interest rates low, and let people have some prosperity in this country.

People do not have any confidence in this economy. That is why we are not in a job-creating mode in this country.

I yield a second time, and this truly is a miracle, on Michigan weekend, I am going to yield to the gentleman; the gentleman from Columbus, and Ohio State, is going to yield to the gentleman from Michigan a second time.

Mr. UPTON. I want to make one further point, and that is that there is hardly a spending cut out there that will not impact someone's district in some way. I would just hope that Members would stand up to some of these special interests that are patrolling the hallways looking for us, looking to get a pass on this issue, and in fact vote, "yes," on this package, and I would only hope, coming from Michigan, that we would be able to eliminate the TVA, that that was probably one cut that does not impact my district.

Mr. KASICH. I would say to the gentleman that, of course, change here is tough. In this package, and the gentleman has been here since the early 1980's working in this town for people who were kind of revolutionaries. I think the gentleman would have to say this \$90 billion package with its ability to go into law with the breadth across the Federal Government is probably the most sweeping proposal we have seen in several decades here, and because this will not go to committee,

there will be no committee chairman that will try to kill it or water it down.

I would say to the gentleman though that in the process of doing the \$90 billion, we had to make accommodations, because if we did not make some accommodations, we could not win the votes, and so we changed it, the provision as it applies to Federal employees and what their retirement age ought to be, and the military retirees and their COLA's. We have taken them out of the mix. And we made all of the changes prospectively, first, because we needed votes, and second, it was a fairness question. The people raised legitimate questions about it.

In terms of Tennessee and the TVA, the TVA and the Tennessee water programs have taken some cuts in this proposal, but perhaps not as big as the gentleman from Michigan and I would like, but they are included. They are in the bill, and it is a start, and in order to have change, you have got to turn around and walk in the other direction, and that is all we are trying to do and take the first step. That is all we are trying to do.

Mr. UPTON. Mr. Speaker, I thank the gentleman for yielding, and I would just pass along the last words, Go Blue, beat the Bucks.

Mr. KASICH. I appreciate the contribution offered by the gentleman from Michigan.

Let me say, Mr. Speaker, in concluding this special order, that we are not going to conclude it yet because my colleague from Connecticut has just arrived. Let me yield to the gentleman from Connecticut as he rumbles onto the floor here, to make a comment about what the task force is doing, and he is a member of the task force, the gentleman from Connecticut.

I want to say this, and I know for people who watch special orders, they say that everybody is always complimenting one another, and maybe that is true, and it gets to the point where it makes you sick, but I have got to say something here about this gentleman from Connecticut. He is intellectually honest, committed to this country, and he is a great person and a great friend, and I love working with him every day on this Committee on the Budget trying to solve our fiscal problems.

I yield to the gentleman from Connecticut [Mr. SHAYS].

□ 1810

Mr. SHAYS. I thank the gentleman for yielding.

Mr. Speaker, I have been in this Chamber as a Congressman for about 6 years, and I remember when Mr. KASICH would introduce his budget-cutting amendments a few years ago and there would be maybe 30 people who would support him. The reason why he offered those amendments was that he knew, just as some of the authors of

some of these various books have pointed out—that is, Peter Gray's pointing out that we are burning money, "The Waste of Your Tax Dollars," "The Government Racket: Washington Waste from A to Z," by Martin Gross, Harry Figge, "Bankruptcy in 1995." You go through these books and you know what is happening. What is happening is we are getting to a point where we are spending so much money, far more than we raise in revenue, that our national debt keeps going up and up and up.

The exciting thing for me is that Mr. KASICH and others have come to the point where there are not just 30 Members supporting these amendments. There were 30, now there are 60, then there were 90, then over 120, and early on we get up to about 160.

Now we have a chance, the majority of Members of Congress, Republicans and Democrats, have come together with an amendment that would cut \$100 or \$90 billion from the national debt over the next 5 years. That is a beginning, it is not the whole thing, but it is a beginning. It is the first time we have done it, and we have done it on a bipartisan basis; that is, rank-and-file Members. The leadership on the other side now is finding ways to just kind of hold things back. I just pray that this Congress has the courage to do what is right and to vote out the package offered by Kasich-Penny on a bipartisan passage and truly it has the support of more than a majority of Members of Congress.

I was looking recently at some of the endorsements that we have, and they are awesome: the Concord Coalition, the National Federation of Independent Businesses, the National Taxpayers Union, Citizens Against Government Waste, United Seniors Association—you know, I look at that and I say, seniors not caring about what happens to our country? No senior wants to grow up and think that they are taking, and their children and their children's children are going to have to pay for it. They care about this deficit as much as anyone else.

Americans for Tax Reform, Lead or Leave, Competitive Enterprise Institute, Coalition for Restraint, Responsible Budget Action Group, the Associated Builders and Contractors, the Third Millennium. The Third Millennium is a group of people who are relatively young who are wondering what is going to happen when we get into the next century and we have to start paying this back.

The list goes on: Americans for a Balanced Budget, Citizens for a Sound Economy, Financial Executive Institute, Business Roundtable.

Now, I do not think we are going to be bankrupt in 1995 because Congress keeps pushing things back a little bit further. I honestly believed that President Clinton would come in and say to

the American people, "I didn't create this deficit, I was a Governor, I wasn't in the White House, I wasn't in Congress." I felt that this President would say, "I wasn't here, but we have got to deal with it." And I felt that he would say, "I am going to veto budgets until this Congress begins to control the growth in spending."

What is amazing to me is—and some of us went to the administration to say, "You have a group that you should nurture, you have the Penny-Kasich group. This Penny-Kasich group wants to cut spending. It is generating from the Congress. You know, you want that. You want Congress to do it."

"Now, we are going to share in the hits with the White House, and you should join us. At least, if you are not going to join us, allow it to go forward and do not try to kill it."

So the White House comes in with a package, and the package is only \$2 billion or so. Then you have a group of Republicans and Democrats who are willing to come in with \$90 billion of cuts. And the White House says "no." I do not understand it, because some of them are the same ideas that they have thought about. And it would be blame shared by all of us.

Mr. KASICH. I yield to the gentleman from Pennsylvania.

Mr. WALKER. One of the concerns I have is what I have been reading in recent days, that the intention here is to use whatever savings they have come up with in order to spend more in other places. In other words, it is a real complaint about Penny-Kasich that it ends up being that they do not want to allow us to get these savings against the deficit because they have plans for that money later on, to spend it elsewhere.

Well, the fact is that is not the way you get deficit reduction. And if we cannot find it and make real savings out of it, you do not get it reduced. Simply transferring it over to spending out of another pot does not make it happen.

So, one of the most disturbing things I have seen from the administration in recent days is the unwillingness to consider deficit reduction, meaning real spending cuts.

Mr. SHAYS. That was a real surprise to us because what we felt when we came forward with this program was, as you know as a part of this group, this group of 30 Republicans and Democrats, that we needed to lower the cap so it would not be spent somewhere else, because we felt the whole intent was to reduce the deficit.

Each year we have our deficits, and at the end of the year our annual revenue is here, our spending is here, and that just goes and adds on to our total national debt.

With the President's passage that passed earlier this year, the national debt will increase in the next 5 years to

\$1.6 trillion. That is a 40-percent increase in the national debt. Some said, "Well, it is only a 40-percent increase. We had greater percentage in past years." But that was on a lower base. This is the largest increase in the national debt in any 5-year period.

So what we needed to do was to bring down those caps so that when we made these real cuts, real tough cuts, they were not spent somewhere else, because that would defeat the purpose of it.

Mr. KASICH. I yield to the gentleman from Pennsylvania.

Mr. WALKER. What is interesting to me is what I have seen happening here that is that Washington, on some of these economic issues and budget issues, is really divided into a couple of different groups. One of the problems that we have is that we have often described the political dialog in this town as being liberal or conservative. A lot of these issues, I am not so certain that those labels fit anymore, because I think maybe the real battle is between those who sincerely believe that you can make the country better by growing the Government bigger and on the other hand those who believe that the Government is too big and spends too much.

I mean those classifications are far more important to this debate than the old bounds of liberal and conservative, that if what you want to do is have a real debate in this town, you have to decide whether or not you are on the side of those who believe Government is too big and spends too much and therefore spending should come down, or those who sincerely believe—I think wrongly—but sincerely believe that the country will get better as the Government grows bigger.

It is a fascinating change in the dialog on a lot of these issues.

I thank the gentleman for yielding.

Mr. SHAYS. I notice my colleagues on the other side have been working on this, Mr. SWETT, Mr. FINGERHUT, and the exciting thing, the thing we want to nurture, is that Republicans and Democrats, rank-and-file Members of Congress, want to put an end and want to begin to address more our deficit problem. I just thank my colleagues on the other side of the aisle for being such a close part of this and making it work.

Mr. KASICH. I say to the gentleman from Connecticut, who sat on the Budget Committee and watched the most partisan operation ever, can you imagine that we got DICK SWETT and Congressman FINGERHUT, two Democrats who worked on this package, gave a little, took a little, worked together, we stood on platforms together, fighting together for this plan. Is this not what it is all about, I say to the gentlemen?

I yield to the gentleman from New Hampshire.

Mr. SWETT. I thank the gentleman for yielding.

First, I just want to say that I came from Congressman PENNY's office, and he apologizes for not being here tonight because he is a den master or den leader for his young son's Cub Scout groups and he had other obligations that took him away from being able to be here and speak.

Having gotten that out of the way, the one thing that strikes me about the whole conversation we are having right now—and I would like to address a larger audience than just my colleagues who are here with me today—is that if we had the opportunity of having cameras in when we were negotiating the cuts that we picked to put into this package, the American public, although on particular issues would have great difficulty, I think in general would have been impressed by the comity, the ability to work together, the desire to reach some kind of consensus that this group of Republicans and Democrats reflected.

□ 1820

That is, I think, a very important message that we have not really gotten through to the American public.

I also want to say that that openness of debate and discussion was very real to me, because when I first started my second term in the House, one of the first things I did was to gather a list of expenditures, wasteful expenditures, unnecessary expenditures that we have engaged in over the years that appear on all the different cut lists, whether you are talking the CBO, whether you are talking the taxpayers' groups, whether you are talking individual Members' cut lists. I gathered all those things that appeared on 75 percent of nearly a dozen different lists for cuts.

I sent that list to my voters, to all the people in my district who are interested in what I am doing in Government and want not only to take a responsible view of how to implement programs to solve problems, but also are interested in monitoring the outcomes of those programs so that wasteful spending and unnecessary spending whenever possible are eliminated.

The responses from well over 20,000 recipients of this letter and this list was extremely positive.

What I am also very happy to say is that it served as a basis for me to come into this bipartisan group and argue decisively, with the backing of my voters, for those reductions that I feel would make a significant impact—not so much on the deficit; after all, we have to remember this is less than a penny on every dollar of spending reduction. This is a very minor amount of reduction, but it is a significant change in how we address the process of management in Government, where we are beginning to look at outcomes. We are beginning to look at the pragmatic side of things, whether a program is necessary or not, and we are

beginning to put people in a position where they have to make decisions about how to manage and how to move forward those expenditures, the use of taxpayers' dollars, that heretofore was only motivated to get out into programs and get the money spent.

Mr. SHAYS. I just want to say that one of the parts of this that I think all of us would make clear is that we as individuals do not like 100 percent of the package. I can tell you there are hundreds of millions of dollars that I would not have put in that package, in the \$90 billion.

I had one constituent come to me and tell me about a part that she did not like. I agreed with her. I had to agree with her. It would not have been my choice, but I said, "Am I going to vote against the entire \$90 billion reduction in spending over the next 5 years because there is \$100 million that I want to keep in?"

Mr. SWETT. Mr. Speaker, if the gentleman will yield further, we had this discussion in the meetings. We all thought about whether we should do this as a single package or as individual votes on individual line items, and it was very clear to the group that, had we broken this down into individual line items, we would have ended up not passing anything, and that there is a real necessity for putting together this ship, so to speak, understanding that on the crew of that ship there are going to be a couple individuals who are a little difficult to deal with and whom we would rather not have onboard, but it makes no sense to sink the ship just because we cannot get along with one of the crewmembers.

Mr. SHAYS. Well, I just would elaborate on that. The point is that everyone in Congress can find something they do not like in a package. If people want to escape accountability by voting against this package because they find one, two, or three things they do not like, that would just be a continuation of the status quo. That is why we have these incredible increases in the national debt over, really, the last 20 years, but particularly over the last 14. It simply cannot be allowed to continue.

Mr. SWETT. Well, if I can just conclude with my image. This is a ship that is helping this country sail into the future.

I look at my children, all six of them. I look at my potential grandchildren, which I think are going to be many if my prodigy has anything to do with that. I think we are going to see great improvements in how Government operates because of legislation like that. I want that ship not only to stay afloat, I want it to chart a good course for the future.

I am also very proud and happy to have one of my colleagues, the gentleman from Ohio [Mr. FINGERHUT] here with me to help represent the Democratic side.

Mr. KASICH. We are going to yield to the gentleman, but before we yield to the gentleman from Connecticut, I just want to get one commitment out of the gentleman from New Hampshire about these elbows in the congressional basketball game.

They will be a little less sharp the next time around. Did I hear that?

Mr. SWETT. Well, I will tell you, I will wait to see who votes for this and who votes against it.

Mr. KASICH. That is a good point.

Mr. SWETT. That is certainly going to depend on how this plays.

I was easy on the gentleman yesterday afternoon. I am sure.

Mr. SHAYS. Mr. Speaker, let me say that the gentleman from Ohio [Mr. FINGERHUT] has been fantastic in working with this group and even before and speaking out about a number of issues that Congress needs to address. The gentleman has made such a difference in making this a bipartisan effort. I just am grateful the gentleman is here tonight.

Mr. FINGERHUT. Mr. Speaker, if the gentleman will yield further, I wanted to jump in on the point the gentleman was just making before and that the gentleman from New Hampshire [Mr. SWETT] was making before about the fact that we do not all like everything that is in this package.

In fact, there are some things in this package that we may not like very much.

I was late joining this special order, I say to the gentleman from Ohio [Mr. KASICH], because I was on the telephone with a constituent, not just a constituent, but a friend, someone who I really respect and admire and who has been a supporter of mine.

This gentleman called about an issue that I knew I was going to get the phone call about sooner or later. It is one of the items that we proposed some cuts in this package, and he made his pitch.

I explained to him what this effort was all about, that is was about responding to two fundamental points.

The first point is the simple morality of the deficit.

You know, I have been here for 10 months now. As the issue of the deficit has been discussed and as I have learned more about the deficit, I have moved away from thinking of it first and foremost as an economic issue or even a governmental issue or management issue and thinking about it just as a sheer morality issue.

Every day that we fail to address these questions, every day that we fail to ask for sacrifice from ourselves and sacrifice from our citizens, our constituents, we are leaving the bill for our children.

I know that the gentleman from New Hampshire [Mr. SWETT] mentioned how many grandchildren he would like to have someday. He has a lot of children

already. I do not have any, but I would like to have some one day, but I know when I go home and when I go to the schools and when I go to the clubs and go door to door and talk to my constituents, I look those children in the eye. They are the ones we are leaving the bill for. That is what this is about.

The second point this is about is everywhere I have gone, people have said to me, "Congressman, why can't Congress work together? Why can't Republicans and Democrats put aside their differences and work together to solve this problem in the country's interest?" And here we are doing that.

So when I finished my answer to my friend who called me to complain about one of the elements, he said "ERIC, not only do I understand, but I support your decision in this case. I am going to go back and tell the other people involved in the cause that I am involved in that they should support this decision as well."

Mr. SHAYS. Just on that point, I always believe that if you tell the American people the truth, they will ask you to do the right thing. Sometimes I have a constituent who will tell me something that is pretty outrageous, and I will say, "Where did you learn that?"

She said she was listening to something, some commentator said this, or maybe even some Congressman said it, and it is so off base, and based on what they were told or what they believed, they came to a conclusion.

When you just go through the facts, they are very clear on what they want.

Now, the one thing we do not have to teach the American people, we have to teach people down here more about, I am someone who loves Congress and I am not bashing Congress. I just want the American people who respect the American flag, which is a piece of cloth, but a very important symbol, to respect the institution of the Constitution, which is reflected in that flag and the Congress of the United States. I want to reflect us.

We do not have to tell them about the deficit, but sometimes when we go through and explain to them why we are doing exactly what we are doing, just as the gentleman has done, they tell us to do it.

I really believe that if more Members in this House had the same experience the gentleman had or arguing that side of the issue, we would be cutting a lot more and getting our financial house in order a lot sooner.

Mr. FINGERHUT. Mr. Speaker, if the gentleman will yield further just briefly, just to conclude, the gentleman mentioned about bashing Congress and the concern people have about this institution.

I am convinced that it comes from the fact that they do not care whether we are Republicans or Democrats. They do not care whether we are liberals or

conservatives, as the gentleman said earlier, they simply want to see us working together for the best interests of this country and for the future.

So I hope that if they tune in tonight, they will see people who do not always agree standing together and working together in a manner that they would expect us to for their children.

I just want to say before I conclude that I really do admire the efforts of my colleague, the gentleman from Ohio [Mr. KASICH].

□ 1830

As my colleagues know, when we went through this budget debate in the spring it was contentious, it was highly partisan. The gentleman from Ohio [Mr. KASICH] distinguished himself on the Republican side, and frankly, and let us be honest about it, could have taken his marbles and gone home and said, "I did everything that I needed to do toward trying to address the deficit this year. I put up my package." Instead, when we on this side of the aisle, the gentleman from New Hampshire [Mr. SWETT], the gentleman from Minnesota [Mr. PENNY], and others, were able to obtain the opportunity for an amendment to be offered next week that would be unlimited in the scope, only limited by what we were able to put together, and, when he was asked to come to the table, he did so. This bipartisan coalition led by my friend, the gentleman from Minnesota [Mr. PENNY], and the gentleman from Ohio [Mr. KASICH] that includes the gentleman very prominently, the gentleman from Connecticut [Mr. SHAYS], and the gentleman from New Hampshire [Mr. SWETT] and 30-some others is really, I think, what my constituents have been hoping we would do all year, and they are willing to accept some pain, and they are willing to accept the fact that there might be something in this that will affect them, and they want us to get on with this.

Mr. SWETT. Mr. Speaker, if the gentleman would yield, I agree with everything that has been said here. I know this is not going to be an easy thing for us to do. We are not engaged in this debate because it is easy.

When I was young, Mr. Speaker, I understood that the most important decisions in my life were those decisions when I had two choices to make. I was choosing the more difficult one to make. I am very concerned about those people who do not have the kind of safety net that this Government should be providing, but right now I do not see us providing that safety net if we continue with the status quo.

I think the Penny-Kasich legislation, this amendment, is the most balanced, the most effective. It is the most efficient way to start whittling down and bringing some good new priorities into our system of Government so that we

can begin to address those people who have not so far, in the recent years that I have been involved in Government, been able to be addressed. I think that we have the bill that will change that status quo. I think that the process of government is going to start changing because of this, and I think, most importantly, we are going to begin to look at how we can bring about this change by providing people with tools with which they can utilize and help themselves, not by just giving them things that they have not asked for, they do not know how to use, and it puts them in a position where they are really rather quite resentful of the programs and situations that they find themselves in.

I believe the challenge that we face on Penny-Kasich is a challenge that is going to get to the foundations of Government, that it is going to change the way Government is operated. It is going to put before the people this new bipartisan approach, this balanced approach, this approach that says we are going to be responsible for our actions, we are going to do what we think is right, and we are going to tell the American people the truth about it.

In the end, Mr. Speaker, I also think that the American people, before Monday, are going to bring together their collective thoughts and let their Congress men and women know that this is the right way to solve these problems and that beyond that everyone who has participated in this debate is going to be vigilant and active to ensure that we protect those people in this country who need that protection most.

We have already made adjustments in this to protect military retirees. We have already made adjustments in this to protect Federal employee retirees. We have set limits for those things, and, more importantly, I think we have established the atmosphere and the attitude toward health reform, health care reform, that is going to ultimately help the President's health care reform package by putting us in a position where we have begun to look responsibly at the ways that we can manage our spending.

We are not looking at the same dollars. I do not think the argument holds water. We are really comparing apples and oranges. We have an opportunity to start the proper habits today so that we can maintain good health tomorrow in the health care reform package.

Mr. Speaker, I commend my colleague from Ohio [Mr. KASICH]. I am also extremely proud of the work of my colleague, the gentleman from Minnesota [Mr. PENNY], and I think that without their leadership we could not have moved this country even this far down the road toward a more accountable, a more responsible, a more balanced and, hopefully, more successful future.

Mr. SHAYS. Mr. Speaker, I would just like to thank the gentleman from

Ohio [Mr. KASICH], and I know we have others who want to talk on very important efforts to cut spending that are not just this bipartisan effort. I am part of an effort by the gentleman from Massachusetts [Mr. FRANK] to cut the space station, and do some burden sharing and so on, but I just want to also conclude by saying to the gentleman, "Mr. KASICH, you make my being in Congress far more worthwhile. You're kind of one of my heroes because you spoke out a long time ago, and you haven't given up, and once in a while I hear you say you might give up, but we kind of chastise you when you do that because, if you weren't doing what you were doing, we wouldn't be here tonight, and we wouldn't have this amendment to offer, and this country would be a lot worse off, so I just want to thank you."

Mr. KASICH. Mr. Speaker, I yield to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, this is a good and a very important thing which these gentlemen are doing, as you know. I have had some problems along with everybody else that we have had some problems with some of the cuts in the Penny-Kasich budget. I appreciate these gentlemen working with us on it, and I appreciate the continuing dialog we are having with that because there are some problems I would like to get addressed, but I think, more importantly than the problems that affect the First Congressional District of Georgia is the debt, and I say to the gentleman, "As you have pointed out earlier, Mr. SHAYS, there is this great book by Harry Figgie on the national debt."

Mr. Speaker, I want to show, and I do not know if the camera would pick this up or not, but this long line, that is our annual deficit and the interest on it, and it is not getting worse. This book right here, I can promise my colleagues if people read it, they would not go to sleep at night. This is terrifying. Getting our financial house in order is our No. 1 problem right now. It is the big issue. Everything else is academic if we go bankrupt.

The other thing that is interesting in the wake of the great NAFTA debate and so forth is this book will show my colleagues that the United States has a larger public debt than any of our other countries that we are trading with. Now what would be the international implications if all of a sudden America went bankrupt, we have a lot of imbalances in our trade with our partnership nations and they were holding some of our T-bills? We would be in a tremendous amount of trouble.

I am very disturbed about this. I am also disturbed about the fact that here we have a calendar for the next couple of days. Tomorrow we are going to debate D.C. statehood, which is a city that can show they cannot even run a

city, and now they want to become a State. Not only tomorrow are we going to debate D.C., but we are going to give time to that Sunday.

Mr. Speaker, the Penny-Kasich bill is not on the calendar right now. That is horrifying. What misplaced priorities do we have? Everybody across America, from New York, to California, to Maine, to Florida, everybody, is screaming for debt reduction and to get our house in order, and yet we are going to spend 2 of the last 3 days of Congress debating D.C. statehood.

So, while I still have some problems with it, I appreciate these gentlemen working with me on the areas that we are trying to address, but I want my colleagues to know that I believe they are going in the right direction, and this is the No. 1 issue that faces America today.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for his comments.

The bottom line for us is it is an extraordinary beginning. If we cannot make this step, what other steps are we going to be able to make in the future?

Mr. KASICH. Mr. Speaker, I yield to the gentleman from New York [Mr. MCHUGH].

Mr. MCHUGH. Mr. Speaker, I thank the gentleman from Ohio [Mr. KASICH] for yielding.

I was in my office doing paperwork, and I heard this special order. I wanted to come over and just make a very brief observation.

I heard the gentleman from Ohio mention that perhaps on the floor of this Chamber we throw out kudos too easily. As one of the newer Members, Mr. Speaker, I am not sure I will accept blame for that trend as yet, but I do want to say in all sincerity how much I appreciate the incredible work that has been put forth by principally the gentleman from Ohio and the gentleman from Minnesota, but so many others on this task force to put together what we have all heard here this evening and we know in our hearts is a difficult package.

□ 1840

But nevertheless, one which is very, very important to the future of our country. I would note that before I came to Congress, I had some power. I was on a State legislative staff, and we spent a great deal of our time trying to help our bosses maintain their integrity, and, most of all, their credibility. And those of us who are in this public service realm, who earn our living and make our ways of life in elected office, recognize, particularly now, and it is a good thing, that the American people are looking for credibility and integrity. And while I reflect on the gentleman's comments from Connecticut when he says he is not a Congress basher, I would state that neither am I. But I think it is important that we

have to begin to do some things that send a message about the credibility of this House, all of us, Republican, Democrat, Independent, conservative, liberal, and talk about the need of putting our fiscal house in order.

Talk is cheap. This bill takes a very real step toward ensuring our credibility and our integrity by putting forward a plan that I think goes a long way toward recapturing the economic stability of America.

One more brief observation. Two days ago we had a very contentious debate in this House on the North American Free-Trade Agreement. Many of us had differing opinions as to the objectives, as to the means, the vehicle. But all of us, on both sides of the aisle, had a primary concern and recognized that the fears that evolved out of that debate came about the security or lack of security of the economy of this country and in the future. I would humbly suggest to the gentleman that perhaps this debate and, more importantly, this bill, can serve as the first step toward bringing us together again in ensuring the credibility and the future of America and in eliminating or alleviating whatever concerns exist around that North American Free-Trade Agreement. Because without economic stability, without having this budget of this great Nation in order, there will be no future for any of us.

Mr. Speaker, I want to commend the gentleman for his effort.

Mr. KASICH. Mr. Speaker, that is a beautiful statement. I want to say to the speaker that my colleagues ought to vote for Penny-Kasich, a proposal that reduces spending a penny on a dollar over 5 years for change for this country, and for some rational thinking in this town. It is up to us to listen to our constituents outside the beltway, rather than the special interests inside.

#### TRIBUTE TO THE LATE HONORABLE IRIS FAIRCLOTH BLITCH

The SPEAKER pro tempore (Mr. POMEROY). Under a previous order of the House, the gentleman from Georgia [Mr. ROWLAND] is recognized for 5 minutes.

Mr. ROWLAND. Mr. Speaker, Iris Faircloth Blitch will be remembered as one of Georgia's great citizens. She served four terms in the House of Representatives between 1955 and 1963 from the Eighth Congressional District, the district I now have the honor of representing. Prior to that, she served in both the Georgia Senate and the Georgia House of Representatives. She also held State and National Democratic Party positions. And she still had time to actively work with her husband, Brooks Blitch, in the family farming and business operations.

She was a fighter. She strongly believed in protecting the prerogatives of

State and local governments, and you would invariably find her in the middle of the fray when these prerogatives were threatened.

She was also determined to help diversify the economy of rural south Georgia and lift the standard of living of the people she represented and loved. Her contributions to the growth of business and industry that began to occur in many communities of south Georgia in the post-World War II years were very significant. In fact, people today still benefit from the things she did to help expand job opportunities for rural Americans.

She retired from public life after the 87th Congress, ending a career marked by courage and effectiveness. For those of us who followed in her footsteps, she left a high standard to strive for.

Mr. Speaker, Iris Faircloth Blitch will be remembered in the hearts of her fellow Georgians.

Mr. Speaker, I yield to my colleague from the First Congressional District of Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am going to have to claim a little bit of pride here, too, because part of the First Congressional District of Georgia, which I have the honor of representing, was also represented by Congresswoman Blitch. So I am entitled to a few bragging rights, and I wish to talk about her, too.

Mr. Speaker, in August, Georgia lost one of our great leaders and political pioneers in the life of former U.S. Congresswoman Iris F. Blitch.

Mrs. Blitch was amazing in many ways. She was a self-reliant and independently thinking woman who overcame personal adversity to become a great Georgian and national leader.

At 9 years of age, she was an orphan and forced to complete school by rotating terms with her older sister. At 17, she married and helped her husband in the family drugstore. As a businessowner, she knew the needs and demands of both small businesses and their customers. She was never a stranger to hard work and this experience strengthened her self-reliant convictions.

In addition to business, she became active in politics and served as a member of the National Democratic Committee from 1948 to 1956 and addressed two national conventions.

In 1947, she was elected to the Georgia Senate to represent Ware, Clinch, and Atkinson Counties. At the time Georgia had a law against Senators running for reelection so, as was customary at the time, popular Senators were elected to the House for a term. After she served in the House, she was returned to the Senate in 1953. In doing so, she became the first woman to serve two terms in the Georgia Senate.

As a member of the Georgia General Assembly, she was instrumental in giving women the long overdue right to

serve on juries. She also helped create the Jekyll Island Authority which I believe was crucial to us still being able to enjoy the natural beauty of the island today.

After completing her second Senate term, Mrs. Blicht won a seat in the U.S. Congress and served four terms. As a Congresswoman, she sponsored a project to build the Okefenokee Swamp perimeter road, helping to preserve the pristine splendor of that great national resource. As a newcomer to Congress and a representative of the Okefenokee, I understand her devotion to those 600,000 acres of water, raccoons, cyprus, and alligators and I pledge to do everything I can to continue the legacy of Mrs. Blicht.

A final political note on the career of Mrs. Blicht, which I think is relevant today, is her independence. Although she was active in Democratic Party politics, her loyalty to ideas and philosophy came first. In 1964, she supported Barry Goldwater over Lyndon Johnson for President and always based her votes on the issue, not on political expediency. This type of independence is the same thing the voters are crying for in 1993.

The fact that Mrs. Blicht was an accomplished businesswoman and politician is tremendous; but like the rest of us, her greatest achievement and pride came from her family. Her daughter, Betty B. Dabbert, is doing well in San Diego. Her son, Judge Brooks E. Blicht, III, is in Homerville where he is married to State Senator Peg Blicht.

Mr. Speaker, Dr. Rowland and I would also like to submit for the RECORD this nice editorial written by Mr. Jim Pinson, editor emeritus of the Waycross Journal-Herald.

[From the Waycross Journal-Herald]

IRIS BLITCH OPENED UP NEW POLITICAL VISTAS

(By Jim Pinson)

Iris Faircloth Blicht, who died last week in California where her daughter lives, was as much a pioneer in Georgia politics as John Glenn and his astronaut compatriots were in space exploration.

She broke new ground in the post-World War II period when she was elected to the Georgia Senate from the 5th District comprising Atkinson, Clinch and Ware counties. The year was 1947.

She followed up her initial political triumph when she was reelected for the 1953-54 term, becoming the first woman to serve two terms in the State Senate.

In the interim, she won a seat in the Georgia House of Representatives from her home county of Clinch. At that time the Senate seat was rotated among the counties of a Senate district.

As a state legislator, she was instrumental in the passage of a measure giving Georgia women the right to serve on juries.

But there were other heights beckoning. Mrs. Blicht won the 8th District congressional race in 1954 and served from Jan. 1955 to 1962, when she retired for health reasons.

This clarification of an historical note: Although she was Georgia's fourth congresswoman, she was the first to win a scheduled

election and to serve a full term (four in all) in Washington.

One of her accomplishments while in Congress was the sponsorship of a measure, signed by President Dwight D. Eisenhower, to build the 700-square-mile Okefenokee Swamp perimeter road as a fire break and access route for firefighters. (There had been major fires which ravaged vast areas of the "Land of Trembling Earth" in the early '50s.)

The legislation also provided for sills and dikes, later to become controversial among environmentalists, on the Suwannee River to retain water as a safeguard against periodic droughts.

She was a signer of the "Southern Manifesto" which decried interference by outsiders in Southern affairs, noting at the time that federal court rulings had caused great harm to "amicable relations between blacks and whites."

"Miss Iris," as some of her friends and neighbors called her, was well-known in Waycross and Ware County. A special friend was the later Journal-Herald farm and feature writer Laurie Lee Sparrow, who often accompanied her on political and civic appearances in the area.

A Southern-style conservative, she took issue with many of the "Fair Deal" programs of Democratic national party leaders and gave her support to the candidacy of Republican Sen. Barry Goldwater when he battled Lyndon B. Johnson, the successor to the assassinated John F. Kennedy.

Mrs. Blicht's friends and followers in Southeast Georgia kept in touch with her following her retirement from public life. Her husband was the late Brooks Erwin Blicht, a Homerville druggist and timber-farm operator. Her son, Brooks E. Blicht III, serves as a Superior Court judge in the Alapaha Circuit.

Her daughter-in-law, Peg Blicht, following in her footsteps, currently serves as state senator from the 7th District after earlier holding a seat in the House of Representatives.

Iris Blicht had lived at St. Simons Island before moving to San Diego, Calif., to be near her daughter, Betty Dabbert, and her family.

She was adept at divining the public mood of her time, the era of the Talmadge political dynasty in Georgia. She caught the fancy of and inspired many women with her famous quip (or something to this effect), "A woman's place is in the House as well as in the home."

Iris Blicht was a trailblazer for women who aspire to public office. And she won her spurs here in south Georgia. May she rest in peace.

Mr. ROWLAND. Mr. Speaker, I thank the gentleman for his remarks. Iris Blicht was indeed a wonderful lady, who contributed a great deal to her State and country.

Mr. KINGSTON. It gives us both a lot to live up to.

AMENDMENT TO H.R. 3400

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

Mr. SHAYS. Mr. Speaker, I include for the RECORD an amendment to H.R. 3400 which is being offered by the gentleman from Massachusetts [Mr. FRANK] and myself to cut approxi-

mately \$17 billion from the Federal budget during the next 5 years.

At the end of the bill, add the following new title (and conform the table of contents accordingly):

TITLE XVIII—ADDITIONAL DEFICIT REDUCTION PROVISIONS

SEC. 18001. RESCISSION OF FUNDS AND CANCELLATION OF SPACE STATION.

(a) CANCELLATION.—The Space Station program is hereby canceled.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the National Aeronautics and Space Administration—

(1) \$500,000,000 for costs associated with carrying out subsection (a) of this section; and

(2) \$300,000,000 for each of the fiscal years 1994 through 1998 for carrying out the responsibilities of the National Aeronautics and Space Administration.

(c) RESCISSION OF FUNDS.—Of the funds made available under the heading "National Aeronautics and Space Administration—Research and Development" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Pub. L. 103-124), \$1,946,000,000 is rescinded, to be derived from the redesigned space station.

SEC. 18002. RESCISSION OF FUNDS AND REDUCTION OF AUTHORIZATION FOR BALLISTICS MISSILE DEFENSE PROGRAM.

(a) FISCAL YEAR 1994 RESCISSION.—Of the funds made available under the heading "Research, Development, Test and Evaluation, Defense-Wide" in the Department of Defense Appropriations Act, 1994 (Public Law 103-139), \$350,000,000 is rescinded, to be derived from the Ballistic Missile Defense Program.

(b) FISCAL YEAR 1995 AUTHORIZATION REDUCTION.—The total amount authorized to be appropriated to the Department of Defense for fiscal year 1995 for the Ballistic Missile Defense Program (including research, development, test, and evaluation; procurement; and other programs, projects, and activities) may not exceed \$2,500,000.

(c) FISCAL YEAR 1996 AUTHORIZATION REDUCTION.—The total amount authorized to be appropriated to the Department of Defense for fiscal year 1996 for the Ballistic Missile Defense Program (including research, development, test, and evaluation; procurement; and other programs, projects, and activities) may not exceed \$2,450,000,000.

(d) FISCAL YEAR 1997 AUTHORIZATION REDUCTION.—The total amount authorized to be appropriated to the Department of Defense for fiscal year 1997 for the Ballistic Missile Defense Program (including research, development, test, and evaluation; procurement; and other programs, projects, and activities) may not exceed \$2,400,000,000.

(e) FISCAL YEAR 1998 AUTHORIZATION REDUCTION.—The total amount authorized to be appropriated to the Department of Defense for fiscal year 1998 for the Ballistic Missile Defense Program (including research, development, test, and evaluation; procurement; and other programs, projects, and activities) may not exceed \$2,350,000,000.

SEC. 18003. RESCISSION OF FUNDS AND CANCELLATION OF ADVANCED LIQUID METAL REACTOR PROGRAM.

(a) IN GENERAL.—The Secretary of Energy shall take such actions as are necessary to terminate, as soon as possible, the civilian portion of the advanced liquid metal reactor/integral fast reactor program of the Department of Energy, including the program's promotion of the use of such reactors for the

disposal of high-level radioactive waste and Department of Energy support for regulatory applications to the Nuclear Regulatory Commission for design certification for advanced liquid metal reactors or related licensed facilities.

(b) RESCISSION OF FUNDS.—

(1) FISCAL YEAR 1994.—Subject to subsection (c), of the funds made available under the heading "Department of Energy—Energy Supply, Research and Development Activities" in the Energy and Water Development Appropriations Act, 1994 (Pub. L. 103-126), \$141,900,000 is rescinded, to be derived from the advanced liquid metal reactor/integral fast reactor program.

(2) PRIOR FISCAL YEARS.—Of the funds made available under the heading "Department of Energy—Energy Supply, Research and Development Activities" in appropriations Acts for fiscal year 1993 and prior fiscal years, the unobligated balance available on the date of the enactment of this Act for the advanced liquid metal reactor/integral fast reactor program is rescinded.

(c) TERMINATION COSTS.—Subsection (b)(1) shall not apply to the amount of the funds, not exceeding \$96,600,000, required for termination of the advanced liquid metal reactor/integral fast reactor program.

SEC. 18004. REDUCTION OF FORCES IN EUROPE.

(a) EFFECTIVE DATE FOR REQUIREMENT FOR REDUCTION TO 100,000 MILITARY PERSONNEL IN EUROPE CHANGED FROM FISCAL YEAR 1996 TO FISCAL YEAR 1995.—Section 1303(b) of the National Defense Authorization Act of Fiscal Year 1993 (Public Law 102-484; 22 U.S.C. 1928 note) is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1994".

(b) FURTHER END STRENGTH REDUCTIONS REQUIRED.—Notwithstanding section 1002(c)(1) of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), for each fiscal year 1995, 1996, 1997, and 1998, the Secretary of Defense shall reduce the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization in accordance with subsection (c).

(c) REDUCTION FORMULA.—For each percentage point that the allied contribution level is below the goal specified in subsection (d) of the end of a fiscal year, as determined by the Secretary of Defense, the Secretary of Defense shall reduce the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO by 1,000 for the next fiscal year. The reduction shall be made from the end strength level in effect, pursuant to section 1002(c)(1) of the National Defense Authorization Act of 1985 (22 U.S.C. 1928 note), and subsection (b) of this section (if applicable), for the fiscal year in which the allied contribution level is below the goal specified in subsection (d).

(d) ANNUAL GOALS FOR FORCE REDUCTION.—The President is urged to seek, in continued efforts to enter into revised host-nation agreements as described in section 1301(e) of National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2545), to have European member nations of NATO assume an increased share of the non-personnel costs of United States military installations in those nations in accordance with the following timetable:

(1) By September 30, 1994, 18.75 percent of such costs should be assumed by those nations.

(2) By September 30, 1995, 37.5 percent of such costs should be assumed by those nations.

(3) By September 30, 1996, 56.25 percent of such costs should be assumed by those nations.

(4) By September 30, 1997, 75 percent of such costs should be assumed by those nations.

(e) END STRENGTH AUTHORITY.—Notwithstanding reductions required pursuant to subsection (b), the Secretary of Defense may maintain an end strength of at least 25,000 members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO.

(f) ALLOCATION OF FORCE REDUCTIONS.—To the extent that there is a reduction in end strength level for any of the Armed Forces in European member nations of NATO in a fiscal year pursuant to subsection (b)—

(1) half of the reduction shall be used to make a corresponding reduction in the authorized end strength level for active duty personnel for such Armed Forces for that fiscal year, and

(2) half of the reduction shall be used to make a corresponding increase in permanent assignments or deployments of forces in the United States or other nations (other than European member nations of NATO) for each such Armed Force for that fiscal year, as determined by the Secretary of Defense.

(g) DEFINITIONS.—For purposes of this section:

(1) ALLIED CONTRIBUTION LEVEL.—The term "allied contribution level", with respect to any fiscal year, means the aggregate amount of nonpersonnel costs for United States military installations in European member nations of NATO that are assumed during that fiscal year by such nations.

(2) NONPERSONNEL COSTS.—The term "non-personnel costs", with respect to United States military installations in European member nations of NATO, means costs for those installations other than costs paid from military personnel accounts.

□ 1850

EXCHANGE OF SPECIAL ORDER TIME

Mr. DORNAN. Mr. Speaker, my special order is going to be longer than the distinguished gentleman from American Samoa. I ask unanimous consent that our order of being called be reversed and that I give my position to the gentleman from American Samoa [Mr. FALOMAVAEGA], without losing my position after him.

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

There was no objection.

AMERICAN INDIAN HERITAGE MONTH—ON NEZ PERCE TRIBE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALOMAVAEGA] is recognized for 60 minutes.

Mr. FALOMAVAEGA. Mr. Speaker, again I am taking this special order as a way to share with my colleagues and the American people—a special tribute to native American Indians, and in doing so to recognize this month, the

month of November as National American Indian Heritage Month.

Mr. Speaker, because of the limited time allotted to me last night, I want to complete the speech given by one of the famous Iroquois chiefs—Chief Red Jacket. Chief Red Jacket made a speech to a missionary minister who was a member of the Boston Missionary Society, relative to things of the spirit, i.e., an American Indian's perspective on spiritual matters. And I quote Chief Red Jacket's speech.

Friend and Brother! It was the will of the Great Spirit that we should meet together this day. He orders all things, and he has given us a fine day for our council. He has taken his garment from before the sun, and caused it to shine with brightness upon us. Our eyes are opened that we see clearly. Our ears are unstopped that we have been able to hear distinctly the words you have spoken. For all these favors we thank the Great Spirit, and him only. \* \* \*

Brother! Continue to listen. You say that you are sent to instruct us how to worship the Great Spirit agreeably to his mind; and if we do not take hold of the religion which you white people teach, we shall be unhappy hereafter. You say that you are right and we are lost. How do we know this to be true? We understand that your religion is written in a book. If it was intended for us as well as for you, why has not the Great Spirit given it to us; and not only to us, but why did he not give to our forefathers the knowledge of that book, with the means of understanding it rightly? We only know what you tell us about it. How shall we know when to believe, being so often deceived by the white people?

Brother! You say there is but one way to worship and serve the Great Spirit. If there is but one religion, why do you white people differ so much about it? Why do not all agree, as you can all read the book?

Brother! We do not understand these things. We are told that your religion was given to your forefathers, and has been handed down from father to son. We also have a religion which was given to our forefathers, and has been handed down to us, their children. We worship that way. It teacheth us to be thankful for all the favors we receive, to love each other, and to be united. We never quarrel about religion.

Mr. Speaker, this was an example of an American Indian's perspective on cultural differences which arose between European settlers in America and American Indians who have been living here centuries before.

Mr. Speaker, tonight I would like to share with my colleagues a summary of the problems the Nez Perce Indian Tribe had with European settlers, their efforts to resolve these differences, and finally the wars which followed. I will conclude by reading excerpts from Chief Joseph's speech before Congress. This material is taken primarily from the book "Native American Testimony," published by Viking Penguin and edited by Peter Nabokov and from the U.S. Department of the Interior publication "Famous Indians: A Collection of Short Biographies."

Mr. Speaker, Indians baptized as Christians often had a hard time being totally accepted by either culture. The

Fox, or Mesquakie, Indians of the southern Great Lakes region provide the following anonymous story about one baptized Indian and his acceptance by others:

Once there was an Indian who became a Christian. He became a very good Christian; he went to church, and he didn't smoke or drink, and he was good to everyone. He was a very good man. Then he died. First, he went to the Indian hereafter, but they wouldn't take him because he was a Christian. Then he went to Heaven, but they wouldn't let him in—because he was an Indian. Then he went to Hell, but they wouldn't admit him there either, because he was so good. So he came alive again, and he went to the Buffalo Dance and the other dances and taught his children to do the same thing.

Mr. Speaker, on that note, let me turn to some of the more solemn times in Indian history. The story of Chief Joseph of the Nez Perce tribe is instructive and a classic example of our Government's mistreatment of native American people.

For many generations the Nez Perce roamed the grassy hills and plateaus in the region where the States of Idaho, Washington, and Oregon now meet. They were a strong tribe which established friendships with whites as early as Lewis and Clark. The tribe gave up most of its gathering territory to the United States in a treaty in 1855. The most powerful band of the Nez Perce occupied their ancestral lands in Oregon's fertile Wallowa Valley. Their leader was Chief Joseph, a Christian convert and the lifelong friend of white missionaries, settlers and explorers.

When gold was discovered in the region, prospectors swarmed onto tribal territory. The Nez Perce demanded their rights under the treaty of 1855, but the U.S. Government was not willing to enforce those rights. Instead, the meeting was called with the intention of "adjusting" the tribal boundaries to an area less than one-fourth the size of the 1855 treaty boundaries.

Not all the chiefs of the Nez Perce were in agreement on what to do. One leader, Lawyer, accepted the terms of the new treaty in return for promises of cash and other benefits. Chief Joseph did not, and he and his followers continued to occupy their lands for several years.

White lawyers, claiming that Lawyer's signature gave away the lands of Chief Joseph also, remained intent on evicting the remaining Indians so that mining activities could expand. The old Joseph, knowing he would die soon, counseled his son, a young chief who had assumed the elder's role, concerning what he knew would happen in the future. It was this one who became known as the famous Chief Joseph.

"When I am gone, think of your country. You are the chief of these people. They look to you to guide them. A few more years and the whites will be all around you. They have their eyes on this land. My son, never forget my dying words: never sell the bones of your father and mother."

Not long after the older Chief Joseph died, the valley of the Nez Perce was opened to homesteaders, and removal of the Indians became a higher priority for the U.S. Government. Joseph refused to move, saying: "I believe the (1863) treaty has never been correctly reported. If we ever owned the land we own it still, for we never sold it."

Joseph counseled his people to be patient, continued to move as settlers entered the tribal lands, and appealed to Federal authorities to enforce the terms of the 1855 treaty. Finally, in 1877 he was given an ultimatum: leave within 30 days, or be removed by the Army. Joseph counseled his people to move peacefully. As the time drew near, a group of angry Nez Perce killed several whites. Troops sent to the area were all but annihilated by Joseph's warriors in the Battle of White Bird Canyon. In 18 subsequent battles, the Indians continued to outmaneuver white soldiers.

Joseph, as the leader of the Nez Percés, was assumed by whites to be the band's military genius. But, in fact, Joseph was not a war chief. The military victories were won by chiefs known as Five Wounds, Toohoolhoolzote, Looking Glass, and others. The U.S. Army was unaware of this, and Joseph's fame grew to legendary proportions.

In 1877, General O.O. Howard and 600 men sent to capture Joseph fought a 2-day battle with Nez Perce warriors. Rather than surrender, Joseph chose a retreat that ranks among the most masterly in U.S. military history.

He took his 750 followers and headed for the Canadian border. The retreat went across four States, twice across the Rockies, through what is now Yellowstone Park, and across the Missouri River, a journey of more than 1,500 miles. Joseph took charge of the non-warrior group, and his brother and other war chiefs fought the soldiers along the way.

On October 5, 1877, within about 30 miles of the Canadian border, his band was cut off by fresh Government troops, and Joseph was forced to surrender. But even in military surrender he did not lose his pride:

"Tell General Howard I know his heart. What he told me before I have in my heart. I am tired of fighting. Our chiefs are killed. Looking Glass is dead. Toohoolhoolzote is dead. The old men are all dead. It is the young men who say yes and no. He who led the young men is dead. It is cold and we have no blankets. The little children are freezing to death. My people, some of them, have run away to the hills, and have no blankets; no food; no one knows where they are, perhaps freezing to death. I want to have time to look for my children and see how many I can find. Maybe I shall find them among the dead."

"Hear me, my chiefs. I am tired. My heart is sick and sad. From where the sun now stands, I will fight no more forever."

In 1879, Chief Joseph was invited to speak before the U.S. Congress about

why his people had gone on the warpath 2 years earlier. This is a portion of Chief Joseph's speech, and I quote,

It has always been the pride of the Nez Percés that they were the friends of the white men. When my father was a young man there came to our country a white man [the Reverend Mr. Spaulding] who talked spirit law. He won the affections of our people because he spoke good things to them. At first he did not say anything about white men wanting to settle on our lands. Nothing was said about that until about twenty winters ago, when a number of white people came into our country and built houses and made farms. At first our people made no complaint. They thought there was room enough for all to live in peace, and they were learning many things from the white men that seemed to be good. But we soon found that the white men were growing rich very fast, and were greedy to possess everything the Indian had. My father was the first to see through the schemes of the white men, and he warned his tribe to be careful about trading with them. He had suspicion of men who seemed so anxious to make money. I was a boy then, but I remember well my father's caution. He had sharper eyes than the rest of our people.

Next there came a white officer [Governor Stevens], who invited all the Nez Percés to a treaty council. After the council was opened he made known his heart. He said there were a great many white people in the country, and many more would come; that he wanted the land marked out so that the Indians and white men could be separated. If they were to live in peace it was necessary, he said, that the Indians should have a country set apart for them, and in that country they must stay. My father, who represented his band, refused to have anything to do with the council, because he wished to be a free man. He claimed that no man owned any part of the earth, and a man could not sell what he did not own.

Mr. Spaulding took hold of my father's arm and said, "Come and sign the treaty." My father pushed him away, and said: "Why do you ask me to sign away my country? It is your business to talk to us about spirit matters, and not to talk to us about parting with our land." Governor Stevens urged my father to sign his treaty, but he refused. "I will not sign your paper," he said; "you go where you please, so do I; you are not a child. I am no child; I can think for myself. No man can think for me. I have no other home than this. I will not give it up to any man. My people would have no home. Take away your paper. I will not touch it with my hand."

My father left the council. Some of the chiefs of the other bands of the Nez Percés signed the treaty, and then Governor Stevens gave them presents of blankets. My father cautioned his people to take no presents, for "after a while," he said, "they will claim that you have accepted pay for your country." Since that time four bands of the Nez Percés have received annuities from the United States. My father was invited to many councils, and they tried hard to make him sign the treaty, but he was firm as the rock, and would not sign away his home. His refusal caused a difference among the Nez Percés.

Eight years later (1863) was the next treaty council. A chief called Lawyer, because he was a great talker, took the lead in this council, and sold nearly all the Nez Percés country. My father was not there. He said to

me: "When you go into council with the white man, always remember your country. Do not give it away. The white man will cheat you out of your home. I have taken no pay from the United States. I have never sold our land." In this treaty Lawyer acted without authority from our band. He had no right to sell the Wallowa [winding water] country. That had always belonged to my father's own people, and the other bands had never disputed our right to it. No other Indians ever claimed Wallowa."

In order to have all people understand how much land we owned, my father planted poles around it and said: "Inside is the home of my people—the white man may take the land outside. Inside this boundary all our people were born. It circles around the graves of our fathers, and we will never give up these graves to any man."

The United States claimed they had bought all the Nez Percés country outside of Lapwai Reservation, from Lawyer and other chiefs, but we continued to live in this land in peace until eight years ago, when white men began to come inside the bounds my father had set. We warned them against this great wrong, but they would not leave our land, and some bad blood was raised. The white men represented that we were going upon the warpath. They reported many things that were false.

The United States Government again asked for a treaty council. My father had become blind and feeble. He could no longer speak for his people. It was then that I took my father's place as chief.

In this council I made my first speech to white men. I said to the agent who held the council: "I did not want to come to this council, but I came hoping that we could save blood. The white man has no right to come here and take our country. We have never accepted any presents from the Government. Neither Lawyer nor any other chief had authority to sell this land. It has always belonged to my people. It came unclouded to them from our fathers, and we will defend this land as long as a drop of Indian blood warms the hearts of our men."

The agent said he had orders, from the Great White Chief at Washington, for us to go upon the Lapwai Reservation, and that if we obeyed he would help us in many ways. "You must move to the agency," he said. I answered him: "I will not. I do not need your help; we have plenty and we are contented and happy if the white man will let us alone. The reservation is too small for so many people with all their stock. You can keep your presents; we can go to your towns and pay for all we need; we have plenty of horses and cattle to sell, and we won't have any help from you; we are free now; we can go where we please. Our fathers were born here. Here they lived, here they died, here are their graves. We will never leave them." The agent went away, and we had peace for a little while.

Soon after this my father sent for me. I saw he was dying. I took his hand in mine. He said: "My son, my body is returning to my mother earth, and my spirit is going very soon to see the Great Spirit Chief. When I am gone, think of your country. You are the chief of these people. They look to you to guide them. Always remember that your father never sold his country. You must stop your ears whenever you are asked to sign a treaty selling your home. A few years more, and white men will be all around you. They have their eyes on this land. My son, never forget my dying words. This country holds your father's body. Never sell the bones of

your father and your mother." I pressed my father's hand and told him I would protect his grave with my life. My father smiled and passed away to the spirit-land.

I buried him in that beautiful valley of winding waters. I love that land more than all the rest of the world. A man who would not love his father's grave is worse than a wild animal.

For a short time we lived quietly. But this could not last. White men had found gold in the mountains around the land of winding water. They stole a great many horses from us, and we could not get them back because we were Indians. The white men told lies for each other. They drove off a great many of our cattle. Some white men branded our young cattle so they could claim them. We had no friend who would plead our cause before the law councils. It seemed to me that some of the white men in Wallowa were doing these things on purpose to get up a war. They knew that we were not strong enough to fight them. I labored hard to avoid trouble and bloodshed. We gave up some of our country to the white men, thinking that then we could have peace. We were mistaken. The white man would not let us alone. We could have avenged our wrongs many times, but we did not. Whenever the Government has asked us to help them against other Indians, we have never refused. When the white men were few and we were strong, we could have killed them all off, but the Nez Percés wished to live at peace.

If we have not done so, we have not been to blame. I believe that the old treaty has never been correctly reported. If we ever owned the land we own it still, for we never sold it. In the treaty councils the commissioners have claimed that our country had been sold to the Government. Suppose a white man should come to me and say, "Joseph, I like your horses, and I want to buy them." I say to him, "No, my horses suit me, I will not sell them." Then he goes to my neighbor, and says to him: "Joseph has some good horses. I want to buy them, but he refuses to sell." My neighbor answers, "Pay me the money, and I will sell you Joseph's horses." The white man returns to me, and says, "Joseph, I have bought your horses, and you must let me have them." If we sold our lands to the Government, this is the way they were bought.—Chief Joseph, Nez Percé.

Mr. Speaker, Chief Joseph's speech did not move Congress to correct any of the wrongs against the Nez Percé. Joseph remained a prisoner in the State of Kansas. Five of his children died of disease there. He was moved to the State of Washington, and having never again seen his homeland, he died in 1904.

Mr. Speaker, as this session of Congress and National American Indian Heritage Month draw to a close, I want to again thank you and my colleagues for the opportunity to bring to the attention of my fellow Americans few of the noteworthy actions by the forefathers of today's proud American Indians. Sometime next week when our national leaders and when millions of families throughout America once again prepare that huge 12-pound turkey with all the trimmings befitting Thanksgiving Day and related activities and parades and so forth—I ask my colleagues and the good people of this great Nation of ours to also give

thanks and remembrance to our fellow native American Indians for their support and providing food to the starving Pilgrims who settled in the New World.

□ 1910

#### AMERICAN HEROES

The SPEAKER pro tempore (Mr. POMEROY). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. Mr. Speaker, last night I ended a special order talking about American heroes.

Mr. FALEOMAVAEGA. Mr. Speaker, will the gentleman yield.

Mr. DORNAN. I yield to my friend from America Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to say for the record that the gentleman from California was instrumental, along with the chairman of the Subcommittee on Asian and Pacific Affairs of the Foreign Affairs Committee, and outstanding in his assistance and contributions that he made to the extent that sometime this month we will be commemorating the 50th anniversary of the Battle of Guadalcanal. I want to say for the record that the gentleman's help in providing the appropriations that the Congress funded so that a commoration for the men who sacrificed their lives in the Second World War, particularly in the Solomon Islands and Guadalcanal that will be dedicating a new Parliamentary Building in the Solomon Islands for that government, I want to say thanks for the tremendous help and assistance of the gentleman from California on that piece of legislation, and I just want to note that for the record and pay special tribute to my friend from California.

Mr. DORNAN. I thank the gentleman for that recognition. May I add to that the great help of our Pennsylvania colleague, a great Democrat, JACK MURTHA, who was the key man in making sure that that wonderful idea that we sort of all came together on went forward, and remember, it was because we went to Papua, New Guinea first, and saw that the Australians in pulling out of this colony that they had held for many decades left behind as a parting gift, and all Colonialists should leave in this way, by building one of the most beautiful natural wooden assemblies or parliaments of any young emerging nation in the world. So in Papua, New Guinea they gave us the idea, and when we suggested it to the wonderful legislature there in the Solomon Islands that took us around, we simply suggested that if we help you with a parliament, do you think that we could also make it a memorial to all of the American kids that died in the longest fought battle of World War II from August 7, 1942, to February 9 of

this year, the 50th anniversary this year, and they said excellent. So everybody is pleased, and it will be someplace for marines and their loved ones and families, and the Army guys that fought there, and the Army Air Corps pilots, and the marine heroes like John Foss and all of the great marine aces in the Cactus Air Force. When they go back there they will see there a memorial and always an American flag flying in front of the island nation of the Solomon Islands.

Mr. FALÉOMAVAEGA. I want to say that if it had not been for the assistance of my good friend and colleague from California that that appropriation which now results in the building of the Parliamentary Building for the Government of the Solomon Islands as a commemorative to the tremendous historical events that occurred there in the Solomon Islands would not have occurred. Maybe some of our colleagues do not realize that this is where President Kennedy's PT boat had operated, out of the Solomons. But also the famous Battle of Guadalcanal is going to be commemorated this year, the 50th anniversary of that famous battle, where we were very much a part of that offensive unit and movement, and I want to pay tribute to my friend from California, a very knowledgeable person, certain of military history. And I want to thank the gentleman for that.

Mr. DORNAN. I thank the gentleman. And I am going to tell a little secret how I learned how to master pronouncing your name. I said the only way that I could master Eni's last name was by using a Cary Grant rhythm, FALÉOMAVAEGA. I got it right.

Mr. FALÉOMAVAEGA. I thank the gentleman for his very concise and precise pronunciation of my name. And it is correct.

Mr. DORNAN. I thank the gentleman from American Samoa [Mr. FALÉOMAVAEGA].

As the gentleman leaves the Chamber he will hear my mantra every time I speak of 1,200,000 or 300,000 fellow Americans, from American Samoa to Guam on the other side of the international dateline, from Kennebunkport to Puerto Rico to the Virgin Islands, thousands and tens of thousands listening.

Mr. FALÉOMAVAEGA. And I want to say to the gentleman that I did listen to his masterpiece last night, and I want to thank him for giving the remembrance for those of us who came from the insular areas. And I know that the gentleman appreciates the fact that we do make a contribution to the needs of our country, particularly in defense of our country, and I thank the gentleman.

Mr. DORNAN. Thank you, ENI, and I treasure your friendship, as you know.

As you leave the Chamber you are going to be hearing the words of Abra-

ham Lincoln, who although not a great orator was probably the greatest thinker and one of the greatest writers this country has known certainly in the field of politics. And Abraham Lincoln once said when somebody asked about his gift for communication, he said well, he was a self-educated man, never had even gone to grade school, and he studied at home. You know, the legend of the charcoal bricks and the shovel, that was probably a little on the mythic side. But he said quite seriously many times in his legal career that he studied the Bible and Shakespeare, and he said Shakespeare for rhythm and beauty of language, and the Bible for rhythm and beauty of language, but for content the Bible.

Mr. FALÉOMAVAEGA. I want to add to the gentleman's comment that certainly he is one of my favorite personalities, President Lincoln. He also was a very well-noted reader of Aesop's fables, and that is where I think his sense of humor always seems to come in in humoring the situation when the atmosphere gets a little thick at times.

But the gentleman is sharing with our colleagues this personality, and certainly it is a favorite American President of mine, Abraham Lincoln, and I thank the gentleman.

Mr. DORNAN. As the gentleman takes his leave, learn with me today. There is always something to learn about Lincoln. He wrote five different versions of the Gettysburg Address. I have two of them before me. I will only read one. Actually I have it memorized, but I do not want to make any mistakes.

He had in his hand the second version that is before me, but the fifth version that I am going to cite perhaps represents the speech exactly as most people remember him giving it.

But I know the reason I memorized it was not because I was a studious lad at Good Shepherd School in Beverly Hills, CA when it was a village, long before the debauchery of 90210. We did not have zip codes in those days. Sister Mariam Rita, long gone to her heavenly reward, sent me in the hall and said you are not coming back into the class until you master this. And I thought I had mastered it and I came back in, and maybe some of my colleagues will find this difficult to believe, but I got a mental block right after "fourscore."

Back into the hall, and by the end of the day, I had mastered it.

But this is the 130th anniversary. I was invited, as was every Congressman and Senator, Mr. Speaker, to go up this morning at 10 o'clock to the beautiful inspiring national military park and cemetery at Gettysburg. There will be a parade there tomorrow morning in that still small town, and the 10 o'clock ceremony this morning was a reenactment, a reenactment in full costume of Lincoln's Gettysburg Ad-

dress on this 130th anniversary. But we were not supposed to be in session when we were invited. Now we are going to be in Saturday, and Sunday, and Monday, and hopefully Monday we will be able to cut maybe \$90 billion in government spending. If that is what is keeping us in, it is well worth it.

But here is what happened, and again this morning and often I have wondered if Lincoln had started out saying 87 years ago our forefathers, which would have been politically incorrect, he would have to say and foremothers, I wonder would it have been as memorable a speech. He did not think that it was particularly memorable. He said it was just a big nothing, or colloquial words to that effect. And it turns out that this very short, I think about 260-some words, address is probably one of the most powerful secular documents ever delivered to the human family.

But he began, because of his biblical study, because of his self-study, he began,

Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we can not dedicate—we can not consecrate—we can not hallow—this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

□ 1920

He sat down. One of the great orators of that day got up and spoke for 2 hours. I think he spoke obviously before the President, and when the President said, "Well, I guess that wasn't anything memorable," the man said, "Mr. President, your speech will ring through history. Mine is the oratorical speech that will disappear into the mists of time." That great orator was correct.

I began yesterday by talking about the culture war that we are in. Every day, and I used to say this monthly and then weekly, but now every single day comes before us through the news or on

our TV screens some unbelievable offense against children or American cruelty to one another, that that is why in this end of the first session of the 103d Congress I want to concentrate on some heroes.

When I went on Veterans Day to the unveiling of the Vietnam Memorial for Women who fought in Vietnam, and there are eight names of ladies on that wall which I will submit an article about tomorrow in the CONGRESSIONAL RECORD, eight women on the Vietnam wall, many others wounded, the unveiling was wonderful, but for me it took on an extra dimension because, as the ceremony was beginning, I walked past a soldier in uniform. I noticed first his 1st Cavalry patch, because this is the 28th anniversary month of the first major battle in Vietnam, the first battle when more than a handful of people were killed, the Ia Drang battle from November 14 through 18 of 1965, and here was a 1st Cavalry person who looked about my vintage, and I looked at his nametag, and there was the name Dolby, and I vaguely remembered this, and then my eye caught, which is very easy to, the beautiful powder blue and stars of the Medal of Honor. I introduced myself to David Charles Dolby, Medal of Honor winner.

As all of the speeches were being made and at the moment of unveiling, I was honored to be standing next to a senior sergeant in full uniform. He looked like he could have been my brother. His beard was red like mine, going gray, although he is much younger, red hair, butch military-type haircut, handsome looking fellow, and I said he looked like my brother, but not that I do not have handsome brothers, but comparing myself to him, and I asked his name, and it was Sammy Davis, Sammy L. Davis. I vaguely remembered his story.

He wanted me to give a message, because I asked him if he minded if I looked up his Medal of Honor award story from a book I have at home of all of the Medal of Honor winners, and he said he would be honored. He said, "But do one thing for me, Congressman. If you mention my name on the House floor, tell America that I, Sgt. Sammy Davis, believe that there are live Americans left behind, and I think some are probably still alive, and I mean to help get them out," still a dedicated soldier.

Let me go back first to David C. Dolby, sergeant, then specialist 4th class, U.S. Army, Company B, 1st Battalion, Airborne, 8th Cav of the 1st Cavalry Division. Then it was the Army's only airborne helicopter assault division. Date and place of Medal of Honor deed, Republic of Vietnam, 21 May 1966. He entered service Philadelphia, PA. He was born 14 May of 1946, which means he was 20 years old and precisely 1 week, 1 week past his 20th birthday. He was born in Pennsylvania, Norristown.

#### Citation:

For conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty. When his platoon, while advancing tactically, suddenly came under intense fire from the enemy located on a ridge immediately to the front. Six members of the platoon were killed instantly, and a number were wounded including the platoon leader. Sergeant Dolby's every move brought fire from the enemy. However, aware that the platoon leader was critically wounded and that his platoon was in a precarious situation, Specialist 4th Class Dolby moved wounded men to safety and deployed the remainder of the platoon to engage the enemy.

By the way, Mr. Speaker, this is a characteristic of the American fighting man, superior to any other fighting men in history, even the best the Germans had to offer, certainly far superior to Russian soldiers or any Koreans or North Vietnamese we ever went up against. American soldiers, down to the last private, when people are being wounded, have this amazing capacity for taking command at the junior ranks and leading men to victory and to survival. So here is a specialist 4th class taking over.

Subsequently his dying platoon leader ordered Dolby to withdraw the forward elements to rejoin the platoon. Despite the continuing intense fire, with utter disregard for his own safety, Sergeant Dolby positioned able-bodied men to cover the withdrawal of the forward elements, assisted the wounded to the new position, and he alone attacked enemy positions until his ammunition was expended. Replenishing his ammunition, he returned to the area of the most intense action and singlehandedly killed three enemy machine-guns, neutralized the enemy fire, thus enabling friendly elements on the flank to advance on the enemy redoubt. He defied the enemy fire to personally carry a seriously wounded soldier to safety where he could be treated, and returning to the forward area, he crawled through withering fire to within 50 meters of the enemy bunkers and threw smoke grenades to mark the bunkers for air strikes. Although repeatedly under fire at close range from enemy snipers and automatic weapons, Sergeant Dolby directed artillery fire—

Then sergeant when he got the award.

on the enemy and succeeded in silencing several weapons. He remained in his exposed location until his comrades had displaced to more secure positions. His actions of unsurpassed valor during 4 hours of intense combat were a source of inspiration to his entire company and contributed significantly to the success of the overall assault on the enemy position and were directly responsible for saving the lives of a number of his fellow soldiers. Sergeant Dolby's heroism was in the highest tradition of the United States Army.

And a striking-looking figure he was on Veterans' Day, November 11, at the unveiling of the latest beautiful memorial to honor the men and women who have gallantly worn the uniform of our country.

Now, Sammy Davis, my fellow redhead, who still spends every day thinking about how to resolve the saddest chapter of the whole Vietnam war, that

we left some Americans behind, certainly left them behind in Laos alive, Sammy L. Davis, sergeant, U.S. Army, Battery C, 2d Battalion, 4th Artillery, 9th Infantry Division, which although it has been shut down, Mr. Speaker, in recent months, still has one brigade as they close down the infantry division totally; one brigade is left, I believe, at Fort Richardson in Arkansas.

□ 1930

No, I am incorrect. I believe the 9th Division was totally shut down, no brigade. It was the 6th Division, that is at Fort Richardson. The place and date of his act of heroism is west of Cai Lay, on the 18th of November 1967—and I had hoped to do this yesterday, but 1 day off the anniversary of his heroism is not bad—so it was 26 years and 1 day ago. He entered the service at Indianapolis, IN. He was born November 1 of 1946. So, like Sergeant Dolby, he was a young man, just after his 21st birthday, exactly 17 days after. He was born in Dayton, OH. And here is his citation for the Medal of Honor, which is often called incorrectly the Congressional Medal of Honor, but now that I am in Congress I do not mind that title because it was authorized by an Act of Congress.

"For conspicuous gallantry and intrepidity in action at the risk of his life and beyond the call of duty, Sergeant Davis, then Private 1st Class," and I am going to change this designation as I read it. It is a tradition that you use the current rank of the person when they were given the award. But I think it gives impact to the heroism to say "PFC."

PFC Davis distinguished himself during the early morning hours while serving as a cannoner with Battery C at a remote fire support base. At approximately 0200 hours, the fire support base was under heavy enemy mortar attack. Simultaneously, an estimated reinforced Viet Cong battalion launched a fierce ground assault upon the fire support base. The attacking enemy drove to within 25 meters of the friendly positions. Only a river separated the Viet Cong from the fire support base. Detecting a nearby enemy position, Private Davis seized a machinegun and provided covering fire for his gun crew. As he attempted to bring direct artillery fire on the enemy, despite his efforts, an enemy recoilless rifle round scored a direct hit upon his artillery piece. The resultant blast hurled the crew from their weapon and blew PFC Davis into a foxhole. He struggled to his feet, returned to the howitzer, which was burning furiously. Ignoring repeated warnings to seek cover, Private 1st Class Davis rammed a shell into the gun, disregarding the withering hail of enemy fire directed against his position, he aimed and fired the howitzer, which rolled backward, knocking PFC Davis violently to the ground. Undaunted, he returned to the weapon to fire again when an enemy mortar round exploded within 20 meters of his position, injuring him painfully. Nevertheless, PFC Davis loaded the artillery piece again, aimed and fired. Again he was knocked down by the recoil—

This is one tough redhead.

In complete disregard for his safety, PFC Davis loaded, fired three more shells into the

enemy. Disregarding his extensive injuries and his inability to swim, PFC Davis picked up an air mattress and struck out across the deep river to rescue three wounded comrades on the far side. Upon reaching the three wounded men, he stood upright and fired into the dense vegetation of the jungle to prevent the Viet Cong from advancing. While the most seriously wounded soldier was helped across the river, PFC Davis protected the two remaining casualties until he could pull them across the river to the fire support base. Though suffering from painful wounds he refused medical attention. Joining another howitzer crew which fired at the large Viet Cong force until it broke contact and fled. Sergeant Davis's extraordinary heroism at the risk of his life are in keeping with the highest traditions of the military service and reflect great credit upon himself and the U.S. Army.

Let me check these dates at the beginning, Mr. Speaker, because they always put the date the award was given. You want to make sure I did not mix up the date with the award. No, it happened 18 November 1967, and his birthday is 1 November 1946. Quite a guy.

Right below him is a good friend of mine, now a top lawyer down in Florida, who won the Medal of Honor after ejecting from the F-100 aircraft, the Supersabre that I flew on in active duty in peacetime. I do not have the other page. I just want to think about this hero, "Bud" Day, George E. Day, "Bud." What a hero.

So I am restricted to the first paragraph: "U.S. Air Force forward air controller pilot of an F-100." Most people do not know we use supersonic jets as FAC aircraft. Most FAC pilots were courageous 01 and 02 pilots, right down in the weeds flying those single-engine and two-engine Cessnas. But he created a program called Misty FAC and then Super Misty FAC forward air controller. It was in that role that he got shot down.

He wrote the book on forward air controlling with jet aircraft.

His award date is 26 August 1967, North Vietnam. "Bud" Day entered service at Sioux City, IA, born February 24, 1925. So he is just a few months younger than George Bush, who was born about 7 months earlier. That is Sioux City, IA. On 26 August 1967 Colonel Day was forced to eject from his aircraft over North Vietnam when it was hit by ground fire. His right arm was broken in three places, his left knee was badly sprained. And he was immediately captured by—and I do not have the rest of the story, but let me see if I can recall memory.

He was captured, taken to the village of Binh, he was taken into a school house, his arms were tied behind him, and he was lifted off the ground Nazi Gestapo-style, this way, bringing great pain to your arms until they finally dislocate. When he looked down at the stage, below him was a pool of sweat, probably what you learn from reading about Jesus Christ on the Via Dolorosa, which is pain, mixed sweat

with blood. The pool turned red as he was bleeding into it, and the major who was conducting the torture session and beating him with a bamboo whip in front of a whole school full of people eating their lunch while they were watching this torture. He looks over, and in his pain hanging by his arms a foot above the stage and he sees the major, obviously a sadist—and this is tough language, but I am discussing heroism now—masturbating behind the desk that hid him from the audience while he tortured "Bud" Day.

When he was taken north—and my memory fails me here—he escaped at some point and made it all the way back over 30 days, after a considerable loss of weight, all the way back to the DMZ, crossed the DMZ to a forward U.S. helicopter base where he could see the helicopters circling, the Huey helicopters, when all of a sudden a North Vietnamese forward patrol starts working its way through the DMZ near him. He was that close to freedom, saving himself 5½ years of captivity and more torture. He just lay there still, and all of a sudden he looked over his fingers and there is this boot. He looked up, and it was a North Vietnamese soldier with an AK-47 on him. He is captured. And then begins the heroism of his unbelievable resistance to the insane cruelty that was being a captive in North Vietnam. So there is an extra little hero story.

Now, when I broke off the special order last night, I was speaking of one of the heroes of my youth, my middle age and my early congressional service, as he was a supporter and a donor to my very tough campaigns when I represented him and his lovely wife, Josephine Daniels Doolittle, when they lived in Santa Monica, which was their home for the rest of their lives. I think I left off in 1942 after the amazing Doolittle raid, as it became known throughout all of history. I had the honor on the 50th anniversary of going out on my nephew's aircraft carrier, an AWACS pilot on the *Ranger*. We went out on the *Ranger* with my older brother Don, the father of Don, Jr., who had 30-plus missions in the Persian Gulf during Desert Storm. We went out on the carrier to watch B-25's for the first time since 50 years earlier—this is last year—take off from the San Diego coast, turn their noses into the wind at that angle—and the B-25's looked so small as they did on the deck of the 26,000-ton *Hornet*, the original *Hornet* aircraft carrier. Off they took—I wanted to be in one of those B-25's because they turned north and they were joined by six or seven others in the flight, there were Corsairs, there were Mustangs. Most of them went all the way up north to Carmel, came down low, got FAA clearance and buzzed Jimmy Doolittle's house where he, I believe, was out waving at all of them. What a great respect to live 50 years after this

great deed in his life, and he was already—let me see if I can go back to his birthday here—1896. He was already 46 years of age at the time of the Doolittle raid.

□ 1940

So this was incredible that he got to see this great memorial, and they did it again this year with B-25's again, but he was too ill to wave to them this time, and the lone B-25 that flew up the Potomac and over Arlington at his funeral last October 1.

Let me pick up where I left off last night I will put in the whole speech again so it has some continuity. I merely titled it "Jimmy Doolittle—Hero", and I will pick it up at World War II.

Later in World War II he would command the 8th Air Force, the 12th and 15th Air Forces in the Mediterranean, the 8th of course throughout all of East Anglia and other bases in Great Britain.

As Commander of the 8th, and I am repeating this from last night, but there may be new additions to the audience of a million people watching tonight, a million plus, he would make one of the most critical tactical decisions of the war by ordering the P-38's, the P-47's and the B-51's to go after enemy fighters and drive them and follow them back to their bases, enter the traffic pattern, shoot them down, tear up their hangers, shoot down the ones taking off. This resulted in the German Air Force, the hunters from the Spanish Civil War in 1936-37, all the way up until 1943, they were the world's greatest aerial hunters. Several of their aces, three of their top aces mostly from the Eastern Front, had 250 victories in the air, and I have met that gentleman, 275 and their top one, the Golden Knight of Germany, 352 victories. They thought they were the best of the best, and for awhile they were, but now Jimmy Doolittle was giving the order, hunt down the hunters over their own territory.

Eric Hartman was lucky. He stayed on the Eastern Front or he would never have gotten the kills and victories that he got there if he had been flying against our young pilots in Jimmy Doolittle's 8th Air Force.

By the way, General Doolittle foresaw the future. Today's newest, most advanced jet fighter, I went with my sons up to the first flight at Edwards Air Force Base, the new U.S. Air Force F-22 is designed to do exactly what General Doolittle ordered in Europe, engage the enemy deep in their own territory and gain air supremacy.

They believed that is what gave us supremacy in 1944 in time for the Normandy landings, where I repeat what I said last night, two lonely German fighters showed up. I could not remember the German pilot's name. It just popped in my head, Pitts, I think. This

Luftwaffe captain said, "The Luftwaffe has had its day," after one pass down the beach.

Then after World War II, Jimmy Doolittle would become the director and vice president of the Shell Oil Company. That is when I first met him. Chairman of the Board of Space Technology Laboratories, and serve on a number of other boards and government advisory policies.

He also worked for the great insurance company, Omaha of Nebraska. That is when I met him at Labrea and Wilshire Boulevard near my old high school up in that old high school up in that old building. It was a skyscraper at one time, about six or seven stories.

With all these accomplishments, a close friend of Doolittle's indicated the General thought his biggest contributions to aviation took place in peacetime, instrument flying and the development of high octane gasoline at Shell.

I will explain what he meant by that. It says this gasoline proved vital to the future and continued development of high-performance aircraft.

The Germans did not understand in the battle of Britain toward the end how the Spitfires and the Hawker Hurricanes could suddenly have gained 10 knots in speed, 10 to 15 knots. That might not sound like much to the average person, but if you are in the Indianapolis Speedway Race and you are going 200 miles an hour and somebody else is going 215 miles an hour, he is going to lap you in a very short time.

That little extra kick in the Battle of Britain and the whole rest of the war was kept top secret then of high octane, 110 octane gasoline, a 100 and then 110 octane gasoline, gave our fighters the edge, because the Messerschmidt 109 was certainly equal to the Spitfire, but not with that high octane fuel in the Spit and in the Hurricane.

Let me jump forward.

In 1985 it was President Reagan who promoted Jimmy Doolittle to a four-star general in the Air Force Reserve, just as Eisenhower had restored dignity to the Lone Eagle and had promoted the first man to fly alone across the Atlantic, Charles Augustus Lindbergh, whose father, Charles Augustus Lindbergh, senior, had served in this Chamber, in this very room for 10 years as a U.S. Congressman from Minnesota. I do believe.

President Reagan gave Doolittle that honor that he really should have achieved in the war, but I guess he stepped on too many toes, being a combat general and not a political general.

In 1989 President George Bush presents Doolittle the Presidential Medal of Freedom. I do not have an image of that scene taking place. I wonder if President Bush went out to his home in Carmel, CA, to give him that award or if Jimmy was able to make it back.

At this point, I want to tell you one of my last good memories, and I will change the blasphemy to the letters G.D., because it was not Doolittle saying it.

But he came to break the first shovel full of dirt in my prior district over in that great aerospace district in West Los Angeles in the great independent city of El Segundo, which means second, the second refinery on the West Coast.

El Segundo has a great corporation that does 95 percent of its work for the Air Force, called Aerospace Corp, a not-for-profit think tank, a great place. They did and I believe still do tremendous work in intelligence. They built an intelligence top secret building and they named it the Jimmy Doolittle Building. Everybody who flies out of L.A. Airport sometimes is looking right down at it and not knowing what they are seeing.

In those days, this would have been 1979, '80, '81 in there, General Doolittle was still up and about regaling people in his humble, yet glorious way, with all the adventures of his life.

Again, the title of his book that I recommend to everyone is "I could never be that lucky again."

His humility comes through in that title, meaning as he told me that his life was always right there in God's hand.

But here is something right out of a movie. You do not see it, it is in his book. You do not see it in many of the quick biographies when a great hero passes on.

I was asking about some of his early adventures. I bailed out of a jet twice in peacetime, so I said to him, "What were some of your peacetime close calls?"

He said, "Well, the worst one is kind of like a bad Hollywood movie. I was testing a new fighter in front of an array of generals. The biplane fighters stayed so close to the field that it was actually the way it was pictured with Clark Gable in movies like Dive Bomber, Test Pilot. The Generals all lined up. They are looking at the airplane."

He goes up. There is a high power dive, never leaves your sight, unlike today's high-speed supersonic cruise jets, like the F-22 Lightning II.

He goes up in this airplane. He said, "I'm coming into a power dive. I'm watching the instruments, and all of a sudden the wings rip off."

I said, "Excuse me. I did see that in a Clark Gable movie."

Well, he said, "There I am. I turned the airplane into a bullet. The wings rip off and I had trouble getting out of the airplane and the airplane was about to hit when I got out of it at the last minute, manually popped my chute and barely got a half a swing out of the chute and I hit the ground."

He said, "It helps to be small stature and I didn't break a bone, but I had

gone down behind this little rise on the horizon of the airport and everybody thought I had bought it, literally bought the farm, because it was farmland."

So one of his best friends who retired later as a three-star general, I am sorry I do not remember his name, I hope he is still alive. Being senior to Doolittle, he would have to be in his 100's, but this General did not wait for anybody, jumped in a big Phaeton car, a four-door convertible, and just fires it up, jams it in gear and goes racing in the general's direction where he thinks Jimmy Doolittle has died.

This general was a bad stutterer. Doolittle said, "He comes roaring over this hill. By then I had my parachute on my head and I'm walking back in the general direction of the airplane and here comes my pal. He puts on the brakes and slides this big Phaeton sideways and comes running over to me and says, "Gd-Gd-God-damn it, did you get out of it okay, Jimmy?"

I did use the words. God forgive me, but people say expletives invoking God more as a prayer than anything else in moments like that.

□ 1950

"But did you get out of it OK?"

And Doolittle told me he looks right, and he looks left, and just kind of acknowledges, "Yeah, I got out of it OK."

So that shows you that this man was in God's palm. How many people bail out of an airplane with the wings ripped off and get one swing on their parachute before they hit the ground?

Most will remember our beloved Jimmie for his famous raid of Tokyo. It really represented America's first major victory in World War II. It was perhaps the most daring air mission in the history of air warfare given that they took off in heavy swells, rough seas, 6 hours before their intended takeoff time from what Roosevelt romantically called Shangri-la to torment the Japanese warlords. Some tend to downplay the strategic importance of that 1942 event, instead stressing the overwhelming positive effect it had on U.S. morale. Some historians correctly point out that this raid helped press the Japanese way ahead of schedule to attack Midway Island resulting in that major battle in the first week of June, just 6 weeks after the Doolittle raid, June 3, 4, 5, 6, 7 in that little Pacific atoll which is actually the top island in the Hawaiian chain, although way out in the Pacific, and that was the turning point in the war.

As Herman Wouk says in his great book "Winds of War and Remembrance" that happened in the Pacific, the turning point, and set the stage for October when three great battles began, Stalingrad, the buildup of El Alamein was well under way in North Africa, and the third one would be landings at Guadalcanal. All those

three battles turned the war, but it began on the seas with the Battle of Midway, so to think that Jimmie Doolittle played a role in the greatest naval battle of all time, as far as historical importance, that is really something.

Still the importance of these raids to morale cannot be overstated of course. According to retired Air Force Gen. John Gray, I do not know anything that did as much to improve the morale of the men and women in the U.S. military at any point in history as the knowledge of that magnificent raid.

According to one of the great, and another tiny in stature, but big in spirit and accomplishments, Bull Halsey, Adm. William "Bull" Halsey, wonderfully played by Jimmy Cagney in that great motion picture, as much a documentary as it was a great Hollywood film, one of the greatest naval fighting commanders of all time, he said of the Doolittle raid, "I do not know of any more gallant deed in history than that performed by our squadron, sir, and that it was successful is entirely due to the splendid leadership on your part. You have struck the hardest blow of the war directly at the enemy's heart. You have made history."

And of course it was Bull Halsey who gave the order when he was spotted by some Japanese fishing ships and naval trawlers, as I said last night. The commander of one of them committed suicide within minutes of realizing they were American carriers, not Japanese. Halsey was the one who gave the order to his naval commanders:

"Tell Lieutenant Colonel Doolittle to launch."

Jimmie was truly an American hero, a great pilot, great warrior and a great man who was instrumental in making this country an aerospace leader both in war and peace, and I have a quote of his that I think I am going to be using next year quite frequently, and I will keep reminding, if I get to call in plays here occasionally. I did not forget the cloakroom number in 1983 and 1984 when I had a little break in service here due to not defeat at the polls, but reappointment. I called in plays to my great marine hero, JERRY SOLOMON sometimes, and a fighting new Member, DAN BURTON, so I will be—if I ever leave here, I will be calling in plays, and this is a Doolittle quote that I think we should all have on our walls that write our Nation's laws. Doolittle said:

"If we should have to fight, we should be prepared to do so from the neck up instead of from the neck down."

As much as we love our grunts, and our gyrenes, our GI's and our people in harm's way, and that now includes women, let us think with our brains on how to fight the next war, not refight the last war.

Before I came out here and one of the reasons I was gracious to the gen-

tleman from American Samoa [Mr. FALEOMAVAEGA] is that I was speaking again to one of the widows of this last cycle of American heroes getting killed in Vietnam, and Keith Pearson's widow, Jody, courageous, young, American wife of one of the fighting men who gave their lives in Somalia, her husband was the driver of the hummer, what the guys call a humvee, the armored; it is not armored. It is a personnel carrier, the super jeep, the red one that Arnold Schwarzenegger drives around and the one that was last Christmas in the Dallas Neiman Marcus catalogue. That is what the MP's have, that is what the rangers had as their only vehicle in Somalia until the last few weeks, but he was the driver of that humvee that was blown apart by an auto-detonated land mine on August 8, and it turns out that his platoon leader was a lady, 1st Lt. N-e-y-s-a, B-i-a-n-c-h-i, and Lieutenant Bianchi was in the humvee right behind Keith's and did not hear or sense the explosion. She has written a beautiful letter to Jody, called the father and said, "Is there anything I could do? Do you want me to tell you about the event," and the military these days is very uptight partly because of its civilian leadership, and they never really gave a thorough, in-depth briefing to the families, so the father told Jody, and Mr. Pearson told Jody, and Jody wrote and said, "Yes, I would like to know. The whole event is a blank slate."

I have since shown her photographs of the site. The remains of her husband's humvee are still in the middle of the street all these months later, since August 8, but Lieutenant Bianchi wrote to her, and this fine young female MP officer could have been one of the dead ones because her humvee was immediately behind Keith Pearson's, and, when it blew up, she wrote that she was not aware of an explosion, did not feel it, sense it, but the whole world went gray in front of her vehicle, and she told the gunner on the small turret up top to start firing, and they fought their way through this. They did not realize it was an intersection, and then, when they got through and out of the smoke from the explosion, the streets filled with dust and dirt over there so every explosion, and it was one of the helicopter problems on October 3 creating what they call a grayout.

They realized that Keith Pearson's humvee was not in front of them, so she turned back, called the home base at the airport, said, "We're going back to find what happened to Pearson's humvee," and when she got back to the site, she found one deceased MP in the street. This is a little bit at odds with what the helicopter pilot told me who was flying me around who said he landed at the intersection, was the first air on the ground, the first MP's back or

any fighting person was Lieutenant Bianchi's humvee, and she jumped out of the humvee, had her guys firing in all directions, tried to set up a little defense perimeter, and she saw someone lying next to a building, ran over and turned this body over, and it was Keith, and he was still alive, he was conscious, he eyes were open, and although he did not speak, she told him, "Don't worry, hang on, you're going to make it. We've called for a medic."

Another humvee got there. That is probably the time the helicopter, Black Hawk, was landing. They put Keith into another vehicle and got him back to the hospital, the 46th Field Medical Hospital. When they took him, or when they took him actually from the airport over to the hospital, they said, "Only the doctors can ride on the chopper," but the chaplain at the hospital told Lieutenant Bianchi, and he passed this on to Jody, that he gave this young Methodist MP the last rites and was with him, holding his hand, until he died.

Now I do have a gripe here. I am talking about heroes, and I think that, as President George Bush did, with every family that lost a loved one in the Panama operation, 23 plus, Lt. Roberto Paz who was executed at the gate, at a checkpoint murdered actually from shots in his departing vehicle disregarding the orders of a Noriega thug government, those 24 families all heard from President Bush personally.

□ 2000

I have yet to hear from a single person that has been called by Mr. Clinton. He has written to them all, but that is a staff written letter. We all know that. He did not sit down like Abraham Lincoln in his letter to Mrs. Bixby who lost five sons in the Civil War and write it personally.

I have got an article here which I will put in the RECORD, Mr. Speaker, about the big silly Halloween party at the White House where everybody dressed up on the White House staff in these big gaudy costumes. Gergen came as Richard Nixon. What was that, a little act of disloyalty there? They call him "the Cat" over at the White House because he glides in and out of every meeting.

Somebody turned up as Yasser Arafat, his wife as Yitzhak Rabin. The high school quarterback was Mac McLarty. Somebody came as Michael Jordan. I see the Thomases are welcome back at the White House. They came all dressed to the nines. Hillary's mom, Dorothy Rodham, was dressed as a Mother Superior. What is that supposed to mean?

The First Lady was dressed as Dolly Madison. Well, depending on what book you read on Dolly Madison, some of that might be apropos.

But they had Mr. Clinton dressed as James Madison, the Father of the Constitution of the United States.

What hurts me is they are having all these giddy Halloween party games at the White House, but all these Rangers and Special Forces guys that I met with told me about all of the 19 that were killed, the first ones killed after Keith Pearson and his three MP colleagues, and then the three that died in the helicopter on September 25. They have never heard anything personally from the White House. But the 18 Rangers and Special Forces guys and air crews from the 160th Soar, none of their colleagues were contacted. And on Halloween, all of their little children, because most of them were married, a lot of them have young kids where Halloween is a big event, were those families trying to take their kids out to trick or treat and forget the agony that they were going to have, the saddest coming Thanksgiving and Christmas of their lives? I wonder what they felt, picking up this magazine and reading about this jackass jack-o-lantern party at the White House, without a call to any of them.

Oh, but on Veterans Day, Mr. Speaker, conjuring up hard memories of marines in battle fatigues being ordered to the White House south lawn to perform for a photo op for their erstwhile Commander in Chief, what does President Clinton do to the Rangers? He invites 30 of them to the Oval Office. I met some of them that afternoon, the same afternoon, November 11, and they said, "Well, it was an honor to be there. It is probably the only time we will ever be in the Oval Office."

I wish more military heroes would run for political office, and even set that ultimate goal in their sights.

But they said, "You know, it is kind of funny that he cannot call our dead colleagues' families, but he can have us there for a photo op." And it was reported all over the country that he had welcomed the Rangers into the Oval Office.

I wonder if they discussed—I found out they did not—why his civilian people at the Pentagon did not give them armor for a rescue extraction mission when the commander of the quick reaction force, Gen. Thomas Montgomery, had asked for it. Or, worse yet, as they told me, why did they jerk out the AC-130 Specter gunships that fly above RPG, rocket-propelled grenades, and ground fire altitude, to give them the support that certainly, as I said yesterday, would have saved the lives of some of the men that were killed, and dozens wounded in the extraction-exfiltration phase of that 15-hour firefight.

So I would like to read part of and then put in the RECORD an article by a distinguished fellow of the Army War College; he was an infantry officer in Korea and Vietnam and, for this retired reserve officer, is the best analyst of the military scene today. He has picked up in my life where S.L.A. Marshall, the great history writer who

wrote so much for the L.A. Times, left off when he retired. Harry G. Summers, Jr., retired colonel, is as good as they get.

Here is what he put in the Air Force Times issue that is still current. It is dated the Kennedy assassination date, November 22, 1993, if you want to look up this issue.

"Clinton can't abdicate command responsibility.

"As a people, we are singularly uninterested in war," says Colonel Harry Summers.

General Fred Weyand, a former Army Chief of Staff, observed in the wake of Vietnam that Americans have a long and proud history of antimilitarism. It is a prejudice that extends to the top. As Harold Brown, President Carter's Secretary of Defense, once said with a sniff, Presidents have better things to do than worry about the military and the mechanics of national defense.

Those words seem to describe as well the attitudes of the Clinton White House. The constitutional requirement that the President be the Commander in Chief once again has been delegated to bureaucrats while Clinton concentrates on what he sees as more pressing concerns of health care reform and other domestic issues.

And the Republicans saving his Presidency with 132 of us voting for NAFTA.

"Lost is General Douglas MacArthur's warning in 1932"—that is going back, the year I was conceived—"that 'the selection of national objectives and the determination of the general means and methods to be applied in obtaining them are decisions to be made by the head of state. The issues involved are so far-reaching in their effect and so vital in the life of the Nation, that coordinating Army and Navy efforts should not be delegated by the Commander in Chief to any subordinate authority.'" Not even a Secretary of Defense.

"Any such attempt would not constitute delegation, but rather abdication.'" Doug MacArthur. Hence, the title of Harry Summers' article here.

During the Senate hearings over his relief from command during the Korean War for challenging President Truman's strategic direction, MacArthur was confronted with his remarks of two decades earlier: "As I look back, Senator, upon my rather youthful days then, I am surprised and amazed how wise I was."

That is as close to a humble apology, I guess, as that maybe greatest of American general, could be.

But that wisdom did not endure. Despite President Johnson's boast that he personally would approve the bombing of every out-house—

Those are Johnson's own nonclassy words—

The truth is that the direction of U.S. strategy was so ignored in Vietnam that 70 percent of the generals would complain that they were unsure of U.S. military objectives.

The direction of foreign and military policy was abdicated to what came to be known as the National Command Authority, the euphemism for whoever it was, if anybody, who was making the decisions in Washington.

General William Westmoreland—

A great general—

His request that the battlefield be isolated by extending the Demilitarized Zone into Laos and Thailand, for example, neither was approved nor disapproved. It merely disappeared into the labyrinth of the bureaucracy. The situation did not improve after Richard Nixon took office.

Mr. Speaker, I am told the former President, Richard Nixon, watches this House regularly on C-SPAN, watches these special orders. He told me to my face at his gallant wife Pat Nixon's funeral that he watches, even discusses some things I have said on the floor. If that former President is watching, Mr. Speaker, I hope he can write to me and comment on this line for history, that the situation did not improve after Richard Nixon took office, about this delegation of authority.

There was no doubt, however, during the Persian Gulf war who was running the show. Instead of National Command Authority, the strategic direction of the war was given personally by President Bush.

But National Command Authority is once more in vogue. As was revealed in the aftermath of the Mogadishu, Somalia, tragedy, no one seems to be in charge. Like Westmoreland's request for a change in strategy, the request from the field for armored vehicles to protect the troops disappeared into the bureaucratic labyrinth.

Clinton, no doubt truthfully, denied any knowledge that such a request had been made. But while he cannot delegate his authority as Commander in Chief to the bureaucracy, Clinton has learned that MacArthur was right. The American people will not allow him to abdicate his responsibility.

Mr. Speaker, time goes by fast when you are talking about heroes. I will enter the following articles into the RECORD.

[From Time, Nov. 8, 1993]

CLINTONISM: TRICK OR TREAT?

(By Michael Duffy)

Hillary Clinton may have suspected a ruse when aides hurried her out of the White House up to a conference on Capitol Hill last Tuesday afternoon—only to find the room completely empty. Arriving back home minutes later, she received further evidence that something was afoot when her husband, dressed as James Madison, urged her into a costume suitable for Dolley. It was, after all, Mrs. Clinton's birthday.

The night before he formally unveiled his health-care reform plan, the President pulled off what looked to some like the second biggest initiative of his presidency: a surprise party for his wife. Just when the Clinton White House seemed set to return to its trust, all-work-and-no-play self, more than 150 people waited in the dark as the perhaps not totally unprepared Mrs. Clinton descended the main staircase.

Meeting her was a line of staff members dressed as Hillaries of one sort or another: Hillary at Wellesley, Hillary the lawyer, Hillary on her wedding day, Hillary on a bad-hair day, Hillary at the Inaugural.

Every costume told a story. David Gergen disguised himself as Richard Nixon, his

hands rising in the famous V-for-victory gesture. The much feared adviser and friend Susan Thomases was a Pilgrim. Affable communications director Mark Gearan became a gorilla, while mild-mannered personnel chief Bruce Lindsey wore a man's habit. Pirate George Stephanopoulos huddled with media whiz Mandy Grunwald, who looked for all the world like a health security card. White House decorator Kaki Hockersmith—Scarlett O'Hara—had her dress made from fabric matching the curtains in the Lincoln Bedroom.

For his costume, power lawyer Vernon Jordan adopted the uniform of power forward Michael Jordan; he could be seen talking to a helmeted Hope High School Bobcats quarterback who distinctly resembled Mack McLarty. Sandy Berger, the deputy National Security Adviser, turned up as Yasser Arafat, his wife as Yitzhak Rabin. Arkansas pals Diane and Jim Blair pretended to be James Carville and Mary Matalin. Webb Hubbel and his wife came as the Devil and the Deep Blue Sea, and one guest, dressed as Lincoln, passed out little cards that read, "They have a nice bedroom in his house."

Gladys Knight—the real Gladys Knight—sang Happy Birthday to the First Lady, and a three-person band from Memphis played jazz, blues and Motown in the East Room until well past midnight.

Everyone danced. When one of the first on the floor turned out to be Hillary's mom, Dorothy Rodham (dressed as a mother superior), Dolley Madison exclaimed in mock horror, "That's my mother!"

The Blue, Red and Green rooms were dark and forbidding, what with the stuffed ghosts and goblins guarding the French doors on Louis XIV chairs. As one servant who started with L.B.J. put it, "I've never seen anything like it."

[From the U.S. News and World Report, Oct. 25, 1993]

#### EYE ON THE '90'S—MASK ARRAYED

Every year, as Halloween approaches, costume shops around the nation's capital do a brisk business in masks of various political figures, and this year is no exception. But the cast of characters have changed somewhat since this time last year. A bulb-nosed Bill Clinton is the hottest seller, with first lady Hillary Rodham Clinton and Palestinian leader Yasser Arafat also attracting many takers. Ross Perot and Richard Nixon remain favorites, while the Whoopi Goldberg mask has emerged as a fast-selling item—especially for Halloween revelers who are choosing to take a pass on Ted Danson's blackface option. But it has been hard to disguise one of this season's definite duds: the mask of Vice President Al Gore. "Gore is just too stiff," explains Sandy Duraes of Washington's Backstage Inc. "He doesn't have any characteristics that really stand out, so the mask is average looking."

[From the Air Force Times, Nov. 22, 1993]

#### CLINTON CAN'T ABDICATE COMMAND RESPONSIBILITY

(By Harry G. Summers Jr.)

As a people, we are singularly uninterested in war. Gen. Fred Weyand, a former Army chief of staff, observed in the wake of the Vietnam War that Americans have a long and proud history of anti-militarism. It is a prejudice that extends to the top. As Harold Brown, President Carter's secretary of defense, once said with a sniff, presidents have better things to do than worry about the military and the mechanics of national defense.

Those words seem to describe as well the attitudes of the Clinton White House. The constitutional requirement that the president be commander in chief once again has been delegated to bureaucrats while President Clinton concentrates on what he sees as more pressing concerns of health-care reform and other domestic issues.

Lost is Gen. Douglas MacArthur's warning in 1932 that "the selection of national objectives and the determination of the general means and methods to be applied in obtaining them . . . are decisions to be made by the head of state. . . . The issues involved are so far-reaching in their effect and so vital in the life of the nation that coordinating . . . Army and Navy efforts should not be delegated by the commander in chief to any subordinate authority. Any such attempt would not constitute delegation but rather abdication."

During the Senate hearings over his relief from command during the Korean War for challenging President Truman's strategic direction, MacArthur was confronted with his remarks of two decades earlier. "As I look back, senator, upon my rather youthful days then," he said, "I am surprised and amazed how wise I was."

But that wisdom did not endure. Despite President Johnson's boast that he personally would approve the bombing of every "outhouse" in Vietnam, the truth is that the direction of U.S. strategy was so ignored that 70 percent of the generals would complain they were unsure of U.S. military objectives.

The direction of foreign and military policy was abdicated to what came to be known as the "national command authority," the euphemism for whoever it was, if anybody, who was making the decisions in Washington.

Gen. William Westmoreland's request that the battlefield be isolated by extending the demilitarized zone across Laos into Thailand, for example, neither was approved nor disapproved. It merely disappeared into the labyrinth of the bureaucracy. The situation did not improve after Richard Nixon took office.

There was no doubt, however, during the Persian Gulf War who was running the show. Instead of "national command authority," the strategic direction of the war was given personally by President Bush.

But "national command authority" is once more in vogue. As was revealed in the aftermath of the Mogadishu, Somalia, tragedy, no one seems to be in charge. Like Westmoreland's request for a change in strategy, the request from the field for armored vehicles to protect the troops disappeared into the bureaucratic labyrinth.

Clinton, no doubt truthfully, denied any knowledge that such a request had been made. But while he can delegate his authority as commander in chief to the bureaucracy, Clinton has learned that MacArthur was right. The American people will not allow him to abdicate his responsibility.

#### LET'S GET THE REAL FACTS ABOUT WHAT HAPPENED IN SOMALIA

DEAR COLLEAGUE, earlier this week my good friend and our well respected colleague, Jack Murtha, sent you a letter concluding that officials at the Department of Defense were not responsible for the heavy casualties we encountered in Somalia on October 3, & 4. As the only other member of Congress to visit our forces there since that operation, I must take exception to Jack's analysis.

After personally talking to troops of all rank involved in these operations, I am con-

vinced that additional firepower and better planning from Washington would have helped with the Oct 3/4 Ranger/Special Forces raid as well as with other military missions in the Horn of Africa. U.S. Rangers were engaged for nearly 15 hours. I have spoken to Special Operations 160th SOAR aviators who spent 17 to 18 hours in the air during the fight (of course, they have a gung ho battle cry—"Don't Quit!"). For over nine of these hours during the "fire fight from hell" Aidid's militia and civilians with automatic weapons pinned down our good guys while U.N. forces awaited permission from their respective capitals to release their tanks or armored vehicles. It is impossible to say that U.S. M-1 "Abrams" tanks and M-2 "Bradley" fighting vehicles could not have altered the outcome of events and saved some lives and dozens of others from being wounded.

During my trip to Somalia, one commander specifically brought up his request for armor. The commander of the forces who conducted the October 3/4 operation made no mention to me about not needing armor rescue or a letter to the President (all we know for sure at this point is that only two people have seen the letter). I believe that in writing the letter he was being a "good soldier" and trying to take all the blame upon himself. This commander was the last person I saw in Somalia and he said, "Congressman, that was a good mission. We completed our mission and then got into a hell of a fire fight on the way out." Agreed. But it's this Quick Reaction Force/rescue aspects that needed armor to break through roadblocks and blast through ambushes. The only way to clear up the contradictions and prevent such operational problems for ever repeating themselves is for the highly decorated and superbly professional commander to personally brief members of Congress on the Somalia mission. He has since returned stateside and could easily be made available to Congress before Thanksgiving.

I truly have the utmost respect for Jack Murtha, but my onsite investigation and follow up leads me to the inescapable conclusion that civilians in the Pentagon made serious and deadly errors by pulling out the AC-130 "Spectre" gunships and by compounding that error by refusing the request for armor made by combat commanders in the field—an error that I believe certainly cost American lives during the exfiltration phase. I do not necessarily believe anyone should resign over this single bloody firefight. What is important is that the American people and the families of the wounded and KIA get all the facts about what happened out there . . . and why . . . and how we can prevent it from happening again.

Let's get the facts,

ROBERT K. DORNAN.

[From the Air Force Times, Nov. 22, 1993]

#### BROKEN PROMISE—CLINTON ASSAILED FOR NOT NAMING VETS TO KEY POSTS

(By Nick Adde)

WASHINGTON.—A prominent Vietnam veteran who supported candidate Bill Clinton in 1992 is urging his fellow veterans to vote against him in 1996.

At issue is the Clinton administration's alleged practice of discriminating against veterans, said John Wheeler, an attorney who graduated from the Military Academy at West Point, N.Y., in 1966.

"In this administration, veterans are second-class citizens," said Wheeler, an Army officer in Vietnam in 1969 and 1970.

He made the comments at a Nov. 9 news conference here sponsored by the Vietnam

Veterans Institute, a nonprofit organization that promotes education and research for veterans.

#### DIFFERING VIEWS

Wheeler's contention came during a week of Veterans Day commemorative ceremonies in Washington. But his view of the Clinton administration's attitude toward veterans is far from universally supported by veterans' organizations.

"President Clinton has lived up to the promises he made to veterans when he spoke at the American Legion convention as a candidate," said Steve Robertson, the Legion's legislative director.

The same week Wheeler issued his remarks, the president made visible efforts to ease his strained relationship with the nation's veterans, brought on largely because of his opposition to the Vietnam War. On Veterans Day, Clinton signed a bill that gave disabled veterans a cost-of-living raise, laid a wreath on the Tomb of the Unknown Soldier at Arlington National Cemetery, Va., and visited a veterans hospital in Martinsburg, W.Va.

The White House had no comment on Wheeler's charges by press time.

An active member of the institute, Wheeler made his comments as he presented a white paper he wrote on discrimination against veterans.

Wheeler said his conclusions are based largely upon evidence he gathered from articles in the National Journal, an independent weekly magazine that reports on politics and government affairs, and interviews he conducted with White House staff members and active-duty military people.

When he made an informal head count of Clinton's political appointees, Wheeler said, the number of veterans, specifically those who served in Vietnam, was unsatisfactory.

Wheeler said that of the 60 million Americans who reached adulthood during the Vietnam War, 10 million served in the military, and 3 million served in the war zone. By his estimates, one-third of all presidential appointments should go to veterans, and one-tenth of all such appointments should go to Vietnam veterans, he said.

Wheeler calculated that of 92 White House staff appointees, only seven are veterans; three served in Vietnam. There should be 22 veterans, including seven with Vietnam service.

In the 14 cabinet departments, he said, the first 330 appointments have included 18 veterans, 11 of whom served in Vietnam. At the Defense Department, he said, 11 veterans have been appointed to 33 slots, exceeding his expectations.

Two Clinton appointees, Surgeon General Joycelyn Elders and Secretary of Veterans Affairs Jesse Brown, are highly qualified Vietnam veterans, Wheeler said, but they are not enough.

But one fellow veterans' advocate is satisfied.

During his speech to the American Legion national convention in August 1992, the future president promised he would appoint a veterans' advocate as VA secretary. The candidate also assured that veterans' needs would be carefully considered during health care reform.

The Legion's Robertson gives Clinton high marks on both promises.

"As far as funding for VA is concerned, this is the best president's budget in 10 years," Robertson said. "And 80 percent of what the Legion wanted is included in his health care proposal."

[From the Army Times, Nov. 22, 1993]  
**COMMAND IN SOMALIA WAS DIRECT, TIGHT**  
 (By Maj. Gen. Thomas Montgomery, Deputy Commander, U.N. Operation in Somalia II, and Commander, U.S. Forces Somalia)

Sean D. Naylor's article in the Nov. 1 Army Times, "U.S. forces commander never led Rangers," presents a misdirected view of the facts. Specifically, his assertions concerning the U.S. chain of command and availability of intelligence information are wrong.

The Ranger Task Force chain of command was the most direct possible. The Joint Special Operations Task Force, or JSOTF, commander in Somalia answered directly to the commander in chief of U.S. Central Command, as is customary for highly specialized operations of this nature. The JSOTF augmented U.S. Forces Somalia, which coordinated closely on all Ranger Task Force activities.

Mr. Naylor's conclusion that a lack of involvement by me as deputy commander of [U.N. Forces in Somalia] II and Commander of U.S. Forces Somalia, contributed to the events of Oct. 3 is in error.

It is true that I personally had shorter notice than usual due to my being out of Mogadishu until shortly before the decision to launch the operation was made. However, my operations officer was "in the loop" an hour and thirty minutes prior. The standard [U.S. Forces Somalia] response for "spinning up" the quick reaction force to support the Rangers worked as usual. Quick reaction force units were put on alert before the mission was actually initiated, and the quick reaction force was ready to respond when ordered to do so.

Also contrary to Mr. Naylor's assertions, the men of the Ranger Task Force had the best intelligence available to U.S. and U.N. forces in Somalia. The entire U.S. intelligence effort had been focused on the JSOTF mission since late August. The JSOTF Commander had additional sources at his disposal, which in fact enabled the Ranger Task Force to apprehend 19 members of the [Somali National Alliance] SNA in the Oct. 3 operation and move them out of the target area safely.

While U.N. command arrangements can be challenging, to suggest that U.S. command arrangements or intelligence channels contributed to the tactical situation which ensued after the capture of SNA personnel misses the point. Moreover, it is a disservice not only to our commanders and intelligence personnel in Somalia, who have done excellent work, but also to those who fought so heroically on the streets of Mogadishu.

[From the Army Times, Nov. 22, 1993]  
**SKIRMISHES SHATTER CALM IN MOGADISHU**  
 (By Katherine McIntire)

WASHINGTON.—Two separate exchanges between U.S. troops and Somali militia in the capital city of Mogadishu left at least one Somali dead and two wounded, said the spokesman for U.S. troops there, Col. Steven Rausch. No American troops were wounded in the fighting.

In the first exchange U.S. soldiers shot and wounded two Somalis Nov. 12 after observing a group loading a rocket-propelled grenade, or RPG, launcher and a heavy machine gun into a vehicle at about 3:20 p.m. near the K-4 traffic circle.

The Somalis fired an RPG and small arms at the soldiers. The U.S. soldiers fired back and above the crowd and again took fire from another RPG at about 4 p.m., Rausch said.

In the second incident, U.S. soldiers at an observation post on top of the embassy compound saw a Somali with an RPG launcher just southeast of the compound at about 3:40 p.m. Nov. 13. The soldiers fired on the gunman and killed him.

They also fired at a second gunman but missed, Rausch said. Soldiers began receiving small arms fire from the same area and fired at a weapon pointed from a window. They hit the weapon, which fell from the window but was not recovered. Rausch could not confirm that a woman was struck and killed in the crossfire.

"Clearly it's alarming that these weapons are in the open, and that we are engaging them," he said. "Under the rules of engagement U.S. troops are allowed to engage heavy weaponry," Rausch said.

Soon after each exchange, the streets were calm, he said.

For the most part, American soldiers have been keeping a low profile since the deadly Oct. 3 battle between U.S. Rangers and Somali militia loyal to Gen. Mohammed Farah Aided. Eighteen U.S. soldiers died and more than 100 were wounded in the battle, while relief agencies estimated about 300 Somalis were killed and about 700 wounded.

Intelligence sources speculated that Aided has maintained a low profile since then to reestablish his power and fortify his troops.

Since the arrival of heavy armor, a Navy aircraft carrier and two Marine expeditionary units in late October, U.S. troops have begun conducting joint exercises and patrolling between the port and the airport and up to the compound just north of Mogadishu, called Victory base, Rausch said.

The compound was constructed by Army engineers for the armored force. "We're still committed to keeping the main lines of communication open, but as far as going into the city, that will be some time," Rausch said. Press reports that suggest U.S. troops are patrolling the streets of Mogadishu are overstated, he said.

Rausch said there is concern about Aided's public statements that he would view U.S. street patrols as a provocation and would retaliate. At daily staff briefings, the situation is regarded as "red and unstable," he said.

Although Mogadishu remained relatively calm, crowds of Somalis began gathering at the gates to U.S. compounds in Mogadishu in mid-November, apparently looking for jobs, Rausch said.

In an attempt to foster peace in the beleaguered capital, Rausch said the United States, at the request of Aided loyalists and in conjunction with the United Nations, created a working group to discuss issues of concern to Aided supporters. Ali Mahdi's supporters showed up for the meeting, but Aided's did not, he said.

"The working group was supposed to meet on Monday [Nov. 8], but we were stood up for that one," Rausch said. "The purpose was to discuss the security situation in the city. It also provides us a forum to inform the Somalis of military exercises and [U.N.] activities so there will be no misunderstanding," he said.

[From the Army Times, Nov. 22, 1993]  
**PROBE OF OCTOBER 3 DISASTER SET**  
 (By Katherine McIntire)

WASHINGTON.—Two powerful senators announced Nov. 9 the Armed Services Committee will investigate the role of U.S. troops in Somalia and the circumstances surrounding the Oct. 3 battle that claimed 18 Rangers' lives there.

Sens. Sam Nunn, D-Ga., and Strom Thurmond, R-S.C., the chairman and ranking minority member of the Armed Services Committee, respectively, said they have sent a comprehensive list of questions to Defense Secretary Les Aspin.

The committee has held several hearings on Somalia, including closed-door testimony from the Joint Chiefs of Staff and from Marine Corps Gen. Joseph Hoar, commander-in-chief of Central Command, regarding the Oct. 3 Ranger raid.

Also on Nov. 9, 41 House Democrats, including Majority Leader Richard Gephardt of Missouri, sent a letter to President Clinton defending the actions of Aspin against a group of House Republicans who earlier had called for Aspin's resignation. The Republicans said Aspin's refusal to meet requests to send armor to Somalia in September led to the casualty-plagued firefight of the Oct. 3 raid.

"The commander who planned and executed the mission . . . concludes that our tanks and armored personnel carriers would not have changed the outcome significantly," the letter said.

[From the Air Force Times, Nov. 22, 1993]  
**READINESS CONCERNS SPARK ACTION ON HILL—FUNDS SHIFTED TO PAY RAISE, EQUIPMENT REPAIR**

(By Grant Willis)

WASHINGTON.—Some military analysts here think they may have discovered a new law of science:

Expanding militaries are plagued by weapons-buying problems while shrinking militaries worry constantly about losing their readiness to fight.

A sign of those readiness worries appeared here Nov. 4, when the House-Senate conference committee on the 1994 defense authorization bill approved a package of budget and policy initiatives designed to enhance readiness.

The committee's recommendations are expected to come to final votes in the full House and Senate this month. They include:

A directive for the Joint Chiefs of Staff to report to Congress each year in detail on "any degradation of critical readiness indicators."

A requirement for the Pentagon to report twice each year any diversions of congressionally approved training money into other less essential operations and maintenance programs.

Budget shifts. The compromise bill recommends canceling \$3 billion in what it calls "excessive overhead and infrastructure" spending for operations and maintenance. Part of the cancellation would pay for the 1994 military pay raise.

Lawmakers said the remainder would be earmarked for other "readiness enhancements," such as more repairs to critical equipment and bringing usable equipment back from Europe.

#### SECRETARY FOR READINESS NAMED

Across the Potomac River, Defense Secretary Les Aspin sought to move readiness higher on the Pentagon's agenda by installing a former aide in a new position, deputy assistant secretary for readiness.

The new deputy, Louis Finch, works under Edwin Dorn, the assistant secretary of defense for personnel and readiness. Finch comes from the office of the deputy assistant secretary for strategy, requirements and resources, where he wrote a memorandum in early 1993 that prompted Aspin to form a special panel of outside experts and former military officers to monitor readiness.

In a drawdown, "the way you get in trouble is in creating hollow forces," Finch told Air Force Times on Nov. 9. "There is a general recognition that . . . that's the biggest danger you face and is structurally the most difficult thing to manage."

Dorn said in a Nov. 3 interview he sees at least two potential readiness problems resulting from the transition to a 1.4 million member force by the end of the decade. Those problems are the fatigue caused by more frequent deployments and the turmoil that can occur when the departures of key personnel leave some jobs unfilled or filled by different people.

#### ANXIETY IS 'UNDERSTANDABLE'

"One understandable source of anxiety has to do with the turbulence when units are moved about and downsized," Dorn said. Service members worry when they see their unit has too many NCOs or not the right number of officers, he said.

"At a broad, statistical level, the unit fills are not bad," he said. "We're close to where we want to be, but some individual units may be experiencing some problems."

Finch will have "a huge coordinating task" as he looks for remedies to these and other readiness problems, Dorn said. He said the policies Finch helps develop will have to address the main strategic threats Aspin has identified: nuclear weapons and other weapons of mass destruction, regional dangers from anti-American governments, reversals of reform in the former Soviet bloc, and economic instability in the United States.

[From the Air Force Times, Nov. 22, 1993]  
**DEFENSE BUDGET SIGNED INTO LAW—\$19 BILLION FUNDS MOST AIR FORCE PROGRAMS IN 1994**

(By Steven Watkins)

WASHINGTON.—President Clinton Nov. 11 signed into law a \$241 billion defense-spending package for fiscal 1994 that fully funds the military services' readiness needs and planned troop levels.

The law reflects Congress' and the Clinton administration's stated priority to not allow the armed forces to go "hollow," but cuts into modernization programs.

The law funds all of the active, reserve and guard personnel levels requested in Clinton's proposed budget.

The Air Force will have the following troop levels in fiscal 1994: 425,700 in the active Air Force, 81,500 in the Air Force Reserves and 117,700 in the Air National Guard.

But while the spending plan will protect planned force levels and readiness goals, it cuts about \$2.8 billion from the requested budget to buy new weapons, modernize existing weapons and develop future weapons.

The spending package was passed by Congress on Nov. 10 and signed into law on Veterans Day.

The law authorizes \$19.1 billion for Air Force training, operations and maintenance, about a half-billion dollars more than the administration's requested amount.

Although the law will cut spending for procurement and modernization programs, it funds most of the major Air Force programs—the C-17 Globemaster III transport, the B-2 stealth bomber, the F-16 Fighting Falcon, the E-8B Joint Surveillance and Target Attack Radar System, the AIM-120A Advanced Medium-Range Air-to-Air Missile and the Navstar Global Positioning System.

Following are the law's highlights affecting Air Force programs:

The C-17. The law funds the purchase of four to six aircraft. The actual number to be

bought is up to the Pentagon's acquisition chief, Undersecretary of Defense John Deutch, who has been reviewing the program for the past six months.

The E-8B Joint STARS. The spending package requires the Air Force to buy two more aircraft instead of one.

The B-2. The law funds most of the request to continue production of the B-2. The law also funds the Air Force's program to develop a new precision bomb and precision-bomb targeting system for the bomber.

The F-22. The law funds most of the requested money for the F-22 development program. The administration asked for \$2.3 billion; Congress approved \$2.1 billion.

The F-16. The law will pay for 12 planes rather than the 24 requested by the administration. House Armed Services Committee Chairman Ronald V. Dellums, D-Calif., said they will be the final 12 F-16s to join the Air Force.

Space systems. The law cancels the last planned Defense Support Program missile early-warning satellite and continues its replacement, the controversial Follow-on Early Warning System.

[From the Air Force Times, Nov. 22, 1993]  
**TEST OF B-1B DEMANDED BY CONGRESS MAY CRIPPLE FLEET**

(By Steven Watkins)

WASHINGTON.—Lawmakers plan to put the bedeviled B-1B Lancer to a test of its readiness, which could cripple much of the fleet in the process.

Eight-five of the heavy bombers, which have been haunted by funding and logistics woes, are operational at four Air Force bases.

Congress is ordering the test as it considers whether to fund a 10-year, \$3.9 billion B-1B improvement program that will equip the planes with precision-guided weapons and a new radar jamming system to defend itself and buy logistics support equipment and spares that the Air Force needs to maintain the planes without expensive contractor support.

But before lawmakers decide to pay for the improvements, they want to know whether the plane will be ready for war if it gets all the maintenance equipment that is being asked for by the Air Force.

The 1994 defense authorization bill, a key step in the elaborate Department of Defense budget process, orders Air Force Secretary Sheila Widnall to find out whether one wing of B-1B bombers can achieve the high readiness rates that are expected of the planes.

But carrying out the test may force readiness rates to fall for the rest of the B-1B fleet, a problem the bill acknowledges.

"The plan to concentrate the planned level of spare parts and other support at one wing will likely require some drawdown in the stocks at the other bases," the bill says. "This, at a minimum, could further reduce readiness levels at nontest bases, and, at worst, affect aircrew proficiency at those bases."

#### HOARDING PARTS

As part of the test, one squadron of B-1Bs would fly to a remote airfield to test the plane's ability to conduct numerous missions in a wartime setting. Lawmakers said they expect the six-month test to determine whether the Air Force's planned level of B-1B spares, logistics support equipment and maintenance staffing will prepare the plane to perform its "workhorse" bomber role in future wars.

The Air Force's goal is to have 75 percent of the B-1B fleet war-ready at any time.

Reacting to Air Force concerns that the test could "compromise national security" by ruining the readiness of the B-1B fleet, the lawmakers gave wide latitude to Widnall in forging the rules and timing of the test.

Widnall would be able to postpone the test if he judges that it cannot be conducted or continued without causing "unacceptable risk to the readiness or safety of those elements of the B-1 force not included in the test," the bill says.

#### TEST CRITICAL

The test results will be critical in helping Congress decide whether to proceed with plans to improve and modernize the B-1B fleet, a Senate staffer said in a Nov. 5 interview.

The 10-year, \$2.5 billion B-1B improvement program has increased to \$3.9 billion, said congressional staffers familiar with the bill.

The B-1B has been a controversial plane in Congress. Its supporters hail the long-range bomber's agility and ability to deliver mass firepower while its detractors argue that the plane is plagued with faulty systems and requires expensive contractor-supplied maintenance and logistics support.

#### SUPERSECRET—COMPANY CLAIMS MODEL REPRESENTS NEW SPY PLANE, BUT THE AIR FORCE SAYS THE AIRCRAFT DOES NOT EXIST

(By Vago Muradian)

WASHINGTON.—Does the Aurora exist?

The Air Force says no, but a manufacturer of model airplanes says yes and is selling Aurora kits for \$10 to \$30 each. The kits come in three versions.

"People always want to have things surrounded by mystery; 'black' programs are always good (for model sales)," said John Andrews, division manager for plastic kits at Testor Corp., a Rockford, Ill.-based model maker. "Black" military programs are those that are developed in secrecy.

But the Air Force says it is in the dark on the Aurora.

"They (the model company) can call it anything that they want, but it is not modeled on anything that exists, or at least the Air Force has," said Maj. Monica Alosio, an Air Force spokeswoman.

#### SUCCESSOR TO BLACKBIRD

To shed some light on the issue, the Aurora is an alleged secret project aimed at developing a successor to the SR-71 Blackbird, which completed its service in 1990.

But the Air Force says a successor to the Blackbird never will get off the ground.

"The Air Force has no follow-on to the SR-71, and we do not own the name because we do not own the program," Alosio said.

The flap over the Aurora started earlier this month when Testor officials unveiled a model of the alleged plane and launched a publicity campaign. Although the secret spy plane program is known as the Aurora, Testor is calling their rendition of the new spy plane the SR-75 Penetrator, which the company says can launch a smaller aircraft dubbed the XR-7 Thunder Dart.

Andrews makes no secret of the company's motives. Plastic model sales of military equipment have been down since the end of the Cold War, and the Aurora just may lift them, Andrews said.

#### HOPE FOR SALES

Testor officials hope the model will be as big a seller as their 1986 model of the F-117, which Testor then called the F-19 Stealth Fighter, which ranks as the best-selling model plane in history with combined sales of almost 1 million units. The Air Force did

not officially acknowledge the existence of the F-117 until 1988.

But despite the profit motive, Andrews claims the Aurora is hardly a figment of his imagination.

"This is not out of imagination. . . . We get information from people who live in the desert and love airplanes," Andrews said. "We get messages, phone calls and memos, and we also read the trade press and technological papers."

He speculated that development of the aircraft probably began in 1983, with prototypes flying in 1987 and operational aircraft entering service around 1990.

#### SPECULATION SINCE 1986

In a telephone interview, retired Gen. Larry D. Welch, Air Force chief of staff from 1986 to 1990, said speculation over the Aurora's existence started in 1986 when "someone saw a name like [Aurora] in the budget."

Welch said that Donald B. Rice, former Air Force secretary, publicly denied the existence of the Aurora in late 1992.

Andrews said unusual reconnaissance aircraft definitely exist even if they are not called the Aurora and have been sighted across the United States and around the world.

He said that on two visits to the Air Force Area 51 at Groom Lake, Nev., he heard an engine undergoing tests that did not sound like any conventional jet engine.

Since entering the model kit design business in 1957, Andrews has developed accurate model versions of such aircraft as the U-2, the F-117 stealth fighter and the B-2 stealth bomber years before Air Force officials publicly acknowledged their existence.

In 1959 Andrews designed a model of the then-secret U-2 spy plane. Andrews submitted a version of his designs to Lockheed Corp., Calabasas, Calif., the builder of the U-2 which asked Andrews not to release the model kit.

"They said it would be better if I did not build it now," Andrews said. "They treated me like a gentleman, and I chose not to do it until Gary Powers was shot down."

Francis Gary Powers, a former Air Force first lieutenant employed by the government to fly the U-2, was shot down by Soviet air defense forces near Sverdlovsk in May 1960 while flying a reconnaissance mission.

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#### A RATIONAL FOREIGN POLICY FOR THE NEW WORLD DISORDER

The SPEAKER pro tempore (Mr. POMEROY). Under a previous order of the House, the gentleman from Georgia [Mr. JOHNSON] is recognized for 60 minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, this month marks the fourth anniversary of the collapse of the Berlin wall. The live news coverage remains vividly in our memories of a man chiseling away at that dire symbol of Communist oppression and over 40 years of exceptionally tense, dangerous, and costly East-West brinkmanship. I remember sharing the shock and joy of millions around the globe that the cold war was finally ending. I also remember feeling hope. Hope for a new era. An era without the relentless, gnawing fear of a nuclear war between superpowers, each pursuing magnificently

insane but inevitable policies of mutually assured destruction. An era where the domestic budgets of both the United States and the Soviet Union would not be drained by combined annual military expenditures in excess of half a trillion dollars. An era where the great nations could finally work together to promote democracy and the economic well-being of all nations.

This hope in some cases gave way to euphoria. President Bush and others began to talk of a new world order with the United States at the helm.

To be sure there are signs that we are entering a new era of international relations where world war and thermo-nuclear extinction are perhaps less threatening. The Persian Gulf war offered evidence—if only for one brief, shining moment—that violations of international law can be punished and corrected when there exists broad and effective multinational cooperation. The agenda of the North Atlantic Treaty Organization no longer includes discussions of how to contain the Warsaw Pact countries but rather how to absorb them. Russia and other new independent states along with many of their former Eastern bloc allies now send delegates to NATO meetings with hopes of joining the ranks of the free market, democratic world. And the recent Rabin-Arafat handshake, chaperoned by Russia and the United States on the White House lawn, offers the most significant hope in decades for peace in the Middle East, the region which in the post-war years has posed perhaps the greatest threat to world peace.

Yet, as hopeful as these signs are, we must consider them in the context of a world in transition—a world where the old threats are being supplanted by new ones with destructive capabilities yet unknown. The global threat of Soviet nuclear and conventional forces has been replaced with the threat that comes with instability in the struggle for democracy in the New Independent States of the former Soviet Union. Add to that the uncertainty as to who is in charge there of the more than 30,000 nuclear warheads aimed at the vital interests of the United States. The threat of expanding Soviet hegemony is gone, but it has been replaced with the threat of explosive regional conflicts arising from ethnic, religious, or nationalistic aggressions that were restrained under the bipolar system. The most ominous current example of this is the recent belligerence of North Korea, which menaces the entire Pacific region, as well as American critical interests and world peace.

It should be clear that despite our fondest hopes for a new world order, the collapse of the bipolar system has produced a new world disorder to which we have not yet adapted. Indeed, I share the frustrations of many Americans over the inability of the present

administration to focus its efforts on this problem. It is widely perceived that the United States lacks a cohesive foreign policy. For many, American policies on Bosnia, Somalia, and Haiti have become synonymous with uncertainty, poor judgment, and indecision. After bold commitments to a new order and multilateral solutions, the foreign policy actions of this administration have instead given the appearance of confusion and ambivalence. The fallout from these mistakes should give a wakeup call to the policymakers of this country and a sharp warning that despite our hopes and euphoria all is not right with the world. Our national security is at risk and we need some assurance that our policies have some coherent direction in addressing that risk.

In his beginning days of teaching at the law school at the University of Georgia in the early 1970's—a time when the policies which got us into the Vietnam war were widely disparaged—Dean Rusk used to warn us not to shun the mistakes of our fathers simply to adopt those of our grandfathers. As with so much of the wisdom he imparted, Secretary Rusk was right in advising against reverting to the isolationist and protectionist sympathies of the thirties. But he was also correct in recognizing the need for the warning. American foreign policy has at least since the turn of the century swung from interventionist to isolationist from one generation to the next.

Theodore Roosevelt in an address to Congress in 1904 spoke of the duty of the United States to exercise police power in combating what he called chronic wrongdoing in the hemisphere. His big stick policies backed up those words. The generation that followed Roosevelt's in the two decades after World War I blinded itself in splendid isolation to the German and Japanese aggression which led to World War II. An example was Charles Lindbergh, who used his popular appeal and the susceptibility of Americans to anti-foreign biases to promote American isolationist policies during this period. And leading the next generation was John Kennedy, an admirer of Theodore Roosevelt, who in his inaugural address vowed to every nation that "we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and success of liberty \* \* \*"

There are many now who would like to see our foreign policy be nothing more than a large wall around the country. An interesting parallel can be drawn between the efforts of Lindbergh in the thirties and those of Ross Perot today. On the other hand, there are also many in this country who would have us exercise police powers and pay any price or bear any burden to correct chronic wrongdoings around the world. It should be obvious that neither of

these extremes fit the needs and capabilities of this generation. In searching for a strategy that does fit we should first reassess what our foreign policy ought to be about.

In its most basic and honest essence our foreign policy is about self-preservation. It is about protecting the interests of American citizens in an orderly scheme of priorities consistent with the availability of American resources. It is important to emphasize this basic premise because there are some who would cast our foreign policy goals dangerously beyond this. We are especially susceptible to this malady now when the United States is the sole reigning world superpower.

In his book, "The Arrogance of Power," former Senator J. William Fulbright warned of the tendency of great nations to equate power with virtue and major responsibilities with a universal mission. The proponents of intervention in fact often have a missionary tone to their arguments. After victory in the Spanish-American War, President McKinley justified the annexation of the Philippines on the grounds that he had been told by the Lord that it was America's duty to educate the Filipinos, and uplift and civilize and Christianize them, and by God's grace do the very best we could by them, as our fellowmen for whom Christ also died. In a more secular missionary vein, President Wilson urged entry into World War I because, the world must be made safe for democracy.

I am not suggesting here that we adopt a purely selfish foreign policy that ignores the moral implications of our actions abroad. A successful policy must have sustained public support and the American people will not tolerate official action that has no moral justification. The problem is that foreign policy with a missionary zeal, whether secular or religious, often takes on a life of its own that is irrelevant, and quite often detrimental, to the interests of the country from which it emanates. There are many examples in history where countries have been ruined by their foreign exploits. It was fine for President Wilson to urge committing U.S. troops to make the world safe for American democracy but quite another thing if he meant democracy throughout the world. As Rome and Great Britain both ultimately learned, the costs of world responsibility can be devastating.

States do not have the same rights as individuals in pursuing abstract moral or philosophical principles. An individual is perfectly free to sacrifice his or her life for a moral cause, as many Americans did in taking part in the Spanish civil war in the thirties. But the state has no right to risk lives and resources except in the cause of national survival. As a Congressman in 1848, Abraham Lincoln argued for the

principle of national self-determination, which he said gave people the right to rise up and shake off the existing government, and form a new one that suits them better. But when confronted with the application of this principle to the secession of the Southern States, President Lincoln was obligated to uphold the far less abstract moral principle of national preservation.

In addition to abstract principles we must also be wary of our human emotions in constructing and implementing our foreign policy. This is what Senator SAM NUNN was referring to recently when he wisely cautioned against allowing CNN to dictate our foreign policy decisions. The attention given to emotional visuals from around the world can and has influenced political decisionmaking to a degree that is not justified under objective analysis. Clearly, human feelings such as compassion, pride, and honor must be considered in all decisions made by public officials representing a compassionate, proud, and honor bound Nation like ours. But they must not be allowed to override reason and lead us into what could be fatal mistakes.

What then are the vital interests necessary for self-preservation upon which our foreign policy must be framed. There are many ways these can be stated, but I would order them in the following way. First are the lives of our people and the physical integrity of the Nation. Next, and closely associated with the first, is our political independence, that is, freedom from foreign interference in choosing how we govern ourselves internally. Third, we have a critical interest in the rights and benefits we derive from the current international system. This includes the benefits of international security and stability, environmental protection, world trade, foreign investment, natural resource access and the like. And finally, we have an interest in maintaining our standard of living and the prosperity we enjoy. There will be times when this interest should be given equal or higher priority over our interest in maintaining the international system, but experience has shown that adjustments to standards of living may be justified if international security is at risk, such as in World War II.

In making a rational foreign policy decision, the second question to be answered after assessing the interests involved is what resources do we have available to support it. The United States is, with all its current economic agonies, the richest nation on Earth. Yet, as indicated by current significant reductions in military spending and other budget reductions generally, this question will always be problematic. An illustration of this problem is currently at hand.

Recently, Secretary of Defense Les Aspin completed his much awaited

bottom-up review of U.S. military strategy and force structure. Acknowledging the need to balance the revitalization of the U.S. economy with the capability to meet future threats, the review concluded that the U.S. military should be reduced to 1.4 million personnel, 10 army divisions, 20 air wings, and 12 carriers.

Secretary Aspin has also committed to a so-called win-win strategy, where we should be able to engage in and win two near simultaneous major regional conflicts such as with North Korea and Iraq. Based on the numbers I have seen, I am skeptical that we can realistically engage successfully in two major conflicts with the force structure that has been proposed. Several of my colleagues on the House Armed Services Committee share this sentiment.

Considering the precarious nature of the current international environment, the New World Disorder—if you will—and the vital interests we have at stake and the diminishing resources we have available to protect these interests, it is critically important for us to focus and adapt our policies to the new reality in a rational, unemotional way. What I am urging here is not interventionism but rather a policy of assertive engagement. I suggest four initiatives.

First, we must build upon and become more engaged with our current alliances, particularly NATO. There was a time after the fall of the Berlin Wall when it appeared that NATO might fall apart. But with the problems being experienced with the new democracies in Eastern Europe and the former Soviet Union, among other problems, the Europeans clearly see the need for strengthening the alliance and so should we. At a minimum, this alliance is needed to provide the vital support to U.S. forces in the event we face two major regional conflicts at the same time. The NATO allies share a long-established execution of joint force operations. They also share a common vision of democratic principles and free-market economies.

We also must build upon and expand our national security and trading alliances in the Far East. This would include a renewed effort in pursuing a mutually beneficial relationship with China, both in trade and security issues. The potential risks associated with North Korea make this initiative imminently important. Even so, I do not believe that an initiative to the East should be pursued at the expense of our commitment to NATO and the European trading markets. It is a mistake to think that tilting toward Asia and away from Europe will enhance our position in trade negotiations with Europe as some have suggested in the State Department. It is not necessary and, I believe, counterproductive.

Second, I believe we need to become more engaged in the decisionmaking process at the United Nations. The

United Nations has an important role to play in peacekeeping, humanitarian, and other broad-based international functions, but we must understand its limitations. The Security Council must begin to exercise more control in the process. The credibility of the institution is now strained by its appetite for additional responsibilities.

Third, I strongly support the administration's efforts in supporting the struggle for stability in Russia. When the elections are over this December we must immediately renew our efforts on nuclear nonproliferation in the former Soviet Union. In this regard, let me commend the innovative effort at the University of Georgia's Center for East-West Trade to establish a nonproliferation center in Minsk to encourage the control of nuclear materials and technology exports.

Finally, we must continue our assertive engagement in the international marketplace. An important element of our cold war strategy following World War II was to promote the growth of strong free market economies among our democratic allies and previous enemies. We are now to some degree the victim of our own success in this policy. With the growing strength of the European and Pacific rim markets following the lowering of cold war trade barriers, the strength of our domestic prosperity depends upon our competitive engagement overseas.

There should be no question that it is in our interest to pursue the elimination of trade barriers both in our GATT negotiations and in NAFTA. The United States is now the lead player in the international economy and we cannot extract ourselves from it. We should not hamstring the American industries which are most competitive in this market by trying to fight the free-market economic forces which have made some of our industries less competitive. This is a fight that cannot be won by protectionist policies. We have to recognize that industries at risk would not have been saved by rejecting NAFTA. American industry can compete and win in the global economy if given a fair shot at open markets, and that's what NAFTA gives us.

In conclusion, those of us prone to criticize the administration's foreign policy must acknowledge the realities of decisionmaking in this area. Despite every effort at designing foreign policy proposals, the Secretary of State's workday often begins not with some plan he desires to implement, but rather with reacting to some action already being implemented by some other nation's foreign minister. He also has to distinguish between the policy most desirable and what is possible under the given circumstances. Former Secretary of State Kissinger put it this way:

The policymaker must be concerned with the best that can be achieved, not just the

best that can be imagined. He has to act in a fog of incomplete knowledge without the information that will be available later to the analyst. He knows—or should know—that he is responsible for the consequences as well as for the benefits of success. He may have to qualify some goals, not because they would be undesirable if reached but because the risks of failure outweigh potential gains. He must often settle for the gradual, much as he might prefer the immediate. He must compromise with others, and this means to some extent compromising with himself.

What I am urging here is unemotional focus and assertive engagement. The basis for this policy is an old one. Let us remember the words of John Quincy Adams that America should be "the well-wisher to the freedom and independence of all" but the "champion and vindicator only of her own."

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WASHINGTON (at the request of Mr. GEPHARDT) for November 19, 20, and 21 on account of official business.

Mr. ROMERO-BARCELÓ (at the request of Mr. GEPHARDT) for today on account of official business.

#### 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. MOORHEAD) to revise and extend their remarks and include extraneous material:)

Mr. KASICH, for 60 minutes, today.

Mr. SHAYS, for 60 minutes, today.

(The following Members (at the request of Mr. VENTO) to revise and extend their remarks and include extraneous material:)

Ms. MCKINNEY, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. FORD of Michigan, for 5 minutes, today.

Mr. SWIFT, for 5 minutes, today.

Mr. FALCOMA, for 60 minutes, today.

Mr. HOYER, for 30 minutes, on November 20.

Mr. GONZALEZ, for 60 minutes each day, on November 20, 21, and 22.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ROWLAND, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DORNAN, for 60 minutes each day, on November 20 and 21.

(The following Member (at the request of Mr. JOHNSON of Georgia) to revise and extend his remarks and include extraneous material:)

Mr. HINCHEY, for 30 minutes, on November 20.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MOORHEAD) and to include extraneous material:)

Mr. PACKARD.  
Mr. HOBSON.  
Mr. SOLOMON.  
Mr. PETRI in two instances.  
Mrs. BENTLEY.  
Mr. FRANKS of New Jersey.  
Mr. BURTON of Indiana.  
Mr. CRAPO.  
Mr. KNOLLENBERG.  
Mr. KINGSTON.  
Mr. UPTON.  
Mr. BOEHLERT.  
Mrs. MEYERS of Kansas.  
Mr. EMERSON.

(The following Members (at the request of Mr. VENTO) and to include extraneous material:)

Mr. KANJORSKI.  
Mr. FORD of Michigan.  
Mr. MILLER of California.  
Mr. TRAFICANT.  
Mr. WYDEN.  
Ms. BYRNE.  
Mr. DIXON.  
Mr. UNDERWOOD.  
Mr. HOYER.  
Mr. MINETA.  
Mr. JOHNSTON of Florida.  
Mr. MARKEY.  
Mr. BILBRAY.  
Mr. HOCHBRUECKNER.  
Mr. SLATTERY.  
Mr. COYNE.  
Mr. TAUZIN.  
Mr. BRYANT.

(The following Members (at the request of Mr. JOHNSON of Georgia) and to include extraneous material:)

Mr. MENENDEZ.  
Mrs. SCHROEDER.  
Mr. POMEROY.  
Mr. ACKERMAN.  
Mr. SCHUMER.  
Mr. STARK.  
Mrs. JOHNSON of Connecticut.  
Mr. COLLINS of Georgia in two instances.

Mr. SWETT.  
Mr. NADLER.  
Mr. BROWN of California.  
Mrs. COLLINS of Illinois.  
Mr. KILDEE.  
Ms. ESHOO.  
Mr. TOWNS.  
Mr. RICHARDSON.  
Mr. KREIDLER.

#### ADJOURNMENT

Mr. JOHNSON of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 32 minutes p.m.)

the House adjourned until tomorrow, Saturday, November 20, 1993 at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2174. A letter from the Acting Comptroller General, the General Accounting Office, transmitting a review of the President's first special impoundment message for fiscal year 1994, pursuant to 2 U.S.C. 685 (H. Doc. No. 103-171); to the Committee on Appropriations and ordered to be printed.

2175. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of S. 616, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

2176. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by H.R. 2520, and H.R. 3116, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-578); to the Committee on Government Operations.

2177. A letter from the Chairman, Panama Canal Commission, transmitting the semi-annual report of the Office of the Inspector General for the period April 1, 1993 through September 30, 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2178. A letter from the Director, Office of Personnel Management, transmitting the agency's annual report on drug and alcohol abuse prevention, treatment, and rehabilitation programs and services for Federal civilian employees covering fiscal year 1992, pursuant to 5 U.S.C. 7363; to the Committee on Post Office and Civil Service.

2179. A letter from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting a report on the cost effectiveness of extending Medicare coverage for therapeutic shoes to beneficiaries with severe diabetic foot disease, pursuant to 42 U.S.C. 1395 note; jointly, to the Committees on Ways and Means and Energy and Commerce.

#### 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. GONZALEZ: Committee of conference. Conference report on S. 714. An act to provide funding for the resolution of failed savings associations, and for other purposes (Rept. 103-380). Ordered to be printed.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3514. A bill to clarify the regulatory oversight exercised by the Rural Electrification Administration with respect to certain electric borrowers (Rept. 103-381). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 3509. A bill to ap-

prove a Governing International Fisheries Agreement; with an amendment (Rept. 103-382). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee of conference. Conference report on H.R. 1268. A bill to assist the development of tribal judicial systems, and for other purposes (Rept. 103-383). Ordered to be printed.

Mr. MOAKLEY: Committee on Rules. House Resolution 316. Resolution providing for the consideration of the bill (H.R. 51) to provide for the admission of the State of New Columbia into the Union (Rept. 103-384). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 317. Resolution the title of which is not available (Rept. 103-385). Referred to the House Calendar.

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 3345. A bill to amend title 5, United States Code, to eliminate certain restrictions on employee training; to provide temporary authority to agencies relating to voluntary separation incentive payments, and for other purposes (Rept. 103-386). Referred to the Committee of the Whole House on the State of the Union.

#### SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

The Committee on the Judiciary discharged from further consideration of H.R. 3. Referred to the Committee of the Whole House on the State of the Union.

#### 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. HYDE (for himself, Mr. MICHEL, Mr. GINGRICH, Mr. ARMEY, Mr. HUNTER, Mr. MCCOLLUM, Mr. DELAY, Mr. PAXON, Mr. FISH, Mr. MOORHEAD, Mr. GEKAS, and Mr. LIVINGSTON):

H.R. 3545. A bill to reauthorize the independent counsel statute, and for other purposes; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. OXLEY, Mrs. FOWLER, Mr. ENGLISH of Oklahoma, Mr. JEFFERSON, Mr. SMITH of New Jersey, Mr. UPTON, Mr. JACOBS, Mr. BARCIA of Michigan, Mr. BACHUS of Alabama, Mr. BEVILL, Mr. GILMAN, Mr. STUMP, Mr. DICKEY, Mr. HANCOCK, Mr. MCCRERY, Mr. INHOPE, Mr. PAYNE of Virginia, Mr. EMERSON, Mr. SKELTON, Mr. LANCASTER, Mr. BRYANT, and Mr. BISHOP):

H.R. 3546. A bill to provide for the establishment of a program for safety, development, and education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mr. WYDEN:

H.R. 3547. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that human tissue intended for transplantation is safe and effective, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KENNEDY (for himself, Mr. BONIOR, Mr. MONTGOMERY, Mr. RIDGE, Mr. PAYNE of Virginia, and Mr. PETERSON of Florida):

H.R. 3548. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson, Americans who have been prisoners of war, the Vietnam Veterans Memorial on the occasion of the 10th anniversary of the memorial, and the Women in Military Service for America Memorial, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. COLLINS of Georgia:

H.R. 3549. A bill to amend the Internal Revenue Code of 1986 to provide that certain transportation expenses of employers incurred for the participation in the former Soviet Union of their employees in professional or technical programs are allowable as a business deduction; to the Committee on Ways and Means.

By Mr. KANJORSKI (for himself, Mr. GEPHARDT, Mr. BONIOR, Mr. BROWN of California, Mr. VALENTINE, Mr. RICHARDSON, Mr. RIDGE, Mrs. ROUKEMA, Mr. HOYER, Mr. MFUME, Mr. KLINK, Mr. KLEIN, Ms. KAPTUR, Ms. MCKINNEY, Mr. HINCHEY, Ms. SCHENK, Mr. MURTHA, Mr. BORSKI, Mr. HOLDEN, Mr. FOGLIETTA, Mr. MCHALE, Mr. MURPHY, Mr. BLACKWELL, Mr. FINGERHUT, Mr. BARCA of Wisconsin, Mr. ANDREWS of New Jersey, Mr. BACCHUS of Florida, Mr. STUPAK, Mrs. THURMAN, Mr. BARRETT of Wisconsin, Mrs. UNSOELD, Ms. MARGOLIES-MEZVINSKY, Mr. ROTH, Mr. SHAYS, Mr. DOOLEY, Mr. DERRICK, Ms. VELÁZQUEZ, Mr. MCDADE, Mr. WELDON, Mr. TAYLOR of Mississippi, Mr. SAWYER, Mr. BILBRAY, Mr. MORAN, Ms. SLAUGHTER, Mrs. MINK, Mr. ORTON, Mr. FAZIO, Ms. SHEPHERD, Mr. LEWIS of Georgia, and Mr. BISHOP):

H.R. 3550. A bill to foster economic growth, create new employment opportunities, and strengthen the industrial base of the United States by providing credit for businesses and by facilitating the transfer and commercialization of Government-owned patents, licenses, processes, and technologies, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, Science, Space, and Technology, the Judiciary, and Ways and Means.

By Mr. COLLINS of Georgia:

H.R. 3551. A bill to amend title XVIII of the Social Security Act to require renal dialysis facilities to make services available on a 24-hour basis as a condition of participation under the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. COLLINS of Illinois:

H.R. 3552. A bill respecting market exclusivity for certain drugs; to the Committee on Energy and Commerce.

By Mr. COSTELLO:

H.R. 3553. A bill to provide for a competition to select the architectural plans for a museum to be built on the East St. Louis portion of the Jefferson National Expansion Memorial, and for other purposes; to the Committee on Natural Resources.

By Mr. CRAPO:

H.R. 3554. A bill to require the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming; to the Committee on Natural Resources.

By Ms. ESHOO:

H.R. 3555. A bill to coordinate environmental technology and research of the Federal Government, and for other purposes.

By Mr. FRANKS of Connecticut:

H.R. 3556. A bill to provide for, and to provide constitutional procedures for the imposi-

tion of, the death penalty for causing death through the use of a bomb or other destructive device; to the Committee on the Judiciary.

H.R. 3557. A bill to require the establishment of a Federal system for the purpose of conducting background checks to prevent the employment of child abusers by child care providers, to establish a Federal point-of-purchase background check system for screening prohibited firearms purchasers, to provide accurate and immediately accessible records for law enforcement purposes, to assist in the identification and apprehension of violent felons, and to assist the courts in determining appropriate bail and sentencing decisions; to the Committee on the Judiciary.

H.R. 3558. A bill to provide Federal penalties for drive-by shootings; to the Committee on the Judiciary.

By Mr. HALL of Ohio:

H.R. 3559. A bill to amend the Dayton Aviation Heritage Preservations Act of 1992, and for other purposes; to the Committee on Natural Resources.

By Mr. HEFLEY:

H.R. 3560. A bill to establish certain requirements relating to the transfer or disposal of public lands managed by the Bureau of Land Management, and for other purposes; to the Committee on Natural Resources.

By Mrs. JOHNSON of Connecticut (for herself, Mr. GREENWOOD, Ms. MCKINNEY, Ms. VELÁZQUEZ, Mr. ACKERMAN, Mr. BEILSON, Mr. FILNER, Mr. HOCHBRUECKNER, Mr. SCOTT, Mr. SERRANO, Mrs. UNSOELD, Ms. WATERS, and Ms. WOOLSEY):

H.R. 3561. A bill to amend the Public Health Service Act to reauthorize adolescent family life demonstration projects, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KILDEE (for himself and Mr. FORD of Michigan):

H.R. 3562. A bill to provide for the collection and dissemination of statistics designed to show the condition and progress of education in the United States, to promote and improve the cause of education throughout the Nation, and for other purposes; to the Committee on Education and Labor.

By Mr. KINGSTON:

H.R. 3563. A bill to provide for an exemption for certain U.S.-flag ships from radio operator and equipment requirements; to the Committee on Energy and Commerce.

By Mr. LIPINSKI:

H.R. 3564. A bill to amend section 255 of the National Housing Act to make homeowners who are at least 50 years of age and disabled or blind eligible for home equity conversion mortgages insured under such section; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MARKEY:

H.R. 3565. A bill to provide regulatory incentives to promote national treatment by foreign countries to U.S. providers of certain financial and communications services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MEEHAN:

H.R. 3566. A bill to amend the Federal Election Campaign Act of 1971 and related laws to establish incentives to limit the cost of campaigns for the Congress, and for other purposes; jointly, to the Committees on House Administration, Post Office and Civil Service, and Energy and Commerce.

By Mr. MINETA (for himself, Mr. MCDADE, Mr. WILSON, Mr. VENTO, Mr. TRAFICANT, Mr. DUNCAN, and Ms. NORTON) (all by request):

H.R. 3567. A bill to amend the John F. Kennedy Center Act to transfer operating responsibilities to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MINGE:

H.R. 3568. A bill to support and develop environmentally advanced technologies education curricula; jointly, to the Committees on Education and Labor and Science, Space, and Technology.

By Mrs. MORELLA:

H.R. 3569. A bill to amend the Public Health Service Act to provide for an increase in the amount of Federal funds expended to conduct research on alcohol abuse and alcoholism among women; to the Committee on Energy and Commerce.

By Mr. PETRI (for himself, Mr. COX, Mr. ARMEY, Mr. LEVY, and Mr. ROHRBACHER):

H.R. 3570. A bill to amend the Federal Deposit Insurance Act to provide for a system of insuring the deposits of depository institutions through a self-regulating system of cross-guarantees, to protect taxpayers against deposit insurance losses, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, the Judiciary, and Ways and Means.

By Mr. POMEROY:

H.R. 3571. A bill to amend the Federal Election Campaign Act of 1971 to limit expenditures in House of Representatives elections; to the Committee on House Administration.

By Mr. RICHARDSON (for himself, Mr. BOUCHER, Mr. BROWN of Ohio, Mr. MANTON, Mr. MARGOLIES-MEZVINSKY, and Mr. WELDON):

H.R. 3572. A bill to establish minimum standards for the training and certification of environmental professionals performing phase I environmental site assessments; to the Committee on Energy and Commerce.

By Mr. ROWLAND (for himself and Mr. BILIRAKIS):

H.R. 3573. A bill to amend title XIX of the Social Security Act to promote demonstrations by States of alternative methods of delivering health care services through community health authorities; to the Committee on Energy and Commerce.

By Mrs. SCHROEDER:

H.R. 3574. A bill to amend title 10, United States Code, to provide improved benefits for former spouses of certain members of the uniformed services voluntarily or involuntarily discharged during the reduction in levels of military personnel; to the Committee on Armed Services.

By Mr. STENHOLM:

H.R. 3575. A bill to amend title 18, United States Code, to provide more complete protection to animal enterprises and the people associated with them; to the Committee on the Judiciary.

By Mr. TAUZIN:

H.R. 3576. A bill to clarify the tariff classification of certain organophosphorous compounds and preparations thereof; to the Committee on Ways and Means.

By Mr. WASHINGTON (for himself, Mr. FRANKS of Connecticut, and Mr. TOWNS):

H.R. 3577. A bill to establish a center for rare disease research in the National Institutes of Health, and for other purpose; to the Committee on Energy and Commerce.

By Ms. WATERS:

H.R. 3578. A bill to authorize appropriations for the California Afro-American Museum; to the Committee on Natural Resources.

By Mr. ACKERMAN:  
H.R. 3579. A bill to renew and extend patents relating to certain devices that aid in the acceleration of bodily tissue healing and the reduction of pain; to the Committee on the Judiciary.

By Mr. COOPER (for himself and Mr. FLAKE):

H.J. Res. 297. Joint resolution to designate 1994 as "the Year of Gospel Music"; to the Committee on Post Office and Civil Service.

By Mr. ORTON:  
H.J. Res. 298. Joint resolution proposing an amendment to the Constitution of the United States to limit the terms of Representatives and Senators, and to provide for a 4-year term for Representatives; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Mr. HOYER, Mr. WILSON, Ms. NORTON, Mr. KLEIN, Mr. SMITH of New Jersey, Mr. SYNAR, Miss COLLINS of Michigan, Mr. LEVY, Mrs. LLOYD, Mrs. MEEK, Mr. REYNOLDS, Mr. OLVER, Mr. SOLOMON, Mr. DORNAN, Mr. SABO, Mr. OBERSTAR, Mr. RAHALL, Mr. ORTIZ, Mr. KENNEDY, Mr. ROYCE, and Ms. MOLINARI):

H. Con. Res. 183. Concurrent resolution expressing the sense of the Congress regarding the impeded delivery of natural gas for heating to the civilian population of Bosnia and Herzegovina; to the Committee on Foreign Affairs.

By Mrs. MEYERS of Kansas:  
H. Con. Res. 184. Concurrent resolution expressing the sense of Congress that the U.S. Trade Representative should establish a new position of Assistant U.S. Trade Representative for Small Business; to the Committee on Ways and Means.

By Mr. FRANKS of Connecticut:  
H. Res. 318. Resolution expressing the sense of the House of Representatives that, by January 1, 1998, States should eliminate the use of cash for payment of welfare benefits; to the Committee on Ways and Means.

#### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. McCLOSKEY, Mr. ENGEL, and Mr. MARKEY.

H.R. 8: Mr. EVANS.  
H.R. 66: Mr. ENGEL.  
H.R. 68: Mr. ENGEL.

H.R. 133: Mr. ALLARD, Mr. ZELIFF, and Mr. GOODLATTE.

H.R. 214: Mr. GOODLATTE.  
H.R. 324: Mr. HOYER.  
H.R. 429: Mr. HOBSON, Mr. SCHAEFER, Mr. SCHIFF, and Mrs. VUCANOVICH.  
H.R. 431: Mr. OWENS.

H.R. 476: Mr. KLUG, Mr. HILLIARD, Mr. MONTGOMERY, Mr. KING, and Mr. ABERCROMBIE.

H.R. 522: Mr. HUGHES and Mr. ANDREWS of Maine.

H.R. 602: Mr. UPTON and Mr. KNOLLENBERG.  
H.R. 606: Mr. COLEMAN and Mr. HAMBURG.  
H.R. 657: Mr. GOODLATTE.  
H.R. 662: Mrs. VUCANOVICH.  
H.R. 799: Mr. SLATTERY.

H.R. 830: Mr. ENGEL, Ms. MARGOLIES-MEZVINSKY, and Mr. JOHNSTON of Florida.

H.R. 967: Ms. FURSE and Mr. MICA.  
H.R. 1055: Mr. JOHNSTON of Florida, Mr. EVANS, Mr. SCOTT, and Mr. HUGHES.

H.R. 1080: Mrs. VUCANOVICH.  
H.R. 1108: Mr. KIM.

H.R. 1133: Mr. GILLMOR.

H.R. 1141: Ms. LAMBERT.  
H.R. 1156: Mr. MOORHEAD.

H.R. 1300: Mr. DOOLITTLE and Mr. GOODLATTE.

H.R. 1421: Mr. THOMPSON.  
H.R. 1455: Mr. BROWN of California.

H.R. 1457: Mr. HAMBURG.  
H.R. 1461: Mr. BILBRAY.

H.R. 1490: Mr. CAMP, Mr. SOLOMON, Mr. CRANE, Mr. LIGHTFOOT, and Mr. BARRETT of Nebraska.

H.R. 1504: Mr. ROYCE.  
H.R. 1534: Ms. FURSE and Mr. ROMERO-BARCELÓ.

H.R. 1566: Mr. CHAPMAN.  
H.R. 1607: Mr. KLUG.

H.R. 1627: Ms. LONG.  
H.R. 1697: Mrs. SCHROEDER.

H.R. 1702: Mr. ZIMMER and Mr. ZELIFF.  
H.R. 1705: Mr. MATSUI, Mr. BILBRAY, Ms. BYRNE, Mr. WILSON, Mr. BARCA of Wisconsin, Mr. EVANS and Mr. HOCHBRUECKNER.

H.R. 1706: Mr. CONYERS.  
H.R. 1722: Mr. FORD of Michigan, Mr. ANDREWS of Maine, Mr. RUSH, Mr. MACHTLEY, Mr. McCLOSKEY, Ms. VELAZQUEZ, Mr. BOUCHER, and Mr. GLICKMAN.

H.R. 1770: Ms. LAMBERT.  
H.R. 1771: Ms. LAMBERT.

H.R. 1795: Mr. ENGEL.  
H.R. 1897: Mr. LANCASTER.

H.R. 1900: Mr. HINCHEY, Mr. THOMPSON, and Mr. DIXON.

H.R. 1910: Mr. TAYLOR of North Carolina, Mr. COX, Mr. DREIER, Mr. ACKERMAN, Mr. RAVENEL, Mr. CUNNINGHAM, Mr. BAKER of California, Ms. PRYCE of Ohio, and Mr. BILLIRAKIS.

H.R. 1933: Mr. GUTIERREZ, Mr. MFUME, and Mr. SYNAR.

H.R. 1968: Mr. SUNDQUIST.  
H.R. 2014: Mr. ZIMMER.

H.R. 2031: Mr. RAVENEL.  
H.R. 2032: Mr. KLUG, Mr. MONTGOMERY, Mr. VENTO, Mr. FROST, and Mr. EVANS.

H.R. 2064: Mr. MCHUGH, Mr. LEVY, Mr. TORKILDSEN, Ms. ENGLISH of Arizona, and Mr. MACHTLEY.

H.R. 2135: Mr. KILDEE.  
H.R. 2140: Mr. ENGEL.

H.R. 2148: Mr. PORTMAN.  
H.R. 2169: Mr. FURSE and Mr. HILLIARD.

H.R. 2171: Mr. CLYBURN, Mr. ORTON, and Mr. HOUGHTON.

H.R. 2260: Mr. KLUG.  
H.R. 2331: Mr. ENGEL.

H.R. 2375: Mr. ROMERO-BARCELÓ.  
H.R. 2394: Mrs. THURMAN.

H.R. 2395: Mrs. THURMAN.  
H.R. 2396: Mr. ANDREWS of Maine.

H.R. 2414: Mr. ENGEL.  
H.R. 2455: Mr. KILDEE.

H.R. 2467: Mr. BILLIRAKIS, Mr. DIXON, Mr. ENGEL, Ms. FURSE, Mr. GEJDESON, Mr. GIBBONS, Mr. KLUG, Mrs. MINK, Ms. MOLINARI, Mr. PORTER, Ms. SLAUGHTER, and Ms. SNOWE.

H.R. 2481: Mr. ENGEL.  
H.R. 2512: Mr. HERGER of California.

H.R. 2623: Mr. GRAMS, Mr. HINCHEY, Mr. ARMEY, and Ms. KAPTUR.

H.R. 2720: Ms. LAMBERT.  
H.R. 2727: Mr. ANDREWS of Maine.

H.R. 2759: Mr. CALLAHAN, Mr. COLEMAN, and Mr. McDERMOTT.

H.R. 2927: Mr. SENSENBRENNER, Mr. EWING, and Mr. LEWIS of Florida.

H.R. 2958: Ms. FURSE.  
H.R. 3017: Mr. GLICKMAN.

H.R. 3043: Mr. MURPHY.  
H.R. 3080: Mr. CRAPO, Mr. McCANDLESS, and Mr. SMITH of Oregon.

H.R. 3087: Mr. SABO, Mr. OLVER, and Mr. ABERCROMBIE.

H.R. 3088: Mr. GUNDERSON, Mr. QUINN, Ms. VELAZQUEZ, and Mr. PAXON.

H.R. 3098: Ms. FURSE.  
H.R. 3109: Mr. GOODLING.

H.R. 3130: Mr. MURPHY and Ms. MOLINARI.  
H.R. 3146: Mr. ARMEY.

H.R. 3183: Mr. PORTMAN and Mr. BILLIRAKIS.  
H.R. 3224: Mr. DELLUMS, Mr. LANCASTER, Mr. KOPETSKI, and Mr. STARK.

H.R. 3225: Mr. FLAKE.  
H.R. 3233: Mr. FIELDS of Texas and Mr. WHITTEN.

H.R. 3246: Mr. COPPERSMITH and Mr. FROST.  
H.R. 3269: Mr. BONIOR, Mrs. MINK, and Mr. JOHNSON of Florida.

H.R. 3283: Mr. MEEHAN.  
H.R. 3328: Mr. KLUG.

H.R. 3342: Mr. ORTIZ, Mr. SERRANO, Mr. WASHINGTON, Mr. GORDON, Mr. PAYNE of New Jersey, Mr. BECERRA, Mr. BROWN of Ohio, Ms. BROWN of Florida, Mr. COPPERSMITH, Mr. PENNY, Ms. BYRNE, Mr. COSTELLO, Mr. DE LUGO, Mr. COYNE, Mr. SABO, Mr. PARKER, Mr. SYNAR, Mr. COLEMAN, Mrs. MORELLA, Mr. GOSS, Mr. HEFLEY, Mr. RAHALL, Mr. PACKARD, Mr. PICKLE, Mrs. SCHROEDER, Mr. LAZIO, Mr. TORRICELLI, Ms. KAPTUR, Mr. LAUGHLIN, Mr. MYERS of Indiana, Mr. HUNTER, Mr. DINGELL, Mrs. MEEK, Mr. SKELTON, Mr. WELDON, Mrs. BENTLEY, Mr. PORTMAN, Mr. HORN of California, Mr. BARTLETT of Maryland, Mr. RAVENEL, Ms. SNOWE, Mr. DORNAN, Mr. WHITTEN, Mr. HUTTO, Mr. RICHARDSON, Mr. HANSEN, Mrs. LLOYD, Mr. BALLENGER, Mr. COBLE, Mr. SKEEN, Mr. TOWNS, Mr. KOPETSKI, Mr. LEWIS of Georgia, Mr. FLAKE, Mr. CARR, Mr. HEFNER, Mr. LEHMAN, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. TAYLOR of Mississippi, Mrs. UNSOELD, Ms. MOLINARI, Mr. PAXON, Mr. MINETA, Mr. FROST, Mr. BOEHLERT, Mr. QUILLLEN, Mr. DUNCAN, Ms. NORTON, Mr. OBERSTAR, Mr. CLAY, Mr. MAZZOLI, Ms. ESHOO, Mr. GUNDERSON, Mr. FINGERHUT, Mr. NUSSLE, Mr. VISCOLOSKY, Mr. CLYBURN, Mr. MARTINEZ, Mr. SANDERS, Mr. CLAY, Mr. WISE, Mr. HAMBURG, Mr. McCLOSKEY, Mr. MANTON, Mr. SUNDQUIST, Mrs. MINK, Mr. BEILENSON, Ms. PELOSI, Mr. VOLKMER, Mr. BISHOP, Mr. MOAKLEY, Mr. SMITH of Michigan, Mr. MFUME, Mr. PRICE of North Carolina, Mr. VENTO, Mr. MANN, Mrs. COLLINS of Illinois, Mr. BROWN of California, Mr. FALCOMA, Mr. STUPAK, Mr. MORAN, Mr. JACOBS, Mr. LIPINSKI, Mr. CLEMENT, Mr. DEUTSCH, Miss COLLINS of Michigan, Mr. WILLIAMS, Mr. DERRICK, Mr. OXLEY, Mr. LEWIS of California, Mr. HOBSON, Mr. GILMAN, Mr. COLLINS of Georgia, Mr. WILSON, Mr. KLING, Mr. LIVINGSTON, Mr. YATES, Mr. EVANS, Mr. BORSKI, Mr. INHOPE, Mr. THORNTON, Ms. MCKINNEY, Ms. WATERS, Ms. HARMAN, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DURBIN, Mr. HASTINGS, Mr. MURPHY, Mr. HYDE, Mr. REGULA, Mrs. JOHNSON of Connecticut, Mr. BLUTE, Mr. MCCURDY, Mr. HAYES, Mr. ROHRBACHER, Mr. KIM, Mr. KANJORSKI, Mr. BARTON of Texas, Mr. HUGHES, Mr. EDWARDS of California, Ms. DELAURO, Ms. SLAUGHTER, Mrs. CLAYTON, Ms. ROYBAL-ALLARD, Mr. MILLER of California, Mr. STOKES, Mr. HOLDEN, Ms. SHEPHERD, Mr. SCOTT, Mr. VALENTINE, Mr. BARCIA of Michigan, Mr. ENGEL, Mr. MOLLOY, Ms. DUNN, Mr. BERMAN, Mr. BILBRAY, Mr. FRANKS of Connecticut, Mr. TUCKER, Mr. FOGLETTA, Mr. STUMP, Mr. BLACKWELL, and Mr. JEFFERSON.

H.R. 3392: Mr. GILLMOR, Ms. DANNER, Mr. PARKER, Mr. BLUTE, Mr. BALLENGER, Mr. VOLKMER, Mr. LIGHTFOOT, Mr. NUSSLE, Mr. CONNIT, Mr. KYL, Mr. MCCURDY, Mr. STEARNS, and Mr. SARPALIUS.

H.R. 3424: Mr. LEWIS of Florida, Mr. BRYANT, Mr. RAMSTAD, and Mr. FRANKS of New Jersey.

H.R. 3434: Mr. ACKERMAN, Mr. EDWARDS of California, Mr. EVANS, Mr. FALCOMA, Mr. STUPAK, Mr. MORAN, Mr. JACOBS, Mr. LIPINSKI, Mr. CLEMENT, Mr. DEUTSCH, Miss COLLINS of Michigan, Mr. WILLIAMS, Mr. DERRICK, Mr. OXLEY, Mr. LEWIS of California, Mr. HOBSON, Mr. GILMAN, Mr. COLLINS of Georgia, Mr. WILSON, Mr. KLING, Mr. LIVINGSTON, Mr. YATES, Mr. EVANS, Mr. BORSKI, Mr. INHOPE, Mr. THORNTON, Ms. MCKINNEY, Ms. WATERS, Ms. HARMAN, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DURBIN, Mr. HASTINGS, Mr. MURPHY, Mr. HYDE, Mr. REGULA, Mrs. JOHNSON of Connecticut, Mr. BLUTE, Mr. MCCURDY, Mr. HAYES, Mr. ROHRBACHER, Mr. KIM, Mr. KANJORSKI, Mr. BARTON of Texas, Mr. HUGHES, Mr. EDWARDS of California, Ms. DELAURO, Ms. SLAUGHTER, Mrs. CLAYTON, Ms. ROYBAL-ALLARD, Mr. MILLER of California, Mr. STOKES, Mr. HOLDEN, Ms. SHEPHERD, Mr. SCOTT, Mr. VALENTINE, Mr. BARCIA of Michigan, Mr. ENGEL, Mr. MOLLOY, Ms. DUNN, Mr. BERMAN, Mr. BILBRAY, Mr. FRANKS of Connecticut, Mr. TUCKER, Mr. FOGLETTA, Mr. STUMP, Mr. BLACKWELL, and Mr. JEFFERSON.

H.R. 3434: Mr. ACKERMAN, Mr. EDWARDS of California, Mr. EVANS, Mr. FALCOMA, Mr. STUPAK, Mr. MORAN, Mr. JACOBS, Mr. LIPINSKI, Mr. CLEMENT, Mr. DEUTSCH, Miss COLLINS of Michigan, Mr. WILLIAMS, Mr. DERRICK, Mr. OXLEY, Mr. LEWIS of California, Mr. HOBSON, Mr. GILMAN, Mr. COLLINS of Georgia, Mr. WILSON, Mr. KLING, Mr. LIVINGSTON, Mr. YATES, Mr. EVANS, Mr. BORSKI, Mr. INHOPE, Mr. THORNTON, Ms. MCKINNEY, Ms. WATERS, Ms. HARMAN, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DURBIN, Mr. HASTINGS, Mr. MURPHY, Mr. HYDE, Mr. REGULA, Mrs. JOHNSON of Connecticut, Mr. BLUTE, Mr. MCCURDY, Mr. HAYES, Mr. ROHRBACHER, Mr. KIM, Mr. KANJORSKI, Mr. BARTON of Texas, Mr. HUGHES, Mr. EDWARDS of California, Ms. DELAURO, Ms. SLAUGHTER, Mrs. CLAYTON, Ms. ROYBAL-ALLARD, Mr. MILLER of California, Mr. STOKES, Mr. HOLDEN, Ms. SHEPHERD, Mr. SCOTT, Mr. VALENTINE, Mr. BARCIA of Michigan, Mr. ENGEL, Mr. MOLLOY, Ms. DUNN, Mr. BERMAN, Mr. BILBRAY, Mr. FRANKS of Connecticut, Mr. TUCKER, Mr. FOGLETTA, Mr. STUMP, Mr. BLACKWELL, and Mr. JEFFERSON.

Mr. FILNER, Mr. FROST, Mr. MATSUI, Mr. OWENS, and Mr. YATES.

H.R. 3440: Mr. BERMAN, Mr. CUNNINGHAM, Mr. DELLUMS, Mr. KOPETSKI, Mr. LANCASTER, Mr. STARK, and Mr. TORRES.

H.R. 3490: Mrs. MORELLA, Mr. ROSE, Mr. BOUCHER, Mr. GRANDY, Mr. HEFNER, Mr. QUILLEN, and Mr. SPENCE.

H.R. 3498: Mr. BEILENSON, Mr. ROMERO-BARCELO, Mr. LAROCCHO, and Mr. BACCHUS of Florida.

H.R. 3509: Mr. TAUZIN, Mr. COBLE, and Mr. LIPINSKI.

H.J. Res. 90: Mr. EVANS, Mr. DUNCAN, Mr. SCHIFF, Mr. ROMERO-BARCELO, and Mr. SHAW.

H.J. Res. 175: Mr. BAKER of California, Ms. DUNN, Mr. DIAZ-BALART, Mr. CONDIT, Mrs. LLOYD, Mr. MYERS of Indiana, Mr. MCCREERY, Mr. OLVER, Mr. SARPALIUS, Mr. STENHOLM, Ms. SNOWE, Mr. WILSON, Mr. ZIMMER, Mr. BECERRA, Mr. DURBIN, Mr. DORNAN, Ms. CANTWELL, Mr. COPPERSMITH, Mr. FLAKE, Mr. INSLEE, Mrs. MINK, Mr. RUSH, Mr. RAHALL, Mr. STARK, Mrs. UNSOELD, Mr. HOAGLAND, Mr. HOYER, Ms. ENGLISH of Arizona, Ms. MCKINNEY, Mr. MILLER of California, Mr.

REYNOLDS, Mr. ROEMER, Mr. SANGMEISTER, Mr. TUCKER, Mr. CRANE, Mr. ARCHER, Mr. GIBBONS, Mr. SMITH of Iowa, Mr. HAMBURG, Mr. STUDDS, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, and Mr. BARRETT of Wisconsin.

H.J. Res. 257: Mr. HOEKSTRA, Mr. FRANKS of New Jersey, Mr. SMITH of Texas, Mr. APPLGATE, Mr. PALLONE, Mr. ORTIZ, Mr. NEAL of Massachusetts, Mr. VOLKMER, Mr. BORSKI, Mr. SCHIFF, Mr. GINGRICH, and Mr. CHAPMAN.

H.J. Res. 266: Ms. SNOWE and Mr. HOYER.

H.J. Res. 272: Mr. LEHMAN, Mr. RAHALL, Mr. SLATTERY, Mr. BARTLETT of Maryland, Mr. BROWN of California, Mr. RICHARDSON, Ms. SCHENK, Mr. HAMBURG, Mr. LEWIS of Georgia, and Mr. LAFALCE.

H.J. Res. 278: Mr. RAHALL, Mr. BORSKI, Mr. TALENT, Mr. OBERSTAR, Mr. MCDERMOTT, Mr. VALENTINE, and Mr. HUGHES.

H.J. Res. 285: Mr. BLUTE, Mr. CRAMER, Mr. SARPALIUS, Mr. POSHARD, Mr. TAYLOR of North Carolina, Mr. MCCLOSKEY, and Mr. HEFNER.

H. Con. Res. 4: Mr. HASTINGS.

H. Con. Res. 20: Mr. MANTON.

H. Con. Res. 110: Mr. PETE GEREN of Texas, Mr. CHAPMAN, and Mrs. MEEK.

H. Con. Res. 131: Mr. BATEMAN, Mr. STARK, Mr. PRICE of North Carolina, Mr. PAYNE of Virginia, Mr. SENSENBRENNER, Mr. SCHUMER, Mr. RAHALL, Mr. PENNY, Mr. SAWYER, Mr. FORD of Michigan, and Mr. SWETT.

H. Con. Res. 166: Mr. LIPINSKI.

H. Con. Res. 167: Mr. PALLONE, Mr. GEJDENSON, Mr. ANDREWS of Maine, Mr. MFUME, Mr. JOHNSON of South Dakota, Mr. ENGEL, Mr. FILNER, Mr. MINETA, Mr. MINGE, Mr. BROWN of Ohio, Mr. BARCIA of Michigan, Mr. WISE, Mr. ABERCROMBIE, Mr. BECERRA, Mr. VENTO, Mr. HINCHEY, Mr. OLVER, Mr. INSLEE, and Mr. LIPINSKI.

H. Res. 225: Mr. ALLARD, Mr. GUTIERREZ, Mr. KLUG, Ms. SHEPHERD, Mr. ZELIFF, and Mr. STRICKLAND.

H. Res. 234: Mr. BOEHNER, Mr. VENTO, Mr. REED, Mr. ARMEY, and Mr. GILLMOR.

H. Res. 290: Mr. SOLOMON, Mr. WALKER, Mr. BOEHNER, Ms. PRYCE of Ohio, and Mr. CRAPO.