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HOUSE OF REPRESENTATIVES—*Thursday, April 14, 1994*

The House met at 10 a.m.

The Reverend Dennis L. Trout, Swamp Lutheran Church, Reinholds, PA, offered the following prayer:

Almighty God, as we gather this day there are many passions and agendas playing in our hearts and minds. Our country and this world generate myriad concerns, opportunities, responsibilities, and anxieties that need to be handled now. But for this moment we hesitate not to expound with a laundry list of needs and wants, but to acknowledge Your ultimate control and simply give thanks for Your patience—even with our best intentions. What we seek is Your mercy which cuts across culture, creed, race, and gender. We have been afforded this one more day, may it be played out to reflect the love, justice, and peace You have purposed for creation from the beginning of time. Help us to be Your intent, amidst the tasks and issues that would control us. Amen.

THE JOURNAL

The SPEAKER. 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. FRANKS of New Jersey. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

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

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

Mr. FRANKS of New Jersey. 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. Pursuant to clause 5, rule I, further proceedings on this motion will be postponed.

The point of order of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey [Mr. FRANKS] please come forward and lead the House in the Pledge of Allegiance?

Mr. FRANKS of New Jersey led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 21. An act to designate certain lands in the California Desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

S. 455. An act to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 1569. An act to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes.

S. 1970. An act to authorize the Secretary of Agriculture to reorganize the Department of Agriculture, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that he will receive 12 requests for 1-minute statements from each side.

WELCOMING REV. DENNIS L. TROUT

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

Mr. WALKER. Mr. Speaker, I am delighted to welcome the Reverend Dennis L. Trout to the Chamber today. He delivered the prayer this morning, and he comes to us from the Swamp Church in Reinholds, PA.

Mr. Speaker, Reverend Trout was educated at the Capitol Page School and later received degrees from Albright College and Lutheran Theological Seminary at Gettysburg, PA, from where he has a master of divinity degree. His family includes his wife, Bonnie Myers Trout, and five children. Mrs. Trout is with us here in the Chamber today.

Mr. Speaker, this is a rather unique occasion because, as I mentioned, Reverend Trout is a graduate of our Page School and, in fact, graduated with several of our distinguished colleagues from that Page School. The gentleman from Arizona [Mr. KOLBE], my colleague, was a classmate of Reverend Trout's, as was the Clerk of the House, Donn Anderson, and one of the most respected of our minority staffers, Ron Lasch.

Mr. Speaker, I am pleased at this moment to yield to the gentleman from Arizona [Mr. KOLBE] on this rather unique occasion.

Mr. KOLBE. Mr. Speaker, I appreciate the gentleman from Pennsylvania [Mr. WALKER] yielding to me under his 1-minute, and it is a great privilege for me to join with my colleague from Pennsylvania who represents Reverend Trout and his family, to join with him in welcoming him to the House of Representatives.

Mr. Speaker, it was 34 years ago, all too many years for all of us in that class to remember, that we graduated from the Page School here in Washington, DC. Three of us are still in service here in the House of Representatives; two, I should say, have remained here, and in distinguished service: Donn Anderson, our beloved Clerk of the House; and Ron Lasch, the Republican floor assistant who all of us know and respect so much; and I who left many years ago, but returned a few years back.

I suspect it would have been more likely for all of us to have imagined that Ron Lasch, or Donn Anderson, or I might have, indeed, been here on the floor of the House of Representatives, but I think, when we graduated from Page School, none of us would have imagined that we would see Dennis

☐ 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.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Trout standing here at the podium delivering the prayer, the guest prayer, this morning.

Mr. Speaker, I say to Reverend Trout, "We are very privileged to have you here this morning, and we welcome you, and we respect you for the service that you give to your people and to our country, and we thank you for being with us this morning."

I appreciate the gentleman from Pennsylvania [Mr. WALKER] for having yielded to me.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Arizona [Mr. KOLBE].

SUPPORT URGED FOR LEGISLATION TO BAN SEMIAUTOMATIC ASSAULT WEAPONS

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

Mr. CARDIN. Mr. Speaker, during the last few weeks, I held a number of community forums. During these forums, I had the opportunity to meet with many of my constituents and discuss, in detail, the provisions of, and amendments to, the House of Representatives' omnibus crime bill.

Based on these meetings, I rise in support of H.R. 3527, the ban on semiautomatic assault weapons. Although this amendment sparked much discussion, I am convinced that the majority of my constituents support this ban.

In 1986, of the guns traced to crimes, 5.5 percent were assault guns. In 1989, that number nearly doubled—of the guns traced to crimes, 10.5 percent were assault guns. In 1993, although assault weapons were only one-half percent of all privately owned American guns, they accounted for 9.7 percent of guns traced to crimes.

It is time to stop the criminal use of these weapons. I urge my colleagues to join me in supporting H.R. 3527, the ban on semiautomatic assault weapons.

DEMOCRATS CANNOT BE TRUSTED WITH WORDS OR NUMBERS

(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, the White House says that the President's original explanation of the First Lady's dealings in the futures market are no longer operative. On April 15 Americans will learn that the administration has no more credibility on retroactive taxes than it does on cattle futures. The White House says that Democrats raised taxes only on 1 percent of the population. But the facts do not support this spin.

No. 1, senior citizens with incomes over $34,000 will face a 70-percent income tax increase on their benefits. They, of course, are not rich, but, as Republicans warn, this President defines rich as anyone who owns a wallet.

No. 2, new taxes on motor fuel will disproportionately miss the rich, as this chart shows. Those with incomes below $30,000 will bear 29 percent of the burden, and those with incomes between $30,000 and $75,000 will bear a staggering 46 percent of the burden; 75 percent of the burden of this tax falls on people with incomes under $75,000.

Mr. Speaker, the Democrat Party line is that they only raise taxes on the rich, but the middle class knows that the statement is no longer operative, and the middle class also knows that the Democrats cannot be trusted with either words or numbers.

TODAY'S CRIME BILL HOLDS OUT REAL PROMISE

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

Mr. VISCLOSKY. Mr. Speaker, today we will consider a crime bill that aims to prevent crime before it happens and keep criminals locked up and off the streets.

This balanced approach to making our streets safer is the result of Democratic leadership from the White House and Congress. Instead of trying to score political points, a Democrat in the White House has worked with the Democrats in Congress to craft legislation that will really make a difference.

The bill increases penalties for violent crime, puts more police on the streets, and works to prevent crime. It also takes a common sense approach to some obvious problems.

At a time when our children are increasingly victims of violent crime, this bill will make it illegal for children under the age of 18 to posses a handgun. This provision will help get handguns out of our schools and off our playgrounds.

Mr. Speaker, this bill is a result of true leadership from President Clinton and Congress and it is aimed directly at stopping crime in America.

□ 1010

GOVERNMENTAL COOPERATION NEEDED IN CRIME BILL

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

Mr. THOMAS of Wyoming. Mr. Speaker, nearly everyone in this country supports the idea of making the criminal justice tougher; not just to talk tough but to walk tough. The administration has been talking tough. We will see, in fact, if they are willing to walk tough as well. There is unrefutable evidence that we need to focus on making criminals pay rather than victims. Clearly endless right of appeal has virtually eliminated the death penalty and that must change.

Clearly the percentage of criminals, only 7 percent, that commit two-thirds of the crimes need to be imprisoned and they need hard sentencing and an opportunity to serve out that sentence. But as we approach it, we need to keep in mind that the majority of the criminal justice system in this country is State and local.

Mr. Speaker, I do not think the answer is to federalize the criminal system. I do not think the answer is to expand the Federal system. Rather, to help and work cooperatively with State and local governments to make this a tough system consistent with the desire of the American people.

SUPPORT FOR DISCHARGE PETITION ON IRS BILL

(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 crime bill that we are taking up does not cover some specific crimes that I would like to mention today: the illegal seizing of property; the illegal confiscation of savings accounts; forced foreclosures; forced bankruptcy. Illegal activity, I say, by the Internal Revenue Service, because all they have to do is point the finger at your taxpayer and say that they evaded taxes or committed fraud and your taxpayer is a sitting duck. They have to prove their innocence.

Shame on Congress. We are dealing with a crime bill and we leave our taxpayers exposed to the biggest criminal ripoff in history. Thomas Jefferson is rolling over in his grave.

Mr. Speaker, H.R. 3261 says the taxpayer is innocent until proven guilty just like a mass murderer.

My God, a taxpayer can be treated at least as good as a mass murderer.

Discharge Petition No. 12, H.R. 3261, I am asking for your help.

THE WORST IS YET TO COME

(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, let me thank the gentleman from Ohio [Mr. TRAFICANT] and concur with him in his remarks and urge people to sign that discharge petition. That is a very important bill.

Mr. Speaker, as the American people open their checkbooks and pay their first round of Clinton taxes tomorrow, I urge them to keep in mind this one simple fact: The worst is yet to come.

If you feel you are not making as much money as you once did, it is not

your imagination. It is the President's new taxes.

Indeed, instead of taxing the rich as he claims, the President's energy and Social Security taxes have hit the middle class the hardest, ironically the very group that he promised would get a substantial tax cut. And the worst is yet to come.

If the Clinton health reform plan goes into effect, the American people can expect to pay an additional 8 percent payroll tax that will kill jobs and spur inflation.

Mr. Speaker, we have had enough of broken promises. It is time to turn away from high taxes and big Government and to bring some much needed relief to middle America.

A COMPREHENSIVE AND BALANCED APPROACH URGED FOR CRIME BILL

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

Ms. ESHOO. Mr. Speaker, today as we deliberate the crime bill, many Americans are preparing their tax returns or have recently mailed them in.

They are fulfilling their responsibility as good citizens and meeting the requirements of citizenship.

Mr. Speaker, today as well, every 2 minutes someone in America is shot. And every quarter of an hour somebody dies from a gun wound.

It is a fact, Mr. Speaker, every time our emergency room doors open for a gunshot victim, it is going to cost someone an average of $33,000.

And that someone is the American taxpayer. Most of the gunshot victims who come through the emergency rooms do not have adequate insurance. That leaves the taxpayer to absorb those costs.

Mr. Speaker, the crime issue is not only an issue involving freedom from fear of violence. It is an economic issue, and it is a public health issue.

Today, as we deliberate this legislation, we should remember that our crime problems are not going to be solved by trying to put more people to death or filling our prisons up at a faster rate.

Our responsibility requires us to take a comprehensive and balanced approach that includes the range of prevention, habeas corpus and racial justice provisions and addresses violent crime. It is not only the right thing to do, it is the fiscally sound thing to do as well.

FRIDAY THE 15TH

(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, tomorrow is Friday, April 15, tax day. People are asking themselves, "What am I getting for my hard earned money?" It is probably more instructive to study what Americans are not getting. They are not getting good Government. They are not getting a balanced budget that is a fact—a sad fact. They are not getting an honest accounting of the tremendous waste, but they are getting higher taxes. Despite the rhetoric, it is not just the rich who will pay more: Taxpayers earning less than $30,000 are paying about one-third of the gas tax increase. And seniors with incomes of just $34,000 are due for a sizable increase in Social Security taxes. April 15 is the day the truth starts to come out about the Clinton administration 1993 tax hikes: Everyone pays more. Congress is heading out of town for that day of reckoning. But there is no hiding. Election day is coming November 8 just as surely as April 15.

SUPPORT FOR THE CRIME BILL

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

Mr. CLYBURN. Mr. Speaker, during the 2-week break, I found from my constituents a considerable anxiety about crime and its consequences. They led me to believe that crime and its consequences are first and foremost on their minds.

Many of them are afraid to attend church gatherings or family picnics and feel like prisoners in their own homes.

This week we begin debate on the most comprehensive crime bill ever. This bill accomplishes the three things I think are important:

First, it sends a signal to those who would be criminals that their antisocial behavior will no longer be tolerated.

Second, it provides those to whom we have given the responsibility of keeping our streets and homes safe and secure the tools they need to carry out their jobs.

Third, it accomplishes or allocates about 50 percent of all of its resources to prevention and education; and it balances the scales of justice with its habeas corpus protections and the racial justice act.

Mr. Speaker, this bill deserves our support, and I think that all of us ought to vote for it.

□ 1020

TAX BURDEN ON AMERICANS

(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, My friend, Lois Van Ryn Stock, turned 40 on Monday, and in so many ways Lois epitomizes the best of baby boomers. She is bright, intelligent, ambitious, attractive, and of high moral fiber. Yet she also symbolizes the tragedy of baby boomers, because Monday also marked her 20th year in the workplace, 20 years of sacrifice and saving and sweating, only to know that tomorrow when she pays her taxes, and 42 percent of her total income goes to taxes, she will have to work until June until she reaches tax freedom day, when she and her husband, Bill, can start working for themselves. And she knows that most of the taxes they pay will be squandered by politicians and bureaucrats.

Mr. Speaker, Lois and her middle-class counterparts need some relief. When the middle class quits working, bye-bye bureaucracy, bye-bye Congress, bye-bye America, because we cannot make it without the middle class.

Since the President will not honor his pledge for a middle-class tax cut, let us do it as Members of Congress. Mr. Speaker, Lois needs some relief.

STATES SHOULD HAVE SINGLE-PAYER OPTION ON HEALTH CARE

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

Mr. SANDERS. Mr. Speaker, today, Congressman KENNEDY and I will be sending to the President a letter signed by 112 Members of Congress, urging the President to stand firm against all attempts to delete the state single-payer option from his national health care program. Interestingly, 32 of those signers are not cosponsors of H.R. 1200, the House single-payer bill, but they also want States to have that freedom of choice.

Study after study on the national level and in individual states such as my own State of Vermont, show that if we are serious about adopting a universal, comprehensive, cost-effective health care system that treats all people, rich and poor alike, then the single-payer approach is the only way to go.

Mr. Speaker, as we know, the President included State option for single-payer in his health care plan. He understood, quite correctly, that different States have different needs and that it could be a positive thing for the country if some States went forward with the single-payer approach.

But as we also know, there is enormous pressure from the insurance companies, the big money interests in health care, and from various Members of Congress, to delete that important section.

Mr. Speaker, the House must not pass, and the President must not sign, any health care proposal which does not allow for the right of individual

States to go forward with a single-payer health care system, which for millions of Americans is the only sensible approach to the current health crisis.

GATT MEANS JOBS FOR AMERICA

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

Mr. REGULA. Mr. Speaker, yesterday, the GATT task forces, joined together in introducing bipartisan legislation to implement the Uruguay round of the GATT.

On Friday, April 15, the United States will sign the GATT agreement after 7 years of difficult negotiations. Negotiated between 116 nations it covers most of the world's economic activity. The pact will generate over $5 trillion in new world trade over the next 10 years.

Although encouraging these promises mean nothing unless effectively implemented through legislation by the U.S. Congress.

The nucleus of our measure is 16 antidumping and subsidy proposals developed to be the minimum necessary requirement of U.S. domestic producers. The bill's goal of effective trade laws has brought together such diverse interests as labor, semiconductors, bearings, steel, autos, auto parts, cement, coal, cut flowers, and others, into an alliance that represents most of the manufacturing capacity within the United States.

The legislation is a joining of hands between east and west, high technology and basic manufacturing, management and labor. It is the sum total of what is most important to America's manufacturers and American jobs.

I urge each of you to join us in cosponsoring this pro-U.S. package which means jobs for Americans.

GET SERIOUS ABOUT FIGHTING CRIME

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

Mr. PRICE of North Carolina. Mr. Speaker, this past Monday I convened a field hearing of the Appropriations Subcommittee on Commerce, Justice, State and Judiciary in Raleigh, NC, to learn more about what is working in the fight against crime and what more we need to do. There are a lot of people in North Carolina and this country working hard to fight crime, to prevent crime, to assist the victims of crime, and they deserve our support.

We heard from a 15-year-old young man who committed a serious crime and is now incarcerated. There was silence in the room as he stated that in his life it has been easier to get a gun than to get a tutor.

He noted his dyslexia was not discovered until he landed in the juvenile detention center. That is not early intervention. We must reach kids like this, connect them to society, and make sure they know we care for them and help them before crime even becomes an option.

We also must intervene more effectively with young people who get into trouble. We heard from North Carolina's boot camp commandant, who testified about the success he has had at turning around at-risk youths in that boot camp program.

Mr. Speaker, the crime bill now before us is a positive effort both to stiffen punishment and to get serious about preventing crime. We have had enough of the stalling tactics from those who would rather have an issue than a bill. We have had enough of the hot button politics. We have had enough overheated rhetoric. It is time to get serious and do something that seriously matters in our national fight against crime. Pass the crime bill.

MORE THAN THE RICH PAYING INCREASED TAXES

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

Mr. COX. Mr. Speaker, as April 15 approaches, the President, the administration, and the Democrats in Congress are going to try and convince us anew that they have only raised taxes on the rich. Well, today we have seen the professional staff of the Joint Economic Committee release a report that shows us in hard figures that that is a lie.

It is a lie because 6 million senior citizens with incomes as low as $34,000 will face an income tax increase of 70 percent on their Social Security benefits.

Who is going to bear the brunt of this new income tax? Take a look at this chart. The largest share of this huge new income tax is going to be borne by individual senior citizens with incomes between $30,000 and $75,000, 44 percent of the total.

How much will the rich pay? Everyone making over $100,000 will pay only 22.6 percent of that tax. Another big reason that the Clinton taxes are going to soak the middle class more than anyone also is the $33 billion in energy taxes, 70 percent of which are going to be borne by middle class income taxpayers.

The Clinton administration and its tax hungry hordes in Congress are going to tell us once again only the rich are paying these taxes. As you hear this refrain, keep in mind that when they talk about soaking the rich, it is time for ordinary folks to get their rain gear.

SUPPORT SOUGHT FOR OMNIBUS CRIME CONTROL ACT

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, the President is to be commended for his leadership in addressing the crime plague ravaging America. President Clinton and the Attorney General, in their numerous visits to towns and cities across America, have personally witnessed the great need for added mechanisms and resources that will enable localities to strengthen their fight against crime.

The crime bill before the House provides all of us with an opportunity to deliver to the American people. This bill covers a multitude of issues which relate to crime. Although obviously this is not a perfect bill, it does provide a reasonable and balanced three-prong approach which addresses the key components that together will deter crime, which are: prevention, enforcement, and punishment.

Not all elements please every Member of this House and we could probably come up with 440 versions of a crime bill. Nevertheless, the bill before us has been carefully crafted after many months of deliberations and takes into consideration the many concerns expressed by all of us on both sides of the aisle.

The crime crisis is affecting our families, our friends and neighbors every day and they have lost their patience. They cannot wait any longer. Every jurisdiction and the entire criminal justice system needs many of the provisions contained in this bill. We must keep in mind that unfortunately, the crime wave has intricately interconnected our districts in a very negative way. For example, according to DEA and FBI reports, in district—Puerto Rico—has become the major transshipment point of drugs between the South American drug producers and the mainland. Local resources are stretched to the limit and more importantly, the drug plague has penetrated all sectors of our society and is having a detrimental effect that touches many of the 3.6 million American citizens of Puerto Rico.

Mr. Speaker, I urge my colleagues to pass the Omnibus Crime Control Act without further delay. This bill contains provisions and resources to counterattack the existing crime wave. The American people are yearning for results and this House can make a critical difference by passing the crime bill.

HOUSE MEMBERS SUPPORT BIPARTISAN A-Z SPENDING CUT PLAN

(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, a majority of this House has gone on record in support of the bipartisan A–Z spending cut plan.

This proposal being offered by 223 Members of this House provides us with a historic opportunity to make real votes on real spending cuts.

Mr. Speaker, taxes are rising and the American people are fed up. They cannot afford the cost of Government waste anymore.

That is why we need the A–Z plan to cut Federal spending.

We must all work together to develop a reasonable package of spending cuts to help balance the Federal budget.

Unfortunately, we all know how tough it is to get committee action on a spending cut bill.

That is why this past Tuesday Congressman ROB ANDREWS and I introduced a rule for the consideration of the A–Z spending cut plan. If the committees do not act, we will have the opportunity to begin a discharge petition on our rule.

I urge all of my colleagues to join in this serious effort to reduce spending, reduce the deficit, and restore accountability to the Congress.

Mr. Speaker, we all know low taxes come from low spending. The time has come for real votes on real spending cuts by the people's House.

□ 1030

CRIME BILL

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

Mr. BISHOP. Mr. Speaker, in order to restore sanity and security to the streets of America, I strongly support a tough and fair anticrime package that offers a balance between punishment and prevention.

Congress must provide the people with the necessary weapons to combat drug dealers, gang leaders, robbers, rapists, and murderers.

Community-based policing, reinforced with more cops on the beat and more resources for drug treatment, buttresses our effort to win this war.

Also, Mr. Speaker, deeply rooted in any crime prevention initiative are measures that promote family values, education, and job training.

I endorse a crime package that throws three-time convicted violent felons in jail for life, that increases penalties for adults who employ children in their misconduct, and, among other measures, Mr. Speaker, adds more Federal crimes to the death penalty list.

We must protect ourselves, our families, and our neighborhoods by locking up—and where appropriate, executing—those who repeatedly demonstrate a disregard for the sanctity of human life.

A successful crime package is one designed to displace fear with security, sanity, and confidence through a balanced approach that provides the strength and fairness needed to win the war on crime.

It is through shared responsibility and courage to change that we can stem the growth of crime and violence in America. We must pass the crime bill.

THE DEMOCRATS' ONE-WAY STREET OF CONGRESSIONAL OVERSIGHT

(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, a week ago President Clinton went to Charlotte, NC, to get away from the Washington press corps.

At the town meeting, one woman asked: "Many of us Americans are having a hard time with your credibility. How can you earn back our trust?"

Mr. Speaker, I can tell the President how to regain America's trust. Tell Congress to hold hearings on Whitewater now.

For some reason, the Democrats in Congress must think the President has something to hide. They think that they are doing him a favor by keeping a scandal under wraps.

Interestingly, during the Reagan-Bush years, the Democrats held 25 hearings.

Apparently, it is all right for Democrats to investigate Republicans but not members of their own party.

The constitutional responsibility of congressional oversight is not a one-way street. We need full disclosure and we need it now.

REGARDING CRIME

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

Ms. LAMBERT. Mr. Speaker, growing up in my small hometown in rural Arkansas, we did not lock our doors. Sometimes we latched the screen door. But when people started putting locks on their houses, we should have started worrying about the deterioration of families and communities because the increase in crime is directly related to the decline of our families and communities.

Now crime is rising 5 percent faster in rural America than in urban areas. And we have got to put the brakes on.

I stand in support of today's crime bill, which is tough on crime. But I am especially supportive of the deterrent efforts like the ounce of prevention which will give structure to the lives of our teens. One of the most alarming statistics I have noticed in recent months shows that 82 percent of our prison population is high school dropouts. Just think of the possibilities for reducing crime if we just keep kids in school and rebuild our communities so that a burglary is a crime against a person and not just some unnamed house.

A return to strong families, individual responsibility, and a sense of community will defeat crime faster than any buildings or laws. So I am proud to see that this bill devotes twice as much money to deterrence, toward building strong individuals, as to simply building more prisons.

HEALTH CARE A PIZZA

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

Mr. ALLARD. Mr. Speaker, I rise today to address the cost of the President's health care reform proposal.

Last week when the President was touring the country to promote his health care plan, he was asked by a small business owner what the cost would be. The owner of Godfather's Pizza went on to tell the President that his company could not afford employer mandates. He stated that he would either have to lay off employees or close some stores.

What was President Clinton's response to this? He told the business owner to raise the price of pizza. I hope everyone had a chance to see this exchange, because it is an amazing acknowledgement of the true cost of the Clinton health plan.

The administration has repeatedly claimed that its health plan is going to save small business and taxpayers money. And yet, here is the President conceding his health plan will force price increases. Who does he think will pay these higher prices?

Tomorrow is April 15. That is when the American family will feel the impact of last year's tax hike. If the Clinton health reform plan passes, the American family will soon get another tax hike in the form of higher prices.

THIS BILL IS TOUGH ON CRIME

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

Mrs. MEEK of Florida. Mr. Speaker, the moment of truth has finally arrived. During the course of the last several months we have heard much tough talk and posturing about getting tough on crime, lock'em up and throwing away the key, and "three strikes and you're out."

Yesterday, the House began debate on a Democratic-backed omnibus crime bill that by any set of standards is both far reaching and tough. And many of my colleagues can't stand it.

Right or wrong, this crime bill makes 66 new crimes punishable by the death penalty. It includes the three strikes language. It includes $3 billion for new prison construction that will put bars between criminals and our families. In short, this bill makes sure that those who do the crime will do the time.

Now that the moment of truth is here and the Democrats have produced a tough crime bill. We can't expect many of our colleagues to launch a series of barrages, distortions, and half-truths.

All of this from the same people who say, on the one hand, that they're tough on crime, but are against a 5-day waiting period. The same people who say they are against crime but are also against a ban on assault weapons used in drive-by shootings and other random acts of violence.

Mr. Speaker, the American people want action and they want it now. They are sick of finger pointing. Much of what we have done in the past did not work, Mr. Speaker. Let us pass a crime bill that works. Let us try some new approaches.

AMERICANS WANT A TAX BREAK

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

Mr. CALLAHAN. Mr. Speaker, millions of Americans will be filing their Federal income taxes tomorrow, having waited until the last minute because they owe yet more money to the Government. Most are disgruntled and many are downright outraged that their taxes were increased retroactively last year.

I have never heard anyone say they liked to pay taxes. On the other hand, I have rarely heard anyone say they begrudge this responsibility so long as we in Congress, as stewards of the purse strings, spend their hard-earned money wisely.

Unfortunately, we fail this test consistently year in and year out. Congress refuses to come to grips with Americans' priorities. We tolerate uncontrolled spending and wasteful programs. We tolerate the crime epidemic confronting our communities. We tolerate uncontrolled illegal immigration. We tolerate a deterioration of family values. We tolerate child pornography.

Mr. Speaker, we need to provide some tax relief to working Americans. Today, on the eve of tax day, I implore the leadership to reassess our priorities. Let us do something meaningful—this year—for the American people and give them a tax break.

□ 1040

REDUCED TAXES WILL HELP THE AMERICAN FAMILY AND FIGHT CRIME

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

Mr. DUNCAN. Mr. Speaker, before coming to Congress, I spent 7½ years as a criminal court judge in Tennessee trying the felony criminal cases. I certainly favor tougher sentences, particularly on repeat and violent offenders, but the first day I was judge I was told that over 98 percent of the defendants in felony cases came from broken homes.

I went through thousands of cases, and over and over again I would read, "Defendant's father left home when defendant was two and never returned; defendant's father left home to get pack of cigarettes and never came back."

Several weeks ago, Senator MOYNIHAN held some hearings in New York City. The headline in the New York paper the next day said, "Moynihan: It is not Poverty, Stupid, it is the Family." We will never do anything real and meaningful about crime until we at least slow down or start reversing the breakdown of the family.

How do we do that? By decreasing the size and cost of Government. The average person today pays almost half of his or her income in the form of taxes.

Most families break up over finances. We need desperately to lower the taxes in this country and leave the individuals and families of America more money so they can support themselves and their families in the way they need to. That will do more to fight crime than anything we could possibly do in the crime bill today.

THE GAP BETWEEN FACT AND FICTION IN THE CLINTON ADMINISTRATION

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

Mr. GINGRICH. Mr. Speaker, there is a huge gap between the fact and the fiction of the Clinton administration. It is obvious in Whitewater, but I want to take today's time to talk about fact and fiction in crime.

There is a recent report that the Immigration and Naturalization Service will no longer fingerprint suspicious immigrants, suspicious foreigners, because they lack $1 million. Last year, they found 9,000 people who were either convicted felons, potential terrorists, or otherwise suspicious who were barred from the United States, 9,000.

In the middle of all the posturing, all the public relations, all the effort to say the right words because of the right focus groups, because of the right polling, what we discover is that in fact, this administration is not spending $1 million to block terrorists and felons from coming to America.

I am going to ask the Committee on Appropriations to reprogram $1 million to allow us to continue to fingerprint suspicious immigrants, but it is one more example of the gap between fact and fiction in the Clinton administration.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

The SPEAKER pro tempore (Mr. CLYBURN). Pursuant to House Resolution 401 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4092.

□ 1041

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4092) to control and prevent crime, with Mr. TORRICELLI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, March 23, 1994, all time for general debate pursuant to House Resolution 395 had expired.

Pursuant to House Resolution 401, the bill is considered as read for amendment under the 5-minute rule.

The text of the bill, H.R. 4092, is as follows:

H.R. 4092

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

SEC. 1. SHORT TITLE.

This Act may be cited as the "Violent Crime Control and Law Enforcement Act of 1994".

SEC. 2. TABLE OF TITLES.

The following is the table of titles for this Act:

TITLE I—VICTIMS OF CRIME
TITLE II—APPLICABILITY OF MANDATORY MINIMUM PENALTIES IN CERTAIN CASES
TITLE III—ASSAULTS AGAINST CHILDREN
TITLE IV—CONSUMER PROTECTION
TITLE V—MANDATORY LIFE IMPRISONMENT FOR PERSONS CONVICTED OF CERTAIN FELONIES
TITLE VI—VIOLENT REPEAT OFFENDER INCARCERATION
TITLE VII—DEATH PENALTY
TITLE VIII—HABEAS CORPUS REFORM
TITLE IX—RACIALLY DISCRIMINATORY CAPITAL SENTENCING
TITLE X—CRIME PREVENTION AND COMMUNITY JUSTICE
TITLE XI—YOUTH VIOLENCE
TITLE XII—CHILD SEXUAL ABUSE PREVENTION ACT OF 1994
TITLE XIII—JACOB WETTERLING CRIMES AGAINST CHILDREN REGISTRATION ACT
TITLE XIV—COMMUNITY POLICING
TITLE XV—DNA IDENTIFICATION
TITLE XVI—VIOLENCE AGAINST WOMEN
TITLE XVII—HATE CRIMES SENTENCING ENHANCEMENT
TITLE XVIII—USE OF FORMULA GRANTS TO PROSECUTE PERSONS DRIVING WHILE INTOXICATED

TITLE XIX—YOUTH HANDGUN SAFETY
TITLE XX—SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS
TITLE XXI—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS
TITLE XXII—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS
TITLE XXIII—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

TITLE I—VICTIMS OF CRIME

Subtitle A—Victims of Crime

SEC. 101. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.

Rule 32 of the Federal Rules of Criminal Procedure is amended by—

(1) striking "and" following the semicolon in subdivision (a)(1)(B);

(2) striking the period at the end of subdivision (a)(1)(C) and inserting in lieu thereof "; and";

(3) 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 second to last sentence of subdivision (a)(1), striking "equivalent opportunity" and inserting in lieu thereof "opportunity equivalent to that of the defendant's counsel";

(5) in the last sentence of subdivision (a)(1) inserting "the victim," before "or the attorney for the Government."; and

(6) adding at the end the following:

"(f) DEFINITIONS.—For purposes of this rule—

"(1) 'victim' means any 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 in case the victim is below the age of eighteen years or incompetent; or

"(B) one or more family members or relatives designated by the court in case the victim is deceased or incapacitated;

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present; and

"(2) '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.".

Subtitle B—Crime Victims' Fund

SEC. 111. ALLOCATION OF FUNDS FOR COSTS AND GRANTS.

(a) GENERALLY.—Section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)) is amended by—

(1) striking paragraph (2) and inserting the following:

"(2) the next $10,000,000 deposited in the Fund shall be available for grants under section 1404A.";

(2) striking paragraph (3) and inserting the following:

"(3) Of the remaining amount deposited in the Fund in a particular fiscal year—

"(A) 48 percent shall be available for grants under section 1403;

"(B) 48 percent shall be available for grants under section 1404(a); and

"(C) 4 percent shall be available for grants under section 1404(c).";

(3) strike paragraph (4) and inserting the following:

"(4) The Director may retain any portion of the Fund that was deposited during a fiscal year that is in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as a reserve for use in a year in which the Fund falls below the amount available in the previous year. Such reserve may not exceed $20,000,000."; and

(4) striking paragraph (5).

(b) CONFORMING CROSS REFERENCE.—Section 1402(g)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(g)(1) is amended by striking reference to "(d)(2)(A)(iv)" and inserting "(d)(2)".

(c) AMOUNTS AWARDED AND UNSPENT.—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(e)) is amended to read as follows:

"(e) AMOUNTS AWARDED AND UNSPENT.—Any sums awarded as part of a grant under this chapter that remain unspent at the end of a fiscal year in which such grant is made may be expended for the purposes for which such grant is made at any time during the next succeeding 2 fiscal years, at the end of which year any remaining unobligated funds shall be returned to the Fund.".

SEC. 112. RELATIONSHIP OF CRIME VICTIM COMPENSATION TO CERTAIN FEDERAL PROGRAMS.

Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by adding at the end the following:

"(e) Notwithstanding any other provision of law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal program, or a federally financed State or local program, would otherwise pay, then—

"(1) such crime victim compensation program shall not pay that compensation; and

"(2) the other program shall make its payments without regard to the existence of the crime victim compensation program.".

SEC. 113. ADMINISTRATIVE COSTS FOR CRIME VICTIM COMPENSATION.

(a) CREATION OF EXCEPTION.—The final sentence of section 1403(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(1)) is amended by striking "A grant" and inserting "Except as provided in paragraph (3), a grant".

(b) REQUIREMENTS OF EXCEPTION.—Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended by adding at the end the following new paragraph:

"(3) Not more than 5 percent of a grant made under this section may be used for the administration of the State crime victim compensation program receiving the grant.".

SEC. 114. GRANTS FOR DEMONSTRATION PROJECTS.

Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting "demonstration projects and" before "training".

SEC. 115. ADMINISTRATIVE COSTS FOR CRIME VICTIM ASSISTANCE.

(a) CREATION OF EXCEPTION.—Section 1404(b)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(2)) is amended by striking "An eligible" and inserting "Except as provided in paragraph (3), an eligible".

(b) REQUIREMENTS OF EXCEPTION.—Section 1404(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)) is amended by adding at the end the following new subsection:

"(3) Not more than 5 percent of sums received under subsection (a) may be used for the administration of the State crime victim assistance program receiving such sums.".

SEC. 116. MAINTENANCE OF EFFORT.

Section 1407 of the Victims of Crime Act of 1984 (42 U.S.C. 10604) is amended by adding at the end the following new subsection:

"(h) Each entity receiving sums made available under this Act for administrative purposes shall certify that such sums will not be used to supplant State or local funds, but will be used to increase the amount of such funds that would, in the absence of Federal funds, be made available for these purposes.".

SEC. 117. CHANGE OF DUE DATE FOR REQUIRED REPORT.

Section 1407(g) of the Victims of Crime Act of 1984 (42 U.S.C. 10604(g)) is amended by striking "and on December 31 every two years thereafter", and inserting "and on June 30 every two years thereafter.".

Subtitle C—Report on Battered Women's Syndrome

SEC. 121. REPORT ON BATTERED WOMEN'S SYNDROME.

(a) REPORT.—Not less than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall transmit to the House Committee on Energy and Commerce, the Senate Committee on Labor and Human Resources, and the Committees on the Judiciary of the Senate and the House of Representatives a report on the medical and psychological basis of "battered women's syndrome" and on the extent to which evidence of the syndrome has been considered in a criminal trial.

(b) COMPONENTS OF THE REPORT.—The report described in subsection (a) shall include—

(1) medical and psychological testimony on the validity of battered women's syndrome as a psychological condition;

(2) a compilation of State and Federal court cases in which evidence of battered women's syndrome was offered in criminal trials; and

(3) an assessment by State and Federal judges, prosecutors, and defense attorneys of the effects that evidence of battered women's syndrome may have in criminal trials.

TITLE II—APPLICABILITY OF MANDATORY MINIMUM PENALTIES IN CERTAIN CASES

SEC. 201. LIMITATION ON APPLICABILITY OF MANDATORY MINIMUM PENALTIES IN CERTAIN CASES.

(a) IN GENERAL.—Section 3553 of title 18, United States Code, is amended by adding at the end the following:

"(f) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN CASES.—Notwithstanding any other provision of law, in the case of an offense under section 401, 404, or 406 of the Controlled Substances Act or section 1010 or 1013 of the Controlled Substances Import and Export Act, the court shall impose a sentence pursuant to guidelines established by the United States Sentencing Commission, without regard to any statutory minimum sentence, if the court finds at sentencing that—

"(1) the defendant does not have more than 1 criminal history point under the United States Sentencing Commission Guidelines Manual;

"(2) the defendant did not use violence or credible threats of violence or possess a firearm or other dangerous weapon (or induce another participant to do so) in connection with the offense;

"(3) the offense did not result in death or serious bodily injury to any person;

"(4) the defendant was not an organizer, leader, manager, or supervisor of others (as

determined under the United States Sentencing Commission Guidelines Manual) in the offense; and

"(5) no later than the time of the sentencing hearing, the defendant has provided to the Government all information the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan. The fact that the defendant has no relevant or useful other information to provide shall not preclude or require a determination by the court that the defendant has complied with this requirement.".

(b) SENTENCING COMMISSION AUTHORITY.—

(1) IN GENERAL.—The United States Sentencing Commission (hereinafter in this section referred to as the "Commission") may—

(A) make such amendments as the Commission deems necessary to harmonize the sentencing guidelines and policy statements with this section and the amendment made by this section; and

(B) promulgate policy statements to assist in the application of this section and that amendment.

(2) PROCEDURES.—If the Commission determines it is necessary to do so in order that the amendments made under paragraph (1) may take effect on the effective date of the amendment made by subsection (a), the Commission may promulgate the amendments made under paragraph (1) in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that section had not expired.

(c) EFFECTIVE DATE AND APPLICATION.—The amendment made by subsection (a) shall apply to all sentences imposed on or after the 10th day beginning after the date of the enactment of this Act.

SEC. 202. DIRECTION TO SENTENCING COMMISSION.

The United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines with respect to cases where statutory minimum sentences would apply but for section 3553(f) of title 18, United States Code, to carry out the purposes of such section, so that the lowest sentence in the guideline range is not less than 2 years in those cases where a 5-year minimum would otherwise apply.

SEC. 203. SPECIAL RULE.

For the purpose of section 3582(c)(2) of title 18, United States Code, with respect to a prisoner the court determines has demonstrated good behavior while in prison, the changes in sentencing made as a result of this Act shall be deemed to be changes in the sentencing ranges by the Sentencing Commission pursuant to section 994(o) of title 28, United States Code.

TITLE III—ASSAULTS AGAINST CHILDREN

SEC. 301. 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".

TITLE IV—CONSUMER PROTECTION

SEC. 401. CRIMES BY OR AFFECTING PERSONS ENGAGED IN THE BUSINESS OF INSURANCE WHOSE ACTIVITIES AFFECT INTERSTATE COMMERCE.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce

"(a)(1) Whoever is engaged in the business of insurance whose activities affect interstate commerce and knowingly, with the intent to deceive, makes any false material statement or report or willfully and materially overvalues any land, property or security—

"(A) in connection with any financial reports or documents presented to any insurance regulatory official or agency or an agent or examiner appointed by such official or agency to examine the affairs of such person, and

"(B) for the purpose of influencing the actions of such official or agency or such an appointed agent or examiner,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as established under this title or imprisonment for not more than 10 years, or both, except that the term of imprisonment shall be not more than 15 years if the statement or report or overvaluing of land, property, or security jeopardized the safety and soundness of an insurer and was a significant cause of such insurer being placed in conservation, rehabilitation, or liquidation by an appropriate court.

"(b)(1) Whoever—

"(A) acting as, or being an officer, director, agent, or employee of, any person engaged in the business of insurance whose activities affect interstate commerce, or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

willfully embezzles, abstracts, purloins, or misappropriates any of the moneys, funds, premiums, credits, or other property of such person so engaged shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if such embezzlement, abstraction, purloining, or misappropriation described in paragraph (1) jeopardized the safety and soundness of an insurer and was a significant cause of such insurer being placed in conservation, rehabilitation, or liquidation by an appropriate court, such imprisonment shall be not more than 15 years. If the amount or value so embezzled, abstracted, purloined, or misappropriated does not exceed $5,000, whoever violates paragraph (1) shall be fined as provided in this title or imprisoned not more than one year, or both.

"(c)(1) Whoever is engaged in the business of insurance and whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business, knowingly makes any false entry of material fact in any book, report, or statement of such person engaged in the business of insurance with intent to deceive any person, including any officer, employee, or agent of such person engaged in the business of insurance, any insurance regulatory official or agency, or any agent or examiner appointed by such official or agency to examine the affairs of such person, about the financial condition or solvency of such business shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if the false entry in any book, report, or statement of such person jeopardized the safety and soundness of an insurer and was a significant cause of such insurer being placed in conservation, rehabilitation, or liquidation by an appropriate court, such imprisonment shall be not more than 15 years.

"(d) Whoever, by threats or force or by any threatening letter or communication, corruptly influences, obstructs, or impedes or endeavors corruptly to influence, obstruct, or impede the due and proper administration of the law under which any proceeding involving the business of insurance whose activities affect interstate commerce is pending before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of a person engaged in the business of insurance whose activities affect interstate commerce, shall be fined as provided in this title or imprisoned not more than 10 years, or both.

"(e)(1)(A) Any individual who has been convicted of any criminal felony involving dishonesty or a breach of trust, or who has been convicted of an offense under this section, and who willfully engages in the business of insurance whose activities affect interstate

commerce or participates in such business, shall be fined as provided in this title or imprisoned not more than 5 years, or both.

"(B) Any individual who is engaged in the business of insurance whose activities affect interstate commerce and who willfully permits the participation described in subparagraph (A) shall be fined as provided in this title or imprisoned not more than 5 years, or both.

"(2) A person described in paragraph (1)(A) may engage in the business of insurance or participate in such business if such person has the written consent of any insurance regulatory official authorized to regulate the insurer, which consent specifically refers to this subsection.

"(f) As used in this section—

"(1) the term 'business of insurance' means—

"(A) the writing of insurance, or

"(B) the reinsuring of risks,

by an insurer, including all acts necessary or incidental to such writing or reinsuring and the activities of persons who act as, or are, officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons;

"(2) the term 'insurer' means any entity the business activity of which is the writing of insurance or the reinsuring of risks, and includes any person who acts as, or is, an officer, director, agent, or employee of that business;

"(3) the term 'interstate commerce' means—

"(A) commerce within the District of Columbia, or any territory or possession of the United States;

"(B) all commerce between any point in the State, territory, possession, or the District of Columbia and any point outside thereof;

"(C) all commerce between points within the same State through any place outside such State; or

"(D) all other commerce over which the United States has jurisdiction; and

"(4) the term 'State' includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"§1034. Civil penalties and injunctions for violations of section 1033

"(a) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 1033 and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. If the offense has contributed to the decision of a court of appropriate jurisdiction to issue an order directing the conservation, rehabilitation, or liquidation of an insurer, such penalty shall be remitted to the appropriate regulatory official for the benefit of the policyholders, claimants, and creditors of such insurer. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

"(b) If the Attorney General has reason to believe that a person is engaged in conduct constituting an offense under section 1033, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 47 of such title is amended by adding at the end the following new items:

"1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.

"1034. Civil penalties and injunctions for violations of section 1033.".

SEC. 402. MISCELLANEOUS AMENDMENTS TO TITLE 18, UNITED STATES CODE.

(a) TAMPERING WITH INSURANCE REGULATORY PROCEEDINGS.—Section 1515(a)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by inserting "or" at the end of subparagraph (C); and

(3) by adding at the end thereof the following new subparagraph:

"(D) a proceeding involving the business of insurance whose activities affect interstate commerce before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of any person engaged in the business of insurance whose activities affect interstate commerce; or".

(b) LIMITATIONS.—Section 3293 of such title is amended by inserting "1033," after "1014,".

(c) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Whoever—

"(A) acting as, or being, an officer, director, agent or employee of a person engaged in the business of insurance whose activities affect interstate commerce, or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

with intent to obstruct a judicial proceeding, directly or indirectly notifies any other person about the existence or contents of a subpoena for records of that person engaged in such business or information that has been furnished to a Federal grand jury in response to that subpoena, shall be fined as provided by this title or imprisoned not more than 5 years, or both.

"(2) As used in paragraph (1), the term 'subpoena for records' means a Federal grand jury subpoena for records that has been served relating to a violation of, or a conspiracy to violate, section 1033 of this title.".

TITLE V—MANDATORY LIFE IMPRISONMENT FOR PERSONS CONVICTED OF CERTAIN FELONIES

SEC. 501. MANDATORY LIFE IMPRISONMENT FOR PERSONS CONVICTED OF CERTAIN FELONIES.

Section 3559 of title 18, United States Code, is amended—

(1) in subsection (b), by striking "An" and inserting "Except as provided in subsection (c), an" in lieu thereof; and

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

"(c) IMPRISONMENT OF CERTAIN VIOLENT FELONS.—

"(1) MANDATORY LIFE IMPRISONMENT.—Notwithstanding any other provision of law, a person who is convicted in a court of the United States of a serious violent felony shall be sentenced to life imprisonment if—

"(A) the person has been convicted (and those convictions have become final) on 2 or more prior occasions in a court of the United States or of a State of—

"(i) a serious violent felony; or

"(ii) one or more serious violent felonies and one or more serious drug offenses; and

"(B) each serious violent felony or serious drug offense used as a basis for sentencing under this subsection, other than the first, was committed after the defendant's conviction of the preceding serious violent felony or serious drug offense.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'assault with intent to commit rape' means an offense that has as its elements engaging in physical conduct by which a person intentionally places another person in fear of aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of this title);

"(B) the term 'arson' means an offense that has as its elements maliciously damaging or destroying any building, inhabited structure, vehicle, vessel, or real property by means of fire or an explosive;

"(C) the term 'extortion' means an offense that has as its elements the extraction of anything of value from another person by threatening or placing that person in fear of injury to any person or kidnapping of any person;

"(D) the term 'firearms use' means an offense that has as its elements those described in section 924(c) or 929(a) of this title, if the firearm was brandished, discharged, or otherwise used as a weapon and the crime of violence or drug trafficking crime during and relation to which the firearm was used was subject to prosecution in a court of the United States or a court of a State, or both;

"(E) the term 'kidnapping' means an offense that has as its elements the abduction, restraining, confining, or carrying away of another person by force or threat of force;

"(F) the term 'serious violent felony' means—

"(i) a Federal or State offense, by whatever designation and wherever committed, consisting of murder (as described in section 1111 of this title); manslaughter other than involuntary manslaughter (as described in section 1112 of this title); assault with intent to commit murder (as described in section 113(a) of this title); assault with intent to commit rape; aggravated sexual abuse and sexual abuse (as described in sections 2241 and 2242 of this title); abusive sexual contact (as described in sections 2244 (a)(1) and (a)(2) of this title); kidnapping; aircraft piracy (as described in section 902(i)(2) or 902(n)(2) of the Federal Aviation Act of 1958); robbery (as described in section 2111 of this title); carjacking (as described in section 2119 of this title); extortion; arson; firearms use; or attempt, conspiracy, or solicitation to commit any of the above offenses; or

"(ii) any other offense punishable by a maximum term of imprisonment of 10 years or more that has as an element the use, attempted use, or threatened use of physical force against the person of another or that, by its nature, involves a substantial risk that physical force against the person of another may be used in the course of committing the offense;

"(G) the term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States; and

"(H) the term 'serious drug offense' means—

"(i) an offense subject to a penalty provided for in section 401(b)(1)(A) or 408 of the Controlled Substances Act or section 1010(b)(1)(A) of the Controlled Substances Import and Export Act; or

"(ii) an offense under State law that, had the offense been prosecuted in a court of the United States, would have been subject to a penalty provided for in section 401(b)(1)(A) or 408 of the Controlled Substances Act or section 1010(b)(1)(A) of the Controlled Substances Import and Export Act.

"(3) NONQUALIFYING FELONIES.—

"(A) ROBBERY IN CERTAIN CASES.—Robbery, an attempt, conspiracy, or solicitation to commit robbery; or an offense described in paragraph (2)(F)(ii) shall not serve as a basis for sentencing under this subsection if the defendant establishes by clear and convincing evidence that—

"(i) no firearm or other dangerous weapon was involved in the offense; and

"(ii) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person.

"(B) ARSON IN CERTAIN CASES.—Arson shall not serve as a basis for sentencing under this subsection if the defendant establishes by clear and convincing evidence that.—

"(i) the offense posed no threat to human life; and

"(ii) the defendant reasonably believed the offense posed no threat to human life.

"(4) INFORMATION FILED BY UNITED STATES ATTORNEY.—The provisions of section 411(a) of the Controlled Substances Act (21 U.S.C. 851(a)) shall apply to the imposition of sentence under this subsection.

"(5) RULE OF CONSTRUCTION.—This subsection shall not be construed to preclude imposition of the death penalty.

"(6) SPECIAL PROVISION FOR INDIAN COUNTRY.—No person subject to the criminal jurisdiction of an Indian tribal government shall be subject to this subsection for any offense for which Federal jurisdiction is solely predicated on Indian country as defined in section 1151 of this title and which occurs within the boundaries of such Indian country unless the governing body of the tribe has elected that this subsection have effect over land and persons subject to the criminal jurisdiction of the tribe.

"(7) RESENTENCING UPON OVERTURNING OF PRIOR CONVICTION.—If the conviction for a serious violent felony which was a basis for sentencing under this subsection is found, pursuant to any appropriate State or Federal procedure, to be unconstitutional or is vitiated on the explicit basis of innocence, or if the convicted person is pardoned on the explicit basis of innocence, the person serving a sentence imposed under this subsection shall be resentenced to any sentence that was available at the time of the original sentencing.".

SEC. 502. LIMITED GRANT OF AUTHORITY TO BUREAU OF PRISONS.

Section 3582(c)(1)(A) of title 18, United States Code, is amended—

(1) so that the margin of the matter starting with "extraordinary" and ending with "reduction" the first place it appears is indented an additional 2-ems;

(2) by inserting a one-em dash after "that" the second place it appears;

(3) by inserting a semicolon after "reduction" the first place it appears;

(4) by indenting the first line of the matter referred to in paragraph (1) and designating that matter as clause (i); and

(5) by inserting after such matter the following:

"(ii) the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c) of this title, for the offense or offenses for which the defendant is currently imprisoned, and a determination has been made by the Director of the Bureau of Prisons that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g) of this title;".

TITLE VI—VIOLENT REPEAT OFFENDER INCARCERATION

SEC. 601. GRANTS FOR CORRECTIONAL FACILITIES.

(a) GRANT AUTHORIZATION.—The Attorney General may make grants to individual States and to States, organized as multi-State compacts, to develop, expand, modify, or improve correctional facilities and programs to ensure that prison cell space is available for the confinement of violent repeat offenders.

(b) ELIGIBILITY.—To be eligible to receive a grant under this title a State or States, organized as multi-State compacts, shall submit an application to the Attorney General which includes—

(1) assurances that the State or States, have implemented, or will implement, correctional policies and programs that are designed to provide sufficiently severe punishment for violent repeat offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent repeat offender and for a period of time deemed necessary to protect the public;

(2) assurances that the State or States have implemented policies that provide for the recognition of the rights and needs of crime victims;

(3) assurances that funds received under this title will be used to develop, expand, modify, or improve correctional facilities and programs to ensure that prison cell space is available for the confinement of violent repeat offenders;

(4) assurances that the State or States have a comprehensive correctional plan which represents an integrated approach to the management and operation of correctional facilities and programs and which includes diversional programs, particularly drug diversion programs, community corrections programs, a prisoner screening and security classification system, prisoner rehabilitation and treatment programs, prisoner work activities (including, to the extent practicable, activities relating to the development, expansion, modification, or improvement of correctional facilities), and job skills programs, a pre-release prisoner assessment to provide risk reduction management, post-release assistance, and an assessment of recidivism rates;

(5) assurances that the State or States have involved counties and other units of local government, when appropriate, in the development, expansion, modification, or improvement of correctional facilities and programs designed to ensure the incarceration of violent offenders;

(6) assurances that funds received under this section will be used to supplement, not supplant, other Federal, State, and local funds; and

(7) documentation of the multi-State compact agreement that specifies the development, expansion, modification, or improvement of correctional facilities and programs.

(c) MATCHING REQUIREMENT.—The Federal share of a grant received under this title may not exceed 75 percent of the costs of a proposal described in an application approved under this title.

SEC. 602. RULES AND REGULATIONS.

The Attorney General shall issue rules and regulations regarding the uses of grant funds received under this title not later than 90 days after the date of the enactment of this title.

SEC. 603. TECHNICAL ASSISTANCE AND TRAINING.

The Attorney General may request that the Director of the National Institute of Corrections and the Director of the Federal Bureau of Prisons provide technical assistance and training to a State or States that receive a grant under this title to achieve the purposes of this title.

SEC. 604. EVALUATION.

The Attorney General may request the Director of the National Institute of Corrections to assist with an evaluation of programs established with funds under this title.

SEC. 605. DEFINITION.

For purposes of this title, the term "State or States" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $600,000,000 for each of the fiscal years 1994 through 1998 to carry out the purposes of this title.

TITLE VII—DEATH PENALTY

SEC. 701. CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE SENTENCE OF DEATH.

Part II of title 18 of the United States Code is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—DEATH SENTENCE

"Sec.

"3591. Sentence of death.

"3592. Mitigating and aggravating 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. Special provisions for 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) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at the hearing under section 3593—

"(A) intentionally killed the victim;

"(B) intentionally inflicted serious bodily injury that resulted in the death of the victim;

"(C) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(D) intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act,

"(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) of that section or twice the gross receipts described in subsection (b)(2)(B) of that section; or

"(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;

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, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"§ 3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is to be imposed on a defendant, the finder of fact shall consider any mitigating factor, including the following:

"(1) IMPAIRED CAPACITY.—The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) MINOR PARTICIPATION.—The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) EQUALLY CULPABLE DEFENDANTS.—Another defendant or defendants, equally culpable in the crime, will not be punished by death.

"(5) NO PRIOR CRIMINAL RECORD.—The defendant did not have a significant prior history of other criminal conduct.

"(6) DISTURBANCE.—The defendant committed the offense under severe mental or emotional disturbance.

"(7) VICTIM'S CONSENT.—The victim consented to the criminal conduct that resulted in the victim's death.

"(8) OTHER FACTORS.—Other factors in the defendant's background, record, or character or any other circumstance of the offense that mitigate against imposition of the death sentence.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) PRIOR ESPIONAGE OR TREASON OFFENSE.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of either life imprisonment or death was authorized by law.

"(2) GRAVE RISK TO NATIONAL SECURITY.—In the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security.

"(3) GRAVE RISK OF DEATH.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE.—In determining whether a sentence of death is justified for an offense described in section 3591(2), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) DEATH DURING COMMISSION OF ANOTHER CRIME.—The death, or injury 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), an offense under 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 1118 (prisoners serving life term), section 1201 (kidnapping), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1203 (hostage taking), section 1992 (wrecking trains), 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), or section 2381 (treason) of this title, or section 902 (i) or (n) of the Federal Aviation Act of 1958 (49 U.S.C. 1472 (i) or (n)) (aircraft piracy).

"(2) PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—For any offense, other than an offense for which a sentence of death is sought on the basis of section 924(c) of this title, as amended by this Act, the defendant 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 a sentence of 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, punishable by a term of imprisonment of more than one year, committed on different occasions, involving 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 apprehension for the violation of the offense, 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 COMMITTING OFFENSE.—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) 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 to cause the death of a person or commit an act of terrorism.

"(10) CONVICTION FOR TWO FELONY DRUG OFFENSES.—The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

"(11) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(12) CONVICTION FOR SERIOUS FEDERAL DRUG OFFENSES.—The defendant had previously been convicted of violating title II or title III of the Controlled Substances Act for which a sentence of 5 or more years may be imposed or had previously been convicted of engaging in a continuing criminal enterprise.

"(13) CONTINUING CRIMINAL ENTERPRISE INVOLVING DRUG SALES TO MINORS.—The defendant committed the offense in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of such Act.

"(14) HIGH PUBLIC OFFICIALS.—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 is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is 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 the official is in the United States on official business; or

"(D) a Federal public servant who is a judge, a law enforcement officer, or an employee of a United States penal or correctional institution—

"(i) while he or she is engaged in the performance of his or her official duties;

"(ii) because of the performance of his or her official duties; or

"(iii) because of his or her status as a public servant.

For purposes of this subparagraph, a '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 or adjudication of an offense, and includes those engaged in corrections, parole, or probation functions.

"(15) PRIOR CONVICTION OF SEXUAL ASSAULT OR CHILD MOLESTATION.—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.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"§ 3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—If, in a case involving an offense described in section 3591, the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, the attorney shall, a reasonable time before the trial or before acceptance by the court of a plea of guilty, sign and file with the court, and serve on the defendant, a notice—

"(1) stating that the government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter and that the government will seek the sentence of death; and

"(2) setting forth the aggravating factor or factors that the government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

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, and may include oral testimony, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim and the victim's family, and any other relevant information. The court may permit the notice to include any aggravating factor that is not an element of the underlying offense. The court may also permit the attorney for the government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—If the attorney for the government has filed a notice as required under subsection (a) and the defendant is found guilty of or pleads guilty to 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. 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 this section is necessary; or

"(3) before the court alone, upon the motion of the defendant.

A jury impaneled pursuant to paragraph (2) shall consist of 12 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.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty or pleads guilty to an offense under section 3591, no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. The defendant may present any information relevant to a mitigating factor. The government may present any information relevant to an aggravating factor for which notice has been provided under subsection (a). The government and 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 the case of imposing a sentence of death. 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 any 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 information.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by 1 or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

"(1) an offense described in section 3591(1), an aggravating factor required to be considered under section 3592(b) is found to exist; or

"(2) an offense described in section 3591(2), an aggravating factor required to be considered under section 3592(c) is found to exist,

the jury, or if there is no jury, the court, shall consider whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall recommend whether the defendant should be sentenced to death, to life imprisonment without possibility of release, or to some other lesser sentence. The jury or the court, if there is no jury, regardless of its findings with respect to aggravating and mitigating factors, is never required to impose a death sentence and the jury shall be so instructed.

"(f) SPECIAL PRECAUTION TO ENSURE 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 a sentence of death is justified, it shall not consider the race, color, religious beliefs, 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 no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"§ 3594. Imposition of a sentence of death

"Upon a recommendation under section 3593(e) that the defendant should be sentenced to death or life imprisonment without possibility of release, the court shall sentence the defendant accordingly. Otherwise, the court shall impose any lesser sentence that is 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 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 must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(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) The court of appeals shall address all substantive and procedural issues raised on the appeal of a sentence of death, and shall consider whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor and

whether the evidence supports the special finding of the existence of an aggravating factor required to be considered under section 3592.

"(2) Whenever the court of appeals finds that—

"(A) the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(B) the admissible evidence and information adduced does not support the special finding of the existence of the required aggravating factor; or

"(C) the proceedings involved any other legal error requiring reversal of the sentence that was properly preserved for appeal under the rules of criminal procedure,

the court shall remand the case for reconsideration under section 3593 or imposition of a sentence other than death.

"(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.

"(4) The sentence shall be affirmed if the court finds that a remaining aggravating factor found to exist is one allowed under section 3592 of this title and that the remaining aggravating factor or factors found to exist sufficiently outweigh any mitigating factors found to exist.

"§ 3596. Implementation of a sentence of death

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to the provisions of 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 for 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, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does provide for the implementation of a sentence of death, and the sentence shall be implemented in the latter State in the manner prescribed by such law.

"(b) PREGNANT WOMAN.—A sentence of death shall not be carried out upon a woman while she is pregnant.

"(c) MENTAL CAPACITY.—A sentence of death shall not be carried out upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability, lacks the mental capacity to understand the death penalty and why it was imposed on that person.

"§ 3597. Use of State facilities

"(a) IN GENERAL.—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.

"(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELIGIOUS GROUNDS.—No employee of any State department of corrections, the United States Department of Justice, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee 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 prosecution or execution under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participation' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.

"§ 3598. Special provisions for Indian country

"Notwithstanding sections 1152 and 1153, 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 elected that this chapter have effect over land and persons subject to its criminal jurisdiction.".

(b) AMENDMENT OF CHAPTER ANALYSIS.—The chapter analysis of part II of title 18, United States Code, is amended by adding the following new item after the item relating to chapter 227:

"228. Death sentence ..... 3591.".

SEC. 702. CONFORMING CHANGES TO SPECIFIC OFFENSES FOR WHICH DEATH PENALTY IS AUTHORIZED.

(a) CONFORMING CHANGES IN TITLE 18.—Title 18, United States Code, is amended as follows:

(1) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking the period at the end of the subsection and inserting ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds that the offense resulted in the identification by a foreign power (as defined in section 101(a) of the Foreign Intelligence Surveillance Act of 1978) of an individual acting as an agent of the United States and consequently in the death of that individual, or directly concerned nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; or any other major weapons system or major element of defense strategy.".

(2) MURDER.—The second undesignated paragraph of section 1111(b) of title 18, United States Code, is amended to read as follows:

"Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;".

(3) KILLING OF FOREIGN OFFICIALS OR INTERNATIONALLY PROTECTED PERSONS.—Section 1116(a) of title 18, United States Code, is amended by striking "any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and".

(4) 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".

(5) NONMAILABLE 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 inserting a period and striking the remainder of the paragraph.

(6) WRECKING TRAINS.—The second to the last undesignated paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the section.

(7) 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".

(8) EXPLOSIVE MATERIALS.—(A) Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(B) Section 844(f) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(C) Section 844(i) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(9) DEATH PENALTY FOR THE MURDER OF FEDERAL LAW ENFORCEMENT OFFICIALS.—Section 1114 of title 18, United States Code, is amended by striking "punished as provided under sections 1111 and 1112 of this title," and inserting "punished, in the case of murder, by a sentence of death or life imprisonment as provided under section 1111 of this title, or, in the case of manslaughter, a sentence as provided under section 1112 of this title,".

(b) CONFORMING AMENDMENT TO FEDERAL AVIATION ACT OF 1954.—Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473) is amended by striking subsection (c) and by striking the item relating to subsection (c) in the table of contents at the beginning of such Act.

(c) AIRCRAFT AND MOTOR VEHICLES.—Section 34 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the section.

SEC. 703. AUTHORIZATION OF DEATH PENALTY FOR EXISTING OFFENSES.

(a) 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".

(b) MURDER FOR HIRE.—Section 1958(a) of title 18, 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 under this title, or both".

(c) RACKETEERING.—Section 1959(a)(1) of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine under this title, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine under this title, or both;".

(d) 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 ", where death results, by death or imprisonment for life and a fine under this title, or both;".

(e) CARJACKING.—Section 2119(3) of title 18, United States Code, is amended to read as follows:

"(3) if death results, be punished by death or imprisoned for any term of years or for life, fined under this title, or both."

(f) DEATH PENALTY FOR RAPE AND CHILD MOLESTATION MURDERS.—

(1) OFFENSE.—Chapter 109A of title 18, United States Code, is amended by redesignating section 2245 as section 2246, and by inserting after section 2244 the following:

"§ 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.".

(2) 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.".

(g) DEATH PENALTY FOR 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.".

(h) HOMICIDES AND ATTEMPTED HOMICIDES INVOLVING FIREARMS IN FEDERAL FACILITIES.—Section 930 of title 18, United States Code, is amended—

(1) by redesignating subsections (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), and (h), respectively;

(2) in subsection (a), by striking "(c)" and inserting "(d)";

(3) 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 be punished as provided in sections 1111, 1112, and 1113 of this title.";

(4) in subsection (e)(2) (as so redesignated), by striking "(c)" and inserting "(d)"; and

(5) in subsection (h) (as so redesignated)—

(A) by striking "and (b)" and inserting ", (b), and (c)"; and

(B) by striking "(d)" each place it appears and inserting "(e)".

(i) 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; and".

(j) 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, a fine under this title, or both; and

"(3) in any other case, imprisonment for not more than ten years, a fine under this title, or both."; and

(4) in subsection (a), as so designated by this section, by striking "commissioner" each place it appears and inserting "magistrate judge".

(k) FOREIGN MURDER OF UNITED STATES NATIONALS.—

(1) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1118. Foreign murder of United States nationals

"(a) Whoever, being a national of the United States, kills or attempts to kill a national of the United States while such national is outside the United States but within the jurisdiction of another country shall be punished as provided under sections 1111, 1112, and 1113 of this title.

"(b) No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated. No prosecution shall be approved if prosecution has been previously undertaken by a foreign country for the same conduct.

"(c) No prosecution shall be approved under this section unless the Attorney General, in consultation with the Secretary of State, determines that the conduct took place in a country in which the person is no longer present, and the country lacks the ability to lawfully secure the person's return. A determination by the Attorney General under this subsection is not subject to judicial review.

"(d) As used in this section, the term '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)).".

(2) CONFORMING AMENDMENT.—Section 1117 of title 18, United States Code, is amended by striking "or 1116" and inserting "1116, or 1118".

(3) 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 new item:

"1118. Foreign murder of United States nationals.".

(l) DEATH PENALTY FOR CIVIL RIGHTS MURDERS.—

(1) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(2) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(3) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5) by inserting ", or may be sentenced to death" after "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 ", or may be sentenced to death" after "or both".

SEC. 704. DEATH PENALTY FOR MURDER BY A FEDERAL PRISONER.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"§ 1119. Murder by a Federal prisoner

"(a) OFFENSE.—Whoever, while confined in a Federal correctional institution under a sentence for a term of life imprisonment, commits the murder of another shall be punished by death or by life imprisonment.

"(b) DEFINITIONS.—For the purposes of this section—

"(1) the term 'Federal correctional institution' means any Federal prison, Federal correctional facility, Federal community program center, or Federal halfway house;

"(2) the term '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

"(3) the term 'murder' means a first degree or second degree murder as defined by section 1111 of this title.".

(b) 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 thereof the following:

"1119. Murder by a Federal prisoner.".

SEC. 705. MURDER BY ESCAPED PRISONERS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"§ 1120. Murder by escaped prisoners

"(a) IN GENERAL.—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) DEFINITION.—As used in this section, the terms 'Federal prison' and 'term of life imprisonment' have the meanings given those terms in section 1119 of this title.".

(b) 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:

"1120. Murder by escaped prisoners.".

SEC. 706. DRIVE-BY SHOOTINGS.

(a) IN GENERAL.—Section 922 of title 18, United States, Code, is amended by adding at the end the following:

"(v) It shall be unlawful for any person knowingly to—

"(1) discharge a firearm from within a motor vehicle; and

"(2) thereby create a grave risk to human life.".

(b) PENALTY.—Section 924(a) of such title is amended by adding at the end the following:

"(6) Whoever knowingly violates section 922(v) shall be fined under this title or imprisoned not more than 25 years, or both, and if death results, shall be punished by death or imprisonment for life or any term of years.".

SEC. 707. DEATH PENALTY FOR GUN MURDERS DURING FEDERAL CRIMES OF VIOLENCE AND DRUG TRAFFICKING CRIMES.

Section 924 of title 18, United States Code, 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.".

SEC. 708. DEATH PENALTY FOR THE MURDER OF STATE OR LOCAL OFFICIALS ASSISTING FEDERAL LAW ENFORCEMENT OFFICIALS AND STATE CORRECTIONAL OFFICERS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code is amended by adding at the end the following:

"§ 1121. Killing persons aiding Federal investigations or State correctional officers

"(a) Whoever intentionally kills—

"(1) a State or local official, law enforcement officer, or other officer or employee

while working with Federal law enforcement officials in furtherance of a Federal criminal investigation—

"(A) while the victim is engaged in the performance of official duties;

"(B) because of the performance of the victim's official duties; or

"(C) because of the victim's status as a public servant; or

"(2) any person assisting a Federal criminal investigation, while that assistance is being rendered and because of it,

shall be sentenced according to the terms of section 1111 of this title, including by sentence of death or by imprisonment for life.

"(b)(1) Whoever, in a circumstance described in paragraph (3) of this subsection, while incarcerated, intentionally kills any State correctional officer engaged in, or on account of the performance of such officer's official duties, shall be sentenced to a term of imprisonment which shall not be less than 20 years, and may be sentenced to life imprisonment or death.

"(2) As used in this section, the term, 'State correctional officer' includes any officer or employee of any prison, jail, or other detention facility, operated by, or under contract to, either a State or local governmental agency, whose job responsibilities include providing for the custody of incarcerated individuals.

"(3) The circumstance referred to in paragraph (1) of this subsection is that—

"(A) the correctional officer is engaged in transporting the incarcerated person interstate; or

"(B) the incarcerated person is incarcerated pursuant to a conviction for an offense against the United States.".

(b) 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:

"1121. Killing persons aiding Federal investigations or State correctional officers.".

SEC. 709. 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 after the section heading 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, a fine under this title, or both.".

SEC. 710. WEAPONS OF MASS DESTRUCTION.

(a) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by inserting after section 2332 the following new section:

"§ 2332a. 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 punished by death or imprisoned for any term of years or for life.

"(b) For purposes of this section—

"(1) the term '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) the term '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 inserting after the item relating to section 2332 the following:

"2332a. Use of weapons of mass destruction.".

SEC. 711. 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 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 bodily injury (as defined in section 1365 of this title) 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 twenty 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) There is jurisdiction over the prohibited activity in subsection (a) if—

"(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.

"(c) It is a bar to Federal prosecution under subsection (a) for conduct that occurred within the United States that the conduct involved—

"(1) a domestic dispute solely affecting and between members of the same family or household or between social acquaintances; or

"(2) was during or in relation to a labor dispute, and such conduct was prohibited as a felony under the law of the State in which it was committed.

For purposes of this section, the term 'labor dispute' has the meaning set forth in section 2(c) of the Norris-LaGuardia Act (29 U.S.C. 113(c)).".

(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. 712. OFFENSES OF VIOLENCE AGAINST MARITIME NAVIGATION OR FIXED PLATFORMS.

(a) OFFENSES.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following:

"§ 2280. Violence against maritime navigation

"(a) Whoever 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) through (6); or

"(8) attempts to do any act prohibited under paragraphs (1) through (7);

shall be fined under this title or imprisoned not more than twenty 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 do any act prohibited under paragraph (2), (3) or (5) of subsection (a), with apparent determination and will to carry the threat into execution, if the threatened act 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) There is jurisdiction over the prohibited activity in subsections (a) and (b)—

"(1) in the case of a covered ship, if—

"(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 and the activity is not prohibited as a crime by the State in which the activity takes place; or

"(iii) the activity takes place on a ship flying the flag of a foreign country or outside the United States, 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, if the offender is later found in the United States after such activity is committed; and

"(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

"(d) It is a bar to Federal prosecution under subsection (a) for conduct that occurred within the United States that the conduct involved—

"(1) a domestic dispute solely affecting and between members of the same family or household or between social acquaintances; or

"(2) was during or in relation to a labor dispute, and such conduct was prohibited as a felony under the law of the State in which it was committed.

For purposes of this section, the term 'labor dispute' has the meaning set forth in section 2(c) of the Norris-LaGuardia Act (29 U.S.C. 113(c)).

"(e) The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that there is on board that 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 to 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 the master's intention to deliver such person and the reasons therefor. If the master delivers such person, the master shall furnish to the authorities of such country the evidence in the master's possession that pertains to the alleged offense.

"(f) As used in this section, the term—

"(1) the term 'ship' means a vessel of any type whatsoever not permanently attached to the sea-bed, 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) the term '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) the term '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) the term '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) the term '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 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) through (4); or

"(6) attempts to do anything prohibited under paragraphs (1) through (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 do anything prohibited under paragraph (2) or (3) of subsection (a), with apparent determination and will to carry the threat into execution, if the threatened act 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) There is jurisdiction over the prohibited activity in subsections (a) and (b) if—

"(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) It is a bar to Federal prosecution under subsection (a) for conduct that occurred within the United States that the conduct involved—

"(1) a domestic dispute solely affecting and between members of the same family or household or between social acquaintances; or

"(2) was during or in relation to a labor dispute, and such conduct was prohibited as a felony under the law of the State in which it was committed.

For purposes of this section, the term 'labor dispute' has the meaning set forth in section 2(c) of the Norris-LaGuardia Act (29 U.S.C. 113(c)).

"(e) 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 Mariana Islands and all territories and possessions of the United States.".

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding at the end thereof the following:

"2280. Violence against maritime navigation.
"2281. Violence against maritime fixed platforms.".

(c) EFFECTIVE DATES.—This section and the amendments made by 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. 713. TORTURE.

(a) 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;

"(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—

"(1) shall be fined under this title or imprisoned not more than twenty years, or both; and

"(2) 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 circumstance referred to in subsection (a) of this section is if—

"(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.".

(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 113A the following new item:

"113B. Torture ..... 2340.".

(c) EFFECTIVE DATE.—This section 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.

SEC. 714. APPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

The provisions of chapter 228 of title 18, United States Code, as added by this title, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801).

SEC. 715. 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".

TITLE VIII—HABEAS CORPUS REFORM

SEC. 801. FILING DEADLINES.

Section 2254 of title 28, United States Code, is amended by adding at the end the following:

"(g)(1) In the case of an applicant under sentence of death, any application for habeas corpus relief under this section must be filed in the appropriate district court not later than 1 year after—

"(A) the date of denial of a writ of certiorari, if a petition for a writ of certiorari to the highest court of the State on direct appeal or unitary review of the conviction and sentence is filed, within the time limits established by law, in the Supreme Court;

"(B) the date of issuance of the mandate of the highest court of the State on direct appeal or unitary review of the conviction and sentence, if a petition for a writ of certiorari is not filed, within the time limits established by law, in the Supreme Court; or

"(C) the date of issuance of the mandate of the Supreme Court, if on a petition for a writ of certiorari the Supreme Court grants the writ and disposes of the case in a manner that leaves the capital sentence undisturbed.

"(2) The time requirements established by this section shall be tolled—

"(A) during any period in which the State has failed to provide counsel as required in section 2257 of this chapter;

"(B) during the period from the date the applicant files an application for State postconviction relief until final disposition of the application by the State appellate courts, if all filing deadlines are met; and

"(C) during an additional period not to exceed 90 days, if counsel moves for an extension in the district court that would have jurisdiction of a habeas corpus application and makes a showing of good cause.".

SEC. 802. STAYS OF EXECUTION IN CAPITAL CASES.

Section 2251 of title 28, United States Code, is amended—

(1) by inserting "(a)(1)" before the first paragraph;

(2) by inserting "(2)" before the second paragraph; and

(3) by adding at the end the following:

"(b) In the case of an individual under sentence of death, a warrant or order setting an execution shall be stayed upon application to any court that would have jurisdiction over an application for habeas corpus under this chapter. The stay shall be contingent upon reasonable diligence by the individual in pursuing relief with respect to such sentence and shall expire if—

"(1) the individual fails to apply for relief under this chapter within the time requirements established by section 2254(g) of this chapter;

"(2) upon completion of district court and court of appeals review under section 2254 of this chapter, the application is denied and—

"(A) the time for filing a petition for a writ of certiorari expires before a petition is filed;

"(B) a timely petition for a writ of certiorari is filed and the Supreme Court denies the petition; or

"(C) a timely petition for certiorari is filed and, upon consideration of the case, the Supreme Court disposes of it in a manner that leaves the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, in the presence of counsel qualified under section 2257 of this chapter and after being advised of the consequences of the decision, an individual waives the right to pursue relief under this chapter.".

SEC. 803. LAW APPLICABLE.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"§ 2256. Law applicable

"(a) Except as provided in subsection (b), in an action under this chapter, the court shall not apply a new rule.

"(b) A court shall apply a new rule, if the new rule—

"(1) places the claimant's conduct beyond the power of the criminal law-making authority to proscribe or punish with the sanction imposed; or

"(2) requires the observance of procedures without which the likelihood of an accurate conviction or valid capital sentence is seriously diminished.

"(c) As used in this section, the term 'new rule' means a clear break from precedent, announced by the Supreme Court of the United States, that could not reasonably have been anticipated at the time the claimant's sentence became final in State court. A rule is not 'new' merely because it was not dictated or compelled by the precedents existing at that time or because, at that time, it was susceptible to debate among reasonable minds.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"2256. Law applicable.".

SEC. 804. COUNSEL IN CAPITAL CASES; STATE COURT.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding after the provision added by section 804 of this subtitle the following:

"§ 2257. Counsel in capital cases; State court

"(a) Notwithstanding section 2254(d) of this chapter, the court in an action under this chapter shall neither presume a finding of fact made in a State court proceeding specified in subsection (b)(1) of this section to be correct nor decline to consider a claim on the ground that it was not raised in such a proceeding at the time or in the manner prescribed by State law, unless—

"(1) the relevant State maintains a mechanism for providing legal services to indigents in capital cases that meets the specifications in subsection (b) of this section;

"(2) if the applicant in the instant case was eligible for the appointment of counsel and did not waive such an appointment, the State actually appointed an attorney or attorneys to represent the applicant in the State proceeding in which the finding of fact was made or the default occurred; and

"(3) the attorney or attorneys so appointed substantially met both the qualification standards specified in subsection (b)(3)(A) or (b)(4) of this section and the performance standards established by the appointing authority.

"(b) A mechanism for providing legal services to indigents within the meaning of subsection (a)(1) of this section shall include the following elements:

"(1) The State shall provide legal services to—

"(A) indigents charged with offenses for which capital punishment is sought;

"(B) indigents who have been sentenced to death and who seek appellate, collateral, or unitary review in State court; and

"(C) indigents who have been sentenced to death and who seek certiorari review of State court judgments in the United States Supreme Court.

"(2) The State shall establish a counsel authority, which shall be—

"(A) a statewide defender organization;

"(B) a resource center; or

"(C) a counsel authority appointed by the highest State court having jurisdiction over criminal matters, consisting of members of the bar with substantial experience in, or commitment to, the representation of criminal defendants in capital cases, and comprised of a balanced representation from each segment of the State's criminal defense bar.

"(3) The counsel authority shall—

"(A) publish a roster of attorneys qualified to be appointed in capital cases, procedures by which attorneys are appointed, and standards governing qualifications and performance of counsel, which shall include—

"(i) knowledge and understanding of pertinent legal authorities regarding issues in capital cases; and

"(ii) skills in the conduct of negotiations and litigation in capital cases, the investigation of capital cases and the psychiatric history and current condition of capital clients, and the preparation and writing of legal papers in capital cases;

"(B) monitor the performance of attorneys appointed and delete from the roster any attorney who fails to meet qualification and performance standards; and

"(C) appoint a defense team, which shall include at least 2 attorneys, to represent a client at the relevant stage of proceedings, within 30 days after receiving notice of the need for the appointment from the relevant State court.

"(4) An attorney who is not listed on the roster shall be appointed only on the request of the client concerned and in circumstances in which the attorney requested is able to provide the client with quality legal representation.

"(5) No counsel appointed pursuant to this section to represent a prisoner in State postconviction proceedings 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.

"(6) The ineffectiveness or incompetence of counsel appointed pursuant to this section during State or Federal postconviction proceedings shall not be a ground for relief in a proceeding arising under section 2254 of this title. This limitation shall not preclude the appointment of different counsel at any phase of State or Federal postconviction proceedings.

"(7) Upon receipt of notice from the counsel authority that an individual entitled to the appointment of counsel under this section has declined to accept such an appointment, the court requesting the appointment shall conduct, or cause to be conducted, a hearing, at which the individual and counsel proposed to be appointed under this section shall be present, to determine the individual's competency to decline the appointment, and whether the individual has knowingly and intelligently declined it.

"(8) Attorneys appointed pursuant to this section shall be compensated on an hourly basis pursuant to a schedule of hourly rates as periodically established by the counsel authority after consultation with the highest State court with jurisdiction over criminal matters. Appointed counsel shall be reimbursed for expenses reasonably incurred in representing the client, including the costs of law clerks, paralegals, investigators, experts, or other support services.

"(9) Support services for staff attorneys of a defender organization or resource center shall be equal to the services listed in paragraph (8).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 153 of title 28, United States Code, is amended by adding after the provision added by section 303 the following:

"2257. Counsel in capital cases; State court.".

SEC. 805. SUCCESSIVE FEDERAL PETITIONS.

Section 2244(b) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by inserting ", in the case of an applicant not under sentence of death," after "When"; and

(3) by adding at the end the following:

"(2) In the case of an applicant under sentence of death, a claim presented in a second or successive application, that was not presented in a prior application under this chapter, shall be dismissed unless—

"(A) the applicant shows that—

"(i) the basis of the claim could not have been discovered by the exercise of reasonable diligence before the applicant filed the prior application; or

"(ii) the failure to raise the claim in the prior application was due to action by State officials in violation of the Constitution of the United States; and

"(B) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the applicant's guilt of the offense or offenses for which the capital sentence was imposed, or in the validity of that sentence under Federal law.".

SEC. 806. CERTIFICATES OF PROBABLE CAUSE.

The third paragraph of section 2253, of title 28, United States Code, is amended to read as follows:

"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, unless the justice or judge who rendered the order or a circuit justice or judge issues a certificate of probable cause. However, an applicant under sentence of death shall have a right of appeal without a certification of probable cause, except after denial of a second or successive application.".

SEC. 807. DUTIES OF THE DISTRICT COURT.

Section 2254(a) of title 28, United States Code, is amended by adding at the end the following:

"In adjudicating the merits of any such ground, the court shall exercise independent judgment in ascertaining the pertinent Federal legal standards and in applying those standards to the facts and shall not defer to a previous State court judgment regarding a Federal legal standard or its application. Upon request, the court shall permit the parties to present evidence regarding material facts that were not adequately developed in State court. The court shall award relief with respect to any meritorious constitutional ground, unless, in the case of a violation that can be harmless, the respondent shows that the error was harmless beyond a reasonable doubt.".

SEC. 808. CLAIMS OF INNOCENCE.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding after the provision added by section 805 of this subtitle the following:

"§ 2258. Claims of innocence

"(a) At any time, and notwithstanding any other provision of law, a district court shall issue habeas corpus relief on behalf of an applicant under sentence of death, imposed either in Federal or in State court, who offers credible newly discovered evidence which, had it been presented to the trier of fact or sentencing authority at trial, would probably have resulted in—

"(1) an acquittal of the offense for which the death sentence was imposed; or

"(2) a sentence other than death.

"(b) An application filed pursuant to subsection (a) shall offer substantial evidence which, if credible, would establish one of the standards in subsection (a)(1) or (2). An application that fails to do so may be dismissed.

"(c) If the court concludes that an application meets the requirements in subsection (b), the court shall—

"(1) order the respondent to file an answer;

"(2) permit the parties to conduct reasonable discovery;

"(3) conduct a hearing to resolve disputed issues of fact; and

"(4) upon request, issue a stay of execution pending further proceedings in the district court and on direct review of the district court's judgment.

"(d) If the court concludes that the applicant meets the standards established by subsection (a)(1) or (2), the court shall order his or her release, unless a new trial or, in an appropriate case, a new sentencing proceeding, is conducted within a reasonable time.

"(e) If the court determines that the applicant is currently entitled to pursue other available and effective remedies in either State or Federal court, the court may, at the request of either party, suspend its consideration of the application under this section until the applicant has exhausted those remedies. A stay issued pursuant to subsection (c) shall remain in effect during such a suspension.

"(f) An application under this section may be consolidated with any other pending application under this chapter, filed by the same applicant.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 153 of title 28, United States Code, is amended by adding after the provision added by section 304 of this subtitle the following:

"2258. Claims of innocence.".

SEC. 809. PROCEDURAL DEFAULT IN STATE COURT.

Section 2254 of title 28, United States Code, is amended by adding the following:

"(h)(1) A district court shall decline to consider a claim under this section if—

"(A) the applicant previously failed to raise the claim in State court at the time and in the manner prescribed by State law; the State courts, for that reason, refused or would refuse to entertain the claim; such refusal would constitute an adequate and independent State law ground that would foreclose direct review of the State court judgment in the Supreme Court of the United States; and

"(B) the applicant fails to show cause for the failure to raise the claim in State court and prejudice to the applicant's right to fair proceedings or to an accurate outcome resulting from the alleged violation of the Federal right asserted, or that failure to consider the claim would result in a miscarriage of justice.

"(2) The court shall not find cause in any case in which it appears that the applicant or counsel deliberately withheld a claim from the State courts for strategic purposes. An applicant may establish cause by showing that—

"(A) the factual basis of the claim could not have been discovered by the exercise of reasonable diligence before the applicant could have raised the claim in State court;

"(B) the claim relies on a decision of the Supreme Court of the United States, announced after the applicant might have raised the claim in State court; or

"(C) the failure to raise the claim in State court was due to interference by State officials, counsel's ignorance or neglect, or counsel's ineffective assistance in violation of the Constitution.".

TITLE IX—RACIALLY DISCRIMINATORY CAPITAL SENTENCING

SEC. 901. AMENDMENT TO TITLE 28.

(a) PROCEDURE.—Part VI of title 28, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 177—RACIALLY DISCRIMINATORY CAPITAL SENTENCING

"Sec.
"2921. Prohibition against the execution of a sentence of death imposed on the basis of race.
"2922. Access to data on death eligible cases.
"2923. Enforcement of the chapter.
"2924. Construction of chapter.

"§ 2921. Prohibition against the execution of a sentence of death imposed on the basis of race

"(a) IN GENERAL.—No person shall be put to death under color of State or Federal law in the execution of a sentence that was imposed based on race.

"(b) INFERENCE OF RACE AS THE BASIS OF DEATH SENTENCE.—An inference that race was the basis of a death sentence is established if valid evidence is presented demonstrating that, at the time the death sentence was imposed, race was a statistically significant factor in decisions to seek or to impose the sentence of death in the jurisdiction in question.

"(c) RELEVANT EVIDENCE.—Evidence relevant to establish an inference that race was the basis of a death sentence may include evidence that death sentences were, at the time pertinent under subsection (b), being imposed significantly more frequently in the jurisdiction in question—

"(1) upon persons of one race than upon persons of another race; or

"(2) as punishment for capital offenses against persons of one race than as punishment for capital offenses against persons of another race.

"(d) VALIDITY OF EVIDENCE PRESENTED TO ESTABLISH AN INFERENCE.—If statistical evidence is presented to establish an inference that race was the basis of a sentence of death, the court shall determine the validity of the evidence and if it provides a basis for the inference. Such evidence must take into account, to the extent it is compiled and publicly made available, evidence of the statutory aggravating factors of the crimes involved, and shall include comparisons of similar cases involving persons of different races.

"(e) REBUTTAL.—If an inference that race was the basis of a death sentence is established under subsection (b), the death sentence may not be carried out unless the government rebuts the inference by a preponderance of the evidence. Unless it can show that the death penalty was sought in all cases fitting the statutory criteria for imposition of the death penalty, the government cannot rely on mere assertions that it did not intend to discriminate or that the cases in which death was imposed fit the statutory criteria for imposition of the death penalty.

"§ 2922. Access to data on death eligible cases

"Data collected by public officials concerning factors relevant to the imposition of the death sentence shall be made publicly available.

"§ 2923. Enforcement of the chapter

"In any proceeding brought under section 2254, the evidence supporting a claim under this chapter may be presented in an evidentiary hearing and need not be set forth in the petition. Notwithstanding section 2254, no determination on the merits of a factual issue made by a State court pertinent to any claim under section 2921 shall be presumed to be correct unless—

"(1) the State is in compliance with section 2922;

"(2) the determination was made in a proceeding in a State court in which the person asserting the claim was afforded rights to the appointment of counsel and to the furnishing of investigative, expert and other services necessary for the adequate development of the claim; and

"(3) the determination is one which is otherwise entitled to be presumed to be correct under the criteria specified in section 2254.

"§ 2924. Construction of chapter

"Nothing contained in this chapter shall be construed to affect in one way or the other the lawfulness of any sentence of death that does not violate section 2921.".

(b) AMENDMENT TO TABLE OF CHAPTERS.—The table of chapters of part VI of title 28, United States Code, is amended by adding at the end thereof the following new item:

"177. Racially Discriminatory Capital Sentencing ..... 2921.".

SEC. 902. ACTIONS BEFORE ENACTMENT.

No person shall be barred from raising any claim under section 2921 of title 28, United States Code, as added by this Act, on the ground of having failed to raise or to prosecute the same or a similar claim before the enactment of the Act, nor by reason of any adjudication rendered before that enactment.

TITLE X—CRIME PREVENTION AND COMMUNITY JUSTICE

Subtitle A—Model Intensive Grant Programs

SEC. 1001. GRANT AUTHORIZATION.

(a) ESTABLISHMENT.—The Attorney General, who may consult with the Secretary of Health and Human Services and the Secretary of Housing and Urban Development, is authorized to award grants to not more than 15 chronic high intensive crime areas to develop comprehensive model crime prevention programs that—

(1) involve and utilize a broad spectrum of community resources, including nonprofit community organizations, law enforcement organizations, and appropriate State and Federal agencies, including the State educational agencies;

(2) attempt to relieve conditions that encourage crime; and

(3) provide meaningful and lasting alternatives to involvement in crime.

(b) PRIORITY.—In awarding grants described in subsection (a), the Attorney General shall give priority to proposals that—

(1) are innovative in approach to the prevention of crime in a specific area; and

(2) vary in approach to ensure that comparisons of different models may be made.

SEC. 1002. USES OF FUNDS.

(a) IN GENERAL.—Funds awarded under this subtitle may be used only for purposes described in an approved application. The intent of grants under this subtitle is to fund intensively comprehensive crime prevention programs in chronic high intensive crime areas.

(b) GUIDELINES.—The Attorney General shall issue and publish in the Federal Register guidelines that describe suggested purposes for which funds under approved programs may be used.

SEC. 1003. PROGRAM REQUIREMENTS.

(a) DESCRIPTION.—An applicant shall include a description of the distinctive factors that contribute to chronic violent crime within the area proposed to be served by the grant. Such factors may include lack of alternative activities and programs for youth, deterioration or lack of public facilities, inadequate public services such as public transportation, street lighting, community-based substance abuse treatment facilities, or employment services offices, and inadequate police or public safety services, equipment, or facilities.

(b) COMPREHENSIVE PLAN.—An applicant shall include a comprehensive, community-based plan to attack intensively the principal factors identified in subsection (a). Such plans shall describe the specific purposes for which funds are proposed to be used and how each purpose will address specific factors. The plan also shall specify how local nonprofit organizations, government agencies, private businesses, citizens groups, volunteer organizations, and interested citizens will cooperate in carrying out the purposes of the grant.

(c) EVALUATION.—An applicant shall include an evaluation plan by which the success of the plan will be measured, including the articulation of specific, objective indicia of performance, how the indicia will be evaluated, and a projected timetable for carrying out the evaluation.

SEC. 1004. APPLICATIONS.

To request a grant under this subtitle the chief local elected official of an area shall—

(1) prepare and submit to the Attorney General an application in such form, at such time, and in accordance with such procedures, as the Attorney General shall establish; and

(2) provide an assurance that funds received under this subtitle shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs funded under this subtitle.

SEC. 1005. REPORTS.

Not later than December 31, 1998, the Attorney General shall prepare and submit to the Committees on the Judiciary of the House and Senate an evaluation of the model programs developed under this subtitle and make recommendations regarding the implementation of a national crime prevention program.

SEC. 1006. DEFINITIONS.

For purposes of this subtitle:

(1) CHRONIC HIGH INTENSITY CRIME AREA.—The term "chronic high intensity crime area" is an area that meets criteria defined under regulations issued by the Attorney General. The criteria adopted by the Attorney General shall, at a minimum, define areas with—

(A) consistently high rates of violent crime as reported in the Federal Bureau of Investigation's "Uniform Crime Reports", and

(B) chronically high rates of poverty as determined by the Bureau of the Census.

(2) CHIEF LOCAL ELECTED OFFICIAL.—The term "chief local elected official" means an official designated under regulations issued the Attorney General. The criteria used by the Attorney General in promulgating such regulations shall ensure administrative efficiency and accountability in the expenditure of funds and execution of funded projects under this subtitle.

SEC. 1007. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $300,000,000 for each of the fiscal years 1995, 1996, 1997, 1998, and 1999.

Subtitle B—Ounce of Prevention Grant Programs

PART I—OUNCE OF PREVENTION GRANT PROGRAMS

SEC. 1010. OUNCE OF PREVENTION COUNCIL.

(a) IN GENERAL.—(1) The Secretary of Health and Human Services shall convene an interagency Task Force to be known as the Ounce of Prevention Council, which shall be chaired by the Attorney General, the Secretary of Education, and the Secretary of Health and Human Services, and which also

shall include the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Agriculture, and the Director of the Office of National Drug Control Policy.

(2) The Council may obtain the necessary staff to carry out its functions through the detail or assignment of employees from the departments or offices which are represented by the Council.

(3) The Council may delegate any of its functions or powers to a member or members of the Council.

(b) ADMINISTRATIVE RESPONSIBILITIES AND POWERS.—The Council shall advise and counsel the Secretary regarding administration of the programs established by this title. In consultation with the Council, the Secretary may issue regulations and guidelines to carry out this title, including specifications concerning application requirements, selection criteria, duration and renewal of grants, evaluation requirements, limitation of administrative expenses, submission of reports by grantees, recordkeeping by grantees, and access to books, records, and documents maintained by grantees or other persons for purposes of audit or examination.

(c) TARGETING OF ASSISTANCE FOR DISTRESSED COMMUNITIES AND INDIVIDUALS WITH PARTICULAR NEEDS.—In consultation with the Council, the Secretary shall adopt regulations or guidelines to ensure that funding provided under this title shall be used primarily for—

(1) assistance in communities that are distressed as indicated by such factors as high incidences of crime, juvenile delinquency, gang involvement, substance abuse, unemployment, school dropouts, or pregnancy among adolescents; and

(2) assistance for individuals in any area who are particularly in need of the assistance for such reasons as involvement in juvenile delinquency, gangs, or substance abuse, unemployability, dropping out of school, or pregnancy during adolescence, or being at risk of such conditions.

SEC. 1011. OUNCE OF PREVENTION GRANT PROGRAM.

(a) IN GENERAL.—The Secretary, after consultation with the Council, may make grants to States, local governments, educational institutions, coalitions, local educational agencies, State educational agencies, and other public and private entities, for—

(1) summer and after-school (including weekend and holiday education and recreation) programs;

(2) mentoring, tutoring, and other programs involving participation by adult role models;

(3) programs assisting and promoting employability and job placement; and

(4) substance abuse treatment and prevention, including outreach programs for at-risk families.

(b) PRIORITY.—In making such grants, the Secretary shall give preference to coalitions consisting of a broad spectrum of community-based and social service organizations that have a coordinated team approach to reducing gang membership and the effects of substance abuse, and providing alternatives to at-risk youth.

(c) DEFINITIONS.—For purposes of this section the term "Secretary" means the Secretary of Health and Human Resources.

PART II—FAMILY AND COMMUNITY ENDEAVOR SCHOOLS GRANT PROGRAM

SEC. 1015. PROGRAM AUTHORITY.

(a) IN GENERAL.—

(1) ALLOCATIONS FOR STATES.—For a fiscal year in which the sums reserved by the Secretary from the amounts appropriated for this subtitle to carry out this section equal or exceed $20,000,000, the Secretary shall allocate to community-based organizations in each State, an amount bearing the same ratio to such sums as the number of children in the State who are from families with incomes below the poverty line bears to the number of children in all States who are from families with incomes below the poverty line.

(2) GRANTS TO COMMUNITY-BASED ORGANIZATIONS FROM ALLOCATIONS.—For such a fiscal year, the Secretary may award grants from the appropriate State allocation determined under paragraph (1) on a competitive basis to eligible community-based organizations to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this section.

(3) REALLOCATION.—If, at the end of such a fiscal year, the Secretary determines that funds allocated for community-based organizations in a State remain unobligated, the Council may use such funds to award grants to eligible community-based organizations in another State to pay for such Federal share. Amounts made available through such grants shall remain available until expended.

(b) OTHER FISCAL YEARS.—For any fiscal year in which the sums reserved by the Secretary from amounts appropriated for this subtitle to carry out this section are less than $20,000,000, the Secretary may award grants on a competitive basis to eligible community-based organizations to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this section.

SEC. 1016. PROGRAM REQUIREMENTS.

(a) LOCATION.—A community-based organization that receives a grant under this section to assist in carrying out such a program shall ensure that the program is carried out—

(1) where appropriate, in the facilities of a public school; or

(2) in another appropriate local facility in a State, such as a college or university, a local or State park or recreation center, church, or military base, that is—

(A) in a location that is easily accessible to children in the community; and

(B) in compliance with all applicable local ordinances.

(b) USE OF FUNDS.—Such community-based organization—

(1) shall use funds made available through the grant to provide, to children in the eligible community, services and activities that—

(A) shall include supervised sports programs, and extracurricular and academic programs, that are offered—

(i) after school and on weekends and holidays, during the school year; and

(ii) as daily full-day programs (to the extent available resources permit) or as part-day programs, during the summer months;

(2) in providing such extracurricular and academic programs, shall provide programs such as curriculum-based supervised educational programs, work force preparation, entrepreneurship, cultural programs, arts and crafts, and health education and service programs, dance programs, tutorial and mentoring programs, and other related activities;

(3) may use such funds—

(A) for the renovation of facilities that are in existence prior to the operation of the program for which the organization receives the grant; and

(B) to develop or expand school programs (including programs that provide a variety of additional services to help meet the comprehensive needs of students, such as homework assistance and after-school programs (including educational, social, and athletic activities), nutrition services, family counseling, and parental training programs) that are designed to improve academic and social development of at-risk children by instituting a collaborative structure that trains and coordinates the efforts of teachers, administrators, social workers, guidance counselors, parents, and school volunteers to provide concurrent social services for at-risk students in the daily academic curriculum at public schools in the eligible community; and

(4) may not use such funds to provide sectarian worship or instruction.

SEC. 1017. ELIGIBLE COMMUNITY IDENTIFICATION.

(a) IDENTIFICATION.—To be eligible to receive a grant under this section, a community-based organization shall identify an eligible community to be assisted under this section.

(b) CRITERIA.—Such eligible community shall be an area that meets such criteria with respect to significant poverty and significant juvenile delinquency, and such additional criteria, as the Secretary may by regulation require.

SEC. 1018. APPLICATIONS.

(a) APPLICATION REQUIRED.—To be eligible to receive a grant under this section, a community-based organization shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require, and obtain approval of such application.

(b) CONTENTS OF APPLICATION.—Each application submitted pursuant to paragraph (1) shall—

(1) describe the activities and services to be provided through the program for which the grant is sought;

(2) contain an assurance that the community-based organization will spend grant funds received under this section in a manner that the community-based organization determines will best accomplish the objectives of this section;

(3) contain a comprehensive plan for the program that is designed to achieve identifiable goals for children in the eligible community;

(4) set forth measurable goals and outcomes for the program that—

(A) will—

(i) where appropriate, make a public school the focal point of the eligible community; or

(ii) make a local facility described in section 1016(a)(2) such a focal point; and

(B) may include reducing the percentage of children in the eligible community that enter the juvenile justice system, increasing the graduation rates, school attendance, and academic success of children in the eligible community, and improving the skills of program participants;

(5) provide evidence of support for accomplishing such goals and outcomes from—

(A) community leaders;

(B) businesses;

(C) local educational agencies;

(D) local officials;

(E) State officials; and

(F) other organizations that the community-based organization determines to be appropriate;

(6) contain an assurance that the community-based organization will use grant funds received under this section to provide children in the eligible community with activi-

ties and services that shall include supervised sports programs, and extracurricular and academic programs, in accordance with section 1016(b);

(7) contain a list of the activities and services that will be offered through the program for which the grant is sought and sponsored by private nonprofit organizations, individuals, and groups serving the eligible community, including—

(A) extracurricular and academic programs, such as programs described in section 1016(b)(2); and

(B) activities that address specific needs in the community;

(8) demonstrate the manner in which the community-based organization will make use of the resources, expertise, and commitment of private entities in carrying out the program for which the grant is sought;

(9) include an estimate of the number of children in the eligible community expected to be served pursuant to the program;

(10) include a description of charitable private resources, and all other resources, that will be made available to achieve the goals of the program;

(11) contain an assurance that the community-based organization will use competitive procedures when purchasing, contracting, or otherwise providing for goods, activities, or services to carry out programs under this section;

(12) contain an assurance that the program will maintain a staff-to-participant ratio that is appropriate to the activity or service provided by the program;

(13) contain an assurance that the community-based organization will comply with any evaluation under section 1023, any research effort authorized under Federal law, and any investigation by the Secretary;

(14) contain an assurance that the community-based organization shall prepare and submit to the Secretary an annual report regarding any program conducted under this section;

(15) contain an assurance that the program for which the grant is sought will, to the maximum extent possible, incorporate services that are—

(A) provided by program volunteers, parents, adult mentors, social workers, drug and alcohol abuse counselors, teachers, or other persons providing tutoring and college or vocational preparation; and

(B) provided solely through non-Federal private and nonprofit sources; and

(16) contain an assurance that the community-based organization will maintain separate accounting records for the program.

(c) PRIORITY.—In awarding grants to carry out programs under this section, the Secretary shall give priority to community-based organizations who submit applications that demonstrate the greatest effort in generating local support for the programs.

SEC. 1019. ELIGIBILITY OF PARTICIPANTS.

(a) IN GENERAL.—To the extent possible, each child who resides in an eligible community shall be eligible to participate in a program carried out in such community that receives assistance under this section.

(b) EXCLUSION.—

(1) NONDISCRIMINATION.—In selecting children to participate in a program that receives assistance under this section, a community-based organization shall not discriminate on the basis of race, color, religion, sex, national origin, or disability.

(2) PARENTAL APPROVAL.—To be eligible to participate in a program that receives assistance under this section, a child shall provide the express written approval of a parent or guardian, and shall submit an official application that agrees to the terms and conditions of participation in the program. All information and application forms shall be in a format and language accessible to and understandable to the parent or guardian of the child.

SEC. 1020. PEER REVIEW PANEL.

(a) ESTABLISHMENT.—The Secretary shall establish a peer review panel that shall be comprised of individuals with demonstrated experience in designing and implementing community-based programs.

(b) COMPOSITION.—Such panel shall include at least 1 representative from each of the following:

(1) A community-based organization.

(2) A local government.

(3) A local educational agency.

(4) The private sector.

(5) A charitable organization.

(c) FUNCTIONS.—Such panel shall conduct the initial review of all grant applications received by the Secretary under section 1018, make recommendations to the Secretary regarding—

(1) grant funding under this section; and

(2) a design for the evaluation of programs assisted under this section.

SEC. 1021. INVESTIGATIONS AND INSPECTIONS.

The Secretary may conduct such investigations and inspections as may be necessary to ensure compliance with the provisions of this section.

SEC. 1022. FEDERAL SHARE.

(a) PAYMENTS, FEDERAL SHARE, NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall, subject to the availability of appropriations, pay to each community-based organization having an application approved under section 1018 the Federal share of the costs of developing and carrying out programs referred to in section 1015.

(2) FEDERAL SHARE.—The Federal share of such costs shall be 70 percent for each of the fiscal years 1995, 1996, 1997, and 1998.

(b) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of such costs may be in cash or in kind, fairly evaluated, including plant, equipment, and services (including the services described in section 1018(b)(16).

(2) SPECIAL RULE.—At least 15 percent of the non-Federal share of such costs shall be provided from private or nonprofit sources.

SEC. 1023. EVALUATION.

The Secretary shall conduct a thorough evaluation of the programs assisted under this section, which shall include an assessment of—

(1) the number of children participating in each program assisted under this section;

(2) the academic achievement of such children;

(3) school attendance and graduation rates of such children; and

(4) the number of such children being processed by the juvenile justice system.

SEC. 1024. DEFINITIONS.

In this part the following definitions apply:

(1) CHILD.—The term "child" means an individual who is not younger than 5 and not older than 18.

(2) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" means a private, locally initiated community-based organization that—

(A) is a nonprofit organization, as defined in section 103(23) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(23)); and

(B) is operated by a consortium of service providers, consisting of representatives of 5 or more of the following categories of persons:

(i) Residents of the community.

(ii) Business and civic leaders actively involved in providing employment and business development opportunities in the community.

(iii) Educators and organizations of learning (such as local education agencies).

(iv) Student organizations.

(v) Law enforcement agencies.

(vi) Public housing agencies.

(vii) State government.

(viii) Other public agencies.

(ix) Other interested parties.

(3) ELIGIBLE COMMUNITY.—The term "eligible community" means an area identified pursuant to section 1024.

(4) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965.

(5) POVERTY LINE.—The term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(6) PUBLIC SCHOOL.—The term "public school" means a public elementary school, as defined in section 1201(i) of the Higher Education Act of 1965 (20 U.S.C. 1141(i)), and a public secondary school, as defined in section 1201(d) of such Act.

(7) SECRETARY.—The term "Secretary" means the Secretary of Education.

(8) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

PART III—ADMINISTRATION

SEC. 1025. TECHNICAL ASSISTANCE; TRAINING AND EVALUATION.

(a) TECHNICAL ASSISTANCE AND TRAINING.—The Secretary may provide technical assistance, training, and evaluations to further the purposes of this subtitle through grants, contracts, or other cooperative agreements with other entities.

(b) EVALUATIONS.—In addition to any evaluation requirements that may be required for grantees, the Secretary may conduct or support evaluations of programs that receive support under this subtitle, including assessments of the effectiveness of the programs in reducing delinquency, gang involvement, substance abuse, school dropout rates, and adolescent pregnancy, and in increasing employability and employment.

SEC. 1026. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS FOR PART I.—There are authorized to be appropriated to carry out the purposes of part I, $25,000,000 for each of the fiscal years 1995 through 1999.

(b) AUTHORIZATIONS FOR PART II.—There are authorized to be appropriated to carry out the purposes of part II, $230,000,000 for each of the fiscal years 1995 through 1999.

Subtitle C—Police Partnerships for Children

SEC. 1030. DEFINITION.

As used in this subtitle, "partnership" means a cooperative arrangement or association involving one or more law enforcement agencies, and one or more public or private agencies that provide child or family services.

SEC. 1031. GRANT AUTHORITY.

(a) PARTNERSHIP GRANTS.—The Attorney General, in consultation with the Secretary

of Health and Human Services, may make grants to partnerships for—

(1) teams or units involving participants from both the law enforcement and child or family services components of the partnership that respond to or deal with violent incidents in which a child is involved as a perpetrator, witness, or victim, such as teams or units that provide a 24-hour crisis response or consultation service in relation to such incidents;

(2) training for law enforcement officers regarding behavior, psychology, family systems, and community culture and attitudes that is relevant to dealing with children who are involved in violent incidents or at risk of involvement in such incidents, or with families of such children; and

(3) programs for children and families that are designed jointly by the law enforcement and child or family services components of the partnership, including programs providing 24-hour response to crisis situations affecting children and such other programs as programs that provide training in nonviolent conflict resolution, after-school activity and neighborhood recreation programs, parent support groups that are led jointly by child or family services and law enforcement personnel, and mentoring programs.

(b) GRANTS FOR POLICE RESIDENCE IN HIGH CRIME AREAS.—The Secretary of Housing and Urban Development, in consultation with the Attorney General, may make grants to units of State or local government, public housing authorities, owners of federally assisted housing, and owners of housing in high crime areas in order to provide dwelling units to law enforcement officers without charge or at or substantially reduced rent for the purpose of providing greater security for residents of high crime areas.

SEC. 1032. ADMINISTRATION.

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

(b) REGULATORY AUTHORITY.—The Attorney General, for the purposes of section 1031(a), and the Secretary of Housing and Urban Development, for purposes of section 1031(b), may issue regulations and guidelines to carry out this subtitle, including specifications concerning application requirements, selection criteria, duration and renewal of grants, evaluation requirements, matching funds, limitation of administrative expenses, submission of reports by grantees, recordkeeping by grantees, and access to books, records, and documents maintained by grantees or other persons for purposes of audit or examination.

(c) APPLICATIONS.—In addition to any other requirements that may be specified by the Attorney General—

(1) an application for a grant under section 1030(a) of this subtitle shall—

(A) certify that the applicant is a partnership as defined in section 1030, or a law enforcement agency or public or private child or family services agency that is participating in a partnership and seeking support on behalf of the partnership;

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

(C) certify that the Federal support provided under this subtitle will be used to supplement, and not supplant, State and local sources of funding that would otherwise be available;

(D) identify any related governmental or community initiatives which complement or will be coordinated with the proposal; and

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

(2) in addition to any other requirements that may be specified by the Secretary of Housing and Urban Development, an application for a grant under section 1031(b) shall—

(A) certify that there has been appropriate consultation with the employing agency of any law enforcement officer who is to be provided with a dwelling unit;

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

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

(D) provide assurances that local police officers will not be required to reside in residences funded under this subtitle.

(d) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this subtitle may not exceed 75 percent, unless the Attorney General, for purposes of section 1031(a), or the Secretary of Housing and Urban Devlopment, for purposes of section 1031(b), waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program.

(e) FUNDING PRIORITY.—In making grants under section 1031(a), the Attorney General shall give priority to applications by partnerships involving law enforcement agencies that engage in community-oriented policing for programs assisting distressed communities or populations with a high incidence of violence affecting children.

SEC. 1033. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

(a) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General may provide technical assistance and training to further the purposes of this subtitle.

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

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

SEC. 1034. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $20,000,000 in fiscal year 1995, and such sums as may be necessary in each of fiscal years 1996 through 1999 to carry out this subtitle.

(b) LIMITATION.—Not more than 50 percent of the funds made available in a fiscal year for this subtitle may be expended for grants under section 1031(b).

Subtitle D—Midnight Sports

SEC. 1038. GRANTS FOR MIDNIGHT SPORTS LEAGUE ANTICRIME PROGRAMS.

(a) AUTHORITY.—The Secretary of Housing and Urban Development, in consultation with the Attorney General of the United States, the Secretary of Labor, and the Secretary of Education, shall make grants, to the extent that amounts are approved in appropriations Acts under subsection (k), to eligible entities to assist such entities in carrying out midnight sports league programs meeting the requirements of subsection (d).

(b) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—Grants under subsection (a) may be made only to the following eligible entities:

(A) Entities eligible under section 520(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a(b)) for a grant under section 520(a) of such Act.

(B) Nonprofit organizations providing crime prevention, employment counseling, job training, or other educational services.

(C) Nonprofit organizations providing federally-assisted low-income housing.

(2) PROHIBITION ON SECOND GRANTS.—A grant under subsection (a) may not be made to an eligible entity if the entity previously received a grant under such subsection.

(c) USE OF GRANT AMOUNTS.—Any eligible entity that receives a grant under subsection (a) may use the grant only—

(1) to establish or carry out a midnight sports league program under subsection (d);

(2) for salaries for administrators and staff of the program;

(3) for other administrative costs of the program, except that not more than 5 percent of the grant may be used for such administrative costs; and

(4) for costs of training and assistance provided under subsection (d)(9).

(d) PROGRAM REQUIREMENTS.—Each eligible entity receiving a grant under subsection (a) shall establish a midnight sports league program as follows:

(1) The program shall establish a sports league of not less than 8 teams having 10 players each.

(2) Not less than 50 percent of the players in the sports league shall be residents of federally assisted low-income housing.

(3) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

(A) A substantial problem regarding use or sale of illegal drugs.

(B) A high incidence of crimes committed by youths or young adults.

(C) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.

(D) A high incidence of pregnancy, or a high birth rate, among adolescents.

(E) A high unemployment rate for youths and young adults.

(F) A high rate of high school dropouts.

(4) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held in conjunction with league sports games at or near the site of the games.

(5) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Secretary of Housing and Urban Development, in consultation with the Attorney General, Secretary of Labor, the Secretary of Education, and with the Advisory Committee.

(6) The program shall obtain sponsors for each team in the sports league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.

(7) The program shall comply with any criteria established by the Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, the Secretary of Education, and with the Advisory Committee.

(e) GRANT AMOUNT LIMITATIONS.—

(1) PRIVATE CONTRIBUTIONS.—The Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, and the Secretary of Education, may not make a grant under subsection (a) to an eligible entity that applies for a grant under subsection (f) unless the applicant entity certifies to the Secretary of Housing and Urban Development, or the Attorney General, that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

(A) In each of the first 2 years that amounts from the grant are disbursed (under paragraph (5)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight sports league program.

(B) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight sports league program.

(2) NON-FEDERAL FUNDS.—For purposes of this subsection, the term "funds from non-Federal sources" includes amounts from nonprofit organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under subsection (a)) to carry out the program of the eligible entity, in-kind contributions to carry out the program (as determined by the Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, the Secretary of Education, and with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

(3) PROHIBITION ON SUBSTITUTION OF FUNDS.—Grants made under subsection (a), and amounts provided by States and units of general local government to supplement the grants, may not be used to replace other public funds previously used, or designated for use, under this section.

(4) MAXIMUM AND MINIMUM GRANT AMOUNTS.—The Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, and the Secretary of Education, may not make a grant under subsection (a) to any single eligible entity in an amount less than $50,000 or exceeding $125,000.

(5) DISBURSEMENT.—Each grant made under subsection (a)(1) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

(A) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.

(B) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

(f) APPLICATIONS.—To be eligible to receive a grant under subsection (a), an eligible entity shall submit to the Secretary of Housing and Urban Development an application in the form and manner required by the Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, the Secretary of Education, and with the Advisory Committee, which shall include—

(1) a description of the midnight sports league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

(2) letters of agreement from service providers to provide training and counseling services required under subsection (d) and a description of such service providers;

(3) letters of agreement providing for facilities for sports games and counseling, training, and educational services required under subsection (d) and a description of the facilities;

(4) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight sports league; and

(5) evidence that the neighborhood or community served by the program meets the requirements of subsection (d)(3).

(g) SELECTION.—The Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, the Secretary of Education, and with the Advisory Committee, shall select eligible entities that submit applications under subsection (f) to receive grants under subsection (a). The Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, the Secretary of Education, and with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight sports league programs in suburban and rural areas.

(h) REPORTS.—The Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, and the Secretary of Education, shall require each eligible entity receiving a grant under subsection (a) to submit for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

(i) STUDY.—To the extent amounts are provided under appropriation Acts pursuant to subsection (k)(2), the Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, and the Secretary of Education, shall make a grant to one entity qualified to carry out a study under this subsection. The entity shall use such grant to carry out a scientific study of the effectiveness of midnight sports league programs under subsection (d) of eligible entities receiving grants under subsection (a). The Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, and the Secretary of Education, shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Secretary of Housing and Urban Development and the Attorney General not later than the expiration of the 2-year period beginning on the date that the grant under this subsection is made.

(j) DEFINITIONS.—For purposes of this section—

(1) the term "eligible entity" means an entity described under subsection (b)(1); and

(2) the term "federally assisted low-income housing" has the meaning given the term in section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) for grants under subsection (a), $10,000,000 in each of fiscal years 1995, 1996, 1997, 1998, and 1999; and

(2) for a study grant under subsection (i), $250,000 in fiscal year 1995.

Subtitle E—Drug Courts

SEC. 1041. GRANT AUTHORITY.

The Attorney General may make grants to units of State and local government, and to other public and private entities, for programs that involve continuing judicial supervision over specified categories of persons with substance abuse problems, and that involve the integrated administration of other sanctions and services including—

(1) testing for the use of controlled substances or other addictive substances;

(2) substance abuse treatment;

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

(4) programmatic or health related aftercare services such as relapse prevention, education, vocational training, job placement, housing placement, and child care or other family support services.

SEC. 1042. ADMINISTRATION.

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

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

(c) REGULATORY AUTHORITY.—The Attorney General may issue regulations and guidelines to carry out this subtitle, including specifications concerning application requirements, selection criteria, duration and renewal of grants, evaluation requirements, matching funds, limitation of administrative expenses, submission of reports by grantees, recordkeeping by grantees, and access to books, records, and documents maintained by grantees or other persons for purposes of audit or examination.

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

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

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

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

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

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

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

(7) describe the methodology that will be utilized in evaluating the program.

SEC. 1043. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

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

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

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

SEC. 1044. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $280,000,000 in each of fiscal years 1995, 1996, 1997, 1998, and 1999 to carry out this subtitle.

Subtitle F—Assistance for Delinquent and At-Risk Youth

SEC. 1051. GRANT AUTHORITY.

(a) IN GENERAL.—(1) In order to prevent the commission of crimes or delinquent acts by juveniles, the Attorney General may make grants to public or private nonprofit organizations to support the development and operation of projects to provide residential services to youth, aged 11 to 19, who—

(A) have dropped out of school;

(B) have come into contact with the juvenile justice system; or

(C) are at risk of dropping out of school or coming into contact with the juvenile justice system.

(2) Such services shall include activities designed to—

(A) increase the self-esteem of such youth;

(B) assist such youth in making healthy and responsible choices;

(C) improve the academic performance of such youth pursuant to a plan jointly developed by the applicant and the school which each such youth attends or should attend; and

(D) provide such youth with vocational and life skills.

(b) APPLICATIONS.—(1) A public agency or private nonprofit organization which desires a grant under this section shall submit an application at such time and in such manner as the Attorney General may prescribe.

(2) Such application shall include—

(A) a description of the program developed by the applicant, including the activities to be offered;

(B) a detailed discussion of how such program will prevent youth from committing crimes or delinquent acts;

(C) evidence that such program—

(i) will be carried out in facilities which meet applicable State and local laws with regard to safety;

(ii) will include academic instruction, approved by the State or local educational agency, which meets or exceeds State and local standards and curricular requirements; and

(iii) will include instructors and other personnel who possess such qualifications as may be required by applicable State or local laws; and

(D) specific, measurable outcomes for youth served by the program.

(c) CONSIDERATION OF APPLICATIONS.—Not later than 60 days following the submission of applications, the Attorney General shall—

(1) approve each application and disburse the funding for each such application, or

(2) disapprove the application and inform the applicant of such disapproval and the reasons therefor.

(d) REPORTS.—A grantee under this section shall annually submit a report to the Attorney General that describes the activities and accomplishments of such program, including the degree to which the specific youth outcomes are met.

SEC. 1052. AUTHORIZATION OF APPROPRIATIONS.

For grants under section 1051, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1995 through 1999.

Subtitle G—Police Recruitment

SEC. 1061. GRANT AUTHORITY.

(a) IN GENERAL.—The Attorney General may make grants to qualified community organizations to assist in meeting the costs of qualified programs which are designed to recruit and retain applicants of police departments.

(b) QUALIFIED COMMUNITY ORGANIZATIONS.—An organization is a qualified community organization which is eligible to receive a grant under subsection (a) if the organization—

(1) is a non-profit organization; and

(2) has training and experience in—

(A) working with a police department and with teachers, counselors, and similar personnel,

(B) providing services to the community in which the organization is located,

(C) developing and managing services and techniques to recruit individuals to become members of a police department and to assist such individuals in meeting the membership requirements of police departments,

(D) developing and managing services and techniques to assist in the retention of applicants to police departments, and

(E) developing other programs that contribute to the community.

(c) QUALIFIED PROGRAMS.—A program is a qualified program for which a grant may be made under subsection (a) if the program is designed to recruit and train individuals from underepresented neighborhoods and localities and if—

(1) the overall design of the program is to recruit and retain applicants to a police department;

(2) the program provides recruiting services which include tutorial programs to enable individuals to meet police force academic requirements and to pass entrance examinations;

(3) the program provides counseling to applicants to police departments who may encounter problems throughout the application process; and

(4) the program provides retention services to assist in retaining individuals to stay in the application process of a police department.

(d) APPLICATIONS.—To qualify for a grant under subsection (a), a qualified organization shall submit an application to the Attorney General in such form as the Attorney General may prescribe. Such application shall—

(1) include documentation from the applicant showing—

(A) the need for the grant;

(B) the intended use of grant funds;

(C) expected results from the use of grant funds; and

(D) demographic characteristics of the population to be served, including age, disability, race, ethnicity, and languages used; and

(2) contain assurances satisfactory to the Attorney General that the program for which a grant is made will meet the applicable requirements of the program guidelines prescribed by the Attorney General under subsection (i).

(e) ACTION BY THE ATTORNEY GENERAL.—Not later than 60 days after the date that an application for a grant under subsection (a) is received, the Attorney General shall consult with the police department which will be involved with the applicant and shall—

(1) approve the application and disburse the grant funds applied for; or

(2) disapprove the application and inform the applicant that the application is not approved and provide the applicant with the reasons for the disapproval.

(f) GRANT DISBURSEMENT.—The Attorney General shall disburse funds under a grant under subsection (a) in accordance with regulations of the Attorney General which shall ensure—

(1) priority is given to applications for areas and organizations with the greatest showing of need;

(2) that grant funds are equitably distributed on a geographic basis; and

(3) the needs of underserved populations are recognized and addressed.

(g) GRANT PERIOD.—A grant under subsection (a) shall be made for a period not longer than 3 years.

(h) GRANTEE REPORTING.—(1) For each year of a grant period for a grant under subsection (a), the recipient of the grant shall file a performance report with the Attorney General explaining the activities carried out with the funds received and assessing the effectiveness of such activities in meeting the purpose of the recipient's qualified program.

(2) If there was more than one recipient of a grant, each recipient shall file such report.

(3) The Attorney General shall suspend the funding of a grant if the recipient of the grant does not file the report required by this subsection or uses the grant for a purpose not authorized by this section.

(i) GUIDELINES.—The Attorney General shall, by regulation, prescribe guidelines on content and results for programs receiving a grant under subsection (a). Such guidelines shall be designed to establish programs which will be effective in training individuals to enter instructional programs for police departments and shall include requirements for—

(1) individuals providing recruiting services;

(2) individuals providing tutorials and other academic assistance programs;

(3) individuals providing retention services; and

(4) the content and duration of recruitment, retention, and counseling programs and the means and devices used to publicize such programs.

SEC. 1062. AUTHORIZATION OF APPROPRIATIONS.

For grants under section 1061 there are authorized to be appropriated $6,000,000 for each of the fiscal years 1995 through 1999.

Subtitle H—National Triad Program

SEC. 1065. FINDINGS.

The Congress finds that—

(1) older Americans are among the most rapidly growing segments of our society;

(2) currently, older Americans comprise 15 percent of our society, and predictions are that by the turn of the century they will constitute 18 percent of the Nation's population;

(3) older Americans find themselves uniquely situated in the society, environmentally and physically;

(4) many older Americans are experiencing increased social isolation due to fragmented and distant familial relations, scattered associations, limited access to transportation, and other insulating factors;

(5) physical conditions such as hearing loss, poor eyesight, lessened agility, and chronic and debilitating illnesses often contribute to a senior citizen's susceptibility to criminal victimization;

(6) older Americans are too frequently the victims of abuse and neglect, violent crime, property crime, consumer fraud, medical quackery, and confidence games;

(7) studies have found that older Americans that are victims of violent crime are more likely to be injured and require medical attention than are younger victims;

(8) victimization data on crimes against older Americans are incomplete and out of date, and data sources are partial, scattered, and not easily obtained;

(9) although a few studies have attempted to define and estimate the extent of abuse and neglect of older Americans, both in their homes and in institutional settings, many experts believe that abuse and neglect crimes are substantially underreported and undetected;

(10) similarly, while some evidence suggests that older Americans may be targeted in a range of fraudulent schemes, neither the Uniform Crime Report nor the National Crime Survey collects data on individual- or household-level fraud;

(11) many law enforcement agencies do not have model practices for responding to the criminal abuse of older Americans;

(12) law enforcement officers and social service providers come from different disciplines and frequently bring different perspectives to the problem of crimes against older Americans;

(13) the differences in approaches can inhibit a genuinely effective response;

(14) there are a few efforts currently under way that seek to forge partnerships to coordinate criminal justice and social service approaches to victimization of older Americans;

(15) the Triad program, sponsored by the National Sheriffs' Association (NSA), the International Association of Chiefs of Police (IACP), and the American Association of Retired Persons (AARP), is one such effort;

(16) the Assistant Secretary for Aging, as the senior executive branch officer formulating older Americans policy, is an appropriate leader in efforts to reduce violent crime against older Americans; and

(17) recognizing that older Americans have the same fundamental desire as other members of our society to live freely, without fear or restriction due to the criminal element, the Federal Government should seek to expand efforts to reduce crime against this growing and uniquely vulnerable segment of our population.

SEC. 1066. PURPOSES.

The purposes of this subtitle are—

(1) to support a coordinated effort among law enforcement, older Americans organizations, and social service agencies to stem the tide of violence against older Americans and support media and nonmedia strategies aimed at increasing both public understanding of the problem and the older Americans' skills in preventing crime against themselves and their property; and

(2) to address the problem of crime against older Americans in a systematic and effective manner by promoting and expanding collaborative crime prevention programs, such as the Triad model, that assist law enforcement agencies and older Americans in implementing specific strategies for crime prevention, victim assistance, citizen involvement, and public education.

SEC. 1067. NATIONAL ASSESSMENT AND DISSEMINATION.

(a) IN GENERAL.—The Director of the National Institute of Justice in consultation with the Assistant Secretary for Aging shall conduct a qualitative and quantitative national assessment of—

(1) the nature and extent of crimes committed against older Americans and the effect of such crimes on the victims;

(2) the numbers, extent, and impact of violent crimes and nonviolent crimes (such as frauds and "scams") against older Americans and the extent of unreported crimes;

(3) the collaborative needs of law enforcement, health, and social service organizations, focusing on prevention of crimes against older Americans, to identify, investigate, and provide assistance to victims of those crimes; and

(4) the development and growth of strategies to respond effectively to the matters described in paragraphs (1), (2), and (3).

(b) MATTERS TO BE ADDRESSED.—The national assessment made pursuant to subsection (a) shall address—

(1) the analysis and synthesis of data from a broad range of sources in order to develop accurate information on the nature and extent of crimes against older Americans, including identifying and conducting such surveys and other data collection efforts as are needed and designing a strategy to keep such information current over time;

(2) institutional and community responses to elderly victims of crime, focusing on the problems associated with fear of victimization, abuse of older Americans, and hard-to-reach older Americans who are in poor health, are living alone or without family nearby, or living in high crime areas;

(3) special services and responses required by elderly victims;

(4) whether the experience of older Americans with some service organizations differs markedly from that of younger populations;

(5) the kinds of programs that have proven useful in reducing victimization of older Americans through crime prevention activities and programs;

(6) the kinds of programs that contribute to successful coordination among public sector agencies and community organizations in reducing victimization of older Americans; and

(7) the research agenda needed to develop a comprehensive understanding of the problems of crimes against older Americans, including the changes that can be anticipated in the crimes themselves and appropriate responses as the society increasingly ages.

(c) AVOIDANCE OF DUPLICATION.—In conducting the assessment under subsection (a), the Director of the National Institute of Justice, in consultation with the Assistant Secretary of Aging, shall draw upon the findings of existing studies and avoid duplication of efforts that have previously been made.

(d) DISSEMINATION.—Based on the results of the national assessment and analysis of successful or promising strategies in dealing with the problems described in subsection (b) and other problems, including coalition efforts such as the Triad programs described in sections 1065 and 1066, the Director of the National Institute of Justice, in consultation with the Assistant Secretary of Aging, shall disseminate the results through reports, publications, clearinghouse services, public service announcements, and programs of evaluation, demonstration, training, and technical assistance.

SEC. 1068. PILOT PROGRAMS.

(a) AWARDS.—The Director of the Bureau of Justice Assistance, in consultation with the Assistant Secretary of Aging, shall make grants to coalitions of local law enforcement agencies and older Americans to assist in the development of programs and execute field tests of particularly promising strategies for crime prevention services and related services based on the concepts of the Triad model, which can then be evaluated and serve as the basis for further demonstration and education programs.

(b) TRIAD COOPERATIVE MODEL.—(1) Subject to paragraph (2), a pilot program funded under this section shall consist of a cooperative model, which calls for the participation of the sheriff, at least 1 police chief, and a representative of at least 1 older Americans' organization within a county and may include participation by general service coalitions of law enforcement, victim service, and senior citizen advocate second service organizations. If there exists with the applicant county an area agency on aging as defined in section 102(17) of the Older Americans Act of 1965, the applicant county must include the agency as an organizational component in its program.

(2) If there is not both a sheriff and a police chief in a county or if the sheriff or a police chief do not participate, a pilot program funded under this section shall include in the place of the sheriff or police chief another key law enforcement official in the county such as a local prosecutor.

(c) APPLICATION.—A coalition or Triad program that desires to establish a pilot program under this section shall submit to the Director of the Bureau of Justice Assistance an application that includes—

(1) a description of the community and its senior citizen population;

(2) assurances that Federal funds received under this part shall be used to provide additional and appropriate education and services to the community's older Americans;

(3) a description of the extent of involvement of each organizational component (chief, sheriff (or other law enforcement official), and senior organization representative) and focus of the Triad program;

(4) a comprehensive plan including—

(A) a description of the crime problems facing older Americans and need for expanded law enforcement and victim assistance services;

(B) a description of the types of projects to be developed or expanded;

(C) a plan for an evaluation of the results of Triad endeavors;

(D) a description of the resources (including matching funds, in-kind services, and other resources) available in the community to implement the Triad development or expansion;

(E) a description of the gaps that cannot be filled with existing resources;

(F) an explanation of how the requested grant will be used to fill those gaps; and

(G) a description of the means and methods the applicant will use to reduce criminal victimization of older persons; and

(5) funding requirements for implementing a comprehensive plan.

(d) DISTRIBUTION OF GRANT AWARDS.—The Director of the Bureau of Justice Assistance, in consultation with the Assistant Secretary for Aging, shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards for pilot programs authorized under this subtitle.

(e) POST-GRANT PERIOD REPORT.—A grant recipient under this section shall, not later than 6 months after the conclusion of the grant period, submit to the Director of the Bureau of Justice Assistance a report that—

(1) describes the composition of organizations that participated in the pilot program;

(2) identifies problem areas encountered during the course of the pilot program;

(3) provides data comparing the types and frequency of criminal activity before and after the grant period and the effect of such criminal activity on older Americans in the community; and

(4) describes the grant recipient's plans and goals for continuance of the Triad program after the grant period.

SEC. 1069. TRAINING ASSISTANCE, EVALUATION, AND DISSEMINATION AWARDS.

In conjunction with the national assessment under section 1067—

(1) the Director of the Bureau of Justice Assistance, in consultation with the Assistant Secretary for Aging, shall make awards to organizations with demonstrated ability to provide training and technical assistance in establishing crime prevention programs based on the Triad model, for purposes of aiding in the establishment and expansion of pilot programs under this section; and

(2) the Director of the National Institute of Justice, in consultation with the Assistant Secretary of Aging, shall make awards to research organizations, for the purposes of—

(A) evaluating the effectiveness of selected pilot programs; and

(B) conducting the research and development identified through the national assessment as being critical; and

(3) the Director of the Bureau of Justice Assistance, in consultation with the Assistant Secretary for Aging, shall make awards to public service advertising coalitions, for the purposes of mounting a program of public service advertisements to increase public awareness and understanding of the issues surrounding crimes against older Americans and promoting ideas or programs to prevent them.

SEC. 1070. REPORT.

The Director of the Bureau of Justice Assistance, in consultation with the Assistant Secretary for Aging, and the Director of the National Institute of Justice shall submit to Congress an annual report (which may be included with the report submitted under section 102(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(b)) describing the results of the pilot programs conducted under section 1068.

SEC. 1071. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $2,000,000 to the Bureau of Justice Assistance for the purpose of making Triad pilot program awards in that amount under section 1068;

(2) $1,000,000 to the Bureau of Justice Assistance for the purpose of funding the national training and technical assistance effort under sections 1967 and 1068;

(3) $1,000,000 to the Bureau of Justice Assistance and $1,000,000 to the Administration on Aging, for the purpose of developing public service announcements under sections 1067 and 1069;

(4) $2,000,000 to the National Institute of Justice for the purposes of conducting the national assessment, evaluating pilot programs, and carrying out the research agenda under sections 1067 and 1069; and

(5) to the extent that funds are not otherwise available for the purpose, such sums as are necessary to pay the administrative costs of carrying out this subtitle.

Subtitle I—Local Partnership Act

SEC. 1075. ESTABLISHMENT OF PAYMENT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title 31, United States Code, is amended by inserting after chapter 65 the following:

"CHAPTER 67—FEDERAL PAYMENTS

"Sec.
"6701. Payments to local governments.
"6702. Local Government Fiscal Assistance Fund.
"6703. Qualification for payment.
"6704. State area allocations; allocations and payments to territorial governments.
"6705. Local government allocations.
"6706. Income gap multiplier.
"6707. State variation of local government allocations.
"6708. Adjustments of local government allocations.
"6709. Information used in allocation formulas.
"6710. Public participation.
"6711. Prohibited discrimination.
"6712. Discrimination proceedings.
"6713. Suspension and termination of payments in discrimination proceedings.
"6714. Compliance agreements.
"6715. Enforcement by the Attorney General of prohibitions on discrimination.
"6716. Civil action by a person adversely affected.
"6717. Judicial review.
"6718. Audits, investigations, and reviews.
"6719. Reports.
"6720. Definitions and application.

"§ 6701. Payments to local governments

"(a) PAYMENT AND USE.—

"(1) PAYMENT.—The Secretary of the Treasury shall pay to each unit of general local government which qualifies for a payment under this chapter an amount equal to the sum of any amounts allocated to the government under this chapter for each payment period. The Secretary shall pay such amount out of the Local Government Fiscal Assistance Fund under section 6702.

"(2) USE.—Amounts paid to a unit of general local government under this section shall be used by that unit for carrying out one or more programs of the unit related to—

"(A) education to prevent crime; or

"(B) substance abuse treatment to prevent crime.

"(b) TIMING OF PAYMENTS.—They shall pay each amount allocated under this chapter to a unit of general local government for a payment period by the later of 60 days after the date the amount is available or the first day of the payment period.

"(c) ADJUSTMENTS.—(1) Subject to paragraph (2), the Secretary shall adjust a payment under this chapter to a unit of general local government to the extent that a prior payment to the government was more or less than the amount required to be paid.

"(2) The Secretary may increase or decrease under this subsection a payment to a unit of local government only if the Secretary determines the need for the increase or decrease, or the unit requests the increase or decrease, within one year after the end of the payment period for which the payment was made.

"(d) RESERVATION FOR ADJUSTMENTS.—The Secretary may reserve a percentage of not more than 0.5 percent of the amount under this section for a payment period for all units of general local government in a State if the Secretary considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of general local government in the State.

"(e) REPAYMENT OF UNEXPENDED AMOUNTS.—

"(1) REPAYMENT REQUIRED.—A unit of general local government shall repay to the Secretary, by not later than November 15, 1995, any amount that is—

"(A) paid to the unit from amounts appropriated for fiscal year 1995 under the authority of this section; and

"(B) not expended by the unit by October 31, 1995.

"(2) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Secretary as repayments under this subsection shall be deposited in the general fund of the Treasury as miscellaneous receipts.

"(f) EXPENDITURE WITH DISADVANTAGED BUSINESS ENTERPRISES.—

"(1) GENERAL RULE.—Of amounts paid to a unit of general local government under this chapter for a payment period, not less than 10 percent of the total combined amounts obligated by the unit for contracts and subcontracts shall be expended with—

"(A) small business concerns controlled by socially and economically disadvantaged individuals and women; and

"(B) historically Black colleges and universities and colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans or Native Americans.

"(2) EXCEPTION.—Paragraph (1) shall not apply to amounts paid to a unit of general local government to the extent the unit determines that the paragraph does not apply through a process that provides for public participation.

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

"(A) the term 'small business concern' has the meaning such term has under section 3 of the Small Business Act; and

"(B) the term 'socially and economically disadvantaged individuals' has the meaning such term has under section 8(d) of the Small Business Act and relevant subcontracting regulations promulgated pursuant to that section.

"(g) NONSUPPLANTING REQUIREMENT.—(1) Funds made available under this chapter to units of local government shall not be used to supplant State or local funds, but will be used to increase the amount of funds that would, in the absence of funds under this chapter, be made available from State or local sources.

"(2) The total level of funding available to a unit of local government for accounts serving eligible purposes under this chapter in the fiscal year immediately preceding receipt of a grant under this chapter shall be designated the "base level account" for the fiscal year in which grant is received. Grants under this chapter in a given fiscal year shall be reduced on a dollar for dollar basis to the extent that a unit of local government reduces its base level account in that fiscal year.

"(3) The Secretary shall issue regulations to implement this subsection.

"§ 6702. Local Government Fiscal Assistance Fund

"(a) ADMINISTRATION OF FUND.—The Department of the Treasury has a Local Government Fiscal Assistance Fund, which consists of amounts appropriated to the Fund.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund $2,000,000,000 for fiscal years 1995 and 1996.

"§ 6703. Qualification for payment

"(a) IN GENERAL.—Under regulations issued by the Secretary, a unit of general local government qualifies for a payment under this chapter for a payment period only after establishing to the satisfaction of the Secretary that—

"(1) the government will establish a trust fund in which the government will deposit all payments received under this chapter;

"(2) the government will use amounts in the trust fund (including interest) during a reasonable period specified in the regulations issued by the Secretary;

"(3) the government will expend the payments so received, in accordance with the

laws and procedures that are applicable to the expenditure of revenues of the government;

"(4) if at least 25 percent of the pay of individuals employed by the government in a public employee occupation is paid out of the trust fund, individuals in the occupation any part of whose pay is paid out of the trust fund will receive pay at least equal to the prevailing rate of pay for individuals employed in similar public employee occupations by the government;

"(5) if at least 25 percent of the costs of a construction project are paid out of the trust fund, laborers and mechanics employed by contractors or subcontractors on the project will receive pay at least equal to the prevailing rate of pay for similar construction in the locality as determined by the Secretary of Labor under the Act of March 3, 1931 (46 Stat. 1494 et seq.; popularly known as the Davis-Bacon Act), and the Secretary of Labor shall act on labor standards under this paragraph in a manner that is in accordance with Reorganization Plan No. 14 of 1950 (64 Stat. 1267) and section 2 of the Act of June 13, 1934 (48 Stat. 948);

"(6) the government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Secretary after consultation with the Comptroller General of the United States;

"(7) after reasonable notice to the government, the government will make available to the Secretary and the Comptroller General of the United States, with the right to inspect, records the Secretary reasonably requires to review compliance with this chapter or the Comptroller General of the United States reasonably requires to review compliance and operations under section 6718(b); and

"(8) the government will make reports the Secretary reasonably requires, in addition to the annual reports required under section 6719(b).

"(b) REVIEW BY GOVERNORS.—A unit of general local government shall give the chief executive officer of the State in which the government is located an opportunity for review and comment before establishing compliance with subsection (a).

"(c) SANCTIONS FOR NONCOMPLIANCE.—(1) If the Secretary decides that a unit of general local government has not complied substantially with subsection (a) or regulations prescribed under subsection (a), the Secretary shall notify the government. The notice shall state that if the government does not take corrective action by the 60th day after the date the government receives the notice, the Secretary will withhold additional payments to the government for the current payment period and later payment periods until the Secretary is satisfied that the government—

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

"(B) will comply with subsection (a) and regulations prescribed under subsection (a).

"(2) Before giving notice under paragraph (1), the Secretary shall give the chief executive officer of the unit of general local government reasonable notice and an opportunity for a proceeding.

"(3) The Secretary may make a payment to a unit of general local government notified under paragraph (1) only if the Secretary is satisfied that the government—

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

"(B) will comply with subsection (a) and regulations prescribed under subsection (a).

"§ 6704. State area allocations; allocations and payments to territorial governments

"(a) FORMULA ALLOCATION BY STATE.—For each payment period, the Secretary shall allocate to each State out of the amount appropriated for the period under the authority of section 6702(b) (minus the amounts allocated to territorial governments under subsection (e) for the payment period) an amount bearing the same ratio to the amount appropriated (minus such amounts allocated under subsection (e)) as the amount allocated to the State under this section bears to the total amount allocated to all States under this section. The Secretary shall—

"(1) determine the amount allocated to the State under subsection (b) or (c) of this section and allocate the larger amount to the State; and

"(2) allocate the amount allocated to the State to units of general local government in the State under sections 6705 and 6706.

"(b) GENERAL FORMULA.—(1) The amount allocated to a State under this subsection for a payment period is the amount bearing the same ratio to $5,300,000,000 as—

"(A) the population of the State, multiplied by the general tax effort factor of the State (determined under paragraph (2)), multiplied by the relative income factor of the State (determined under paragraph (3)), multiplied by the relative rate of the labor force unemployed in the State (determined under paragraph (4)); bears to

"(B) the sum of the products determined under subclause (A) of this paragraph for all States.

"(2) The general tax effort factor of a State for a payment period is—

"(A) the net amount of State and local taxes of the State collected during the years used by the Secretary of Commerce in the most recent Bureau of the Census general determination of State and local taxes made before the beginning of the payment period; divided by

"(B) the total income of individuals, as determined by the Secretary of Commerce for national income accounts purposes, attributed to the State for the same years.

"(3) The relative income factor of a State is a fraction in which—

"(A) the numerator is the per capita income of the United States; and

"(B) the denominator is the per capita income of the State.

"(4) The relative rate of the labor force unemployed in a State is a fraction in which—

"(A) the numerator is the percentage of the labor force of the State that is unemployed (as determined by the Secretary of Labor for general statistical purposes); and

"(B) the denominator is the percentage of the labor force of the United States that is unemployed (as determined by the Secretary of Labor for general statistical purposes).

"(c) ALTERNATIVE FORMULA.—The amount allocated to a State under this subsection for a payment period is the total amount the State would receive if—

"(1) $1,166,666,667 were allocated among the States on the basis of population by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the population of the State bears to the population of all States;

"(2) $1,166,666,667 were allocated among the States on the basis of population inversely weighted for per capita income, by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as—

"(A) the population of the State, multiplied by a fraction in which—

"(i) the numerator is the per capita income of all States; and

"(ii) the denominator is the per capita income of the State; bears to

"(B) the sum of the products determined under subparagraph (A) for all States;

"(3) $600,000,000 were allocated among the States on the basis of income tax collections by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the income tax amount of the State (determined under subsection (d)(1)) bears to the sum of the income tax amounts of all States;

"(4) $600,000,000 were allocated among the States on the basis of general tax effort by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the general tax effort amount of the State (determined under subsection (d)(2)) bears to the sum of the general tax effort amounts of all States;

"(5) $600,000,000 were allocated among the States on the basis of unemployment by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as—

"(A) the labor force of the State, multiplied by a fraction in which—

"(i) the numerator is the percentage of the labor force of the State that is unemployed (as determined by the Secretary of Labor for general statistical purposes); and

"(ii) the denominator is the percentage of the labor force of the United States that is unemployed (as determined by the Secretary of Labor for general statistical purposes);

bears to

"(B) the sum of the products determined under subparagraph (A) for all States; and

"(6) $1,166,666,667 were allocated among the States on the basis of urbanized population by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the urbanized population of the State bears to the urbanized population of all States. In this paragraph, the term 'urbanized population' means the population of an area consisting of a central city or cities of at least 50,000 inhabitants and the surrounding closely settled area for the city or cities considered as an urbanized area by the Secretary of Commerce for general statistical purposes.

"(d) INCOME TAX AMOUNT AND TAX EFFORT AMOUNT.—(1) The income tax amount of a State for a payment period is 15 percent of the net amount collected during the calendar year ending before the beginning of the payment period from the tax imposed on the income of individuals by the State and described as a State income tax under section 164(a)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 164(a)(3)). The income tax amount for a payment period shall be at least 1 percent but not more than 6 percent of the United States Government individual income tax liability attributed to the State for the taxable year ending during the last calendar year ending before the beginning of the payment period. The Secretary shall determine the Government income tax liability attributed to the State on the same basis as the Secretary of the Treasury determines that liability for general statistical purposes.

"(2) The general tax effort amount of a State for a payment period is the amount determined by multiplying—

"(A) the net amount of State and local taxes of the State collected during the years used by the Secretary of Commerce in the most recent Bureau of the Census general de-

termination of State and local taxes made before the beginning of the payment period; by

"(B) the general tax effort factor of the State determined under subsection (b)(2).

"(e) ALLOCATION FOR PUERTO RICO, GUAM, AMERICAN SAMOA, AND THE VIRGIN ISLANDS.—(1)(A) For each payment period for which funds are available for allocation under this chapter, the Secretary shall allocate to each territorial government an amount equal to the product of 1 percent of the amount of funds available for allocation multiplied by the applicable territorial percentage.

"(B) For the purposes of this paragraph, the applicable territorial percentage of a territory is equal to the quotient resulting from the division of the territorial population of such territory by the sum of the territorial population for all territories.

"(2) The governments of the territories shall make payments to local governments within their jurisdiction from sums received under this subsection as they consider appropriate.

"(3) For purposes of this subsection—

"(A) the term 'territorial government' means the government of a territory;

"(B) the term 'territory' means Puerto Rico, Guam, American Samoa, and the Virgin Islands; and

"(C) the term 'territorial population' means the most recent population for each territory as determined by the Bureau of Census.

"§ 6705. Local government allocations

"(a) INDIAN TRIBES AND ALASKAN NATIVES VILLAGES.—If there is in a State an Indian tribe or Alaskan native village having a recognized governing body carrying out substantial governmental duties and powers, the Secretary shall allocate to the tribe or village, out of the amount allocated to the State under section 6704, an amount bearing the same ratio to the amount allocated to the State as the population of the tribe or village bears to the population of the State. The Secretary shall allocate amounts under this subsection to Indian tribes and Alaskan native villages in a State before allocating amounts to units of general local government in the State under subsection (b).

"(b) OTHER LOCAL GOVERNMENT ALLOCATIONS.—(1) The Secretary shall allocate among the units of general local government in a State (other than units receiving allocations under subsection (a)) the amount allocated to the State under section 6704 (as that amount is reduced by allocations under subsection (a)). Of the amount to be allocated, the Secretary shall allocate a portion equal to ½ of such amount in accordance with section 6706(1), and shall allocate a portion equal to ½ of such amount in accordance with section 6706(2). A unit of general local government shall receive an amount equal to the sum of amounts allocated to the unit from each portion.

"(2) From each portion to be allocated to units of local government in a State under paragraph (1), the Secretary shall allocate to a unit an amount bearing the same ratio to the funds to be allocated as—

"(A) the population of the unit, multiplied by the general tax effort factor of the unit (determined under paragraph (3)), multiplied by the income gap of the unit (determined under paragraph (4)), bears to

"(B) the sum of the products determined under subparagraph (A) for all units in the State for which the income gap for that portion under paragraph (4) is greater than zero.

"(3)(A) Except as provided in subparagraph (C), the general tax effort factor of a unit of general local government for a payment period is—

"(i) the adjusted taxes of the unit; divided by

"(ii) the total income attributed to the unit.

"(B) If the amount determined under subparagraphs (A) (i) and (ii) for a unit of general local government is less than zero, the general tax effort factor of the unit is deemed to be zero.

"(C)(i) Except as otherwise provided in this subparagraph, the adjusted taxes of a unit of general local government are the taxes imposed by the unit for public purposes (except employee and employer assessments and contributions to finance retirement and social insurance systems and other special assessments for capital outlay), as determined by the Secretary of Commerce for general statistical purposes and adjusted (under regulations of the Secretary) to exclude amounts properly allocated to education expenses.

"(ii) The Secretary shall, for purposes of clause (i), include that part of sales taxes transferred to a unit of general local government that are imposed by a county government in the geographic area of which is located the unit of general local government as taxes imposed by the unit for public purposes if—

"(I) the county government transfers any part of the revenue from the taxes to the unit of general local government without specifying the purpose for which the unit of general local government may expend the revenue; and

"(II) the chief executive officer of the State notifies the Secretary that the taxes satisfy the requirements of this clause.

"(iii) The adjusted taxes of a unit of general local government shall not exceed the maximum allowable adjusted taxes for that unit.

"(iv) The maximum allowable adjusted taxes for a unit of general local government is the allowable adjusted taxes of the unit minus the excess adjusted taxes of the unit.

"(v) The allowable adjusted taxes of a unit of general government is the greater of—

"(I) the amount equal to 2.5, multiplied by the per capita adjusted taxes of all units of general local government of the same type in the State, multiplied by the population of the unit; or

"(II) the amount equal to the population of the unit, multiplied by the sum of the adjusted taxes of all units of municipal local government in the State, divided by the sum of the populations of all the units of municipal local government in the State.

"(vi) The excess adjusted taxes of a unit of general local government is the amount equal to—

"(I) the adjusted taxes of the unit, minus

"(II) 1.5 multiplied by the allowable adjusted taxes of the unit;

except that if this amount is less than zero then the excess adjusted taxes of the unit is deemed to be zero.

"(vii) For purposes of this subparagraph—

"(I) the term 'per capita adjusted taxes of all units of general local government of the same type' means the sum of the adjusted taxes of all units of general local government of the same type divided by the sum of the populations of all units of general local government of the same type; and

"(II) the term 'units of general local government of the same type' means all townships if the unit of general local government is a township, all municipalities if the unit of general local government is a municipality, all counties if the unit of general local government is a county, or all unified city/county governments if the unit of general local government is a unified city/county government.

"(4)(A) Except as provided in subparagraph (B), the income gap of a unit of general local government is—

"(i) the number which applies under section 6706, multiplied by the per capita income of the State in which the unit is located; minus

"(ii) the per capita income of the geographic area of the unit.

"(B) If the amount determined under subparagraph (A) for a unit of general local government is less than zero, then the relative income factor of the unit is deemed to be zero.

"(c) SMALL GOVERNMENT ALLOCATIONS.—If the Secretary decides that information available for a unit of general local government with a population below a number (of not more than 500) prescribed by the Secretary is inadequate, the Secretary may allocate to the unit, in lieu of any allocation under subsection (b) for a payment period, an amount bearing the same ratio to the total amount to be allocated under subsection (b) for the period for all units of general local government in the State as the population of the unit bears to the population of all units in the State.

"§ 6706. Income gap multiplier

"For purposes of determining the income gap of a unit of general local government under section 6705(b)(4)(A), the number which applies is—

"(1) 1.6, with respect to ½ of any amount allocated under section 6704 to the State in which the unit is located; and

"(2) 1.2, with respect to the remainder of such amount.

"§ 6707. State variation of local government allocations

"(a) STATE FORMULA.—A State government may provide by law for the allocation of amounts among units of general local government in the State on the basis of population multiplied by the general tax effort factors or income gaps of the units of general local government determined under sections 6705 (a) and (b) or a combination of those factors. A State government providing for a variation of an allocation formula provided under sections 6705 (a) and (b) shall notify the Secretary of the variation by the 30th day before the beginning of the first payment period in which the variation applies. A variation shall—

"(1) provide for allocating the total amount allocated under sections 6705 (a) and (b);

"(2) apply uniformly in the State; and

"(3) apply only to payment periods beginning before October 1, 1995.

"(b) CERTIFICATION.—A variation by a State government under this section may apply only if the Secretary certifies that the variation complies with this section. The Secretary may certify a variation only if the Secretary is notified of the variation at least 30 days before the first payment period in which the variation applies.

"§ 6708. Adjustments of local government allocations

"(a) MAXIMUM AMOUNT.—The amount allocated to a unit of general local government for a payment period may not exceed the adjusted taxes imposed by the unit of general local government as determined under section 6705(b)(3). Amounts in excess of adjusted taxes shall be paid to the Governor of the

State in which the unit of local government is located.

"(b) DE MINIMIS ALLOCATIONS.—If the amount allocated to a unit of general local government (except an Indian tribe or an Alaskan native village) for a payment period would be less than $5,000 but for this subsection or is waived by the governing authority of the unit of general local government, the Secretary shall pay the amount to the Governor of the State in which the unit is located.

"(c) USE OF PAYMENTS TO STATES.—The Governor of a State shall use all amounts paid to the Governor under subsections (a) and (b) for programs described in section 6701(a)(2) in areas of the State where are located the units of general local government with respect to which amounts are paid under subsection (b).

"§ 6709. Information used in allocation formulas

"(a) USE OF MOST RECENT INFORMATION.—Except as provided in this section, the Secretary shall use the most recent available information provided by the Secretary of Commerce and the Secretary of Labor before the beginning of the payment period to determine an allocation under this chapter. If the Secretary decides that the information is not current or complete enough to provide for a fair allocation, the Secretary may use additional information (including information based on estimates) as provided under regulations of the Secretary.

"(b) POPULATION DATA.—(1) The Secretary shall determine population on the same basis that the Secretary of Commerce determines resident population for general statistical purposes.

"(2) The Secretary shall request the Secretary of Commerce to adjust the population information provided to the Secretary as soon as practicable to include a reasonable estimate of the number of resident individuals not counted in the 1990 census or revisions of the census. The Secretary shall use the estimates in determining allocations for the payment period beginning after the Secretary receives the estimates. The Secretary shall adjust population information to reflect adjustments made under section 118 of the Act of October 1, 1980 (Public Law 96-369, 94 Stat. 1357).

"(c) ADDITIONAL DATA LIMITATIONS.—The Secretary may not—

"(1) in determining an allocation for a payment period, use information on tax collections for years more recent than the years used by the Secretary of Commerce in the most recent Bureau of the Census general determination of State and local taxes made before the beginning of that period; or

"(2) consider a change in information used to determine an allocation for a period of 60 months if the change—

"(A) results from a major disaster declared by the President under section 401 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

"(B) reduces the amount of an allocation.

"§ 6710. Public participation

"(a) HEARINGS.—(1) A unit of general local government expending payments under this chapter shall hold at least one public hearing on the proposed use of the payment in relation to its entire budget. At the hearing, persons shall be given an opportunity to provide written and oral views to the governmental authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment to the entire budget. The government shall hold the hearing at a time and a place that allows and encourages public attendance and participation.

"(2) A unit of general local government holding a hearing required under this subsection or by the budget process of the government shall try to provide senior citizens and senior citizen organizations with an opportunity to present views at the hearing before the government makes a final decision on the use of the payment.

"(b) DISCLOSURE OF INFORMATION.—(1) By the 10th day before a hearing required under subsection (a)(1) is held, a unit of general local government shall—

"(A) make available for inspection by the public at the principal office of the government a statement of the proposed use of the payment and a summary of the proposed budget of the government; and

"(B) publish in at least one newspaper of general circulation the proposed use of the payment with the summary of the proposed budget and a notice of the time and place of the hearing.

"(2) By the 30th day after adoption of the budget under State or local law, the government shall—

"(A) make available for inspection by the public at the principal office of the government a summary of the adopted budget, including the proposed use of the payment; and

"(B) publish in at least one newspaper of general circulation a notice that the information referred to in subparagraph (A) is available for inspection.

"(c) WAIVERS OF REQUIREMENTS.—Under regulations of the Secretary, a requirement—

"(1) under subsection (a)(1) may be waived if the budget process required under the applicable State or local law or charter provisions—

"(A) ensures the opportunity for public attendance and participation contemplated by subsection (a); and

"(B) includes a hearing on the proposed use of a payment received under this chapter in relation to the entire budget of the government; and

"(2) under subsection (b)(1)(B) and (2)(B) may be waived if the cost of publishing the information would be unreasonably burdensome in relation to the amount allocated to the government from amounts available for payment under this chapter, or if publication is otherwise impracticable.

"(d) EXCEPTION TO 10-DAY LIMITATION.—If the Secretary is satisfied that a unit of general local government will provide adequate notice of the proposed use of a payment received under this chapter, the 10-day period under subsection (b)(1) may be changed to the extent necessary to comply with applicable State or local law.

"(e) APPLICATION TO GOVERNMENTS WITHOUT BUDGETS.—The Secretary shall prescribe regulations for applying this section to units of general local government that do not adopt budgets.

"§ 6711. Prohibited discrimination

"(a) GENERAL PROHIBITION.—No person in the United States shall be excluded from participating in, be denied the benefits of, or be subject to discrimination under, a program or activity of a unit of general local government because of race, color, national origin, or sex if the government receives a payment under this chapter.

"(b) ADDITIONAL PROHIBITIONS.—The following prohibitions and exemptions also apply to a program or activity of a unit of general local government if the government receives a payment under this chapter:

"(1) A prohibition against discrimination because of age under the Age Discrimination Act of 1975.

"(2) A prohibition against discrimination against an otherwise qualified handicapped individual under section 504 of the Rehabilitation Act of 1973.

"(3) A prohibition against discrimination because of religion, or an exemption from that prohibition, under the Civil Rights Act of 1964 or title VIII of the Act of April 11, 1968 (popularly known as the Civil Rights Act of 1968).

"(c) LIMITATIONS ON APPLICABILITY OF PROHIBITIONS.—Subsections (a) and (b) do not apply if the government shows, by clear and convincing evidence, that a payment received under this chapter is not used to pay for any part of the program or activity with respect to which the allegation of discrimination is made.

"(d) INVESTIGATION AGREEMENTS.—The Secretary shall try to make agreements with heads of agencies of the United States Government and State agencies to investigate noncompliance with this section. An agreement shall—

"(1) describe the cooperative efforts to be taken (including sharing civil rights enforcement personnel and resources) to obtain compliance with this section; and

"(2) provide for notifying immediately the Secretary of actions brought by the United States Government or State agencies against a unit of general local government alleging a violation of a civil rights law or a regulation prescribed under a civil rights law.

"§ 6712. Discrimination proceedings

"(a) NOTICE OF NONCOMPLIANCE.—By the 10th day after the Secretary makes a finding of discrimination or receives a holding of discrimination about a unit of general local government, the Secretary shall submit a notice of noncompliance to the government. The notice shall state the basis of the finding or holding.

"(b) INFORMAL PRESENTATION OF EVIDENCE.—A unit of general local government may present evidence informally to the Secretary within 30 days after the government receives a notice of noncompliance from the Secretary. Except as provided in subsection (e), the government may present evidence on whether—

"(1) a person in the United States has been excluded or denied benefits of, or discriminated against under, the program or activity of the government, in violation of section 6711(a);

"(2) the program or activity of the government violated a prohibition described in section 6711(b); and

"(3) any part of that program or activity has been paid for with a payment received under this chapter.

"(c) TEMPORARY SUSPENSION OF PAYMENTS.—By the end of the 30-day period under subsection (b), the Secretary shall decide whether the unit of general local government has not complied with section 6711 (a) or (b), unless the government has entered into a compliance agreement under section 6714. If the Secretary decides that the government has not complied, the Secretary shall notify the government of the decision and shall suspend payments to the government under this chapter unless, within 10 days after the government receives notice of the decision, the government—

"(1) enters into a compliance agreement under section 6714; or

"(2) requests a proceeding under subsection (d)(1).

"(d) ADMINISTRATIVE REVIEW OF SUSPENSIONS.—(1) A proceeding requested under sub-

section (c)(2) shall begin by the 30th day after the Secretary receives a request for the proceeding. The proceeding shall be before an administrative law judge appointed under section 3105 of title 5. By the 30th day after the beginning of the proceeding, the judge shall issue a preliminary decision based on the record at the time on whether the unit of general local government is likely to prevail in showing compliance with section 6711 (a) or (b).

"(2) If the administrative law judge decides at the end of a proceeding under paragraph (1) that the unit of general local government has—

"(A) not complied with section 6711 (a) or (b), the judge may order payments to the government under this chapter terminated; or

"(B) complied with section 6711 (a) or (b), a suspension under section 6713(a)(1)(A) shall be discontinued promptly.

"(3) An administrative law judge may not issue a preliminary decision that the government is not likely to prevail if the judge has issued a decision described in paragraph (2)(A).

"(e) BASIS FOR REVIEW.—In a proceeding under subsections (b) through (d) on a program or activity of a unit of general local government about which a holding of discrimination has been made, the Secretary or administrative law judge may consider only whether a payment under this chapter was used to pay for any part of the program or activity. The holding of discrimination is conclusive. If the holding is reversed by an appellate court, the Secretary or judge shall end the proceeding.

"§6713. Suspension and termination of payments in discrimination proceedings

"(a) IMPOSITION AND CONTINUATION OF SUSPENSIONS.—(1) The Secretary shall suspend payment under this chapter to a unit of general local government—

"(A) if an administrative law judge appointed under section 3105 of title 5 issues a preliminary decision in a proceeding under section 6712(d)(1) that the government is not likely to prevail in showing compliance with section 6711 (a) and (b);

"(B) if the administrative law judge decides at the end of the proceeding that the government has not complied with section 6711 (a) or (b), unless the government makes a compliance agreement under section 6714 by the 30th day after the decision; or

"(C) if required under section 6712(c).

"(2) A suspension already ordered under paragraph (1)(A) continues in effect if the administrative law judge makes a decision under paragraph (1)(B).

"(b) LIFTING OF SUSPENSIONS AND TERMINATIONS.—If a holding of discrimination is reversed by an appellate court, a suspension or termination of payments in a proceeding based on the holding shall be discontinued.

"(c) RESUMPTION OF PAYMENTS UPON ATTAINING COMPLIANCE.—The Secretary may resume payment to a unit of general local government of payments suspended by the Secretary only—

"(1) as of the time of, and under the conditions stated in—

"(A) the approval by the Secretary of a compliance agreement under section 6714(a)(1); or

"(B) a compliance agreement entered into by the Secretary under section 6714(a)(2);

"(2) if the government complies completely with an order of a United States court, a State court, or administrative law judge that covers all matters raised in a notice of noncompliance submitted by the Secretary under section 6712(a);

"(3) if a United States court, a State court, or an administrative law judge decides (including a judge in a proceeding under section 6712(d)(1)), that the government has complied with sections 6711 (a) and (b); or

"(4) if a suspension is discontinued under subsection (b).

"(d) PAYMENT OF DAMAGES AS COMPLIANCE.—For purposes of subsection (c)(2), compliance by a government may consist of the payment of restitution to a person injured because the government did not comply with section 6711 (a) or (b).

"(e) RESUMPTION OF PAYMENTS UPON REVERSAL BY COURT.—The Secretary may resume payment to a unit of general local government of payments terminated under section 6712(d)(2)(A) only if the decision resulting in the termination is reversed by an appellate court.

"§6714. Compliance agreements

"(a) TYPES OF COMPLIANCE AGREEMENTS.—A compliance agreement is an agreement—

"(1) approved by the Secretary, between the governmental authority responsible for prosecuting a claim or complaint that is the basis of a holding of discrimination and the chief executive officer of the unit of general local government that has not complied with section 6711 (a) or (b); or

"(2) between the Secretary and the chief executive officer.

"(b) CONTENTS OF AGREEMENTS.—A compliance agreement—

"(1) shall state the conditions the unit of general local government has agreed to comply with that would satisfy the obligations of the government under sections 6711 (a) and (b);

"(2) shall cover each matter that has been found not to comply, or would not comply, with section 6711 (a) or (b); and

"(3) may be a series of agreements that dispose of those matters.

"(c) AVAILABILITY OF AGREEMENTS TO PARTIES.—The Secretary shall submit a copy of a compliance agreement to each person who filed a complaint referred to in section 6716(b), or, if an agreement under subsection (a)(1), each person who filed a complaint with a governmental authority, about a failure to comply with section 6711 (a) or (b). The Secretary shall submit the copy by the 15th day after an agreement is made. However, if the Secretary approves an agreement under subsection (a)(1) after the agreement is made, the Secretary may submit the copy by the 15th day after approval of the agreement.

"§6715. Enforcement by the Attorney General of prohibitions on discrimination

"The Attorney General may bring a civil action in an appropriate district court of the United States against a unit of general local government that the Attorney General has reason to believe has engaged or is engaging in a pattern or practice in violation of section 6711 (a) or (b). The court may grant—

"(1) a temporary restraining order;

"(2) an injunction; or

"(3) an appropriate order to ensure enjoyment of rights under section 6711 (a) or (b), including an order suspending, terminating, or requiring repayment of, payments under this chapter or placing additional payments under this chapter in escrow pending the outcome of the action.

"§6716. Civil action by a person adversely affected

"(a) AUTHORITY FOR PRIVATE SUITS IN FEDERAL OR STATE COURT.—If a unit of general local government, or an officer or employee of a unit of general local government acting in an official capacity, engages in a practice prohibited by this chapter, a person adversely affected by the practice may bring a civil action in an appropriate district court of the United States or a State court of general jurisdiction. Before bringing an action under this section, the person must exhaust administrative remedies under subsection (b).

"(b) ADMINISTRATIVE REMEDIES REQUIRED TO BE EXHAUSTED.—A person adversely affected shall file an administrative complaint with the Secretary or the head of another agency of the United States Government or the State agency with which the Secretary has an agreement under section 6711(d). Administrative remedies are deemed to be exhausted by the person after the 90th day after the complaint was filed if the Secretary, the head of the Government agency, or the State agency—

"(1) issues a decision that the government has not failed to comply with this chapter; or

"(2) does not issue a decision on the complaint.

"(c) AUTHORITY OF COURT.—In an action under this section, the court—

"(1) may grant—

"(A) a temporary restraining order;

"(B) an injunction; or

"(C) another order, including suspension, termination, or repayment of, payments under this chapter or placement of additional payments under this chapter in escrow pending the outcome of the action; and

"(2) to enforce compliance with section 6711 (a) or (b), may allow a prevailing party (except the United States Government) a reasonable attorney's fee.

"(d) INTERVENTION BY ATTORNEY GENERAL.—In an action under this section to enforce compliance with section 6711 (a) or (b), the Attorney General may intervene in the action if the Attorney General certifies that the action is of general public importance. The United States Government is entitled to the same relief as if the Government had brought the action and is liable for the same fees and costs as a private person.

"§6717. Judicial review

"(a) APPEALS IN FEDERAL COURT OF APPEALS.—A unit of general local government which receives notice from the Secretary about withholding payments under section 6703(c), suspending payments under section 6713(a)(1)(B), or terminating payments under section 6712(d)(2)(A), may apply for review of the action of the Secretary by filing a petition for review with the court of appeals of the United States for the circuit in which the government is located. The petition shall be filed by the 60th day after the date the notice is received. The clerk of the court shall immediately send a copy of the petition to the Secretary.

"(b) FILING OF RECORD OF ADMINISTRATIVE PROCEEDING.—The Secretary shall file with the court a record of the proceeding on which the Secretary based the action. The court may consider only objections to the action of the Secretary that were presented before the Secretary.

"(c) COURT ACTION.—The court may affirm, change, or set aside any part of the action of the Secretary. The findings of fact by the Secretary are conclusive if supported by substantial evidence in the record. If a finding is not supported by substantial evidence in the record, the court may remand the case to the Secretary to take additional evidence. Upon such a remand, the Secretary may make new or modified findings and shall certify additional proceedings to the court.

"(d) REVIEW ONLY BY SUPREME COURT.—A judgment of a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28.

"§ 6718. Audits, investigations, and reviews

"(a) INDEPENDENT AUDIT.—(1) Except as provided in this section, a unit of general local government that receives a payment under this chapter shall have an independent audit made of the financial statements of the government at least as often as is required by paragraph (2) to determine compliance with this chapter. The audit shall be carried out under generally accepted government auditing standards issued by the Comptroller General of the United States.

"(2) Paragraph (1) does not apply to a unit of general local government for a fiscal year in which the government receives less than $25,000 under this chapter. A unit of general local government which receives at least $25,000 but not more than $100,000 under this chapter for a fiscal year shall have an audit made in accordance with paragraph (1) at least once every 3 years. A government which receives more than $100,000 under this chapter for a fiscal year shall have an audit made in accordance with paragraph (1) for such fiscal year, except that, if the government operates on a biennial fiscal period, such audit may be made biennially but shall cover the financial statement or statements for, and compliance with the requirements of the chapter during, both years within such period.

"(3) An audit of financial statements of a unit of general local government carried out under another law of the United States for a fiscal year is deemed to be in compliance with paragraph (1) for that year if the audit substantially complies with the requirements of paragraph (1).

"(b) WAIVER BY LOCAL GOVERNMENT.—A unit of general local government may waive application of subsection (a)(1) if—

"(1) the financial statements of the government are audited by independent auditors under State or local law at least as often as would be required by subsection (a)(2);

"(2) the government certifies that the audit is carried out under generally accepted auditing standards issued by the Comptroller General of the United States;

"(3) the auditing provisions of the State or local law are applicable to the payment period to which the waiver applies; and

"(4) the government submits to the Secretary a brief description of the auditing standards used under the relevant State or local law and specification of the payment period to which the waiver applies.

"(c) WAIVER BY SECRETARY.—Under regulations of the Secretary, the Secretary may waive any requirement under subsection (a)(1) or (b) for a unit of general local government for a fiscal year if the Secretary decides that the financial statements of the government for the year—

"(1) cannot be audited, and the government shows substantial progress in making the statements auditable; or

"(2) have been audited by a State agency that does not follow generally accepted auditing standards issued by the Comptroller General of the United States or that is not independent, and the State agency shows progress in meeting those auditing standards or in becoming independent.

"(d) SERIES OF AUDITS.—A series of audits carried out over a period of not more than 3 years covering the total amount in the financial accounts of a unit of general local government is deemed to be a single audit under subsections (a)(1) and (b) of this section.

"(e) AUDIT OPINION.—An opinion of an audit carried out under this section shall be provided to the Secretary in the form and at times required by the Secretary. No later than 30 days following the completion of the audit, the unit of general local government shall make the audit report available for public inspection.

"(f) INVESTIGATIONS BY SECRETARY.—(1) The Secretary shall maintain regulations providing reasonable and specific time limits for the Secretary to—

"(A) carry out an investigation and make a finding after receiving a complaint referred to in section 6716(b), a determination by a State or local administrative agency, or other information about a possible violation of this chapter;

"(B) carry out audits and reviews (including investigations of allegations) about possible violations of this chapter; and

"(C) advise a complainant of the status of an audit, investigation, or review of an allegation by the complainant of a violation of section 6711 (a) or (b) or other provision of this chapter.

"(2) The maximum time limit under paragraph (1)(A) is 90 days.

"(g) REVIEWS BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall carry out reviews of the activities of the Secretary, State governments, and units of general local government necessary for the Congress to evaluate compliance and operations under this chapter.

"§ 6719. Reports

"(a) REPORTS BY SECRETARY OF TREASURY TO CONGRESS.—Before June 2 of each year, the Secretary personally shall report to the Congress on—

"(1) the status and operation of the Local Government Fiscal Assistance Fund during the prior fiscal year; and

"(2) the administration of this chapter, including a complete and detailed analysis of—

"(A) actions taken to comply with sections 6711 through 6715, including a description of the kind and extent of noncompliance and the status of pending complaints;

"(B) the extent to which units of general local government receiving payments under this chapter have complied with sections 6702 and 6718 (a), (b), and (d), including a description of the kind and extent of noncompliance and actions taken to ensure the independence of audits conducted under section 6718 (a), (b), and (d);

"(C) the way in which payments under this chapter have been distributed in the jurisdictions receiving payments; and

"(D) significant problems in carrying out this chapter and recommendations for legislation to remedy the problems.

"(b) REPORTS BY UNITS OF GENERAL LOCAL GOVERNMENT TO SECRETARY OF TREASURY.—(1) At the end of each fiscal year, each unit of general local government which received a payment under this chapter for the fiscal year shall submit a report to the Secretary. The report shall be submitted in the form and at a time prescribed by the Secretary and shall be available to the public for inspection. The report shall state—

"(A) the amounts and purposes for which the payment has been appropriated, expended, or obligated in the fiscal year;

"(B) the relationship of the payment to the relevant functional items in the budget of the government; and

"(C) the differences between the actual and proposed use of the payment.

"(2) The Secretary shall provide a copy of a report submitted under paragraph (1) by a unit of general local government to the chief executive officer of the State in which the government is located. The Secretary shall provide the report in the manner and form prescribed by the Secretary.

"(c) REGULATIONS.—The Secretary shall prescribe regulations for applying this section to units of general local government that do not adopt budgets.

"§ 6720. Definitions and application

"(a) DEFINITIONS.—In this chapter—

"(1) 'unit of general local government' means—

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

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

"(2) 'payment period' means each 1-year period beginning on October 1 of 1994 and 1995;

"(3) 'State and local taxes' means taxes imposed by a State government or unit of general local government or other political subdivision of a State government for public purposes (except employee and employer assessments and contributions to finance retirement and social insurance systems and other special assessments for capital outlay) as determined by the Secretary of Commerce for general statistical purposes;

"(4) 'State' means any of the several States and the District of Columbia;

"(5) 'income' means the total money income received from all sources as determined by the Secretary of Commerce for general statistical purposes;

"(6) 'per capita income' means—

"(A) in the case of the United States, the income of the United States divided by the population of the United States;

"(B) in the case of a State, the income of that State, divided by the population of that State; and

"(C) in the case of a unit of general local government, the income of that unit of general local government divided by the population of the unit of general local government;

"(7) 'finding of discrimination' means a decision by the Secretary about a complaint described in section 6716(b), a decision by a State or local administrative agency, or other information (under regulations prescribed by the Secretary) that it is more likely than not that a unit of general local government has not complied with section 6711 (a) or (b);

"(8) 'holding of discrimination' means a holding by a United States court, a State court, or an administrative law judge appointed under section 3105 of title 5, that a unit of general local government expending amounts received under this chapter has—

"(A) excluded a person in the United States from participating in, denied the person the benefits of, or subjected the person to discrimination under, a program or activity because of race, color, national origin, or sex; or

"(B) violated a prohibition against discrimination described in section 6711(b); and

"(9) 'Secretary' means the Secretary of the Treasury.

"(b) TREATMENT OF SUBSUMED AREAS.—If the entire geographic area of a unit of general local government is located in a larger entity, the unit of general local government is deemed to be located in the larger entity. If only part of the geographic area of a unit is located in a larger entity, each part is

deemed to be located in the larger entity and to be a separate unit of general local government in determining allocations under this chapter. Except as provided in regulations prescribed by the Secretary, the Secretary shall make all data computations based on the ratio of the estimated population of the part to the population of the entire unit of general local government.

"(c) BOUNDARY AND OTHER CHANGES.—If a boundary line change, a State statutory or constitutional change, annexation, a governmental reorganization, or other circumstance results in the application of sections 6704 through 6708 in a way that does not carry out the purposes of sections 6701 through 6708, the Secretary shall apply sections 6701 through 6708 under regulations of the Secretary in a way that is consistent with those purposes.".

(b) DEFICIT NEUTRALITY.—Any appropriation to carry out the amendment made by this subtitle to title 31, United States Code, for fiscal year 1995 or 1996 shall be offset by cuts elsewhere in appropriations for that fiscal year.

SEC. 1076. CLERICAL AMENDMENT.

The table of chapters at the beginning of subtitle V of title 31, United States Code, is amended by adding after the item relating to chapter 65 the following:

"67. Federal Payments ..... 6701".

Subtitle J—Employment and Skills Crime Prevention

SEC. 1081. STATEMENT OF PURPOSE.

(a) PURPOSE.—The purpose of this subtitle is to reduce crime in neighborhoods with high incidences of crime and poverty through intensive programs that provide employment opportunities for young adults in those neighborhoods.

(b) DEFINITION.—As used in this subtitle, "high crime area" means an area with severe crime problems, including a high incidence of violent crime or drug trafficking.

SEC. 1082. PROGRAM AUTHORIZED.

The Secretary of Labor in conjunction with the Attorney General and Secretary of Housing and Urban Development, and in consultation with appropriate other Federal officials, may make grants to local governments to fund targeted youth employment and skills development projects to help reduce crime in target areas as defined in section 1083.

SEC. 1083. PROGRAM TARGET AREA.

The target area or areas of each grant shall be neighborhoods which are high crime areas with high unemployment among young adults and other serious economic and social problems.

SEC. 1084. PARTICIPANTS.

(a) ELIGIBLE POPULATION.—Young adults residing or attending school in the target area shall be eligible to participate in programs funded under this subtitle if they are between 16 and 25 years of age. In certain circumstances, as determined by the Attorney General and the Secretaries of Labor and Housing and Urban Development (referred to in this subtitle as the "Secretaries"), young adults up to age 30 and youth age 14 to 15 may also be eligible to participate.

(b) RESPONSIBLE BEHAVIOR BY PARTICIPANTS.—Continued participation in a program under this subtitle shall be conditioned, during participation in the program, on the following—

(1) avoiding crime, including illegal drug use;

(2) regular attendance and satisfactory performance at work;

(3) paying child support when paternity has been established and the participant has an income;

(4) in-school young adults in high school remaining in school until graduation; and

(5) requiring young adults ages 16–17 who have dropped out of high school and who have not obtained a General Equivalency Diploma (GED) to return to school or an alternative education program.

SEC. 1085. ALLOWABLE ACTIVITIES.

(a) EXPENDITURE OF FUNDS.—Funds awarded under this subtitle shall be expended only for crime prevention related activities undertaken to carry out an approved application, such as—

(1) apprenticeship programs linking work and learning;

(2) on-the-job training in the private sector;

(3) youth conservation and service corps;

(4) programs emphasizing neighborhood infrastructure, such as YouthBuild and employment of public housing residents;

(5) work experience in private nonprofit organizations and public agencies;

(6) entrepreneurial and microenterprise development;

(7) crime prevention and security measures for profit and not-for-profit businesses employing substantial numbers of youth from high crime areas;

(8) transportation links to jobs in the labor market area;

(9) initiatives to increase the educational attainment, occupational skills, and career aspirations of target area young adults, including work-based learning; and

(10) job placement and related case management, followup, and other supportive services.

(b) WORK EXPERIENCE PROGRAMS.—Work experience programs funded under this subtitle shall—

(1) pay wages in accordance with the Fair Labor Standards Act and relevant State law;

(2) include adequate supervision, equipment, and materials and supplies to accomplish useful work projects;

(3) include a private sector job development component to facilitate the transition of participants to private sector jobs, which shall include developing portfolios of skill attainment, mentorship opportunities, and other efforts to increase job networks for participants; and

(4) include an extensive job placement component.

(c) 2-YEAR LIMITATION.—The combination of all subsidized employment for a participant shall not exceed 2 years.

SEC. 1086. APPLICATION FOR GRANTS.

(a) APPLICATION PLAN.—To be eligible to receive a grant under this subtitle, a chief local elected official, with the timely review and comment of the Governor, shall apply to the Secretary of Labor for a Youth Employment and Skills Crime Prevention grant by submitting an application that contains a plan for reducing crime by substantially increasing the employment levels of youth adults in the target area. Such a plan shall—

(1) describe the measurable outcomes that will be used to evaluate the local success of the program, including reduced crime and substance abuse, increased private sector employment, reduced school dropout rates, and increased educational attainment;

(2) specify the organization that will administer the program;

(3) describe the specific employment programs that will be offered by the program;

(4) describe the public/private partnership that will promote collaboration between the State and local governments, private sector, public housing authorities, local residents, community-based organizations, and nonprofit organizations, including linkage with community policing, gang prevention activities, and juvenile justice or delinquency prevention initiatives;

(5) specify how the public and private sectors will work together to assist youth and young adults to make the transition from subsidized to unsubsidized jobs;

(6) describe how links to jobs throughout the labor market area will be provided;

(7) specify the manner in which the job network for youth and young adults will be expanded by mentors and other programs; and

(8) such other information as the Secretary of Labor in conjunction with the Attorney General and Secretary of Housing and Urban Development may require.

(b) COORDINATION WITH OTHER FEDERAL PROGRAMS.—The application must demonstrate that the proposed Youth Employment and Skills Crime Prevention program will build upon and be coordinated with other Federal initiatives relating to such matters as crime control and prevention, youth employment, education, economic development, community service, or social services.

(c) LEVERAGING AND LINKAGES.—As a condition of a grant award, local areas shall establish linkages with the local private sector, local employment and job training programs, and other appropriate entities to enhance the provision of services under this subtitle. Such activities may include leveraging by and linkages with—

(1) the local private sector to—

(A) develop a mentoring program to improve the job network for young adults in the target area;

(B) develop a specified number of career-track jobs for young adults graduating from high school and college in the target area;

(C) develop part-time jobs to support young adults while they are receiving job training, or secondary or post-secondary education; and

(D) develop apprenticeship programs with unions that provide matching funds to create training and employment opportunities;

(2) the local service delivery area under the Job Training Partnership Act to identify funds—

(A) for on-the-job training and work-based training programs, based on successful program models, for residents of the target area;

(B) to develop a summer jobs program for in-school young adults residing in the target area;

(C) for new youth initiatives in the target area; and

(D) for child care and supportive services;

(3) local programs to provide employment services and supportive services, such as transportation service to link target area residents to jobs in the labor market area; and

(4) the local educational agency to provide activities that will support the program and assist in achieving the goals specified in the application.

SEC. 1087. AWARD PRIORITIES.

In evaluating the applications submitted under this subtitle, the Secretaries and the Attorney General shall give priority to applications that—

(1) demonstrate extensive community support and linkages to crime prevention programs and employment related programs;

(2) target areas that include public and assisted housing projects;

(3) demonstrate evidence of severe social and economic problems;

(4) demonstrate the highest quality program design, implementation plan, and goals to be achieved; and

(5) include other Federal and non-Federal funding, including State, local, or private resources.

SEC. 1088. GRANT DURATION AND NUMBER.

(a) DURATION OF GRANTS.—Grants shall be for 1 year, and renewable for each of the 4 succeeding years.

(b) NUMBER OF GRANTS.—There shall be no more than 10 grants awarded under this subtitle.

SEC. 1089. FEDERAL RESPONSIBILITIES.

(a) IN GENERAL.—The Secretary of Labor in conjunction with the Attorney General and the Secretary of Housing and Urban Development shall establish a system of performance measures for assessing programs established pursuant to this subtitle.

(b) EVALUATION.—The Secretary of Labor in conjunction with the Attorney General and Secretary of Housing and Urban Development shall conduct a rigorous national evaluation of Youth Employment and Skills Crime Prevention programs funded under this subtitle that will track and assess the effectiveness of those programs, and include an evaluation of the extent to which such programs reduce crime and substance abuse, enhance the employment and earnings of participants, promote entrepreneurship, reduce dropout rates, and increase educational attainment. The evaluation may include cost-benefit analyses and shall utilize sound statistical methods and techniques.

(c) TECHNICAL ASSISTANCE.—The Secretary of Labor in conjunction with the Attorney General and the Secretary of Housing and Urban Development may provide appropriate technical assistance to carry out Youth Employment and Skills Crime Prevention programs under this subtitle.

(d) ADMINISTRATION.—The technical assistance and evaluations authorized by this section may be carried out directly by the Secretary of Labor or through grants, contracts, or other cooperative arrangements with the Attorney General, the Secretary of Housing and Urban Development, or other entities or agencies.

SEC. 1090. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Labor $75,000,000 for fiscal year 1995, $100,000,000 for fiscal year 1996, $110,000,000 for fiscal year 1997, $115,000,000 for fiscal year 1998, and $125,000,000 for fiscal year 1999 to carry out this subtitle.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to remain available for obligation until expended.

(c) EVALUATIONS AND TECHNICAL ASSISTANCE.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary of Labor in conjunction with the Attorney General and Secretary of Housing and Urban Development may reserve not more than 5 percent of such amounts for each fiscal year to carry out evaluations and technical assistance.

SEC. 1091. SANCTIONS.

The Secretary of Labor may terminate or suspend financial assistance, in whole or in part, to a recipient or refuse to extend a grant for a recipient, if the Secretary of Labor in conjunction with the Attorney General and Secretary of Housing and Urban Development determines that the recipient has failed to meet the requirements of this subtitle, or any regulations or guidelines under this subtitle, or any approved application submitted pursuant to this subtitle.

SEC. 1092. LABOR STANDARDS.

Labor standards under the Job Training Partnership Act (29 U.S.C. 1553) shall apply to programs under this subtitle.

SEC. 1093. REGULATIONS OR GUIDELINES.

The Secretary of Labor in conjunction with the Attorney General and Secretary of Housing and Urban Development shall issue such regulations or guidelines as may be necessary to carry out the purposes of this subtitle.

SEC. 1094. WAIVERS.

The Secretary of Labor in conjunction with the Attorney General and Secretary of Housing and Urban Development may prescribe regulations or guidelines that establish criteria for waiver of application requirements of programs to the extent that they duplicate or conflict with the requirements specified in similar laws.

SEC. 1095. PROHIBITION ON PRIVATE RIGHTS OF ACTION.

Nothing in this subtitle shall be construed to establish a right for any person to bring an action to obtain services under this subtitle.

SEC. 1096. ACCEPTANCE OF GIFTS, AND OTHER MATTERS.

The Secretaries and Attorney General are authorized, in carrying out this subtitle, to accept, purchase, or lease in the name of the Department of Justice or the Department of Labor or the Department of Housing and Urban Development, and employ or dispose of in furtherance of the purposes of this subtitle, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31.

Subtitle K—Miscellaneous

SEC. 1098. MULTIJURISDICTIONAL GANG TASK FORCES.

Section 504(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "or multijurisdictional gang task forces" after "drug task forces".

TITLE XI—YOUTH VIOLENCE

SEC. 1101. PROSECUTION AS ADULTS OF CERTAIN JUVENILES FOR CRIMES OF VIOLENCE.

(a) PROSECUTION AS ADULTS.—The 4th undesignated paragraph of section 5032 of title 18, United States Code, is amended by striking "; however" and inserting ". In the application of the preceding sentence, if the crime of violence is an offense under section 113(a), 113(b), 113(c), 1111, 1113, or, if the juvenile possessed a firearm during the offense, section 2111, 2113, 2241(a), or 2241(c) of this title, 'thirteen' shall be substituted for 'fifteen' and 'thirteenth' shall be substituted for 'fifteenth'. Notwithstanding sections 1152 and 1153 of this title, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to the preceding sentence 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 elected that the preceding sentence have effect over land and persons subject to its criminal jurisdiction. However".

(b) FEDERAL PRIORITY IN DEALING WITH CERTAIN CRIMES.—The first undesignated paragraph of section 5032 of title 18, United States Code, is amended by inserting " or an offense that is a crime of violence under section 113(a), 113(b), 113(c), 1111, 1113, or if the juvenile possessed a firearm during the offense, section 2111, 2113, 2241(a), or 2241(c) of this title" after "not exceed six months".

SEC. 1102. COMMENCEMENT OF JUVENILE PROCEEDING.

Section 5032 of title 18, United States Code, is amended by striking "Any proceedings against a juvenile under this chapter or as an adult shall not be commenced until" and inserting "A juvenile shall not be transferred to adult prosecution nor shall a hearing be held under section 5037 (disposition after a finding of juvenile delinquency) until".

SEC. 1103. SEPARATION OF JUVENILE FROM ADULT OFFENDERS.

Section 5039 of title 18, United States Code, is amended by inserting ", whether pursuant to an adjudication of delinquency or conviction for an offense," after "committed" the first place it appears.

TITLE XII—CHILD SEXUAL ABUSE PREVENTION ACT OF 1994

SEC. 1201. 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 new section:

"§ 2259. Production of sexually explicit depictions of a minor for importation into the United States

"(a) USE OF MINOR.—A 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 the minor engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, intending that the visual depiction will be imported into the United States or into waters within 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

"(b) USE OF VISUAL DEPICTION.—A person who, 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 the visual depiction involved the use of a minor engaging in sexually explicit conduct), intending that the 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, shall be punished as provided in subsection (c).

"(c) PENALTIES.—A person who violates subsection (a) or (b), or conspires or attempts to do so—

"(1) shall be fined under this title, imprisoned not more than 10 years, or both; and

"(2) if the person has a prior conviction under this chapter or chapter 109A, shall be fined under this title, imprisoned not more than 20 years, or both.".

(b) TECHNICAL AMENDMENT.—

(1) CHAPTER ANALYSIS.—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 new item:

"2259. Production of sexually explicit depictions of a minor for importation into the United States.".

(2) FINE PROVISIONS.—Section 2251(d) of title 18, United States Code, is amended—

(A) by striking "not more than $100,000, or" and inserting "under this title,";

(B) by striking "not more than $200,000, or" and inserting "under this title,"; and

(C) by striking "not more than $250,000" and inserting "under this title".

(c) 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".

(d) 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".

(e) 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 violate," after "violates" each place it appears.

(f) RICO AMENDMENT.—Section 1961(1) of title 18, United States Code, is amended by striking "2251-2252" and inserting "2251, 2252, and 2259".

(g) TRANSPORTATION OF MINORS.—Chapter 117 of title 18, United States Code, is amended—

(1) by adding at the end the following new section:

"§ 2425. Travel with intent to engage in a sexual act with a juvenile

"A person who travels in interstate commerce, or conspires to do so, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, or conspires to do so, for the purpose of engaging in any sexual act (as defined in section 2245) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States shall be fined under this title, imprisoned not more than 10 years, or both."; and

(2) in the table of sections at the beginning, by adding at the end the following new item:

"2425. Travel with intent to engage in a sexual act with a juvenile.".

SEC. 1202. SENSE OF CONGRESS CONCERNING STATE LEGISLATION REGARDING CHILD PORNOGRAPHY.

It is the sense of the Congress that each State that has not yet done so should enact legislation prohibiting the production, distribution, receipt, or simple possession of materials depicting a person under 18 years of age engaging in sexually explicit conduct (as defined in section 2256 of title 18, United States Code) and providing for a maximum imprisonment of at least 1 year and for the forfeiture of assets used in the commission or support of, or gained from, such offenses.

TITLE XIII—JACOB WETTERLING CRIMES AGAINST CHILDREN REGISTRATION ACT

SEC. 1301. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—The Attorney General shall establish guidelines for State programs requiring any person who is convicted of a criminal offense against a victim who is a minor to register a current address with a designated State law enforcement agency for 10 years after release from prison, or being placed on parole, supervised release, or probation.

(2) DEFINITION.—For purposes of this subsection, the term "criminal offense against a victim who is a minor" means any criminal offense that consists of—

(A) kidnapping of a minor, except by a parent;

(B) false imprisonment of a minor, except by a parent;

(C) criminal sexual conduct toward a minor;

(D) solicitation of a minor to engage in sexual conduct;

(E) use of a minor in a sexual performance;

(F) solicitation of a minor to practice prostitution;

(G) any conduct that by its nature is a sexual offense against a minor; or

(H) an attempt to commit an offense described in any of subparagraphs (A) through (G) of this paragraph, if the State—

(i) makes such an attempt a criminal offense; and

(ii) chooses to include such an offense in those which are criminal offenses against a victim who is a minor for the purposes of this section.

(b) REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, SUPERVISED RELEASE, OR PROBATION.—An approved State registration program established under this section shall contain the following requirements:

(1) DUTY OF STATE PRISON OFFICIAL OR COURT.—If a person who is required to register under this section is released from prison, or placed on parole, supervised release, or probation, a State prison officer, or in the case of probation, the court, shall—

(A) inform the person of the duty to register and obtain the information required for such registration;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing within 10 days;

(C) inform the person that if the person changes residence to another State, the person shall register the new address with the law enforcement agency with whom the person last registered, and the person is also required to register with a designated law enforcement agency in the new State not later than 10 days after establishing residence in the new State, if the new State has a registration requirement;

(D) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(E) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(2) TRANSFER OF INFORMATION TO STATE AND THE F.B.I.—The officer, or in the case of a person placed on probation, the court, shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit the conviction data and fingerprints to the Federal Bureau of Investigation.

(3) ANNUAL VERIFICATION.—On each anniversary of a person's initial registration date during the period in which the person is required to register under this section, the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person. The person shall mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form. The verification form shall be signed by the person, and state that the person still resides at the address last reported to the designated State law enforcement agency. If the person fails to mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form, the person shall be in violation of this section unless the person proves that the person has not changed his or her residence address.

(4) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESS.—Any change of address by a person required to register under this section reported to the designated State law enforcement agency shall immediately be reported to the appropriate law enforcement agency having jurisdiction where the person is residing. The designated law enforcement agency shall, if the person changes residence to another State, notify the person of the law enforcement agency with which the person must register in the new State, if the new State has a registration requirement.

(5) PRIVACY OF DATA.—The information collected under a State registration program shall be treated as private data on individuals and may be disclosed only to law enforcement agencies for investigative purposes or to government agencies conducting confidential background checks with fingerprints on applicants for child care positions or other positions involving contact with children.

(c) REGISTRATION FOR CHANGE OF ADDRESS TO ANOTHER STATE.—A person who has been convicted of an offense which triggered registration in a State shall register the new address with a designated law enforcement agency in another State to which the person moves not later than 10 days after such person establishes residence in the new State, if the new State has a registration requirement.

(d) REGISTRATION FOR 10 YEARS.—A person required to register under this section shall continue to comply with this section until 10 years have elapsed since the person was released from prison, or placed on parole, supervised release, or probation.

(e) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to so register and keep such registration current shall be subject to criminal penalties in any State in which the person has so failed.

(f) COMPLIANCE.—

(1) COMPLIANCE DATE.—Each State shall have 3 years from the date of the enactment of this Act in which to implement this section.

(2) INELIGIBILITY FOR FUNDS.—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) received by a State not complying with the guidelines issued under this section 3 years after the date of enactment of this Act may be reduced by 10 percent and the unallocated funds shall be reallocated to the States in compliance with this section.

TITLE XIV—COMMUNITY POLICING

SEC. 1401. COMMUNITY POLICING; "COPS ON THE BEAT".

(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 by inserting after part S (as added by section 2301(a)) the following new part:

"PART T—PUBLIC SAFETY AND COMMUNITY POLICING; 'COPS ON THE BEAT'

"SEC. 2001. AUTHORITY TO MAKE PUBLIC SAFETY AND COMMUNITY POLICING GRANTS.

"(a) GRANT AUTHORIZATION.—The Attorney General is authorized to make grants to States and units of local government, and to other public and private entities, to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

"(b) REHIRING AND HIRING GRANT PROJECTS.—Grants made under the authority of subsection (a) of this section may be used for programs, projects, and other activities to—

"(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing; and

"(2) hire and train new, additional career law enforcement officers (including cadets and trainees) for deployment in community-oriented policing across the Nation.

"(c) ADDITIONAL GRANT PROJECTS.—Grants made under the authority of subsection (a) of this section also may include programs, projects, and other activities to—

"(1) increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive crime control and prevention by redeploying officers to such activities;

"(2) provide specialized training to law enforcement officers to enhance their conflict resolution, mediation, problem solving, service, and other skills needed to work in partnership with members of the community;

"(3) increase police participation in multidisciplinary early intervention teams;

"(4) develop new technologies to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime;

"(5) develop and implement innovative programs to permit members of the community to assist State and local law enforcement agencies in the prevention of crime in the community;

"(6) establish innovative programs to reduce, and keep to a minimum, the amount of time that law enforcement officers must be away from the community while awaiting court appearances;

"(7) establish and implement innovative programs to increase and enhance proactive crime control and prevention programs involving law enforcement officers and young persons in the community;

"(8) develop and establish new administrative and managerial systems to facilitate the adoption of community-oriented policing as an organization-wide philosophy; and

"(9) establish, implement, and coordinate crime prevention and control programs (involving law enforcement officers working with community members) with other existing Federal programs that serve the community and community members to better address the comprehensive needs of such community and its members.

"(d) PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.—In awarding grants under this part, the Attorney General may give preferential consideration to grants for hiring and rehiring additional career law enforcement officers that involve a non-Federal contribution exceeding the 25 percent minimum under subsection (h) of this section.

"(e) TECHNICAL ASSISTANCE.—(1) The Attorney General may provide technical assistance to States and units of local government, and to other public and private entities, in furtherance of the purposes of this part.

"(2) The technical assistance provided by the Attorney General may include the development of a flexible model that will define for States and units of local government, and other public and private entities, definitions and strategies associated with community or problem-oriented policing and methodologies for its implementation.

"(3) The technical assistance provided by the Attorney General may include the establishment and operation of training centers or facilities, either directly or by contracting or cooperative arrangements. The functions of the centers or facilities established under this paragraph may include instruction and seminars for police executives, managers, trainers, and supervisors concerning community or problem-oriented policing and improvements in police-community interaction and cooperation that further the purposes of this part.

"(f) UTILIZATION OF DEPARTMENT OF JUSTICE OFFICES AND SERVICES.—The Attorney General may utilize any office or service of the Department of Justice in carrying out this part.

"(g) MINIMUM AMOUNT.—Each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to subsection (a) of this section not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to such subsection. As used in this subsection, 'qualifying State' means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this part.

"(h) MATCHING FUNDS.—The portion of the costs of a program, project, or activity provided by a grant under subsection (a) of this section may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding one year for hiring or re-hiring career law enforcement officers, the Federal share shall decrease from year to year, looking towards the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 2002(c)(8) of this part.

"(i) ALLOCATION OF FUNDS.—The funds available under this part shall be allocated as provided in section 1001(a)(11)(B) of this title.

"(j) TERMINATION OF GRANTS FOR HIRING OFFICERS.—The authority under subsection (a) of this section to make grants for the hiring and rehiring of additional career law enforcement officers shall lapse at the conclusion of six years from the date of enactment of this part. Prior to the expiration of this grant authority, the Attorney General shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Attorney General may have for amendments to this part and related provisions of law in light of the termination of the authority to make grants for the hiring and rehiring of additional career law enforcement officers.

"SEC. 2002. APPLICATIONS.

"(a) IN GENERAL.—No grant may be made under this part unless an application has been submitted to, and approved by, the Attorney General.

"(b) FORM AND CONTENT OF APPLICATION.—An application for a grant under this part shall be submitted in such form, and contain such information, as the Attorney General may prescribe by regulation or guidelines.

"(c) COMPLIANCE WITH REGULATIONS OR GUIDELINES.—In accordance with the regulations or guidelines established by the Attorney General, each application for a grant under this part shall—

"(1) include a long-term strategy and detailed implementation plan that reflects consultation with community groups and appropriate private and public agencies and reflects consideration of the statewide strategy under section 503(a)(1) of this part;

"(2) demonstrate a specific public safety need;

"(3) explain the locality's inability to address the need without federal assistance;

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

"(5) certify that there has been appropriate coordination with all affected agencies;

"(6) outline the initial and ongoing level of community support for implementing the proposal including financial and in-kind contributions or other tangible commitments;

"(7) specify plans for obtaining necessary support and continuing the proposed program, project, or activity following the conclusion of Federal support; and

"(8) if the application is for a grant for hiring or rehiring additional career law enforcement officers—

"(A) specify plans for the assumption by the grantee of a progressively larger share of the cost in the course of time, looking towards the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support;

"(B) assess the impact, if any, of the increase in police resources on other components of the criminal justice system;

"(C) explain how the grant will be utilized to re-orient the affected law enforcement agency's mission towards community-oriented policing or enhance its involvement in or commitment to community-oriented policing; and

"(D) ensure that, to the extent practicable, grantees seek and recruit members of racial, ethnic, and gender minority groups whose representation in the law enforcement agency for which funds are sought is less than in the general population qualified for such employment in such jurisdiction.

"SEC. 2003. REVIEW OF APPLICATIONS BY STATE OFFICE.

"(a) IN GENERAL.—Except as provided in subsection (c) or (d), an applicant for a grant under this part shall submit an application to the State office designated under section 507 of this title in the State in which the applicant is located for initial review.

"(b) INITIAL REVIEW OF APPLICATION.—The State office referred to in subsection (a) of this section shall review applications for grants under this part submitted to it, based upon criteria specified by the Attorney General by regulation or guidelines, and rank such applications based upon the criteria specified by the Attorney General. The State office referred to in subsection (a) of this section shall submit the list along with all grant applications and supporting materials received to the Attorney General.

"(c) DIRECT APPLICATION TO THE ATTORNEY GENERAL BY CERTAIN MUNICIPALITIES.—Notwithstanding subsection (a) of this section, municipalities whose population exceeds 100,000 may submit an application for a grant under this part directly to the Attorney General. For purposes of this subsection, 'municipalities whose population exceeds 100,000' means units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 100,000, and consortia or associations that include one or more such units of local government or law enforcement agencies.

"(d) DIRECT APPLICATION TO THE ATTORNEY GENERAL BY OTHER APPLICANTS.—Notwith-

standing subsection (a) of this section, if a State chooses not to carry out the functions described in subsection (b) of this section, an applicant in the State may submit an application for a grant under this part directly to the Attorney General.

"SEC. 2004. RENEWAL OF GRANTS.

"(a) IN GENERAL.—Except for grants made for hiring or rehiring additional career law enforcement officers, a grant under this part may be renewed for up to two additional years after the first fiscal year during which a recipient receives its initial grant if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

"(b) GRANTS FOR HIRING.—Grants made for hiring or rehiring additional career law enforcement officers may be renewed for up to five years, subject to the requirements of subsection (a) of this section, but notwithstanding the limitation in that subsection concerning the number of years for which grants may be renewed.

"(c) MULTI-YEAR GRANTS.—A grant for a period exceeding one year may be renewed as provided in this section, except that the total duration of such a grant including any renewals may not exceed three years, or six years if it is a grant made for hiring or rehiring additional career law enforcement officers.

"SEC. 2005. LIMITATION ON USE OF FUNDS.

"(a) NON-SUPPLANTING REQUIREMENT.—Funds made available under this part to States or units of local government shall not be used to supplant State or local funds, but will be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State or local sources.

"(b) ADMINISTRATIVE COSTS.—No more than 5 percent of the funds available under this part may be used for the costs of States in carrying out the functions described in section 2003(b) or other administrative costs.

"(c) NON-FEDERAL COSTS.—States and units of local government may use assets received through the assets forfeiture equitable sharing program to cover the non-Federal portion of programs, projects, and activities funded under this part.

"(d) HIRING COSTS.—Funding provided under this part for hiring or rehiring a career law enforcement officer may not exceed $75,000, unless the Attorney General grants a waiver from this limitation.

"SEC. 2006. PERFORMANCE EVALUATION.

"(a) EVALUATION COMPONENTS.—

"(1) Each program, project, or activity funded under this part shall contain an evaluation component, developed pursuant to guidelines established by the Attorney General.

"(2) The evaluations required by paragraph (1) shall include outcome measures that can be used to determine the effectiveness of the funded programs, projects, activities and a description of the geographic dispersion, and racial, ethnic, and gender diversity of rehired and new employees. Outcome measures may include crime and victimization indicators, quality of life measures, community perceptions, and police perceptions of their own work.

"(b) PERIODIC REVIEW AND REPORTS.—The Attorney General shall review the performance of each grant recipient under this part. The Attorney General may require a grant recipient to submit to the Attorney General the results of the evaluations required under subsection (a) and such other data and information as the Attorney General deems reasonably necessary to carry out the responsibilities under this subsection.

"SEC. 2007. REVOCATION OR SUSPENSION OF FUNDING.

"If the Attorney General determines, as a result of the reviews required by section 2006 of this part, or otherwise, that a grant recipient under this part is not in substantial compliance with the terms and requirements of an approved grant application submitted under section 2002 of this part, the Attorney General may revoke or suspend funding of that grant, in whole or in part.

"SEC. 2008. ACCESS TO DOCUMENTS.

"(a) BY THE ATTORNEY GENERAL.—The Attorney General shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this part, as well as the pertinent books, documents, papers, or records of States and units of local government, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this part.

"(b) BY THE COMPTROLLER GENERAL.—The provisions of subsection (a) of this section shall also apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

"SEC. 2009. GENERAL REGULATORY AUTHORITY.

"The Attorney General is authorized to promulgate regulations and guidelines to carry out this part.

"SEC. 2010. DEFINITION.

"For the purposes of this part, the term 'career law enforcement officer' means a person hired on a permanent basis who is authorized by law or by a State or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws.".

(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.) is amended by inserting after the matter relating to part S (as added by section 2301(b)) the following:

"PART T—PUBLIC SAFETY AND COMMUNITY POLICING; 'COPS ON THE BEAT'

"Sec. 2001. Authority to make public safety and community policing grants.
"Sec. 2002. Applications.
"Sec. 2003. Review of applications by State office.
"Sec. 2004. Renewal of grants.
"Sec. 2005. Limitation on use of funds.
"Sec. 2006. Performance evaluation.
"Sec. 2007. Revocation or suspension of funding.
"Sec. 2008. Access to documents.
"Sec. 2009. General regulatory authority.
"Sec. 2010. Definition.".

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

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

(1) in paragraph (3) by striking "and O." and inserting "O, P, and T."; and

(2) by adding after paragraph (13) (as added by section 2302) the following:

"(14)(A) There are authorized to be appropriated to carry out part T, to remain available until expended, $200,000,000 for fiscal year 1994 and $650,000,000 for each of the fiscal years 1995, 1996, 1997, 1998, and 1999.

"(B) Of funds available under part T in any fiscal year, up to 5 percent may be used for technical assistance under section 2001(e) or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of the purposes of part T, and up to 5 percent may be used for the costs of States in carrying out the functions described in section 2003(b) or other administrative costs. Of the remaining funds, 50 percent shall be allocated for grants pursuant to applications submitted as provided in section 2003(a) or (d), and 50 percent shall be allocated for grants pursuant to applications submitted as provided in section 2003(c). Of the funds available in relation to grants pursuant to applications submitted as provided in section 2003(a) or (d), at least 85 percent shall be applied to grants for the purposes specified in section 2001(b), and no more than 15 percent may be applied to other grants in furtherance of the purposes of part T. Of the funds available in relation to grants pursuant to applications submitted as provided in section 2003(c), at least 85 percent shall be applied to grants for the purposes specified in section 2001(b), and no more than 15 percent may be applied to other grants in furtherance of the purposes of part T.

"(C) Notwithstanding the provisions of section 2003, no funds allocated for grants pursuant to applications submitted as provided under subsections (a) or (d) of section 2003 shall be allocated for grants to a municipality (as defined in section 2003(c)).".

TITLE XV—DNA IDENTIFICATION

SEC. 1501. SHORT TITLE.

This title may be cited as the "DNA Identification Act of 1994".

SEC. 1502. FUNDING TO IMPROVE THE QUALITY AND AVAILABILITY OF DNA ANALYSES FOR LAW ENFORCEMENT IDENTIFICATION PURPOSES.

(a) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended—

(1) in paragraph (20) by striking "and" at the end,

(2) in paragraph (21) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(22) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (hereinafter in this title referred to as 'DNA') for identification purposes.".

(b) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end thereof the following new paragraph:

"(12) If any part of a grant made under this part is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

"(A) DNA analyses performed at such laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 3 of the DNA Identification Act of 1994;

"(B) DNA samples obtained by, and DNA analyses performed at, such laboratory will be accessible only—

"(i) to criminal justice agencies for law enforcement identification purposes;

"(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

"(iii) if personally identifiable information is removed, for a population statistics

database, for identification research and protocol development purposes, or for quality control purposes; and

"(C) such laboratory, and each analyst performing DNA analyses at such laboratory, will undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 3 of the DNA Identification Act of 1994.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following:

"(11) There are authorized to be appropriated for each of the fiscal years 1994 through 1998 $10,000,000 for grants to the States for DNA analysis.".

SEC. 1503. QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.

(a) PUBLICATION OF QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall appoint an advisory board on DNA quality assurance methods. The Director shall appoint members of the board from among nominations proposed by the head of the National Academy of Sciences and professional societies of crime laboratory officials. The advisory board shall include as members scientists from State and local forensic laboratories, molecular geneticists and population geneticists not affiliated with a forensic laboratory, and a representative from the National Institute of Standards and Technology. The advisory board shall develop, and if appropriate, periodically revise, recommended standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(2) The Director of the Federal Bureau of Investigation, after taking into consideration such recommended standards, shall issue (and revise from time to time) standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(3) The standards described in paragraphs (1) and (2) shall specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories. The standards shall also include a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

(4) Until such time as the advisory board has made recommendations to the Director of the Federal Bureau of Investigation and the Director has acted upon those recommendations, the quality assurance guidelines adopted by the technical working group on DNA analysis methods shall be deemed the Director's standards for purposes of this section.

(b) ADMINISTRATION OF THE ADVISORY BOARD.—For administrative purposes, the advisory board appointed under subsection (a) shall be considered an advisory board to the Director of the Federal Bureau of Investigation. Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a). The board shall cease to exist on the date 5 years after the initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

SEC. 1504. INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.

(a) IN GENERAL.—The Director of the Federal Bureau of Investigation may establish an index of—

(1) DNA identification records of persons convicted of crimes;

(2) analyses of DNA samples recovered from crime scenes; and

(3) analyses of DNA samples recovered from unidentified human remains.

(b) CONTENT OF INDEX.—Such index may include only information on DNA identification records and DNA analyses that are—

(1) based on analyses performed in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 3 of the DNA Identification Act of 1994;

(2) prepared by laboratories, and DNA analysts, that undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 3 of the DNA Identification Act of 1994; and

(3) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(C) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) EXCHANGE SUBJECT TO CANCELLATION.—The exchange of records authorized by this section is subject to cancellation if the quality control and privacy requirements described in subsection (b) of this section are not met.

SEC. 1505. FEDERAL BUREAU OF INVESTIGATION.

(a) PROFICIENCY TESTING REQUIREMENTS.—

(1) GENERALLY.—Personnel at the Federal Bureau of Investigation who perform DNA analyses shall undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 3(a). Within one year of the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory. As used in this paragraph, the term "blind external test" means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(2) REPORT.—For five years after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on the Judiciary of the House and Senate an annual report on the results of each of the tests referred to in paragraph (1).

(b) PRIVACY PROTECTION STANDARDS.—

(1) GENERALLY.—Except as provided in paragraph (2), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(A) to criminal justice agencies for law enforcement identification purposes; or

(B) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged.

(2) EXCEPTION.—If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) CRIMINAL PENALTY.—(1) Whoever—

(A) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(B) willfully discloses such information in any manner to any person or agency not entitled to receive it;

shall be fined not more than $100,000.

(2) Whoever, without authorization, willfully obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency shall be fined not more than $100,000.

SEC. 1506. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Federal Bureau of Investigation $4,500,000 for each of fiscal years 1994 through 1998 to carry out sections 1503, 1504, and 1505 of this Act.

TITLE XVI—VIOLENCE AGAINST WOMEN

SECTION 1600. SHORT TITLE.

This title may be cited as the "Violence Against Women Act of 1994".

Subtitle A—Safe Streets for Women

SEC. 1601. SHORT TITLE.

This subtitle may be cited as the "Safe Streets for Women Act of 1994".

SEC. 1602. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.

(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 by—

(1) redesignating part Q as part R;

(2) redesignating section 1701 as section 1801;

and

(3) adding after part P the following new part:

"PART Q—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"SEC. 1701. PURPOSE OF THE PROGRAM AND GRANTS.

"(a) GENERAL PROGRAM PURPOSE.—The purpose of this part is to assist States, Indian tribes, and other eligible entities to develop effective law enforcement and prosecution strategies to combat violent crimes against women.

"(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—Grants under this part shall provide funds for personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women to reduce the rate of violent crime against women and specifically, for the purposes of—

"(1) training law enforcement officers and prosecutors to identify and respond more effectively to violent crimes against women, including crimes of sexual assault and domestic violence;

"(2) developing, training, or expanding units of law enforcement officers and prosecutors that specifically target violent crimes against women, including the crimes of sexual assault and domestic violence;

"(3) developing and implementing more effective police and prosecution policies, pro-

tocols, orders, or services specifically devoted to the prevention of, identification of, and response to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(4) developing, installing, or expanding data collection systems, including computerized systems, linking police, prosecutors, and courts or identifying and tracking arrests, protection orders, prosecutions, and convictions for the crimes of sexual assault and domestic violence;

"(5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs, developing or improving delivery of victim services to racial, cultural, ethnic, and language minorities, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence; and

"(6) aiding Indian tribe grantees, exclusively, in financing the Violence Against Women Act of 1994.

"SEC. 1702. STATE GRANTS.

"(a) GENERAL GRANTS.—The Director of the Bureau of Justice Assistance (hereinafter in this part referred to as the 'Director') is authorized to make grants to States, Indian tribes, units of local government, tribal organizations, and nonprofit nongovernmental victim services programs in the States or Indian country.

"(b) APPLICATION REQUIREMENTS.—Applications shall include—

"(1) documentation from prosecution, law enforcement, and victim services programs to be assisted that demonstrates—

"(A) the need for grant funds;

"(B) the intended use of grant funds; and

"(C) the expected results;

"(2) proof of compliance with the requirements for the payment of forensic medical exams provided pursuant to section 1603 of the Violence Against Women Act of 1994, except that Indian tribes are exempt from such requirement; and

"(3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases pursuant to section 1604 of the Violence Against Women Act of 1994.

"(c) QUALIFICATION.—Upon satisfying the terms of subsection (b), an eligible entity shall be eligible for funds provided under this part by—

"(1) certifying that funds received under this part shall be used for the purposes outlined in section 1701(b); and

"(2) certifying that grantees shall develop a plan, implement such plan, and otherwise consult and coordinate with nonprofit nongovernmental domestic violence and sexual assault victim services programs, law enforcement officials, victim advocates, prosecutors, and defense attorneys;

"(3) providing documentation from the individuals and groups listed under paragraph (2) regarding their participation in development of a plan and involvement in the application process, as well as how such individuals and groups will be involved in implementation of the plan;

"(4) providing assurances that the plan developed under paragraph (2) shall meet the needs of racial, cultural, ethnic, and language minority populations;

"(5) providing assurances that prosecution, law enforcement, and nonprofit nongovernmental victim services programs in the community to be served by such plan each receive an equitable percentage of any funds allocated under this part; and

"(6) providing assurances that any 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.

"(d) DISBURSEMENT OF FUNDS.—

"(1) IN GENERAL.—Not later than 60 days after the receipt of an application under this part, the Director shall either disburse the appropriate sums provided for under this part or shall inform the applicant regarding why the application does not conform to the requirements of this section.

"(2) RESPONSIBILITY OF DIRECTOR.—In disbursing funds under this part, the Director shall issue regulations—

"(A) to distribute funds equitably on a geographic basis, including nonurban and rural areas of varying geographic size; and

"(B) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas.

"(e) GRANTEE REPORTING.—(1) Not later than March 31 of each year during which funds are received under this part, the grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of such activities in achieving the purposes of this part.

"(2) The grantee shall arrange for assessments of the grantee's program from all organizations and government entities that were involved in the design of the grant plan.

"(3) Such assessments must be sent directly to the Director by the assessing entity.

"(f) SUSPENSION OF FUNDING.—The Director shall suspend funding for an approved application if—

"(1) an applicant fails to submit an annual performance report;

"(2) funds provided under this part are expended for purposes other than those set forth under this part; or

"(3) grant reports or accompanying assessments demonstrate to the Director that the program is ineffective or financially unsound.

"SEC. 1703. GENERAL DEFINITIONS.

"For purposes of this part—

"(1) the term 'domestic violence' means crimes of violence committed against a victim by a current or former spouse of the victim, an individual with whom the victim shares a child in common, an individual who is cohabiting with or has cohabited with the victim as a spouse, an individual similarly situated to a spouse, or any other individual who is protected under domestic or family violence laws of the jurisdiction that receives a grant under this part;

"(2) the term 'eligible entity' means a State, unit of local government, Indian tribe, and a nonprofit, nongovernmental victims services program;

"(3) the term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians;

"(4) the term 'Indian country' has the meaning given to such term by section 1151 of title 18, United States Code;

"(5) the term 'sexual assault' 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 and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim; and

"(6) the term 'victim services program' means a nongovernmental nonprofit program that assists domestic violence or sexual assault victims, including nongovernmental nonprofit organizations such as rape crisis centers, battered women's shelters, and other sexual assault and domestic violence programs, including nonprofit nongovernmental organizations assisting domestic violence and sexual assault victims through the legal process.

"SEC. 1704. GENERAL TERMS AND CONDITIONS.

"(a) NONMONETARY ASSISTANCE.—In addition to the assistance provided under sections 1702, the Attorney General may request any Federal agency, with or without reimbursement, to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) to support State, tribal, and local assistance efforts under this part.

"(b) BUREAU REPORTING.—Not later than 180 days after the end of each fiscal year for which grants are made under this part, the Director shall submit to the Congress a report that includes, for each State and Indian tribe—

"(1) the amount of grants made under this part;

"(2) a summary of the purposes for which grants were provided and an evaluation of progress; and

"(3) an evaluation of the effectiveness of programs established with funds under this part.".

(b) 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 after paragraph (10) the following:

"(11) There are authorized to be appropriated for each of the fiscal years 1994 and 1995, $200,000,000 to carry out the purposes of part Q, with not less than 8 percent of such appropriation allotted specifically for Indian tribes.".

(c) ADMINISTRATIVE PROVISIONS.—(1) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "and O" and inserting "O, and Q"; and

(2) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "or O" and inserting "O, or Q".

(d) 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—GRANT TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"Sec. 1701. Purpose of the program and grants.

"Sec. 1702. State grants.

"Sec. 1703. General definitions.

"Sec. 1704. General terms and conditions.

"PART R—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings".

SEC. 1603. RAPE EXAM PAYMENTS.

(a) RESTRICTION OF FUNDS.—No State is entitled to funds under this title unless the State incurs the full out of pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault.

(b) MEDICAL COSTS.—A State shall be deemed to incur the full out of pocket cost of forensic medical exams for victims of sexual assault if such State—

(1) provides such exams to victims free of charge to the victim;

(2) arranges for victims to obtain such exams free of charge to the victims; or

(3) reimburses victims for the cost of such exams, if—

(A) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;

(B) the State permits victims to apply to the State for reimbursement for not less than one year from the date of the exam;

(C) the State provides reimbursement not later than 90 days after written notification of the victim's expense; and

(D) the State provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.

SEC. 1604. FILING COSTS FOR CRIMINAL CHARGES.

No State is entitled to funds under this title unless the State certifies that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges against the domestic violence offender, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena.

SEC. 1605. EQUITABLE TREATMENT OF RAPE CASES.

No State is entitled to funds under this title unless the State can certify that its laws and policies treat sex offenses committed by offenders who are known to, cohabitants of, social companions of, or related by blood or marriage to, the victim no less severely than sex offenses committed by offenders who are strangers to the victim.

SEC. 1606. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ASSAULTS AGAINST WOMEN.

(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 1602, is further amended by—

(1) redesignating part R as part S;

(2) redesignating section 1801 as section 1901;

and

(3) adding after part Q the following new part:

"PART R—RAPE PREVENTION PROGRAMS

"SEC. 1801. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') is authorized to make grants—

"(1) to provide educational seminars, particularly developed with emphasis on seminars for elementary and secondary school age children, designed to develop an awareness of what acts meet the legal definition of rape;

"(2) to provide programs for elementary and secondary school age children that teach nonviolent conflict resolution, self defense, or other relevant skills;

"(3) to operate telephone hotlines for callers with questions regarding sexual assault and rape;

"(4) to design and disseminate training programs for professionals, including the development and dissemination of protocols for the routine identification, treatment, and appropriate referral of victims of sexual assault by hospital emergency personnel and other professionals;

"(5) to develop treatment programs for convicted sex offenders and make such programs available to the local community and to Federal and State prisons;

"(6) to prepare and disseminate informational materials designed to educate the community regarding sexual assault and prevention; and

"(7) to develop other projects to increase awareness and prevention of sexual assault, including efforts to increase awareness of sexual assault prevention among racial, ethnic, cultural and language minorities.

"SEC. 1802. APPLICATIONS.

"(a) IN GENERAL.—To be eligible to receive a grant under this part, a duly authorized representative of an eligible entity shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) ASSURANCES.—Each application must contain an assurance 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) REQUIRED PLAN.—Each application shall include a plan that contains—

"(1) a description of the projects to be developed;

"(2) a description of how funds would be spent;

"(3) a statement of staff qualifications and demonstrated expertise in the field of rape prevention and education; and

"(4) a statement regarding the ability to serve community needs and language minority populations in providing ethnically and culturally and linguistically appropriate programs where necessary.

"SEC. 1803. REPORTS.

"(a) GRANTEE REPORTING.—Upon completion of the grant period under this subpart, each grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of such activities in achieving the purposes of this subpart. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report.

"(b) BUREAU REPORTING.—Not later than 180 days after the end of each fiscal year for which grants are made under this subpart, the Director shall submit to the Congress a report that includes, for each grantee—

"(1) the amount of grants made under this subpart;

"(2) a summary of the purposes for which grants were provided and an evaluation of progress; and

"(3) an evaluation of the effectiveness of programs established with funds under this part.

"SEC. 1804. DEFINITIONS.

"For purposes of this part—

"(1) the term 'eligible entity' means a nonprofit, nongovernmental organization that directly serves or provides advocacy on behalf of victims of rape or sexual assault; and

"(2) the term 'sexual assault prevention and education' means education and prevention efforts directed at reducing the number of sexual assaults.".

(b) 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 (11), as added by section 1602 of this Act, the following:

"(12) There are authorized to be appropriated to carry out the purposes of part R, $60,000,000 for fiscal year 1994, $75,000,000 for fiscal year 1995, and $100,000,000 for fiscal year 1996.".

(c) ADMINISTRATIVE PROVISIONS.—(1) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 111 of this Act, is amended by striking "O, and Q" and inserting "O, Q, and R"; and

(2) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 1602 of this Act, is amended by striking "O, or Q" and inserting "O, Q, or R".

(d) 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.), as amended by section 1602, is amended by striking the matter relating to part R and inserting the following:

"PART R—RAPE PREVENTION PROGRAMS

"Sec. 1801. Grant authorization.
"Sec. 1802. Applications.
"Sec. 1803. Reports.
"Sec. 1804. Definitions.

"PART S—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1901. Continuation of rules, authorities, and proceedings.".

SEC. 1607. NATIONAL INSTITUTE OF JUSTICE TRAINING PROGRAMS.

(a) IN GENERAL.—The National Institute of Justice, after consultation with victim advocates and individuals who have expertise in treating sex offenders, shall establish criteria and develop training programs to assist probation and parole officers and other personnel who work with released sex offenders in the areas of—

(1) case management;

(2) supervision; and

(3) relapse prevention.

(b) TRAINING PROGRAMS.—The Director of the National Institute of Justice shall attempt, to the extent practicable, to make training programs developed under subsection (a) available in geographically diverse locations throughout the country.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for each of the fiscal years 1994 and 1995 to carry out the provisions of this section.

SEC. 1608. INFORMATION PROGRAMS.

The Attorney General shall compile information regarding sex offender treatment programs and ensure that information regarding community treatment programs in the community into which a convicted sex offender is released is made available to each person serving a sentence of imprisonment in a Federal penal or correctional institution for a commission of an offense under chapter 109A of title 18 of the United States Code or for the commission of a similar offense, including halfway houses and psychiatric institutions.

SEC. 1609. VICTIM COMPENSATION.

(a) IN GENERAL.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following new section:

"§ 2246. Mandatory restitution for sex offenses

"(a) IN GENERAL.—Notwithstanding section 3663 of this title, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—

"(1) IN GENERAL.—The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim the full amount of the victim's losses as determined by the court, pursuant to paragraph (3) of this subsection; and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) DEFINITIONS.—As used in this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) lost income;

"(D) attorneys' fees, plus any costs incurred in obtaining a civil protection order;

"(E) temporary housing;

"(F) transportation;

"(G) necessary child care;

"(H) language translation services; and

"(I) any other losses suffered by the victim as a proximate result of the offense.

"(3) MANDATORY NATURE OF ORDER.—(A) Restitution orders under this section are mandatory. A court may not decline to issue an order under this section because of—

"(i) the economic circumstances of the defendant; or

"(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(B) Subparagraph (A) of this paragraph does not apply if—

"(i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

"(ii) the court enters in its order the amount of the victim's losses, and provides a nominal restitution award.

"(4) CONSIDERATION OF ECONOMIC CIRCUMSTANCES.—

"(A) IN GENERAL.—Notwithstanding paragraph (3) of this subsection, the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid, including—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the defendant, including obligations to dependents.

"(B) LUMP-SUM OR PARTIAL PAYMENT.—An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals. The order shall also provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(5) SETOFF.—Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) PROOF OF CLAIM.—

"(1) IN GENERAL.—Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the U.S. Attorney (or delegate), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the U.S. Attorney (or delegate) and the victim. Should the victim object to any of the information included in the affidavit, the U.S. Attorney (or delegate) shall advise the victim that the victim may file a separate affidavit.

"(2) OBJECTIONS.—If, after notifying the defendant of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) of this subsection shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the U.S. Attorney (or such Attorney's delegate) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) ADDITIONAL DOCUMENTATION AND TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section, shall be maintained to the greatest extent possible.

"(4) FINAL DETERMINATION OF LOSSES.—In the event that the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1) of this section, the U.S. Attorney (or delegate) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 109A of title 18, United States Code, is amended by adding at the end the following:

"2246. Mandatory restitution for sex offenses.".

SEC. 1610. CAMPUS SEXUAL ASSAULT STUDY.

(a) STUDY.—The Attorney General shall provide for a national baseline study to examine the scope of the problem of campus sexual assaults and the effectiveness of institutional and legal policies in addressing such crimes and protecting victims. The Attorney General may utilize the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime in carrying out this section.

(b) REPORT.—Based on the study required by subsection (a), the Attorney General shall prepare a report including an analysis of—

(1) the number of reported allegations and estimated number of unreported allegations of campus sexual assaults, and to whom the allegations are reported (including authorities of the educational institution, sexual assault victim service entities, and local criminal authorities);

(2) the number of campus sexual assault allegations reported to authorities of educational institutions which are reported to criminal authorities;

(3) the number of campus sexual assault allegations that result in criminal prosecution in comparison with the number of noncampus sexual assault allegations that result in criminal prosecution;

(4) Federal and State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of policies and practices of educational institutions in addressing campus sexual assaults and protecting victims, including consideration of—

(A) the security measures in effect at educational institutions, such as utilization of campus police and security guards, control over access to grounds and buildings, supervision of student activities and student living arrangements, control over the consumption of alcohol by students, lighting, and the availability of escort services;

(B) the articulation and communication to students of the institution's policies concerning sexual assaults;

(C) policies and practices that may prevent or discourage the reporting of campus sexual assaults to local criminal authorities, or that may otherwise obstruct justice or interfere with the prosecution of perpetrators of campus sexual assaults;

(D) the nature and availability of victim services for victims of campus sexual assaults;

(E) the ability of educational institutions' disciplinary processes to address allegations of sexual assault adequately and fairly;

(F) measures that are taken to ensure that victims are free of unwanted contact with alleged assailants, and disciplinary sanctions that are imposed when a sexual assault is determined to have occurred; and

(G) the grounds on which educational institutions are subject to lawsuits based on campus sexual assaults, the resolution of these cases, and measures that can be taken to avoid the likelihood of lawsuits;

(6) an assessment of the policies and practices of educational institutions that are most effective in addressing campus sexual assaults and protecting victims, including policies and practices relating to the particular issues described in paragraph (5); and

(7) any recommendations the Attorney General may have for reforms to address campus sexual assaults and protect victims more effectively, and any other matters that the Attorney General deems relevant to the subject of the study and report required by this section.

(c) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted to the Committees on Education and Labor and the Judiciary of the House of Representatives and the Committees on Labor and Human Resources and the Judiciary of the Senate not later than September 1, 1995.

(d) DEFINITION.—For purposes of this subtitle, "campus sexual assaults" means sexual assaults committed against or by students or employees of institutions of postsecondary education and occurring at such institutions or during activities connected with such institutions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $200,000 to carry out the study required by this section.

Subtitle B—Safe Homes for Women

SEC. 1621. SHORT TITLE.

This subtitle may be cited as the "Safe Homes for Women Act".

SEC. 1622. INTERSTATE ENFORCEMENT.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 110 the following new chapter:

"CHAPTER 110A—DOMESTIC VIOLENCE

"Sec. 2261. Interstate domestic violence.

"Sec. 2262. Violation of protection order.

"Sec. 2263. Pretrial release of defendant.

"Sec. 2264. Restitution.
"Sec. 2265. Full faith and credit given to protection orders.
"Sec. 2266. Definitions for chapter.

"§ 2261. Interstate domestic violence

"(a) Whoever travels across a State line or enters or leaves Indian country with the intent to contact that person's spouse or intimate partner, and in the course of that contact intentionally commits a crime of violence and thereby causes bodily injury to such spouse or intimate partner, shall be punished as provided in subsection (b) of this section.

"(b) The punishment for a violation of subsection (a) of this section is a fine under this title, or imprisonment—

"(1) for life or any term of years, if the offender murders the victim;

"(2) for not more than 20 years, if the offender causes serious bodily injury to the victim;

"(3) for not more than 10 years, if the offender uses a dangerous weapon during the offense;

"(4) as provided for the applicable conduct under chapter 109A, if the offense constitutes sexual abuse, as described under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

"(5) for not more than 5 years, in any other case;

or both such fine and imprisonment.

"§ 2262. Violation of protection order

"(a) Whoever travels across a State line or enters or leaves Indian country with the intent to engage in conduct that—

"(1)(A) violates a protection order, any portion of which involves protection against credible threats of violence, repeated harassment, or bodily injury, to the person or persons for whom the protection order was issued, and—

"(B) violates that portion of such protection order; or

"(2) would violate paragraph (1) of this subsection if the conduct occurred in the jurisdiction in which such order was issued;

and does engage in such conduct shall be punished as provided in subsection (b) of this section.

"(b) The punishment for a violation of subsection (a) of this section is a fine under this title, or imprisonment—

"(1) for life or any term of years, if the offender murders the victim;

"(2) for not more than 20 years, if the offender causes serious bodily injury to the victim;

"(3) for not more than 10 years, if the offender uses a dangerous weapon during the offense;

"(4) as provided for the applicable conduct under chapter 109A, if the offense constitutes sexual abuse, as described under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

"(5) for not more than 5 years, in any other case;

or both such fine and imprisonment.

"§ 2263. Pretrial release of defendant

"In any proceeding pursuant to section 3142 of this title for the purpose of determining whether a defendant charged under this chapter shall be released pending trial, or for the purpose of determining conditions of such release, the alleged victim shall be given an opportunity to be heard regarding the danger posed by the defendant.

"§ 2264. Restitution

"(a) IN GENERAL.—In addition to any fine or term of imprisonment provided under this chapter, and notwithstanding the terms of section 3663 of this title, the court shall order restitution to the victim of an offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—

"(1) IN GENERAL.—The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim the full amount of the victim's losses as determined by the court, pursuant to paragraph (3) of this subsection; and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) DEFINITION.—As used in this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) lost income;

"(D) attorneys' fees, plus any costs incurred in obtaining a civil protection order;

"(E) temporary housing;

"(F) transportation;

"(G) necessary child care;

"(H) language translation services; and

"(I) any other losses suffered by the victim as a proximate result of the offense.

"(3) MANDATORY NATURE OF ORDER.—(A) Restitution orders under this section are mandatory. A court may not decline to issue an order under this section because of—

"(i) the economic circumstances of the defendant; or

"(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(B) Subparagraph (A) of this paragraph does not apply if—

"(i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

"(ii) the court enters in its order the amount of the victim's losses, and provides a nominal restitution award.

"(4) CONSIDERATION OF ECONOMIC CIRCUMSTANCES.—

"(A) IN GENERAL.—Notwithstanding paragraph (3) of this subsection, the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid, including—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the offender, including obligations to dependents.

"(B) LUMP-SUM OR PARTIAL PAYMENT.—An order under this section may direct the defendant to make a single lump-sum payment, or partial payments at specified intervals. The order shall provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(5) SETOFF.—Any amount paid to a victim under this section shall be setoff against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) PROOF OF CLAIM.—

"(1) IN GENERAL.—Within 60 days after conviction and, in any event, no later than 10 days before sentencing, the United States Attorney (or such Attorney's delegate), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the delegate) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the delegate) shall advise the victim that the victim may file a separate affidavit and assist the victim in the preparation of that affidavit.

"(2) OBJECTIONS.—If, after notifying the defendant of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) of this subsection shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or such Attorney's delegate) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) ADDITIONAL DOCUMENTATION OR TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section, shall be maintained to the greatest extent possible.

"(4) FINAL DETERMINATION OF LOSSES.—In the event that the victim's losses are not ascertainable 10 days before sentencing as provided in paragraph (1) of this subsection, the United States Attorney (or such Attorney's delegate) shall so inform the court, and the court shall set a date for the final determination of the victims's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 90 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) RESTITUTION AND CRIMINAL PENALTIES.—An award of restitution to the victim of an offense under this chapter is not a substitute for imposition of punishment under this chapter.

"§ 2265. Full faith and credit given to protection orders

"(a) FULL FAITH AND CREDIT.—Any protection order issued that is consistent with subsection (b) of this section by the court of one State or Indian tribe (the issuing State or Indian tribe) shall be accorded full faith and credit by the court of another State or Indian tribe (the enforcing State or Indian tribe) and enforced as if it were the order of the enforcing State or tribe.

"(b) PROTECTION ORDER.—A protection order issued by a State or tribal court is consistent with this subsection if—

"(1) such court has jurisdiction over the parties and matter under the law of such State or Indian tribe; and

"(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be

heard must be provided within the time required by State or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

"(c) CROSS OR COUNTER PETITION.—A protection order issued by a State or tribal court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

"(1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

"(2) a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.

"§ 2266. Definitions for chapter

"As used in this chapter—

"(1) the term 'spouse or intimate partner' includes—

"(A) a spouse, a former spouse, a person who shares a child in common with the abuser, a person who cohabits or has cohabited with the abuser as a spouse, and any other person similarly situated to a spouse; and

"(B) any other person, other than a minor child, who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides;

"(2) the term 'protection order' includes any injunction or other order issued for the purpose of preventing violent or threatening acts by one spouse against his or her spouse, former spouse, or intimate partner, including temporary and final orders issued by civil and criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of an abused spouse or intimate partner;

"(3) the term 'State' includes a State of the United States, the District of Columbia, a commonwealth, territory, or possession of the United States;

"(4) the term 'travel across State lines' does not include travel across State lines by an individual who is a member of an Indian tribe when such individual remains at all times in the territory of the Indian tribe of which the individual is a member;

"(5) the term 'bodily harm' means any act, except one done in self-defense, that results in physical injury or sexual abuse; and

"(6) the term 'Indian country' has the meaning given to such term by section 1151 of this title.".

(b) TABLE OF CHAPTERS.—The table of chapters at the beginning part 1 of title 18, United States Code, is amended by inserting after the item for chapter 110 the following new item:

"110A. Violence against spouses ..... 2261.".

SEC. 1623. ENCOURAGING ARREST POLICIES.

(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 1606, is further amended by—

(1) redesignating part S as part T;

(2) redesignating section 1901 as section 2001; and

(3) adding after part R the following new part:

"PART S—GRANTS TO ENCOURAGE ARREST POLICIES

"SEC. 1901. ARREST POLICIES.

"(a) GENERAL PROGRAM PURPOSE.—The purpose of this part is to encourage States, Indian tribes, and units of local government to treat domestic violence as a serious violation of criminal law. The Director of the Bureau of Justice Assistance may make grants to eligible States, Indian tribes, or units of local government for the following:

"(1) To implement mandatory arrest or proarrest programs, including mandatory arrest programs for protective order violations.

"(2) To develop policies, and training in police departments to improve tracking of cases involving domestic violence.

"(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, or judges.

"(4) To strengthen legal advocacy service programs for victims of domestic violence.

"(5) To educate judges in criminal and other courts about domestic violence and to improve judicial handling of such cases.

"(b) ELIGIBILITY.—Eligible grantees are States, Indian tribes, or units of local government that—

"(1) certify that their laws or official policies—

"(A)(i) encourage or mandate arrest of domestic violence offenders based on probable cause that violence has been committed; or

"(ii) certify that all their law enforcement personnel have received domestic violence training conducted by a State Domestic Violence Coalition as defined in section 10410(b) of title 42, United States Code; and

"(B) mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;

"(2) demonstrate that their laws, policies, or practices, and training programs discourage dual arrests of offender and victim;

"(3) certify that their laws, policies, and practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed finding of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense;

"(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena; and

"(5) certify that their laws and policies treat sex offenses committed by offenders who are known to, cohabitants of, or social companions of or related by blood or marriage to, the victim no less severely than sex offenses committed by offenders who are strangers to the victim.

"SEC. 1902. APPLICATIONS.

"(a) APPLICATION.—An eligible grantee shall submit an application to the Director that shall—

"(1) describe plans to implement policies described in subsection (b);

"(2) identify the agency or office or groups of agencies or offices responsible for carrying out the program; and

"(3) include documentation from nonprofit, private sexual assault and domestic violence programs demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

"(b) PRIORITY.—In awarding grants under this part, the Director shall give priority to an applicant that—

"(1) does not currently provide for centralized handling of cases involving domestic violence by policy, prosecutors, and courts; and

"(2) demonstrates a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence.

"SEC. 1903. REPORTS.

"Each grantee receiving funds under this part shall submit a report to the Director evaluating the effectiveness of projects developed with funds provided under this part and containing such additional information as the Director may prescribe.

"SEC. 1904. DEFINITIONS.

"For purposes of this part—

"(1) the term 'domestic violence' means a crime of violence against a victim committed by a current or former spouse of the victim, an individual with whom the victim shares a child in common, an individual who cohabits with or has cohabited with the victim as a spouse, or any other individual similarly situated to a spouse, or any other person who is protected under the domestic or family violence laws of the eligible State, Indian tribe, municipality, or local government entity.

"(2) the term 'protection order' includes any injunction issued for the purpose of preventing violent or threatening acts of domestic violence including temporary and final orders issued by civil and criminal courts (other than support or child custody provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.".

(b) 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 after paragraph (12), as added by section 1602 of this Act, the following:

"(13) There are authorized to be appropriated $25,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out the purposes of part S.".

(c) ADMINISTRATIVE PROVISIONS.—(1) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 121 of this Act, is amended by striking "O, Q, and R" and inserting "O, Q, R, and S"; and

(2) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 1606 of this Act, is amended by striking "O, Q, or R" and inserting "O, Q, R, or S".

(d) EFFECTIVE DATE.—The eligibility requirements provided in this section shall take effect 1 year after the date of enactment of this subtitle.

(e) 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.), as amended by section 1606, is further amended by striking the matter relating to part S and inserting the following:

"PART S—GRANTS TO ENCOURAGE ARREST POLICIES

"Sec. 1901. Arrest policies.
"Sec. 1902. Applications.
"Sec. 1903. Reports.
"Sec. 1904. Definitions.

"PART T—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2001. Continuation of rules, authorities, and proceedings.".

Subtitle C—Domestic Violence

SEC. 1624. FINDINGS.

The Congress finds that—

(1) domestic violence is the leading cause of injury to women in the United States between the ages of 15 and 44;

(2) firearms are used by the abuser in 7 percent of domestic violence incidents and produces an adverse effect on interstate commerce; and

(3) individuals with a history of domestic abuse should not have easy access to firearms.

SEC. 1625. PROHIBITION AGAINST DISPOSAL OF FIREARMS TO, OR RECEIPT OF FIREARMS BY, PERSONS WHO HAVE COMMITTED DOMESTIC ABUSE.

(a) INTIMATE PARTNER DEFINED.—Section 921(a) of title 18, United States Code, is amended by inserting at the end the following:

"(29) The term 'intimate partner' means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.".

(b) PROHIBITION AGAINST DISPOSAL OF FIREARMS.—Section 922(d) of such title is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; or"; and

(3) by inserting after paragraph (7) the following:

"(8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury, except that this paragraph shall only apply to a court order that (A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate, and (B) includes a finding that such person represents a credible threat to the physical safety of such intimate partner.".

(c) PROHIBITION AGAINST RECEIPT OF FIREARMS.—Section 922(g) of such title is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by inserting "or" at the end of paragraph (7); and

(3) by inserting after paragraph (7) the following:

"(8) who is subject to a court order that—

"(A) was issued after a hearing of which such person received actual or constructive notice, and at which such person had an opportunity to participate;

"(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury; and

"(C) includes a finding that such person represents a credible threat to the physical safety of such intimate partner,".

(d) STORAGE OF FIREARMS.—Section 926(a) of such title is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

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

"(3) regulations providing for effective receipt and secure storage of firearms relinquished by or seized from persons described in subsection (d)(8) or (g)(8) of section 922.".

(e) RETURN OF FIREARMS.—Section 924(d)(1) of such title is amended by striking "the seized" and inserting "or lapse of or court termination of the restraining order to which he is subject, the seized or relinquished".

SEC. 1626. ALIEN SPOUSE PETITIONING RIGHTS FOR IMMEDIATE RELATIVE OR SECOND PREFERENCE STATUS.

(a) IN GENERAL.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)—

(A) by inserting "(i)" after "(A)",

(B) by redesignating the second sentence as clause (ii), and

(C) by adding at the end the following new clause:

"(iii) An alien who is the spouse of a citizen of the United States, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who has resided in the United States with the alien's spouse may file a petition with the Attorney General under this subparagraph for classification of the alien (and children of the alien) under such section if the alien demonstrates to the Attorney General that—

"(I) the alien is residing in the United States, the marriage between the alien and the spouse was entered into in good faith by the alien, and during the marriage the alien or a child of the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's spouse, or

"(II) the alien is residing in the United States with the alien's spouse, the alien has been married to and residing with the spouse for a period of not less than 3 years, and the alien's spouse has failed to file a petition under clause (i) on behalf of the alien."; and

(2) in subparagraph (B)—

(A) by inserting "(i)" after "(B)", and

(B) by adding at the end the following new clause:

"(ii) An alien who is the spouse of an alien lawfully admitted for permanent residence, who is eligible for classification under section 203(a)(2)(A), and who has resided in the United States with the alien's legal permanent resident spouse may file a petition with the Attorney General under this subparagraph for classification of the alien (and children of the alien) under such section if the alien demonstrates to the Attorney General that the conditions described in subclause (I) or (II) of subparagraph (A)(iii) are met with respect to the alien.".

(b) CONFORMING AMENDMENTS.—(1) Section 204(a)(2) of such Act (8 U.S.C. 1154(a)(2)) is amended—

(A) in subparagraph (A), by striking "filed by an alien who," and inserting "for the classification of the spouse of an alien if the alien,", and

(B) in subparagraph (B), by striking "by an alien whose prior marriage" and inserting "for the classification of the spouse of an alien if the prior marriage of the alien".

(2) Section 201(b)(2)(A)(i) of such Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking "204(a)(1)(A)" and inserting "204(a)(1)(A)(ii)".

(c) SURVIVAL RIGHTS TO PETITION.— Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

"(h) The legal termination of a marriage may not be the basis for revocation under section 205 of a petition filed under subsection (a)(1)(A)(iii)(I) or a petition filed under subsection (a)(1)(B)(ii) pursuant to conditions described in subsection (a)(1)(A)(iii)(I).".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 1994.

SEC. 1627. USE OF CREDIBLE EVIDENCE IN SPOUSAL WAIVER APPLICATIONS.

(a) IN GENERAL.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended by inserting after the second sentence the following: "In acting on applications under this paragraph, the Attorney General shall consider any credible evidence submitted in support of the application (whether or not the evidence is supported by an evaluation of a licensed mental health professional). The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to applications made before, on, or after such date.

SEC. 1628. SUSPENSION OF DEPORTATION.

Section 244(a) of the Immigration and Nationality Act (8 U.S.C. 1254(a)) is amended—

(1) at the end of paragraph (1) by striking "or";

(2) at the end of paragraph (2) by striking the period and inserting "; or"; and

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

"(3) is deportable under any law of the United States except section 241(a)(1)(G) and the provisions specified in paragraph (2); is physically present in the United States; has been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a United States citizen or lawful permanent resident; and proves that during all of such time in the United States the alien was and is a person of good moral character; and is a person whose deportation would, in the opinion of the Attorney General, result in extreme hardship to the alien or the alien's parent or child.".

Subtitle D—Miscellaneous Provisions

SEC. 1641. REPORT ON CONFIDENTIALITY OF ADDRESSES FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) REPORT.—The Attorney General shall conduct a study of the means by which abusive spouses may obtain information concerning the addresses or locations of estranged or former spouses, notwithstanding the desire of the victims to have such information withheld to avoid further exposure to abuse. Based on the study, the Attorney General shall transmit a report to Congress including—

(1) the findings of the study concerning the means by which information concerning the addresses or locations of abused spouses may be obtained by abusers; and

(2) analysis of the feasibility of creating effective means of protecting the confidentiality of information concerning the addresses and locations of abused spouses to protect such persons from exposure to further abuse while preserving access to such information for legitimate purposes.

(b) USE OF COMPONENTS.—The Attorney General may use the National Institute of Justice and the Office for Victims of Crime in carrying out this section.

SEC. 1642. REPORT ON RECORDKEEPING RELATING TO DOMESTIC VIOLENCE.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall complete a study of, and shall submit to Congress a report and recommendations on, problems of recordkeeping of criminal complaints involving domestic violence. The study and report shall examine—

(1) the efforts that have been made by the Department of Justice, including the Federal Bureau of Investigation, to collect statistics on domestic violence; and

(2) the feasibility of requiring that the relationship between an offender and victim be reported in Federal records of crimes of aggravated assault, rape, and other violent crimes.

SEC. 1643. ESTABLISHMENT OF TASK FORCE.

Not later than 30 days after the date of enactment of this Act, the Attorney General shall establish a task force to be known as the Attorney General's Task Force on Violence Against Women (referred to in this subtitle as the "Task Force").

SEC. 1644. GENERAL PURPOSES OF TASK FORCE.

(a) GENERAL PURPOSE OF THE TASK FORCE.—The Task Force shall review Federal, State, and local strategies for preventing and punishing violent crimes against women, including the enhancement and protection of the rights of the victims of such crimes, and make recommendations to improve the response to such crimes.

(b) FUNCTIONS.—The Task Force shall perform such functions as the Attorney General deems appropriate to carry out the purposes of the Task Force, including—

(1) evaluating the adequacy of, and making recommendations regarding, current law enforcement efforts at the Federal and State levels to reduce the rate of violent crimes against women;

(2) evaluating the adequacy of, and making recommendations regarding, the responsiveness of State prosecutors and State courts to violent crimes against women;

(3) evaluating the adequacy of State and Federal rules of evidence, practice, and procedure to ensure the effective prosecution and conviction of violent offenders against women and to protect victims from abuse in legal proceedings, making recommendations, where necessary, to improve those rules;

(4) evaluating the adequacy of pretrial release, sentencing, incarceration, and post-conviction release for crimes that predominantly affect women, such as rape and domestic violence;

(5) evaluating the adequacy of, and making recommendations regarding, the adequacy of State and Federal laws on sexual assault and the need for a more uniform statutory response to sex offenses, including sexual assaults and other sex offenses committed by offenders who are known or related by blood or marriage to the victim;

(6) evaluating the adequacy of, and making recommendations regarding, the adequacy of State and Federal laws on domestic violence and the need for a more uniform statutory response to domestic violence;

(7) evaluating the adequacy of, and making recommendations regarding, the adequacy of current education, prevention, and protection services for women victims of violent crimes;

(8) assessing the issuance, formulation, and enforcement of protective orders, whether or not related to a criminal proceeding, and making recommendations for their more effective use in domestic violence and stalking cases;

(9) assessing the problem of stalking and persistent menacing and recommending an effective Federal response to the problem;

(10) evaluating the adequacy of, and making recommendations regarding, the national public awareness and the public dissemination of information essential to the prevention of violent crimes against women;

(11) evaluating the treatment of women as victims of violent crime in the State and Federal criminal justice system, and making recommendations to improve such treatment; and

(12) assessing the problem of sexual exploitation of women and youths through prostitution and in the production of pornography, and recommending effective means of response to the problem.

SEC. 1645. MEMBERSHIP.

(a) CHAIR; NUMBER AND APPOINTMENT.—The Task Force shall be chaired by the Attorney General (or designee). Not later than 60 days after the date of the enactment of this Act, after consultation with the Secretary of Health and Human Services, the Secretary of Education, and the Secretary of Housing and Urban Development, the Attorney General shall select up to 14 other members to serve on the Task Force.

(b) PARTICIPATION.—The Attorney General (or designee) shall select, without regard to political affiliation, members who are specially qualified to serve on the Task Force based on their involvement in efforts to combat violence against women, assistance or service to victims of such violence, or other pertinent experience or expertise. The Attorney General shall ensure that the Task Force includes a broad base of participation by including members with backgrounds in such areas as law enforcement, victim services and advocacy, legal defense and prosecution, judicial administration, medical services, and counseling.

(c) VACANCIES.—The Attorney General may fill any vacancy that occurs on the Task Force.

SEC. 1646. TASK FORCE OPERATIONS.

(a) MEETINGS.—The Task Force shall hold its first meeting on a date specified by the Attorney General (or designee), but shall not be later than 60 days after the date of the enactment of this Act. After the initial meeting, the Task Force shall meet at the call of the Attorney General (or designee), but shall meet at least 6 times.

(b) PAY.—Members of the Task Force who are officers or employees or elected officials of a government entity shall receive no additional compensation by reason of their service on the Task Force.

(c) PER DIEM.—Except as provided in subsection (b), members of the Task Force shall be allowed travel and other expenses including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

SEC. 1647. REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date on which the Task Force is fully constituted under section 1645, the Task Force shall prepare and submit a final report to the President and to congressional committees that have jurisdiction over legislation addressing violent crimes against women, including the crimes of domestic and sexual assault.

(b) CONTENTS.—The final report submitted under paragraph (1) shall contain a detailed statement of the activities of the Task Force and of the findings and conclusions of the Task Force, including such recommendations for legislation and administrative action as the Task Force considers appropriate.

SEC. 1648. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—

(1) APPOINTMENT.—The Task Force shall have an Executive Director who shall be appointed by the Attorney General (or designee), with the approval of the Task Force.

(2) COMPENSATION.—The Executive Director shall be compensated at a rate not to exceed the maximum rate of the basic pay payable for a position above GS–15 of the General Schedule contained in title 5, United States Code.

(b) STAFF.—With the approval of the Task Force, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Task Force.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The Executive Director and the additional personnel of the Task Force appointed under subsection (b) may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) CONSULTANTS.—Subject to such rules as may be prescribed by the Task Force, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $200 per day.

SEC. 1649. POWERS OF TASK FORCE.

(a) HEARINGS.—For the purposes of carrying out this subtitle, the Task Force may conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Task Force considers appropriate. The Task Force may administer oaths for testimony before the Task Force.

(b) DELEGATION.—Any member or employee of the Task Force may, if authorized by the Task Force, take any action that the Task Force is authorized to take under this subtitle.

(c) ACCESS TO INFORMATION.—The Task Force may request directly from any executive department or agency such information as may be necessary to enable the Task Force to carry out this subtitle, on the request of the Attorney General (or designee).

(d) MAILS.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 1650. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $500,000 for fiscal year 1994.

SEC. 1651. TERMINATION.

The Task Force shall cease to exist 30 days after the date on which its final report is submitted under section 1647.

SEC. 1652. PAYMENT OF COST OF STD TESTING FOR VICTIMS IN SEX OFFENSE CASES.

Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by adding at the end the following: "The Attorney General shall authorize the Director of the Office of Victims of Crime to provide for the payment of the cost of up to two tests of the victim for sexually transmitted diseases, including, but not limited to gonorrhea, herpes, chlamydia, syphilis, and HIV, during the 12 months following sexual assaults that pose a risk of transmission, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of sexually transmitted diseases to the victim as the result of the assault.".

SEC. 1653. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

(a) FINDINGS.—Congress finds that—

(1) 4,000,000 women are battered by their partners each year, of which 4,000 die as a result of such abuse;

(2) victims of domestic violence need access to resources which will refer such victims and their children to safe homes and shelters; and

(3) there is a need for a national domestic violence hotline to provide information and assistance to victims of domestic violence because a privately funded national domestic violence hotline which handled more than 65,000 crisis calls annually no longer exists.

(b) IN GENERAL.—The Attorney General, through the Bureau of Justice Assistance, shall provide a grant to a nonprofit private organization to establish and operate a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence. A grant provided under this subsection may extend over a period of not more than 3 fiscal years and the provision of payments under such grant shall be subject to annual approval by the Attorney General and subject to the availability of appropriations for the fiscal year involved to make the payments.

(c) APPLICATION.—

(1) IN GENERAL.—The Attorney General may not provide a grant under subsection (b) unless an application that meets the requirements of paragraph (2) has been approved by the Attorney General.

(2) REQUIREMENTS.—An application meets the requirements of this paragraph if the application—

(A) contains such agreements, assurances, and information, and is in such form and submitted in such manner as the Attorney General shall prescribe through notice in the Federal Register;

(B) demonstrates that the applicant has nationally recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence, including support from advocacy groups, particularly State coalitions and recognized national domestic violence groups;

(C) demonstrates that the applicant has a commitment to diversity, including the hiring of and provision of services to ethnic, racial, cultural, and non-English speaking minorities, in addition to older individuals and individuals with disabilities;

(D) demonstrates that the applicant has the ability to integrate the hotline into existing services provided by the applicant to victims of domestic violence;

(E) includes a complete description of the applicant's plan for the establishment and operation of the hotline, including a description of—

(i) the hiring criteria and training program for hotline personnel;

(ii) the methods for the creation, maintenance, and updating of a resource database for the hotline;

(iii) a plan for providing service on a 24-hour-a-day basis to non-English speaking callers, including hotline personnel who speak Spanish;

(iv) a plan for access to the hotline by individuals with hearing impairments; and

(v) a plan for publicizing the availability of the hotline; and

(F) contains such other information as the Attorney General may require.

(d) SELECTION.—The Attorney General shall select a nonprofit private organization to receive a grant under subsection (b) which has been in existence for at least 5 years from the date of submission of the application by the organization.

(e) USES.—A grant made under subsection (b) shall be used to establish and operate a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence. In establishing and operating the hotline, a nonprofit private organization shall—

(1) contract with a carrier for the use of a toll-free telephone line;

(2) employ, train, and supervise personnel to answer incoming calls and provide counseling and referral services to callers on a 24-hour-a-day basis;

(3) establish, maintain, and update a database of information relating to services for victims of domestic violence, including information on the availability of shelters that serve battered women; and

(4) publicize the hotline to potential users throughout the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $1,000,000 for each of the fiscal years 1994 through 1996.

(2) AVAILABILITY.—Funds authorized to be appropriated under paragraph (1) shall remain available until expended.

SEC. 1654. GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

(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 1623 of this Act, is amended by—

(1) redesignating part T as part U;

(2) redesignating section 2001 as section 2101;

and

(3) adding after part S the following new part:

"PART T—GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

"SEC. 2001. GRANT AUTHORITY.

"The Director shall provide grants to establish projects in local communities involving many sectors of each community to coordinate intervention and prevention of domestic violence.

"SEC. 2002. APPLICATIONS.

"(a) IN GENERAL.—An organization that desires to receive a grant under this section shall submit to the Director an application, in such form and in such manner as the Director may reasonably require that—

"(1) demonstrates that the applicant will serve a community leadership function, bringing together opinion leaders from each sector of the community to develop a coordinated community consensus opposing domestic violence;

"(2) demonstrates a community action component to improve and expand current intervention and prevention strategies through increased communication and coordination among all affected sectors;

"(3) includes a complete description of the applicant's plan for the establishment and operation of the community project, including a description of—

"(A) the method for identification and selection of an administrative committee made up of persons knowledgeable in domestic violence to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

"(B) the method for identification and selection of project staff and a project evaluator;

"(C) the method for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (b)(2);

"(D) the method for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council focusing on each of the sectors; and

"(E) a plan for developing outreach and public education campaigns regarding domestic violence; and

"(4) contains such other information, agreements, and assurances as the Director may require.

"(b) ELIGIBILITY.—To be eligible for a grant under this section, such application shall include—

"(1) an assurance that the applicant is a nonprofit private organization organized for the purpose of coordinating community projects for the intervention in and prevention of domestic violence; and

"(2) an assurance that such nonprofit organization includes representation from pertinent sectors of the local community, including—

"(A) health care providers;

"(B) the education community;

"(C) the religious community;

"(D) the justice system;

"(E) domestic violence program advocates;

"(F) human service entities such as State child services divisions; and

"(G) business and civic leaders.

"SEC. 2003. AWARD OF GRANTS.

"(a) TERM.—A grant provided under this section may extend over a period of not more than 3 fiscal years.

"(b) CONDITIONS ON PAYMENT.—Payments under a grant under this section shall be subject to—

"(1) annual approval by the Director; and

"(2) availability of appropriations.

"(c) GEOGRAPHICAL DISPERSION.—The Director shall award grants under this section to organizations in communities geographically dispersed throughout the country.

"SEC. 2004. USES OF FUNDS.

"(a) IN GENERAL.—A grant made under subsection (a) shall be used to establish and operate a community project to coordinate intervention and prevention of domestic violence.

"(b) REQUIREMENTS.—In establishing and operating a project, a nonprofit private organization shall—

"(1) establish protocols to improve and expand domestic violence intervention and prevention strategies among all affected sectors;

"(2) develop action plans to direct responses within each community sector that are in conjunction with development in all other sectors; and

"(3) provide for periodic evaluation of the project with a written report and analysis to assist application of this concept in other communities.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after paragraph (13), as added by section 1623 of this Act, the following:

"(14) There are authorized to be appropriated to carry out part T $20,000,000 for fiscal year 1994 and such sums as are necessary for each of the fiscal years 1995, 1996, and 1997, to remain available until expended.".

(c) ADMINISTRATIVE PROVISIONS.—(1) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 1623 of this Act, is amended by striking "O, Q, R, and S" and inserting "O, Q, R, S, and T"; and

(2) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 1623 of this Act, is amended by striking "O, Q, R, or S" and inserting "O, Q, R, S, or T".

(d) 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.), as amended by section 1623 of this Act, is amended by striking the matter

relating to part T and inserting the following:

"PART T—GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

"Sec. 2001. Grant authority.
"Sec. 2002. Applications.
"Sec. 2003. Award of grants.
"Sec. 2004. Uses of funds.

"PART U—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2101. Continuation of rules, authorities, and proceedings.".

Subtitle E—Equal Justice for Women in the Courts

SEC. 1661. GRANTS AUTHORIZED.

The State Justice Institute is authorized to award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States in training judges and court personnel in the laws of the States on rape, sexual assault, domestic violence, and other crimes of violence motivated by gender.

SEC. 1662. TRAINING PROVIDED BY GRANTS.

Training provided pursuant to grants made under this subtitle may include current information, existing studies, or current data on—

(1) the nature and incidence of rape and sexual assault by strangers and nonstrangers, marital rape, and incest;

(2) the underreporting of rape, sexual assault, and child sexual abuse;

(3) the physical, psychological, and economic impact of rape and sexual assault on the victim, the costs to society, and the implications for sentencing;

(4) the psychology of sex offenders, their high rate of recidivism, and the implications for sentencing;

(5) the historical evolution of laws and attitudes on rape and sexual assault;

(6) sex stereotyping of female and male victims of rape and sexual assault, racial stereotyping of rape victims and defendants, and the impact of such stereotypes on credibility of witnesses, sentencing, and other aspects of the administration of justice;

(7) application of rape shield laws and other limits on introduction of evidence that may subject victims to improper sex stereotyping and harassment in both rape and nonrape cases, including the need for sua sponte judicial intervention in inappropriate cross-examination;

(8) the use of expert witness testimony on rape trauma syndrome, child sexual abuse accommodation syndrome, post-traumatic stress syndrome, and similar issues;

(9) the legitimate reasons why victims of rape, sexual assault, domestic violence, and incest may refuse to testify against a defendant;

(10) the nature and incidence of domestic violence;

(11) the physical, psychological, and economic impact of domestic violence on the victim, the costs to society, and the implications for court procedures and sentencing;

(12) the psychology and self-presentation of batterers and victims and the negative implications for court proceedings and credibility of witnesses;

(13) sex stereotyping of female and male victims of domestic violence, myths about presence or absence of domestic violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice;

(14) historical evolution of laws and attitudes on domestic violence;

(15) proper and improper interpretations of the defenses of self-defense and provocation, and the use of expert witness testimony on battered woman syndrome;

(16) the likelihood of retaliation, recidivism, and escalation of violence by batterers, and the potential impact of incarceration and other meaningful sanctions for acts of domestic violence including violations of orders of protection;

(17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer, to report domestic violence or to follow through on complaints, including the influence of lack of support from police, judges, and court personnel, and the legitimate reasons why victims of domestic violence may refuse to testify against a defendant and should not be held in contempt;

(18) the need for orders of protection, and the negative implications of mutual orders of protection, dual arrest policies, and mediation in domestic violence cases; and

(19) recognition of and response to gender-motivated crimes of violence other than rape, sexual assault and domestic violence, such as mass or serial murder motivated by the gender of the victims.

SEC. 1663. COOPERATION IN DEVELOPING PROGRAMS.

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this subtitle are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

SEC. 1664. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 1994, $600,000 to carry out the purposes of sections 1661 through 1664. Of amounts appropriated under this section, the State Justice Institute shall expend no less than 40 percent on model programs regarding domestic violence and no less than 40 percent on model programs regarding rape and sexual assault.

SEC. 1665. AUTHORIZATIONS OF CIRCUIT STUDIES; EDUCATION AND TRAINING GRANTS.

(a) STUDY.—In order to gain a better understanding of the nature and the extent of gender bias in the Federal courts, the circuit judicial councils are encouraged to conduct studies of the instances of gender bias in their respective circuits. The studies may include an examination of the effects of gender on—

(1) the treatment of litigants, witnesses, attorneys, jurors, and judges in the courts, including before magistrate and bankruptcy judges;

(2) the interpretation and application of the law, both civil and criminal;

(3) treatment of defendants in criminal cases;

(4) treatment of victims of violent crimes;

(5) sentencing;

(6) sentencing alternatives, facilities for incarceration, and the nature of supervision of probation, parole, and supervised release;

(7) appointments to committees of the Judicial Conference and the courts;

(8) case management and court sponsored alternative dispute resolution programs;

(9) the selection, retention, promotion, and treatment of employees;

(10) appointment of arbitrators, experts, and special masters;

(11) the admissibility of past sexual history in civil and criminal cases; and

(12) the aspects of the topics listed in section 1662 that pertain to issues within the jurisdiction of the Federal courts.

(b) CLEARINGHOUSE.—The Judicial Conference of the United States shall designate an entity within the Judicial Branch to act as a clearinghouse to disseminate any reports and materials issued by the gender bias task forces under subsection (a) and to respond to requests for such reports and materials. The gender bias task forces shall provide this entity with their reports and related material.

(c) MODEL PROGRAMS.—The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, shall—

(1) include in the educational programs it presents and prepares, including the training programs for newly appointed judges, information on issues related to gender bias in the courts including such areas as are listed in subsection (a) along with such other topics as the Federal Judicial Center deems appropriate;

(2) prepare materials necessary to implement this subsection; and

(3) take into consideration the findings and recommendations of the studies conducted pursuant to subsection (a), and to consult with individuals and groups with relevant expertise in gender bias issues as it prepares or revises such materials.

SEC. 1666. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated—

(1) $600,000 to the Salaries and Expenses Account of the Courts of Appeals, District Courts, and other Judicial Services, to carry out section 1665(a), to be available until expended through fiscal year 1996;

(2) $100,000 to the Federal Judicial Center to carry out section 1665(c) and any activities designated by the Judicial Conference under section 1665(b); and

(3) such sums as are necessary to the Administrative Office of the United States Courts to carry out any activities designated by the Judicial Conference under section 1665(b).

(b) THE JUDICIAL CONFERENCE OF THE UNITED STATES.—(1) The Judicial Conference of the United States Courts shall allocate funds to Federal circuit courts under this subtitle that—

(A) undertake studies in their own circuits; or

(B) implement reforms recommended as a result of such studies in their own or other circuits, including education and training.

(2) Funds shall be allocated to Federal circuits under this subtitle on a first come first serve basis in an amount not to exceed $100,000 on the first application. If within 6 months after the date on which funds authorized under this Act become available, funds are still available, circuits that have received funds may reapply for additional funds, with not more than $200,000 going to any one circuit.

SEC. 1667. EXPERT TESTIMONY OF DOMESTIC VIOLENCE.

(a) FINDINGS.—The Congress finds that—

(1) State criminal courts often fail to admit expert testimony offered by a defendant concerning the nature and effect of physical, sexual, and mental abuse to assist the trier of fact in assessing the behavior, beliefs, or perceptions of such defendant in a domestic relationship in which abuse has occurred;

(2) the average juror often has little understanding of the nature and effect of domestic violence on such a defendant's behavior, beliefs, or perceptions, and the lack of understanding can result in the juror blaming the woman for her victimization;

(3) the average juror is often unaware that victims of domestic violence are frequently in greater danger of violence after they ter-

minate or attempt to terminate domestic relationships with their abuser;

(4) myths, misconceptions, and victim-blaming attitudes are often held not only by the average lay person but also by many in the criminal justice system, insofar as the criminal justice system traditionally has failed to protect women from violence at the hands of men;

(5) specialized knowledge of the nature and effect of domestic violence is sufficiently established to have gained the general acceptance which is required for the admissibility of expert testimony;

(6) although both men and women can be victims of physical, sexual, and mental abuse by their partners in domestic relationships, the most frequent victims are women; and

(7) a woman is more likely to be assaulted and injured, raped, or killed by her current or former male partner than by any other type of assailant, and over one-half of all women murdered are killed by their current or former male partners.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the executive branch, working through the State Justice Institute, should examine programs which would allow the States to consider—

(1) that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, be admissible when offered in a State court by a defendant in a criminal case to assist the trier of fact in understanding the behavior, beliefs, or perceptions of such defendant in a domestic relationship in which abuse has occurred;

(2) that a witness be qualified to testify as an expert witness based upon her or his knowledge, skill, experience, training, or education, and be permitted to testify in the form of an opinion or otherwise; and

(3) that expert testimony about a domestic relationship be admissible to include testimony of relationships between spouses, former spouses, cohabitants, former cohabitants, partners or former partners, and between persons who are in, or have been in, a dating, courtship, or intimate relationship.

TITLE XVII—HATE CRIMES SENTENCING ENHANCEMENT

SEC. 1701. DIRECTION TO COMMISSION.

(a) IN GENERAL.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes. In carrying out this section, the United States Sentencing Commission shall assure reasonable consistency with other guidelines, avoid duplicative punishments for substantially the same offense, and take into account any mitigating circumstances which might justify exceptions.

(b) DEFINITION.—As used in this section, the term "hate crime" is a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property which is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person.

TITLE XVIII—USE OF FORMULA GRANTS TO PROSECUTE PERSONS DRIVING WHILE INTOXICATED

SEC. 1801. GRANT PROGRAM DESCRIPTION.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking the period at the end of paragraph (21) and adding "; and"; and

(2) by adding at the end the following:

"(22) programs for the prosecution of driving while intoxicated and the enforcement of other laws relating to alcohol use and the operation of motor vehicles.".

TITLE XIX—YOUTH HANDGUN SAFETY

SEC. 1901. FINDINGS AND DECLARATIONS.

The Congress finds and declares that—

(1) Crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem.

(2) Problems with crime at the local level are exacerbated by the interstate movement of drugs, funds, and criminal gangs.

(3) Firearms and ammunition, and handguns in particular, move easily in interstate commerce, as documented in numerous hearings in both the Judiciary Committee of the House of Representatives and Judiciary Committee of the Senate.

(4) In fact, even before the sale of a handgun, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce.

(5) While criminals freely move from State to State, ordinary citizens may fear to travel to or through certain parts of the country due to the concern that violent crime is not under control, and foreigners may decline to travel in the United States for the same reason.

(6) Just as the hardened drug kingpins begin their life in the illicit drug culture by exposure to drugs at a young age, violent criminals often start their criminal careers on streets where the ready availability of guns to young people results in the acceptability of their random use.

(7) Violent crime and the use of illicit drugs go hand-in-hand, and attempts to control one without controlling the other may be fruitless.

(8) Individual States and localities find it impossible to handle the problem by themselves; even States and localities that have made a strong effort to prevent, detect, and punish crime find their effort unavailing due in part to the failure or inability of other States and localities to take strong measures.

(9) Inasmuch as illicit drug activity and related violent crime overflow State lines and national boundaries, the Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to combat these problems.

(10) The Congress finds that it is necessary and appropriate to assist the States in controlling crime by stopping the commerce in handguns with juveniles nationwide, and allowing the possession of handguns by juveniles only when handguns are possessed and used for legitimate purposes under appropriate conditions.

SEC. 1902. PROHIBITION OF THE POSSESSION OF A HANDGUN OR AMMUNITION BY, OR THE PRIVATE TRANSFER OF A HANDGUN OR AMMUNITION TO, A JUVENILE.

(a) OFFENSE.—Section 922 of title 18, United States Code, as amended by section 706(a) of this Act, is amended by adding at the end the following:

"(w)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a juvenile, or to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(3) This subsection does not apply—

"(A) to a temporary transfer of a handgun or ammunition to a juvenile, or to the possession or use of a handgun or ammunition by a juvenile, if the handgun and ammunition are possessed and used by the juvenile—

"(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

"(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm;

"(iii) with the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

"(iv) in accordance with State and local law;

"(B) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in subparagraph (A)(i) is to take place, and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor;

"(C) to a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

"(D) to a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

"(E) to the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.".

(b) PENALTIES.—Section 924(a) of title 18, United States Code, as amended by section 706(b) of this Act, is amended by adding at the end the following:

"(7)(A)(i) A juvenile who violates section 922(w) shall be fined under this title, impris-

oned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation.

"(ii) A juvenile is described in this clause if—

"(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(w)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(w) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

"(B) A person other than a juvenile who knowingly violates section 922(w)—

"(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

"(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.".

(d) TECHNICAL AMENDMENT OF JUVENILE DELINQUENCY PROVISIONS IN TITLE 18, UNITED STATES CODE.—

(1) SECTION 5031.—Section 5031 of title 18, United States Code, is amended by inserting "or a violation by such person of section 922(w)" before the period at the end.

(2) SECTION 5032.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph by inserting "or (w)" after "922(p)"; and

(B) in the fourth undesignated paragraph by inserting "or section 922(w) of this title," before "criminal prosecution on the basis".

(e) TECHNICAL AMENDMENT OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking "which do not constitute violations of valid court orders" and inserting "(other than an offense that constitutes a violation of a valid court order or a violation of section 922(w) of title 18, United States Code, or a similar State law)".

(f) MODEL LAW.—The Attorney General, acting through the Director of the National Institute for Juvenile Justice and Delinquency Prevention, shall—

(1) evaluate existing and proposed juvenile handgun legislation in each State;

(2) develop model juvenile handgun legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as the result of the evaluation; and

(4) report to Congress by December 31, 1994, findings and recommendations concerning the need or appropriateness of further action by the Federal Government.

TITLE XX—SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS

SEC. 2001. SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS.

Section 3621 of title 18, United States Code, is amended—

(1) in the last sentence of subsection (b), by striking ", to the extent practicable,"; and

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

"(e) SUBSTANCE ABUSE TREATMENT.—

"(1) PHASE-IN.—In order to carry out the requirement of the last sentence of subsection (b) of this section, that every prisoner with a substance abuse problem have the opportunity to participate in appropriate substance abuse treatment, the Bureau of Prisons shall provide substance abuse treatment—

"(A) for not less than 50 percent of eligible prisoners by the end of fiscal year 1995, with priority for such treatment accorded based on an eligible prisoner's proximity to release date;

"(B) for not less than 75 percent of eligible prisoners by the end of fiscal year 1996, with priority for such treatment accorded based on an eligible prisoner's proximity to release date; and

"(C) for all eligible prisoners by the end of fiscal year 1997 and thereafter, with priority for such treatment accorded based on an eligible prisoner's proximity to release date.

"(2) INCENTIVE FOR PRISONERS' SUCCESSFUL COMPLETION OF TREATMENT PROGRAM.—

"(A) GENERALLY.—Any prisoner who, in the judgment of the Director of the Bureau of Prisons, has successfully completed a program of residential substance abuse treatment provide under paragraph (1) of this subsection, shall remain in the custody of the Bureau for such time (as limited by subparagraph (B) of this paragraph) and under such conditions, as the Bureau deems appropriate. If the conditions of confinement are different from those the prisoner would have experienced absent the successful completion of the treatment, the Bureau shall periodically test the prisoner for substance abuse and discontinue such conditions on determining that substance abuse has recurred.

"(B) PERIOD OF CUSTODY.—The period the prisoner remains in custody after successfully completing a treatment program shall not exceed the prison term the law would otherwise require such prisoner to serve, but may not be less than such term minus one year.

"(3) REPORT.—The Bureau of Prisons shall transmit to the Committees on the Judiciary of the Senate and the House of Representatives on January 1, 1995, and on January 1 of each year thereafter, a report. Such report shall contain—

"(A) a detailed quantitative and qualitative description of each substance abuse treatment program, residential or not, operated by the Bureau;

"(B) a full explanation of how eligibility for such programs is determined, with complete information on what proportion of prisoners with substance abuse problems are eligible, and

"(C) a complete statement of to what extent the Bureau has achieved compliance with the requirements of this title.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out this subsection.

"(5) DEFINITIONS.—As used in this subsection—

"(A) the term 'residential substance abuse treatment' means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set forth from the general prison population—

"(i) directed at the substance abuse problems of the prisoner; and

"(ii) intended to develop the prisoner's cognitive, behavorial, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems; and

"(B) the term 'eligible prisoner' means a prisoner who is—

"(i) determined by the Bureau of Prisons to have a substance abuse problem; and

"(ii) willing to participate in a residential substance abuse treatment program.".

TITLE XXI—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

SEC. 2101. 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 U;

(2) by redesignating section 1701 as section 2101; 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 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.);

"(3) technical training and support for the implementation and maintenance of State and local restitution programs for young offenders;

"(4) innovative projects, 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.);

"(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;

"(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; and

"(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.

"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.

"(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.

"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 U—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 2101. 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. 2102. 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.".

SEC. 2103. 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.

TITLE XXII—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

SEC. 2201. JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS.

(a) The Omnibus Crime Control and Safe Streets Act of 1968, is amended by inserting after part Q (as added by section 2101(a)) the following new part:

"PART R—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

"SEC. 1801. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director is authorized to make grants to States and units of local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective programs, including education, prevention, treatment and enforcement programs to reduce—

"(1) the formation or continuation of juvenile gangs; and

"(2) the use and sale of illegal drugs by juveniles.

"(b) USES OF FUNDS.—The grants made under this section may be used for any of the following specific purposes:

"(1) to reduce the participation of juveniles in drug related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools;

"(2) to reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles;

"(3) to develop new and innovative means to address the problems of juveniles convicted of serious, drug-related and gang-related offenses;

"(4) to reduce juvenile drug and gang-related activity in public housing projects;

"(5) to provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to identify drug-dependent or gang-involved juvenile offenders and to provide appropriate counseling and treatment to such offenders;

"(6) to promote the involvement of all juveniles in lawful activities, including—

"(A) school programs that teach that drug and gang involvement are wrong; and

"(B) programs such as youth sports and other activities, including girls and boys clubs, scout troops, and little leagues;

"(7) to facilitate Federal and State cooperation with local school officials to develop education, prevention and treatment programs for juveniles who are likely to participate in drug trafficking, drug use or gang-related activities;

"(8) to provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system; with the highest possible priority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers;

"(9) to provide education and treatment programs for youth exposed to severe violence in their homes, schools, or neighborhoods;

"(10) to establish sports mentoring and coaching programs in which athletes serve as role models for youth to teach that athletics provide a positive alternative to drug and gang involvement;

"(11) to develop new programs that specifically address the unique crime, drug, and alcohol-related challenges faced by juveniles living at or near International Ports of Entry and in other international border communities, including rural localities;

"(12) to identify promising new juvenile drug demand reduction and enforcement programs, to replicate and demonstrate these programs to serve as national, regional or local models that could be used, in whole or in part, by other public and private juvenile justice programs, and to provide technical assistance and training to public or private organizations to implement similar programs; and

"(13) to coordinate violence, gang, and juvenile drug prevention programs with other existing Federal programs that serve community youth to better address the comprehensive needs of such youth.

"(c) FEDERAL SHARE.—(1) The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in applications submitted under this section for the fiscal year for which the projects receive assistance under this part.

"(2) The Director may waive the 25 percent matching requirement under paragraph (1), upon making a determination that such waiver is equitable due to the financial circumstances affecting the ability of the applicant to meet such requirements.

"SEC. 1802. APPLICATIONS.

"A State or unit of local government applying for grants under this part shall submit an application to the Director in such form and containing such information as the Director shall reasonably require.".

(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 inserting after the matter relating to part Q (as added by section 2101(b)) the following:

"PART R—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

"Sec. 1801. Grant authorization.

"Sec. 1802. Applications.".

SEC. 2202. 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 after paragraph (11) (as added by section 2102) the following:

"(12) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1994 and 1995 to carry out the projects under part R.".

TITLE XXIII—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

SEC. 2301. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS.

(a) RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by inserting after part R (as added by section 2201(a)) the following:

"PART S—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

"SEC. 1901. GRANT AUTHORIZATION.

"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 for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities, as well as within local correctional facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment.

"SEC. 1902. 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.

"(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State Alcohol and Drug Abuse agency (and, if appropriate, between representatives of local correctional agencies and representatives of either the State alcohol and drug abuse agency or any appropriate local alcohol and drug abuse agency).

"(b) SUBSTANCE ABUSE TESTING REQUIREMENT.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or similar testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.

"(c) ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT.—

"(1) To be eligible for a preference under this part, a State must ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with aftercare services.

"(2) State aftercare services must involve the coordination of the correctional facility treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, half-way house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the substance abuse treatment program.

"(3) To qualify as an aftercare program, the head of the substance abuse treatment program, in conjunction with State and local authorities and organizations involved in substance abuse treatment, shall assist in placement of substance abuse treatment program participants with appropriate community substance abuse treatment facilities when such individuals leave the correctional facility at the end of a sentence or on parole.

"(d) STATE OFFICE.—The Office designated under section 507 of this title—

"(1) shall prepare the application as required under section 1902, 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. 1903. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Director shall make a grant under section 1901 to carry out the projects described in the application submitted under section 1902 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 1902 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.

"(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. 1904. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) ALLOCATION.—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 State prison population of such State bears to the total prison population of all the participating States.

"(b) 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 1902 for the fiscal year for which the projects receive assistance under this part.

"SEC. 1905. EVALUATION.

"Each State that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in such form and containing such information as the Director may reasonably require.".

(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 inserting after the matter relating to part R (as added by section 2201(b)) the following:

"PART S—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

"Sec. 1901. Grant authorization.
"Sec. 1902. State applications.
"Sec. 1903. Review of State applications.
"Sec. 1904. Allocation and distribution of funds.
"Sec. 1905. Evaluation.".

(c) DEFINITIONS.—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 (24) (as added by section 2101(c)) the following:

"(25) The term 'residential substance abuse treatment program' means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment facilities set apart from the general prison population—

"(A) directed at the substance abuse problems of the prisoner; and

"(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems.".

SEC. 2302. 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 after paragraph (12) (as added by section 2202) the following:

"(13) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out the projects under part S.".

The CHAIRMAN. Except as provided in section 2 of House Resolution 401, no amendment shall be in order except the amendments printed in House Report 103-474. 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 of the amendment, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

If more than one of the following amendments printed in part 1 of House Report 103-474 relating to habeas corpus is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House:

First, the amendment by the gentleman from Illinois [Mr. HYDE]; and

Second, the amendment by the gentleman from South Carolina [Mr. DERRICK].

It shall be in order at any time for the chairman of the Committee on the Judiciary, or a designee, to offer amendments en bloc consisting of amendments printed in part 2 of the report or germane modifications of any such amendment.

Amendments en bloc shall be considered as read, except that modifications shall be reported, shall be debatable for 10 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

For the purpose of inclusion in amendment en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken.

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by House Resolution 401.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without interventing business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The chair will announce the number of the amendment made in order by the rule and the name of its sponsor in order to give notice to the Committee of the Whole the order of recognition.

AMENDMENTS EN BLOC OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I offer amendments en bloc made in order pursuant to the rule.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. BROOKS:

AMENDMENT OFFERED BY MR. PORTER

Insert at an appropriate place the following:

SEC. . DISPLAY OF FLAGS AT HALF STAFF.

(a) PUBLIC LAW 87-726.—The first section of Public Law 87-726 (36 U.S.C. 167) is amended—

(1) By striking "(2)" and inserting "(3)";

(2) by inserting after clause (1) the following new clause: "(2) directing the officials of the Government to display at half-staff the flag of the United States on all Government buildings on such day, as provided by section 3(m) of the Act of June 22, 1942 (Chapter 435; 56 Stat. 377; 36 U.S.C. 175),";

(3) by striking "(3)" and inserting "(4)"; and

(4) by inserting in paragraph (4) ", including the display at half-staff of the flag of the United States" after "activities".

(b) ACT OF JUNE 22, 1942.—Section 3(m) of the Act of June 22, 1942 (Chapter 435; 56 Stat. 377; 36 U.S.C. 175) is amended by inserting "The flag shall be flown at half-staff on Peace Officers Memorial Day, unless that day is also Armed Forces Day." after "a Member of Congress.".

AMENDMENT OFFERED BY MR. BARCA OF WISCONSIN

Insert at an appropriate place the following:

SEC. . SENSE OF CONGRESS WITH RESPECT TO VIOLENCE AGAINST TRUCKERS.

(a) FINDINGS.—Congress finds that—

(1) there are 8,000,000 workers in the trucking industry in the United States, some working for large carriers and some for small carriers, some for private carriers and some owner operators, all assisting the free flow commerce by transporting all types of commodities that enter, leave, or move within this country;

(2) unemployment, crime, and drug use have contributed to an increase of violence against commercial truckers, an increase that has gone unrecognized by the public at large;

(3) few State or local authorities report violent crimes against truckers as such to the Federal Bureau of Investigation, statistics do not reflect this fast-growing and increasingly violent segment of crime;

(4) the Federal Bureau of Investigation investigated 282 truck hijackings involving crimes of violence in 1993, not including attempted crimes and crimes addressed by State, county, and local authorities;

(5) the Federal Government in large measure finances the highway system the trucking industry uses, collecting large sums in taxes from the industry, and licenses and regulates the industry and its drivers, entailing a concomitant responsibility to protect them against crime;

(6) Federal law provides protections to truckers in among others, sections 33 and 1951 of title 18, United States Code, but currently Federal prosecutions are not undertaken unless certain monetary thresholds of loss are met.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) when there is Federal jurisdiction, Federal authorities should prosecute to the fullest extent of the law murders, rapes, burglaries, kidnappings and assaults committed against commercial truckers; and

(2) appropriate Federal agencies should acknowledge this problem and place a priority on evaluating how best to prevent these crimes and apprehend those involved, and continue to coordinate their activities with multi-jurisdictional authorities to combat violent crimes committed against truckers.

AMENDMENT OFFERED BY MR. OLVER

Page 272, line 5, after "minorities," insert "providing specialized domestic violence court advocates in courts where a significant number of protective orders are granted,".

AMENDMENT OFFERED BY MR. GILMAN

Add at an appropriate place the following:

SEC. . PASSPORT AND VISA OFFENSES PENALTIES IMPROVEMENT.

(a) IN GENERAL.—Chapter 75 of title 18, United States Code, is amended—

(1) in section 1541, by striking "not more than $500 or imprisoned not more than one year" and inserting "under this title or imprisoned not more than 10 years";

(2) in each of sections 1542, 1543, and 1544, by striking "not more than $2,000 or imprisoned not more than five years" and inserting "under this title or imprisoned not more than 10 years";

(3) in section 1545, by striking "not more than $2,000 or imprisoned not more than three years" and inserting "under this title or imprisoned not more than 10 years";

(4) in section 1546(a), by striking "five years" and inserting "10 years";

(5) in section 1546(b), by striking "in accordance with this title, or imprisoned not more than two years" and inserting "under this title or imprisoned not more than 10"; and

(6) by adding at the end the following.

"§1547. Alternative imprisonment maximum for certain offenses

"Notwithstanding any other provision of this title, the maximum term of imprisonment that may be imposed for an offense under this chapter (other than an offense under section 1545)—

"(1) if committed to facilitate a drug trafficking crime (as defined in 929(a) of this title) is 15 years; and

"(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title) is 20 years.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 75 of title 18, United States Code, is amended by adding at the end the following new item:

"1547. Alternative imprisonment maximum for certain offenses.".

AMENDMENT OFFERED BY MR. WATT

Page 111, line 16, strike "and".

Page 111, line 18, strike the period and insert "; and".

Page 111, after line 18, insert the following:

(3) coordinate crime prevention programs funded under this program with other existing Federal programs to address the overall needs of communities that benefit from grants received under this title.

Page 172, line 15, strike "or".

Page 172, line 17, strike the period and insert "; or".

Page 172, after line 17, insert the following:

"(C) coordination of crime prevention programs funded under this title with other existing Federal programs to meet the overall needs of communities that benefit from funds received under this section.

AMENDMENT OFFERED BY MR. HOYER

Add at the end the following:

TITLE —FINANCIAL INSTITUTION FRAUD

SEC. . FINANCIAL INSTITUTION FRAUD.

Section 528 of Public Law 101-509, approved November 5, 1990, is amended by striking "with the authority of the Resolution Trust Corporation or its successor" at the end of subsection (b)(2) and inserting "on December 31, 2004".

AMENDMENT OFFERED BY MR. HOYER

At the end of the bill, add the following:

TITLE —AUTHORIZATION

SEC. . AUTHORIZATION OF APPROPRIATIONS

There is authorized to be appropriated for the activities of the Bureau of Alcohol, Tobacco and Firearms, the United States Customs Service, the Financial Crimes Enforcement Network, the Federal Law Enforcement Training Center, the Criminal Investigation Division of the Internal Revenue Service, and the United States Secret Service, in addition to sums authorized elsewhere in this Act, not to exceed $210,000,000 for each of the fiscal years 1995, 1996, 1997, 1998, and 1999 to help meet the Department of the Treasury's increased law enforcement activities.

AMENDMENT OFFERED BY MR. LIVINGSTON

Add at the end the following:

TITLE —CONVERSION OF CLOSED MILITARY INSTALLATIONS

SEC. . CONVERSION OF THREE CLOSED MILITARY INSTALLATIONS INTO FEDERAL PRISON FACILITIES.

(a) STUDY OF SUITABLE BASES.—The Secretary of Defense and the Attorney General shall jointly conduct a study of all military installations selected before the date of the enactment of this Act to be closed pursuant to a base closure law for the purpose of evaluating the suitability of any of these installations, or portions of these installations, for conversion into Federal prison facilities. As part of the study, the Secretary and the Attorney General shall identify the three military installations so evaluated that are most suitable for conversion into Federal prison facilities.

(b) SUITABILITY FOR CONVERSION.—In evaluating the suitability of a military installation for conversion into a Federal prison facility, the Secretary of Defense and the Attorney General shall consider the estimated cost to convert the installation into a prison facility, the proximity of the installation to overcrowded Federal and State prison facilities, and such other factors as the Secretary and the Attorney General consider to be appropriate.

(c) TRANSFER TO ATTORNEY GENERAL.—Notwithstanding any other provision of law regarding disposal of military installations selected to be closed pursuant to a base closure law, the Secretary of Defense shall transfer, without reimbursement, jurisdiction over the three installations identified under subsection (a) to the Attorney General for conversion into Federal prison facilities. The Federal prison facilities established using these installations shall be designed to incarcerate persons convicted of a Federal violent felony. Upon a space available basis, the Attorney General may accept transfers from overcrowded State prisons if the persons to be transferred had previously been convicted of a Federal violent felony or are serving a sentence of more then 20 years.

(d) TIME FOR STUDY.—The study required by subsection (a) shall be completed not later than 180 days after the date of the enactment of this Act.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "base closure law" means—

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); or

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The term "violent felony" has the meaning given that term in section 3581(c)(2) of title 18, United States Code.

AMENDMENT OFFERED BY MS. SLAUGHTER

At the appropriate place, insert the following (and redesignate accordingly):

SEC. . COMMISSION MEMBERSHIP AND APPOINTMENT.

(a) MEMBERSHIP.—Section 211(B)(f) of Public Law 101-515 (104 Stat. 2123) is amended to read as follows:

"(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 25 members as follows:

(1) Seven individuals appointed from national law enforcement organizations representing law enforcement officers, of whom—

(A) two shall be appointed by the Speaker of the House of Representatives;

(B) two shall be appointed by the majority leader of the Senate;

(C) one shall be appointed by the minority leader of the House of Representatives;

(D) one shall be appointed by the minority leader of the Senate; and

(E) one shall be appointed by the President.

(2) Seven individuals appointed from national law enforcement organizations representing law enforcement management, of whom—

(A) two shall be appointed by the Speaker of the House of Representatives;

(B) two shall be appointed by the majority leader of the Senate;

(C) one shall be appointed by the minority leader of the House of Representatives;

(D) one shall be appointed by the minority leader of the Senate; and

(E) one shall be appointed by the President.

(3) Two individuals appointed with academic expertise regarding law enforcement issues, of whom—

(A) one shall be appointed by the Speaker of the House of Representatives and the majority leader of the Senate; and

(B) one shall be appointed by the minority leader of the Senate and the minority leader of the House of Representatives.

(4) Two Members of the House of Representatives, appointed by the Speaker and the minority leader of the House of Representatives.

(5) Two Members of the Senate, appointed by the majority leader and the minority leader of the Senate.

(6) One individual involved in Federal law enforcement from the Department of the Treasury; appointed by the President.

(7) One individual from the Department of Justice, appointed by the President.

(8) One individual representing a State or local governmental entity, such as a Governor, mayor, or State attorney general, to be appointed by the majority leader of the Senate.

(9) One individual representing a State or local governmental entity, such as a Governor, mayor, or State attorney general, to be appointed by the Speaker of the House of Representatives.

(10) One individual representing a State or local governmental entity, such as a Governor, mayor, or State attorney general, to be appointed by the President.".

(b) REPORT.—Section 211(B)(p) of Public Law 101-515 (104 Stat. 2124) is amended by striking "the expiration" and all that follows through "this Act," and inserting "March 31, 1996,"

SEC. . CONFORMING AMENDMENT.

Section 3404(a) of Public Law 101-647 (42 U.S.C. 3721 note) is repealed.

AMENDMENT OFFERED BY MS. SLAUGHTER

Page 386, after line 16 (at the end of the bill), add the following new title (and amend the table of titles accordingly):

TITLE XXIV—EXPLOSIVES CRIME PENALTIES

SEC. 2401. ENHANCED PENALTY FOR SECOND OFFENSE OF USING AN EXPLOSIVE TO COMMIT A FELONY.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall promul-

gate amendments to the sentencing guidelines to appropriately enhance penalties in a case in which a defendant convicted under section 844(h) of title 18, United States Code, has previously been convicted under that section.

SEC. 2402. THEFT OF EXPLOSIVES.

Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(k) A person who steals any explosives materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce shall be imprisoned for not more than 10 years, fined under this title, or both.".

SEC. 2403. 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. 2404. THEFT OF EXPLOSIVES FROM LICENSEE.

Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(l) A person who steals any explosive material from a licensed importer, licensed manufacturer, or licensed dealer, or from any permittee shall be fined under this title, imprisoned not more than 10 years, or both.".

SEC. 2405. DISPOSING OF EXPLOSIVES TO PROHIBITED PERSONS.

Section 842(d) of title 18, United States Code, is amended by striking "licensee" and inserting "person".

AMENDMENT OFFERED BY MR. MARTINEZ

Add at the end of title X the following:

SUBTITLE —HOPE IN YOUTH PROGRAM

SEC. 1. FINDINGS.

The Congress finds the following:

(1) Larger cities around the country, particularly those those involved in empowerment zones, are attempting to empower low-income and ethnic minority communities.

(2) Programs that involve local government and local community leaders and which include significant participation by service providers, service participants, and service funders, as equal partners in the design and direction of a myriad of social service support programs have been among the most effective demonstration models.

(3) Programs that attempt to link disenfranchised and disconnected citizens through an umbrella organization that provides guidance to public and private service providers have proven to be an effective strategy for empowering local low-income communities.

(4) Families in low-income communities have not attained their full potential as productive citizens, and Federal efforts thus far, have been insufficient to assist them in fully realizing that potential.

SEC. 2. PROGRAM AUTHORITY.

The Secretary of Health and Human Services (in this subtitle referred to as the "Secretary") may make grants to eligible may make grants to eligible service providers in one or more political subdivisions of a State containing an area designated as an empowerment zone, as authorized under the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66), that have submitted an approved plan to establish advisory organization in low-in-come communities within the political subdivision containing an empowerment zone which will serve as umbrella agencies for strategic planning and evaluation of service programs serving the low-income communities in which the advisory organization operates.

SEC. 3. PROGRAM REQUIREMENTS.

Each advisory organization established as described in section 2 shall—

(1) provide a permanent multi-issue forum for public policy discussion which will serve as part of a stable infrastructure of community outreach and support,

(2) develop a mechanism by which local support service providers may be evaluated and assessed in the level of service they provide to the community, and which establishes a method for advisory organization participants to review and participate in efforts to maintain or increase the quality of services provided by such providers,

(3) create an Family Outreach Team approach which provides a youth worker, a parent worker, and a school-parent organizer to provide training in outreach, mentoring, community organizing and peer counseling and mentoring to locally recruited volunteers in a particular area. The Family Outreach Team assists such volunteers in outreach, development and coordination of service delivery from among the service providers in the area, including the schools.

(4) establish processes by which local public agencies can effectively involve the private sector in the provision of services that meet the needs of local communities,

(5) establish processes of coalition building in which diverse groups within low-income communities attempt to low-income communities, and

(6) create a training program to foster community-based leadership in low-income communities.

SEC. 4. ELIGIBLE PROVIDERS.

Consortia of public and private nonprofit local social service organizations that have a proven ability to involve disparate populations of low-income citizens and competing service providers are eligible to receive grants under section 2.

SEC. 5. APPLICATIONS.

Applications may be submitted, for approval by the Secretary, by eligible service providers at such time and in such manner as the Secretary may reasonably require. Such applications shall contain—

(1) assurances that selection of participants, organizations, and citizens will not be on the basis of religious preference or affiliation,

(2) assurances that participating organizations and citizens will not offer services based on any religious preference or affiliation, and

(3) assurances that such service provides will, to the extent practicable, involve participation by citizens not traditionally involved in such activities, including homeless individuals, alcohol- and drug-addicted individuals, and gang involved or violent youth.

SEC. 6. EVALUATION.

The Secretary shall commence a program to evaluate the success and effectiveness of this program 2 years after the program has received an appropriation, and such evaluation shall be completed no later than 1 year after the second program year has been completed. A report thereon shall be submitted to the Congress within 60 days of the completion of the evaluation.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as are necessary for each of fiscal years 1996, 1997, and 1998 to carry out this subtitle.

SUBTITLE —GANG PREVENTION SERVICES FOR BOYS AND GIRLS

SEC. 1. FINDINGS.

The Congress finds that—

(1) services provided through existing federally supported gang prevention programs do not adequately address the needs of boys and girls in communities with high levels of gang activity and other barriers to service (such as large concentrations of minority populations that have limited English speaking proficiency, geographically isolated populations, and communities in which social service providers are limited or nonexistent);

(2) children that are exposed to gang activity at an early age are more likely to become gang-involved than children who are exposed to such activity later in life, or children that are never exposed to such activity;

(3) gangs are increasingly targeting younger children for recruitment, especially children at middle schools and elementary schools;

(4) Federal studies indicate that violent crime has increased more significantly in the gang population compared to the adult population; and

(5) small community-based service agencies with strong ties to the educational and law enforcement systems offer the best chance to prevent young children from becoming involved in gangs.

SEC. 2. PROGRAM AUTHORITY.

The Administrator of the Office of Juvenile Justice and Delinquency Prevention (hereafter referred to as the "Administrator"), in consultation with the Department of Education and the Department of Health and Human Resources, may make grants to eligible service providers to carry out programs that prevent young children from becoming gang involved. In making such grants, the Administrator shall give a priority to eligible service providers that have a proven track record of serving young children and have an overall budget of not more than $750,000 a fiscal year, prior to receiving a grant under this section.

SEC. 3. PROGRAM REQUIREMENTS.

The eligible service providers receiving a grant under section 2 shall—

(1) provide a comprehensive array of support services to assist the participants to reach their full potential as a contributing law-abiding citizen (such support services may include, but not be limited to: education and health services; career development training; music/art/drama activities; physical fitness training; life skills training; mental health counseling; and job placement counseling);

(2) to the extent practical, involve the parents and other family members of participating children, and the members of local organizations that support the educational and law enforcement institutions of the community, as is appropriate, in the administration and operation of the gang prevention program;

(3) utilize community resources and related support services as needed in the operation of the program;

(4) accept referrals from public institutions, as is appropriate, such as law enforcement, mental health, local school systems, and other entities of local government; and

(5) utilize volunteer staff, including participants in programs funded under the National and Community Service Program, Public Law 103-62, to the maximum extent practicable in the operation of the program.

SEC. 4. ELIGIBLE PROVIDERS.

Community-based service providers, as defined in the Juvenile Justice and Delin-

quency Prevention Act of 1974, that have a proven track record of providing services to children ages 5 to 18 shall be eligible to apply for funds under this subtitle. A priority shall be given to those service providers that have a history of providing services uniquely designed to meet the needs of young children such as the Boys and Girls Clubs of America or service providers that display the potential for providing such targeted services.

SEC. 5. ELIGIBLE PARTICIPANTS.

Children that have the potential, because of community composition and other factors, to come into contact with gangs, or who have a family member that has come into contact with a gang, and are not more than 18 years old at the time of entry into the program, shall be eligible to receive services provided by programs receiving assistance under this subtitle.

SEC. 6. APPLICATIONS PROCESS.

Eligible service providers may submit to the Administrator, for approval, an application in such form at such time as the Administrator deems appropriate.

SEC. 7. EVALUATION.

The Administrator shall conduct an evaluation of the effectiveness of the program model grants authorized under this subtitle, and the extent to which it can be replicated by other local communities. The Administrator shall report to the Congress no later than January 1, 1999, on the details of such evaluations.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal years 1996, 1997, and 1998 to carry out this subtitle.

SUBTITLE —ANTICRIME YOUTH COUNCILS

SEC. . PURPOSE.

The purpose of this subtitle is to provide for the establishment of youth anticrime councils to give intermediate and secondary school students a structured forum through which to work with community organizations, law enforcement officials, government and media representatives, and school administrators and faculty to address issues regarding youth and violence. The purpose of such councils is to empower local youth and ensure that their recommendations for preventing youth involvement in crime and violence will be heard and possibly incorporated into community anticrime strategies.

SEC. . AUTHORITY TO MAKE GRANTS.

The Administrator of the Office of Juvenile Justice and Delinquency Prevention (in this subtitle referred to as the "Administrator") may make grants to public and nonprofit community-based organizations to establish regional anticrime youth councils each of which is composed of intermediate and secondary school students who represent all the schools in a separate congressional district.

SEC. . APPLICATIONS FOR GRANTS.

To request a grant under section 2, a public and nonprofit community-based organizations shall submit to the Administrator an application in such form and containing such information as the Administrator may require by rule, including assurances that—

(1) the anticrime youth council with respect to which such grant is requested will be—

(A) selected by a teacher or administrator of an intermediate or secondary school in the congressional district involved, in consultation with teachers and administrators of other intermediate and secondary schools in such district,

(B) composed of not more than 5 students from each of the intermediate and secondary schools in such district, selected as described in paragraph (1) from among individuals who have first-hand knowledge of issues and problems relating to students who attend schools in such district,

(C) supervised by an individual who—

(i) is familiar with issues regarding youth violence,

(ii) has strong ties to the communities in such district and to the organizations with which such council will interact, and

(iii) will be responsible for coordinating the dissemination of information to such council, supervising council meetings, and acting as a liaison between such council and communities in such district, and (D) meet not less frequently than monthly—

(i) to discuss issues of concern, including youth crime, school violence, job creation, and recreation, and

(ii) to develop creative solutions for assisting community organizations, laws enforcement officials, school officials, government officials, and others to address such issues, and

(2) the applicant will submit to the Administrator a report, not later than 180 days after the first year for which such applicant receives a grant under section 2, that—

(A) specifies the number of students and schools involved and represented on such council,

(B) specifies the number of organizations and individuals that council and its subcommittees met with,

(C) specifies the number of grants, policies, and programs submitted to the youth council for review and recommendation,

(D) contains evidence that—

(i) the community has consulted such council and adopted its recommendations, and

(ii) a grant review process has been established within a school system or police department that includes an evaluation by the youth council,

(E) describes the effect that participation on such council has had on the student representatives, (such as improved school attendance and academic performance, and decreased criminal involvement),

(F) describes the effect that participation on such council has had on the participating schools (such as decrease in incidence of school violence),

(G) describes the extent to which other students attended council and subcommittee meetings, and participated as members of the audience in such council's activities,

(H) describes the extent to which family service, youth service, and the education, police health, and judicial departments within such district coordinate anticrime efforts as a result of the recommendations and programs of such council,

(I) describing the extent to which such council raises public awareness and knowledge, via the media, about youth violence and such council's efforts to help prevent it.

SEC. . SECTION OF GRANT RECIPIENTS.

For the purpose of selecting eligible applicants to receive grants under section 2, the Administrator shall take into consideration—

(1) the extent to which all schools in a congressional district are represented on the proposed youth anticrime council,

(2) the extent to which youth crime and violence are an issue of concern in such district,

(3) the extent to which the community is committed to coordinating and meeting with the youth councils, and

(4) the extent to which the students selected to serve on such council are representative of the geographical area and knowledgeable about the issues that such council will consider.

SEC. . AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal years 1996, 1997, and 1998, to carry out this subtitle.

AMENDMENT OFFERED BY MR. ABERCROMBIE

At the end add the following:

TITLE —TRAVELER PROTECTION

SEC. . AUTHORITY TO INVESTIGATE VIOLENT CRIMES AGAINST TRAVELERS

(a) Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

"§ 540A. Investigation of violent crimes against travelers

"(a) Upon the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General and the Federal Bureau of Investigation may assist in the investigation of a felony crime of violence in violation of the law of any State in which the victim appears to have been selected because he or she is a traveler. In a case in which the traveler is from a foreign nation, the Department of Justice and, where appropriate, the Department of State shall assist the prosecuting and law enforcement officials of a State or political subdivision to the fullest extent possible in securing from abroad such evidence or other information as may be needed for the effective investigation and prosecution of the crime.

"(b) For purpose of this section—

"(1) the term 'felony crime of violence' means an offense punishable by more than one year in prison that has as an element the use, attempted use, or threatened use of physical force against the person of another;

"(2) and for purposes of section 540, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

"(3) the term 'traveler' means a person who is not a resident of the State in which the crime of violence occurred.".

(b) The chapter analysis for chapter 33 of title 28, United States Code, is amended by adding at the end the following:

"540A. Investigation of violent crimes against travelers.".

AMENDMENT OFFERED BY MR. SCOTT

Page 172, line 15, strike "or".

Page 172, line 17, strike the period and insert "; or".

Page 172, after line 17, insert the following: "(C) job program to prevent crime."

AMENDMENT OFFERED BY MR. BONILLA

Page 386, after line 16 (at the end of the bill), add the following new title (and amend the table of titles accordingly):

TITLE XXIV—STUDY AND REPORT BY ATTORNEY GENERAL

SEC. 2401. STUDY AND REPORT BY ATTORNEY GENERAL.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Attorney General shall make a study and submit a report of the results of that study to the Congress. Such study shall—

(1) address how to ease the overcrowding at traditional style prisons by allowing for the processing of new convicts and the housing of non-violent, elderly, and short-term Federal, State, and local inmates in prefabricated, temporary, or portable structures within a secure area; and

(2) determine what legal requirements may exist on the use of such structures for these purposes and suggest legislative measures or other appropriate actions to modify or eliminate those requirements.

(b) ACTION BY THE ATTORNEY GENERAL.—Not later 2 years after the report referred to in subsection (a) is submitted to the Congress, the Attorney General shall implement the actions recommended in the report.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Page 34, line 13, after "(7)" insert "if applicable,".

AMENDMENT OFFERED BY MR. INSLEE

At the appropriate place insert the following new title:

TITLE XXXX. CRIMINAL ALIENS.

SECTION XXX1. CONGRESSIONAL FINDINGS.

The Congress makes the following findings:

(1) The Federal Government is responsible for controlling illegal immigration into the United States.

(2) Many States and localities are burdened with the financial costs of housing and processing aliens who are unlawfully within the United States and who are charged with violating criminal statutes.

(3) The Immigration and Naturalization Service is not permitted under current law to accept local and State assistance in its deportation responsibilities.

(4) Many communities with criminal alien populations would like to expedite the deportation of aliens who are charged with violating criminal statutes and who are either unlawfully within the United States or willing to submit to voluntary deportation under safeguard.

SEC. XXX2. AUTHORITY TO ACCEPT CERTAIN ASSISTANCE.

(A) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, the Attorney General, in the discretion of the Attorney General, is authorized to accept, hold, administer, and utilize gifts of property and services (which may not include cash assistance) for the purpose of assisting the Immigration and Naturalization Service in carrying out the deportation of aliens who are subject to charges for misdemeanor or felony crimes under State or Federal law and who are either unlawfully within the United States or willing to submit to voluntary deportation under safeguard. Any property acquired pursuant to this section shall be acquired in the name of the United States.

(b) LIMITATION.—The Attorney General shall terminate or rescind the excise of the authority under subsection (a) if the Attorney General determines that the exercise of such authority has resulted in discrimination in law enforcement on the basis of race, color, or national origin.

AMENDMENT TO BE OFFERED BY MR. FILNER

Page 378, line 25, strike "and", in line 4 on page 379 strike the period and insert "; and"; and after line 4 on page 379 insert the following:

"(14) to reduce the incidence of graffiti and to promote graffiti removal, prevention, and education programs.

AMENDMENT OFFERED BY MR. HALL OF OHIO

Page 233, line 7, after the quotation marks insert "victims assistance programs,".

AMENDMENT OFFERED BY MR. BECERRA

At the end insert the following new title:

TITLE XXIV—IMMIGRATION PROVISIONS

SEC. 2401. EXPEDITED DEPORTATION FOR DENIED ASYLUM APPLICANTS.

(A) The Attorney General may provide for the expeditious adjudication of asylum claims and the expeditious deportation of asylum applications whose applications have been finally denied, unless the applicant remains in an otherwise valid nonimmigrant status.

(b) There are authorized to be appropriated to carry out this section, such sums as are necessary for each of fiscal year 1994, 1995, 1996, 1997, and 1998.

SEC. 2402. IMPROVING BORDER CONTROLS.

(a) There are authorized to be appropriated such sums as are necessary to increase the Immigration and Naturalization Service's resources for the Border Patrol, the Inspections Program, and the Department Branch to apprehend illegal aliens who attempt clandestine entry into the United States or entry into the United States with fraudulent documents or who remain in the country after their nonimmigrant visas expire.

(b) The Attorney General shall report to the Congress every two years on the programs referred to in subsection (a).

SEC. 2403. EXPANDED SPECIAL DEPORTATION PROCEEDINGS.

(a) Subject to the availability of appropriations, the Attorney General may expand the program authorized by section 242A(d) of the Immigration and Naturality Act to ensure that such aliens are immediately deportable upon their release from incarceration.

(b) There are authorized to be appropriated such sums as necessary to carry out this section for each of fiscal years 1995 through 1998.

(c) The Attorney General shall report to the Congress every two years on the program referred to in subsection (a).

SEC. 2404. CONSTRUCTION OF INS SERVICE PROCESSING CENTERS TO DETAIN CRIMINAL ALIENS.

There are authorized to be appropriated such sums as are necessary in fiscal year 1996 to construct or contract for the construction of 2 Immigration and Naturalization Service Processing Centers to detain criminal aliens.

AMENDMENT OFFERED BY MR. WHEAT

At the end of the bill insert the following new title:

TITLE —COMMISSION ON CRIME AND VIOLENCE.

SEC. . FINDINGS.

The Congress finds that—

(1) there is no more important responsibility of government than the protection of the lives and property of its citizens;

(2) a violent crime occurs every 22 seconds in America;

(3) the Nation's law enforcement personnel and criminal justice system lack the resources they need to fully maintain law and order;

(4) the proliferation of drugs and guns in the last 3 decades has dramatically changed the nature of crime;

(5) it has been 27 years since the Brown Commission redefined the Federal Government's response to crime in America; and

(6) the Nation must commit itself to an energetic, innovative assault on the epidemic of crime in our society, including—

(A) alternative forms of sentencing to guarantee swift and sure punishment of criminals, including the Nation's growing number of youth offenders;

(B) initiatives by the public and private sectors designed to identify and alleviate the causes of criminal behavior; and

(C) an examination of current laws and law enforcement practices to determine where and how resources may be best utilized to fight crime, reduce burdens on courts and jails, and stop recidivism.

SEC. . ESTABLISHMENT OF COMMISSION ON CRIME AND VIOLENCE.

(a) ESTABLISHMENT.—There is established a commission to be known as the "National Commission on Crime and Violence in America" (referred to as the "Commission").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 22 members, of whom—

(A) 6 shall be appointed by the President;

(B) 8 shall be appointed by the Speaker of the House of Representatives, of whom 2 shall be appointed on the recommendation of the minority leader; and

(C) 8 shall be appointed by the President pro tempore of the Senate, of whom 6 shall be appointed on the recommendation of the majority leader and 2 shall be appointed on the recommendation of the minority leader.

(2) GOALS IN MAKING APPOINTMENTS.—In appointing members of the Commission, the President, Speaker, President pro tempore, and the majority and minority leaders shall seek to ensure that—

(A) the membership of the Commission reflects the racial, ethnic, and gender diversity of the United States; and

(B) members are specially qualified to serve on the Commission by reason of their education, training, expertise, or experience in—

(i) sociology;

(ii) psychology;

(iii) law;

(iv) law enforcement;

(v) social work; and

(vi) ethnography and urban poverty, including health care, housing, education, and employment.

(3) DEADLINE.—Members of the Commission shall be appointed within 60 days after the date of enactment of this Act.

(4) TERM.—Members shall serve on the Commission through the date of its termination under section 8.

(5) MEETINGS.—The Commission—

(A) shall have its headquarters in the District of Columbia; and

(B) shall meet at least once each month for a business session.

(6) QUORUM.—Twelve members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—Not later than 15 days after the members of the Commission are appointed, the members shall designate a Chairperson and Vice Chairperson of the Commission.

(8) VACANCIES.—A vacancy in the Commission shall be filled not later than 30 days after the Commission is informed of the vacancy in the manner in which the original appointment was made.

(9) COMPENSATION.—

(A) NO PAY, ALLOWANCE, OR BENEFIT.—Members of the Commission shall receive no pay, allowances, or benefits by reason of their service on the Commission.

(B) TRAVEL EXPENSES.—A member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. . DUTIES.

The Commission shall—

(1) review the effectiveness of traditional criminal justice approaches in preventing and controlling crime and violence;

(2) examine the impact that changes to Federal and State law have had in controlling crime and violence;

(3) examine the impact of changes in Federal immigration laws and policies and increased development and growth along United States international borders on crime and violence in the United States, particularly among our Nation's youth;

(4) examine the problem of youth gangs and provide recommendations on how to reduce youth involvement in violent crime;

(5) examine the extent to which assault weapons and high power firearms have contributed to violence and murder in the United States;

(6) convene hearings in various parts of the country to receive testimony from a cross section of criminal justice professionals, business leaders, elected officials, medical doctors, and other citizens that wish to participate;

(7) review all segments of the criminal justice system, including the law enforcement, prosecution, defense, judicial, corrections components, in developing the crime control and antiviolence plan;

(8) develop a comprehensive and effective crime control and antiviolence plan that will serve as a blueprint for action in the 1990's;

(9) bring attention to successful models and programs in crime prevention, crime control, and antiviolence;

(10) reach out beyond the traditional criminal justice community for ideas when developing the comprehensive crime control and antiviolence plan;

(11) recommend improvements in the coordination of Federal, State, local, and international border crime control efforts;

(12) make a comprehensive study of the economic and social factors leading to or contributing to crime and violence and specific proposals for legislative and administrative actions to reduce crime and violence and the elements that contribute to crime and violence; and

(13) recommend means of allocating finite correctional facility space and resources to the most serious and violent offenders, with the goal of achieving the most cost-effective crime control and protection of the community and public safety, after—

(A) examining the issue of disproportionate incarceration rates among black males and any other minority group disproportionately represented in Federal and State correctional populations; and

(B) considering increased use of alternatives to incarceration that offer a reasonable prospect of equal or better crime control at equal or less cost than incarceration.

SEC. . STAFF AND SUPPORT SERVICES.

(a) DIRECTOR.—

(1) APPOINTMENT.—After consultation with the members of the Commission, the Chairperson shall appoint a director of the Commission (referred to as the "Director").

(2) COMPENSATION.—The Director shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, the Director may appoint such personnel as the Director considers to be appropriate.

(c) CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, personnel of that agency to the Commission to assist in carrying out its duties.

(f) PHYSICAL FACILITIES.—The Administrator of the General Services Administration shall provide suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

SEC. . POWERS.

(a) HEARINGS.—The Commission may conduct public hearings or forums at its discretion, at any time and place it is able to secure facilities and witnesses, for the purpose of carrying out its duties.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure from any Federal agency or entity in the executive or legislative branch such materials, resources, statistical data, and other information as is necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of a Federal agency or entity shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. . REPORTS.

(a) MONTHLY REPORTS.—The Commission shall submit monthly activity reports to the President and the Congress.

(b) INTERIM REPORT.—Not later than 1 year before the date of its termination, the Commission shall submit an interim report to the President and the Congress containing—

(1) a detailed statement of the findings and conclusions of the Commission;

(2) recommendations for legislative and administrative action based on the Commission's activities to date;

(3) an estimation of the costs of implementing the recommendations made by the Commission; and

(4) a strategy for disseminating the report to Federal, State, and local authorities.

(c) FINAL REPORT.—Not later than the date of its termination, the Commission shall submit to the Congress and the President a final report with a detailed statement of final findings, conclusions, recommendations, and estimation of costs and an assessment of the extent to which recommendations included in the interim report under subsection (b) have been implemented.

(d) PRINTING AND PUBLIC DISTRIBUTION.—Upon receipt of each report of the Commission under this section, the President shall—

(1) order the report to be printed; and

(2) make the report available to the public.

SEC. . TERMINATION.

The Commission shall terminate on the date that is 2 years after the date on which members of the Commission have met and designated a Chairperson and Vice Chairperson.

AMENDMENT OFFERED BY MR. VENTO

Page 115, line 13, after "Secretary of Agriculture" insert "Secretary of the Interior,".

AMENDMENT OFFERED BY MR. WISE

At page 386, after line 16, add the following new title:

TITLE XXIV—MISCELLANEOUS

SEC. 24 . EDWARD BYRNE MEMORIAL FORMULA GRANT PROGRAM.

Nothing in this Act shall be construed to prohibit or exclude the expenditure of appropriations to grant recipients who would have been or are eligible to receive grants under subpart 1 of part E of the Omnibus Crime Control and Safe Streets Act of 1968.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Page 233, after line 8, insert the following new subtitle:

Subtitle L—Urban Recreation and At-Risk Youth

SEC. 1099. FINDINGS.

Section 1002 of the Urban Park and Recreation Recovery Act of 1978 is amended by striking "and" at the end of subsection (d), by striking the period at the end of subsection (e) and inserting "; and" and by adding the following at the end thereof:

"(f) the quality of life in urban areas has suffered because of decline in the availability of park and recreation systems, including land, facilities, and services;

"(g) the deterioration of urban park and recreation facilities is due in part to the underfunding of Federal grant programs intended to assist in the revitalization of urban recreation facilities and allow us to take back our parks from crime, vandalism, and dilapidation;

"(h) the urban neighborhoods eligible for assistance under this title have deteriorated, in part, due to the rapid increase in violent crime among youth;

"(i) accessible, well-maintained recreational facilities and services have been shown to significantly decrease the incidence of violent crime among youth and can be an effective tool in efforts to prevent crime, increase public safety and improve the quality of life of urban residents; and

"(j) urban sport and recreation programs teach important values and life skills including teamwork, individual responsibility, respect, leadership, and self-esteem which help prevent young people from engaging in criminal behavior.".

SEC. 1099A. PURPOSE OF ASSISTANCE.

Section 1003 of the Urban Park and Recreation Recovery Act of 1978 is amended by adding the following at the end thereof: "It is further the purpose of this title to improve recreation facilities and expand recreation services in urban areas with a high incidence of crime and to help deter crime through the expansion of recreation opportunities for at-risk youth. It is the further purpose of this section to increase the security of urban parks and to promote collaboration between local agencies involved in parks and recreation, law enforcement, youth social services, and the juvenile justice system.".

SEC. 1099B. DEFINITIONS.

Section 1004 of the Urban Park and Recreation Recovery Act of 1978 is amended by inserting the following new subsection after subsection (c) and by redesignating subsections (d) through (j) as (e) through (k) respectively:

"(d) 'at-risk youth recreation grants' means—

"(1) rehabilitation grants,

"(2) innovation grants, or

"(3) matching grants for continuing program support for programs of demonstrated value or success in providing constructive al-

ternatives to youth at risk for engaging in criminal behavior, including grants for operating, or coordinating recreation programs and services;

in neighborhoods and communities with a high prevalence of crime, particularly violent crime or crime committed by youthful offenders, in addition to the purposes specified in subsection (b), rehabilitation grants referred to in paragraph (1) of this subsection may be used for the provision of lighting, emergency phones or other capital improvements which will improve the security of urban parks;".

SEC. 1099C. CRITERIA FOR SELECTION.

Section 1005 of the Urban Park and Recreation Recovery Act of 1978 is amended by striking "and" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; and" and by adding the following at the end thereof:

"(8) in the case of at-risk youth recreation grants, the Secretary shall give a priority to each of the following criteria:

"(A) Programs which are targeted to youth who are at the greatest risk of becoming involved in violence and crime.

"(B) Programs which teach important values and life skills, including teamwork, respect, leadership, and self-esteem.

"(C) Programs which offer tutoring, remedial education, mentoring, and counseling in addition to recreation opportunities.

"(D) Programs which offer services during late night or other nonschool hours.

"(E) Programs which demonstrate collaboration between local park and recreation, juvenile justice, law enforcement, and youth social service agencies and nongovernmental entities, including the private sector and community and nonprofit organizations.

"(F) Programs which leverage public or private recreation investments in the form of services, materials, or cash.

"(G) Programs which show the greatest potential of being continued with non-Federal funds or which can serve as models for other communities.".

SEC. 1099D. PARK AND RECREATION ACTION RECOVERY PROGRAMS.

Section 1007(b) of the Urban Park and Recreation Recovery Act of 1978 is amended by adding the following at the end thereof: "In order to be eligible to receive 'at-risk youth recreation grants' a local government shall amend its 5-year action program to incorporate the goal of reducing crime and juvenile delinquency and to provide a description of the implementation strategies to achieve this goal. The plan shall also address how the local government is coordinating its recreation programs with crime prevention efforts of law enforcement, juvenile corrections, and youth social service agencies.".

SEC. 1099E. MISCELLANEOUS AND TECHNICAL AMENDMENTS.

(a) PROGRAM SUPPORT.—Section 1013 of the Urban Park and Recreation Recovery Act of 1978 is amended by inserting "(a) IN GENERAL.—" after "1013" and by adding the following new subsection at the end thereof:

"(b) PROGRAM SUPPORT.—Not more than 25 percent of the amounts made available under this title to any local government may be used for program support."

(b) EXTENSION.—Section 1003 of the Urban Park and Recreation Recovery Act of 1978 is amended by striking "for a period of five years" and by striking "short-term".

AMENDMENT OFFERED BY MR. FAZIO

Add at the appropriate place in the bill the following:

SEC. . FUNDING FOR RURAL AREAS.

It is the sense of Congress that—

(1) the Attorney General should ensure that funding for programs in this Act is distributed such that rural areas continue to receive comparable support for their broad-based crime fighting initiatives;

(2) rural communities should not receive less funding than they receive in fiscal year 1994 for anti-crime initiatives as a result of any legislative or administrative actions; and

(3) to the maximum extent possible, funding for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program should be maintained at its fiscal year 1994 level.

AMENDMENT OFFERED BY MR. STRICKLAND

Page 33, line 18, after "includes" insert "appropriate professional training for corrections officers in dealing with violent repeat offenders,".

AMENDMENT OFFERED BY MR. BROOKS

Page 34, after line 16, insert the following:

(c) CONSIDERATION.—The Attorney General, in making such grants, shall give consideration to the special burden placed on States which incarcerate a substantial number of inmates who are in the United States illegally.

Page 34, line 17, strike "(c)" and insert "(d)".

Page 117, line 23, strike "Resources" and insert "Services".

Page 134, line 21, strike "or" the second place it appears and insert "a".

Page 154, line 18, strike "of" and insert "to".

Page 165, beginning in line 13, strike "sections 1065 and" and insert "section".

Page 166, line 23, strike "or Triad program".

Page 167, line 12, strike "Triad".

Page 167, line 20, strike "Triad endeavors" and insert "the program".

Page 167, line 24, strike "Triad" and insert "program's".

Page 169, line 4, strike "Triad".

Page 170, line 24, strike "Triad".

Page 221, line 10, insert "Youth" before "Employment".

Page 222, line 18, strike "youth age 14 to 15" and insert "youths of age 14 or 15".

Page 225, line 15, strike "youth" and insert "young".

Page 226, line 10, strike "youth" and insert "youths".

Page 226, line 16, strike "youth" and insert "youths".

AMENDMENT OFFERED BY MS. LONG

At the end of the bill, insert the following new title:

TITLE —RURAL CRIME

Subtitle A—Drug Trafficking in Rural Areas

SEC. . AUTHORIZATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"(9) There are authorized to be appropriated to carry out part O $50,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.".

(b) AMENDMENT TO BASE ALLOCATION.—Section 1501(a)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "$100,000" and insert "$250,000".

SEC. . RURAL CRIME AND DRUG ENFORCEMENT TASK FORCES.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, shall establish a Rural Crime and Drug Enforcement Task Force in each of the Federal judicial districts which encompass significant rural lands. Assets seized as a result of investigations initiated by a Rural Drug Enforcement Task Force shall be used primarily to enhance the operations of the task force and its participating State and local law enforcement agencies.

(b) TASK FORCE MEMBERSHIP.—The task forces established under subsection (a) shall be chaired by the United States Attorney for the respective Federal judicial district. The task forces shall include representatives from—

(1) State and local law enforcement agencies;

(2) the Drug Enforcement Administration;

(3) the Federal Bureau of Investigation;

(4) the Immigration and Naturalization Service;

(5) the Customs Service;

(6) the United States Marshals Service; and

(7) law enforcement officers from the United States Park Police, United States Forest Service and Bureau of Land Management, and such other Federal law enforcement agencies as the Attorney General may direct.

SEC. . CROSS-DESIGNATION OF FEDERAL OFFICERS.

(a) IN GENERAL.—The Attorney General may cross-designate up to 100 law enforcement officers from each of the agencies specified under section 1502(b)(6) of the Omnibus Crime Control and Safe Streets Act of 1968 with jurisdiction to enforce the provisions of the Controlled Substances Act on non-Federal lands and title 18 of the United States Code to the extent necessary to effect the purposes of this Act.

(b) ADEQUATE STAFFING.—The Attorney General shall, subject to the availability of appropriations, ensure that each of the task forces established in accordance with this title are adequately staffed with investigators and that additional investigators are provided when requested by the task force.

SEC. . RURAL DRUG ENFORCEMENT TRAINING.

(a) SPECIALIZED TRAINING FOR RURAL OFFICERS.—The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction developed to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (a) $1,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

SEC. . MORE AGENTS FOR THE DRUG ENFORCEMENT ADMINISTRATION.

There are authorized to be appropriated for the hiring of additional Drug Enforcement Administration agents $20,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

Subtitle B—Drug Free Truck Stops and Safety Rest Areas

SEC. . DRUG FREE TRUCK STOPS AND SAFETY REST AREAS.

(a) SHORT TITLE.—This section may be cited as the "Drug Free Truck Stop Act".

(b) AMENDMENT TO CONTROLLED SUBSTANCES ACT.—

(1) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 408 the following new section:

"TRANSPORTATION SAFETY OFFENSES

"SEC. 409. (a) DEFINITIONS.—In this section—

"'safety rest area' means a roadside facility with parking facilities for the rest or other needs of motorists.

"'truck stop' means a facility (including any parking lot appurtenant thereto) that—

"(A) has the capacity to provide fuel or service, or both, to any commercial motor vehicle (as defined under section 12019 of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2716)) operating in commerce (as defined in that section); and

"(B) is located within 2,500 feet of the National System of Interstate and Defense Highways or the Federal-Aid Primary System.

"(b) FIRST OFFENSE.—A person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or safety rest area is (except as provided in subsection (b)) subject to—

"(1) twice the maximum punishment authorized by section 401(b); and

"(2) twice any term of supervised release authorized by section 401(b) for a first offense.

"(c) SUBSEQUENT OFFENSE.—A person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or a safety rest area after a prior conviction or convictions under subsection (a) have become final is subject to—

"(1) 3 times the maximum punishment authorized by section 401(b); and

"(2) 3 times any term of supervised release authorized by section 401(b) for a first offense.".

(2) TECHNICAL AMENDMENTS.—

(A) CROSS REFERENCE.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by inserting "409," before "418," each place it appears.

(B) TABLE OF CONTENTS.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by striking the item relating to section 409 and inserting the following new item:

"Sec. 409. Transportation safety offenses.".

(c) SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987 (28 U.S.C. 994 note), the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide an appropriate enhancement of punishment for a defendant convicted of violating section 409 of the Controlled Substances Act, as added by subsection (b).

Subtitle C—Rural Domestic Violence and Child Abuse Enforcement

SEC. . RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

(a) GRANTS.—The Attorney General may make grants to units of State and local governments of rural States, and to other public or private entities of rural States—

(1) to implement, expand, and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence and child abuse;

(2) to provide treatment and counseling to victims of domestic violence and child abuse; and

(3) to work in cooperation with the community to develop education and prevention strategies directed toward such issues.

(b) DEFINITION.—In this section, "rural State" has the meaning stated in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(B)).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1995, 1996, and 1997.

(2) ADDITIONAL FUNDING.—In addition to funds received under a grant under subsection (a), a law enforcement agency may use funds received under a grant under section 103 to accomplish the objectives of this section.

AMENDMENT OFFERED BY MR. ROSTENKOWSKI

Add at the end of title X the following:

TITLE —BOYS AND GIRLS CLUBS IN PUBLIC HOUSING

SEC. 1. ESTABLISHMENT.

The Secretary for Housing and Urban Development, in consultation with the Attorney General, shall enter into contracts with the Boys and Girls Clubs of America, a national nonprofit youth organization to establish Boys and Girls Clubs in public housing.

SEC. 2. REPORT.

By May 1 of each fiscal year for which funds for this section are provided, the Secretary of Housing and Urban Development shall submit a report 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 that details the progress of establishing boys and girls clubs in public housing and the effectiveness of the programs in reducing drug abuse and gang violence.

SEC. 3. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated the following sums to carry out this section—

(1) $12,000,000 for fiscal year 1995;

(2) 12,000,000 for fiscal year 1996; and

(3) 12,000,000 for fiscal year 1997.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

At the end, add the following:

TITLE —PENALTIES FOR TRAFFICKING IN COUNTERFEIT GOODS AND SERVICES

SEC. . PENALTIES FOR TRAFFICKING IN COUNTERFEIT GOODS AND SERVICES.

Section 2320(a) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking "$250,000 or imprisoned not more than five years" and inserting "$2,000,000 or imprisoned not more than 10 years"; and

(B) by striking "$1,000,000" and inserting "$5,000,000";

(2) in the second sentence—

(A) by striking "$1,000,000 or imprisoned not more than fifteen years" and inserting "$5,000,000 or imprisoned not more than 20 years"; and

(B) by striking "$5,000,000" and inserting "$15,000,000";

AMENDMENT OFFERED BY MR. MCCANDLESS

At the end of the bill add the following:

TITLE —MILITARY MEDALS AND DECORATIONS

SEC.

That section 704 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "Whoever";

(2) by striking "not more than $250" and inserting "under this title"; and

(3) by adding at the end the following:

"(b)(1) If the decoration or medal involved in an offense under subsection (a) of this section is a Congressional Medal of Honor, in lieu of the punishment provided in such subsection the offender shall be fined under this title or imprisoned not more than one year, or both.

"(2) As used in subsection (a) of this section with respect to a Congressional Medal of Honor, the term 'sells' includes trades, barters, or exchanges for anything of value.

"(3) As used in this subsection, the term 'Congressional Medal of Honor' is a medal awarded under section 3741 of title 10.".

AMENDMENT OFFERED BY MR. KENNEDY

At the end of title 10, insert the following:

Subtitle —Community-Based Justice Grants for Local Prosecutors

SEC. . GRANT AUTHORIZATION.

The Attorney General may make grants to local prosecutors for the purpose of supporting the creation or expansion of community-based justice programs.

SEC. . USE OF FUNDS.

Grants made by the Attorney General under this section shall be used—

(1) to fund programs that require the cooperation and coordination of prosecutors, school officials, police, probation officers, youth and social service professionals, and community members in the effort to reduce the incidence of, and increase the successful identification and speed of prosecution of, young violent offenders;

(2) to fund programs in which prosecutors focus on the offender, not simply the specific offense, and impose individualized sanctions, designed to deter that offender from further antisocial conduct, and impose increasingly serious sanctions on a young offender who continues to commit offenses; and

(3) to fund programs that coordinate criminal justice resources with educational, social service, and community resources to develop and deliver violence prevention programs, including mediation and other conflict resolution methods, treatment, counselling, educational, and recreational programs that create alternatives to criminal activity.

SEC. APPLICATIONS.

(a) ELIGIBILITY.—In order to be eligible to receive a grant under this part for any fiscal year, a local prosecutor, in conjunction with the mayor from the jurisdiction in which the program will be placed, shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(b) REQUIREMENTS.—Each applicant shall include—

(1) a request for funds for the purposes described in section ;

(2) a description of the communities to be served by the grant, including the nature of the youth crime and violence problems within such communities;

(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 section; and

(4) statistical information in such form and containing such information that the Attorney General may require.

(c) COMPREHENSIVE PLAN.—Each applicant shall include a comprehensive plan that shall contain—

(1) a description of the youth violent crime problem;

(2) an action plan outlining how the applicant will achieve the purposes as described in section 1;

(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; and

(4) a description of how the requested grant will be used to fill gaps.

SEC. . ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

(a) ADMINISTRATIVE COST LIMITATION.—The Attorney General shall use not more than 5 percent of the funds available under this program for the purposes of administration and technical assistance.

(b) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

(1) the Attorney General determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application; and

(2) the Attorney General determines that an additional grant is necessary to implement the community prosecution program described in the comprehensive plan required by section 2.

SEC. . AWARD OF GRANTS.

The Attorney General shall consider the following factors in awarding grants:

(1) Demonstrated need and evidence of the ability to provide the services described in the plan required under section .

(2) The Attorney General shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

SEC. . REPORTS.

(a) REPORT TO ATTORNEY GENERAL.—Local prosecutors that receive funds under this shall submit to the Attorney General a report not later than March 1 of each year that describes progress achieved in carrying out the plan described under section 2(c).

(b) REPORT TO CONGRESS.—The Attorney General shall submit to the Congress a report by October 1 of each year in which grants are made available under this which shall contain a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants, and an evaluation of programs established under this .

SEC. . AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for each of the fiscal years 1995 through 1999 to carry out the purposes of this .

SEC. . DEFINITIONS.

The term "young violent offender" means individuals, ages 7–22, who have committed crimes of violence, weapons offenses, drug distribution, hate crimes and civil rights violations, and offenses against personal property of another.

AMENDMENT OFFERED BY MR. OWENS

At the end of the bill add the following (and make such technical and conforming changes as may be necessary):

TITLE XXIV—AGE DISCRIMINATION IN EMPLOYMENT

SEC. 2401. REENACTMENT OF SUBSECTION WITH AN AMENDMENT.

(A) REENACTMENT.—Section 4(j) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(j)) as in effect immediately before December 31, 1993, is hereby reenacted.

(b) AMENDMENT.—Section 4(j) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(j)), as reenacted by subsection (a) of this section, is amended by striking "attained the age" and all that follows through "1983, and", and inserting the following:

"attained—

"(A) the age of hiring or retirement in effect under applicable State or local law on March 3, 1983; or

"(B) if the age of retirement was not in effect under applicable State or local law on March 3, 1983, 55 years of age; and".

(c) RETROACTIVITY.—Subsections (a) and (b) shall take effect immediately after the operation of section 3(b) of the Age Discrimination in Employment Amendments of 1986 (Public Law 99–592; 29 U.S.C. 523 note).

SEC. 2402. STUDY AND GUIDELINES FOR PERFORMANCE TESTS.

(a) STUDY.—Not later than 3 years after the date of enactment of this Act, the Chairman of the Equal Employment Opportunity Commission (in this section referred to as "the Chairman") shall conduct, directly or by contract, a study that will include—

(1) a list and description of all tests available for the assessment of abilities important for completion of public safety tasks performed by law enforcement officers and firefighters,

(2) a list of such public safety tasks for which adequate tests do not exist,

(3) a description of the technical characteristics that performance tests must meet to be compatible with applicable Federal civil rights Acts and policies,

(4) a description of the alternative methods available for determining minimally acceptable performance standards on the tests described in paragraph (1),

(5) a description of the administrative standards that should be met in the administration, scoring, and score interpretation of the tests described in paragraph (1), and

(6) an examination of the extent to which the tests described in paragraph (1) are cost effective, safe, and comply with Federal civil rights Acts and regulations.

(b) ADVISORY GUIDELINES.—Not later than 4 years after the date of enactment of this Act, the Chairman shall develop and issue, based on the results of the study required by subsection (a), advisory guidelines for the administration and use of physical and mental fitness tests to measure the ability and competency of law enforcement officers and firefighters to perform the requirements of their jobs.

(c) CONSULTATION REQUIREMENT; OPPORTUNITY FOR PUBLIC COMMENT.—(1) The Chairman shall, during the conduct of the study required by subsection (a), consult with—

(A) the United States Fire Administration,

(B) the Federal Emergency Management Agency,

(C) organizations that represent law enforcement officers, firefighters, and their employers, and

(D) organizations that represent older individuals.

(2) Before issuing the advisory guidelines required in subsection (b), the Chairman shall allow for public comment on the proposed guidelines.

(d) DEVELOPMENT OF STANDARDS FOR WELLNESS PROGRAMS.—Not later than 2 years after the date of the enactment of this Act, the Chairman shall propose advisory standards for wellness programs for law enforcement officers and firefighters.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

AMENDMENT OFFERED BY MR. EVANS

Page 34, line 12, strike "; and" and insert a semicolon, in line 16 strike the period and insert a semicolon, and after line 16 insert the following:

(8) assurances that the State or States have implemented, or will implement within 18 months after the date of the enactment of this Act, policies to determine the veteran status of inmates and to ensure that incarcerated veterans receive the veterans benefits to which they are entitled.

AMENDMENT OFFERED BY MR. RANGEL

Page 233, after line 8, insert the following:

SEC. . EXTENSION OF BYRNE GRANT FUNDING.

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995, 1996, 1997, 1998, and 1999, to carry out the programs under parts D and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

AMENDMENT OFFERED BY MR. MANZULLO

Page 233, after line 8, add the following:

SEC. . BENEFITS FOR CHAPLAINS.

(a) IN GENERAL.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by redesignating paragraphs (2) through (7) as (3) through (8), respectively;

(2) by inserting after paragraph (1) the following:

"(2) chaplain means any individual serving as an officially recognized or designated member of a legally organized volunteer fire department or legally organized police department, or an officially recognized or designated public employee of a legally organized fire or police department who was responding to a fire, rescue, or police emergency."; and

(3) in paragraph (8), as redesignated by paragraph (1) of this Act, by striking "or rescue squad or ambulance crew" and inserting "rescue squad or ambulance crew, or chaplain".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and shall apply to injuries or deaths that occur in the line of duty on or after such date.

The CHAIRMAN. Under the rule, the en bloc amendments are considered as read.

Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] is recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, of the amendments filed to H.R. 4092, I believe a number are noncontroversial and can be dealt with rather quickly. Because I think that this body should be given the chance to vote on them, I am now offering these amendments as an en bloc amendment.

My action is in no way meant to cut off debate on any of these important amendments. However, we do have many amendments to deal with, a whole bucket—I am told we may be on the floor for over 21 hours—and with this en bloc amendment, I am simply trying to move the process along.

The en bloc amendment before us includes amendments from both Republicans and Democrats. It ranges widely—covering many different subject areas—from Mr. PORTER's amendment requiring that the U.S. flag be flown at

half staff on all Government buildings on Peace Officers Memorial Day to Congressman MCCANDLESS' amendment strengthening penalties against illegal use of a Congressional Medal of Honor; from Congresswoman SLAUGHTER's amendment on a National Commission To Support Law Enforcement to Mr. LIVINGSTON's amendment requiring the Secretary of Defense and the Attorney General to study the suitability of converting military installations into prison facilities.

Congressman ABERCROMBIE's amendment allows local law enforcement officials the option to obtain Federal assistance in investigating violent crimes against travelers; Congressman BONILLA's amendment requires the Attorney General to study the issue of overcrowding in prisons. Ms. LONG, Mr. EWING, and Mr. BAESLER have provided a package to help rural areas deal with crime and drugs. Mr. RANGEL's amendment reauthorizes the Byrne Grant Program for 5 years, a matter of grant interest to many Members, I know both Republicans and Democrats. The list of amendments goes on, and I have noted just a few.

The list has been available since yesterday around 3 p.m.

I am sure that all of the Members included in the en bloc amendment care a lot about their individual amendments, and so do I. For those not now included, do not fear: Your time will come—later in the debate.

I thank all these Members for their efforts to perfect the bill and to assist in the fight against crime. I ask your support for the amendment.

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

□ 1050

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the procedure that is being utilized in the consideration of these en bloc amendments is one of the things that is really an embarrassment to the House of Representatives. There are many very good ideas that are contained in the en bloc amendments, but they will drag along some really pretty bad ones and there is only going to be one vote up or down on this whole package.

First of all, this amendment further increases the unappropriated authorizations by approximately $460 million. That is almost one-half billion dollars more in spending, but no funding mechanism whatsoever. So this is once again a hollow promise that is being made at this time for some very worthwhile programs that Congress will undoubtedly not back up its promises with dollars to implement.

But also in this amendment there are a couple of really crazy amendments. Those who vote for this amendment will be voting for the Federal aid for graffiti prevention and removal. Can Members imagine a lower priority than to have the Federal Government borrow money at interest and run up the deficit and the national debt to provide aid to prevent and remove graffiti? But nonetheless, that is in here by a provision shoehorned in by the gentleman from California [Mr. FILNER].

I think I would be remiss in my duties as a Representative if I did not stand up and object to this procedure and object to spending the taxpayers' hard-earned dollars to establish a Federal program with a whole bunch of bureaucracy to decide which communities get grants for graffiti removal and prevention. I would hope that enough Members share this concern of mine to cast a protest no vote when I ask for a roll call in a few minutes.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, there are many good amendments in this en bloc provision. I do not think that many of use are going to argue with 80 or 90 percent of the amendments that are in here. I agree with the gentleman from Wisconsin, there are two or three particularly egregious ones in here that add to what are already in title X, and add to the additional amount of money we are just spreading around for so-called root cause solution.

I would like to point out while there are also two or three amendments in here of a positive nature dealing with immigration, the Becerra amendment which is in this en bloc provision, while billed as something to correct the problems of illegal immigration and criminal aliens, does not really attack the criminal alien problem. It is not a substitute for legislation which would include authorizing a specific increase in border patrol agents or INS investigators, imposing effective limits on illegal alien access to Government benefits, and reforming employer sanctions to make them both more effective and less confusing for employers and employees alike; and criminal aliens, substantive legislation which would include swifter and more effective identification and deportation of deportable criminal aliens in State and local prisons, as well as Federal prisons. And it is certainly no substitute for asylum reform, which would include expedited exclusion, which we have offered in committee, and some of us would like to offer out here today.

It does include the Gilman proposal, and I would like to yield to the gentleman from New York [Mr. GILMAN] to explain that.

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

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

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

Mr. Chairman, I welcome the opportunity to discuss and help to enact today the essence of legislation I have introduced, H.R. 3302, the Passport and Visa Offenses Penalties Improvement Act of 1993, as part of the en bloc amendments to the Violent Crime Control And Law Enforcement Act now before the House. I want to thank Chairman BROOKS, Mr. SOLOMON, Mr. HYDE, Mr. MCCOLLUM, and Mr. SMITH of Texas of the Judiciary Committee, for their outstanding efforts to help enable most of the provisions of my bill being included in the en bloc amendments now before us. I was pleased the State Department also supported these increased penalties.

I look forward to working with the distinguished chairman of the Committee on Judiciary, and the other cosponsors and supporters of this important bill in exploring the possibility of providing badly needed asset forfeiture authority to the State Department, once the planned reform and current examination of our asset forfeiture laws are completed. I understand that such reform legislation is in the process of being developed following the uncertainty after a recent Supreme Court case and additional examinations of how this authority is being used today by our Federal law enforcement authorities.

Hopefully, any reform legislation moved through the Judiciary Committee, will present the opportunity to also provide this badly needed asset forfeiture authority to the State Department Diplomatic Security agents out there on the streets fighting today's massive visa and passport fraud problems.

Mr. Speaker, my amendment to the crime bill in the form of H.R. 3302, in essence which is included in the en bloc amendment, will help modernize our Nation's Federal laws as they relate to the outdated criminal penalties dealing with visa and passport fraud, and other offenses involving the misuse of these vital travel and entry documents.

There will be much debate about what crimes the House bill should be dealing with on the Federal, versus the State or local levels. This will not be the case with regard to my amendment. The U.S. State Department is solely charged with protecting the integrity of U.S. passports and visas, a role the Federal Government must and has to play in this particular area of Federal crime.

One of the main purposes of a crime bill is to increase Federal criminal penalties where appropriate and needed. The Senate crime bill already raises criminal penalties for visa and passport offenses. My amendment is a much stronger version of the criminal penalties for these offenses. It will give the State Department's Diplomatic Security agents the tough criminal sentences they need to help get a handle

on these fraudulent travel and entry documents.

Our Nation received a terrorist wake-up call last February which we can not ignore. The World Trade Center bombing in New York made it vividly clear that this Nation can be the target of international terrorism, especially on the streets and in the offices of our cities. Some of the defendants in that case have been charged with possession and use of fraudulent travel documents. In fact, 9 of the 35 indictable counts in the Trade Center case, and the subsequent terrorist plots against commuter tunnels and other targets, were for passport and visa fraud. These events have shaken our confidence in our very safety and internal security from acts of international terrorism.

In light of these events, we must be more vigilant and concerned about international terrorism. In particular, we need to be concerned about the thousands of illegal travel documents that are out there, which facilitate terrorism, and other serious criminal activity such as drug trafficking, all directed at the United States.

The Inspector General of the State Department in a September 1993 Audit of the Department's Machine Readable Visa Program said, "The use of fraudulent nonimmigrant visas [NIV's] to enter the United States illegally is a serious and growing problem." Earlier, Newsweek in an August 9, 1993, article on our out-of-control borders stated, "The lax controls have spawned a robust market for counterfeit documents. Stolen U.S. passports, usually altered with a new photograph, are in special demand." So we all know the extent of the problem. Now, let us fix it and help restore America's security and control over illegal entry into this great Nation.

A post Trade Center bombing review of the Federal criminal penalties currently on the books regarding visa and passport fraud, which facilitate the entry of illegal aliens capable of committing acts of terrorism against the United States, reveals a serious need for improvement.

Recently, for example, it was reported that agents of the State Department's Bureau of Diplomatic Security arrested in Newark, NJ, a document counterfeiter who had produced numerous forged U.S. travel visas, using a color copier, whose inauthenticity were almost undetectable. Some of these rather excellent forged U.S. visas were sold to followers of radical Sheik Rahman. This is a serious and deadly business.

Yet, it is currently not unusual for major criminals convicted of passport and visa crimes—most of which are felonies—to receive light sentences, even probation. Few U.S. Attorneys are willing to take such low-level penalty cases involving 5 years or less under current law. Now is the time to change that. My amendment does so effectively by making the punishment fit the crime.

My amendment increases the maximum imprisonment time for these offenses specified in title 18 United States Code sections 1541 and 1546 to 10 years in most cases. The penalties have not been raised since 1948; more than 45 years ago. In addition, I have also added a new maximum 15-year term for offenses committed to facilitate drug trafficking, and a 20-year term for offenses done to facilitate terrorism.

With regard to the asset forfeiture penalties in my original bill that would have made the tools of these crimes, as well as the fruits, subject to civil forfeiture, I look forward to working with the gentleman from Texas [Mr. BROOKS], the distinguished Judiciary Committee chairman and the other members in the context of the planned reform of our asset forfeiture laws and procedures. So, for example the next time, in the Newark case of the many forged U.S. visas that I referenced, such items as the copier or printer, the vehicles used to transport them, and any illicit gains can all be seized by the Government as an additional deterrent to these crimes.

The victims of the Trade Center bombing in New York last year, will be pleased that their elected Representatives here in the Congress are closing some of the loopholes in our Federal laws that that bombing exposed. It is gratifying that today we have started to address an area of Federal criminal law that cries out for reform, and which may help protect all of us from another terrorist attack in the future.

Mr. BROOKS. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I want to thank Chairman BROOKS for allowing Members from rural areas to include in this en bloc amendment the reauthorization of the Byrne Act and language offered by the gentleman from West Virginia [Mr. WISE] and the gentleman from Michigan [Mr. STUPAK] and myself on behalf of rural communities that truly need to continue to have Federal assistance to fight crime and drugs. We are concerned certainly about suburban and urban problems, but this amendment which the gentleman from Texas [Mr. BROOKS] has put together will give the assurance to rural communities that they are not going to be left out. And I want to thank him and the gentleman from New York [Mr. SCHUMER] for their assistance.

Mr. Chairman, I rise in support of the provision which my colleague from Michigan [Mr. STUPAK] and I are offering as part of the chairman's en block amendment. Our noncontroversial, but necessary, measure will help ensure that rural communities do not lose ground as the rest of the country moves forward on new anti-crime strategies.

The Fazio-Stupak amendment expresses the sense of Congress that rural areas should continue to receive the level of support that they had prior to enactment of this crime bill. It says that rural America should not receive less funding than it did in fiscal year 1994, and that the formula portion of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program should be maintained at its fiscal year 1994 level.

Rural America relies heavily on Byrne formula grants for support for its law enforcement efforts. Sheriffs and police chiefs in my district have stressed how critical these funds are to their operations. Without Byrne formula grants, Tehama, Glenn, Colusa, Yolo, and other counties would have to do away with their narcotics task forces, leaving these communities wide open to drugs and the violence that accompanies this persistent problem.

Although, in response to input from rural law enforcement, a portion of these funds has been restored, it is critical that we maintain our previous level of support for this critical component of the rural anticrime effort. The amendment puts Congress firmly on record that, as we attempt to attack crime in the cities and suburbs throughout America, rural communities do not get left behind. I therefore thank both Chairman BROOKS and Chairman SCHUMER for including this provision in the en bloc amendment, and encourage my colleagues to support its passage.

Mr. BROOKS. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in support of Chairman BROOKS' en bloc amendment. Among the many important provisions included is my proposal to increase the number of Boys & Girls Clubs in public housing. For the young people growing up in public housing projects, one of the only safe havens from gang violence, drug abuse, and crime is their Boys & Girls Club.

Many of the most pressing problems of our inner cities are magnified and intensified in public housing developments. Young people living in this environment must be provided alternatives and hope for their future. Of the approximately 2,000 public housing sites that could sustain a Boys & Girls Club, only 251 sites currently have an active club. At those sites where clubs have been established, thee have been remarkable results.

A recent Columbia University study of the effects of Boys & Girls Clubs in public housing found 25 percent less presence of crack, 22 percent less drug activity, and 13 percent fewer juvenile crime.

Mr. Chairman, I will submit the executive summary of this report for publishing in the RECORD.

I could go on at great length about the merits of Boys & Girls Clubs in my district and in my State, but most of the Members are familiar with this organization's experience in helping high-risk boys and girls. Their track record has been impressive and it should be expanded.

My amendment would authorize the appropriation of $12 million per year for the next 3 years. With these funds, approximately 250 new clubs could be up and running in public housing. It is my understanding that the Secretary of Housing and Urban Development supports this proposal.

Mr. Chairman, as we move forward on this important crime legislation I feel that it is imperative that we enable more of America's neediest young people to build trust and confidence, acquire honest values, and pursue a better destiny. I urge my colleagues to support this amendment.

Mr. Chairman, I include for the RECORD the Executive Summary of the Final Research Report on the Effects of Boys & Girls Clubs on Alcohol and Other Drug Use and Related Problems in Public Housing.

EXECUTIVE SUMMARY OF THE FINAL RESEARCH REPORT ON THE EFFECTS OF BOYS & GIRLS CLUBS ON ALCOHOL AND OTHER DRUG USE AND RELATED PROBLEMS IN PUBLIC HOUSING

PURPOSE AND DESIGN

This comparative study evaluated the effects of Boys & Girls Clubs on children and adolescents who live in public housing and on the overall quality of life in public housing. Focused on alcohol and other drug use, crime, delinquency and vandalism, the study involved 15 public housing developments in a representative sample of American cities.

Beginning in September of 1987 and spanning three years, the study's external evaluation team compared rates of alcohol and other drug use and related problems among three groups of youth who live in public housing. Youth in the first group did not have access to Boys & Girls Clubs; youth in the second group had access to newly established Clubs with a core program and a comprehensive alcohol and other drug prevention program known as SMART Moves; and youth in the third group had access to older, existing Clubs with a core program that often included alcohol and other drug prevention programs other than SMART Moves.

To evaluate the five Boys & Girls Clubs initiated through OSAP funding, each of the Clubs with SMART Moves was assigned two control sites: one public housing site with a Boys & Girls Club without SMART Moves, and one public housing site without a Boys & Girls Club. These control sites were geographically and demographically matched with the Clubs with SMART Moves. Matching criteria included the size of the public hosing site, its geographic locale, and demographics of the population served.

An outside evaluation team of researchers from Columbia University and from the American Health Foundation in New York gathered qualitative and quantitative outcome data in all of the sites. The evaluators, using a standard interview protocol, polled local community leaders, housing authority administrators and residents, and school and police officials to learn the extent of problems and the effects of Boys & Girls Clubs on youth in public housing.

The outside evaluation team examined crime statistics in each site. They also conducted observations, noting the presence of graffiti, garbage, vandalism, drug-related paraphernalia and drug dealing. Through interviews, police officers and community leaders helped to interpret the statistics and assisted evaluators in explaining changes that occurred throughout the evaluation. In addition, housing authority managers and Boys & Girls Club directors profiled each site for the evaluators.

FINDINGS

For youth who live in public housing and who have excess to a Boys & Girls Club, the influence of Boys & Girls Clubs is manifest in their involvement in healthy and constructive educational, social, and recreational activities. Relative to their counterparts who do not have access to a Club, these youth are less involved in unhealthy, deviant, and dangerous activities.

Organized sports, one key element of Boys & Girls Clubs, prevail in neighborhoods that contain Clubs. Such support for youth in public housing without Boys & Girls Clubs is relatively rare. When a facility does exist for youth in public housing without Boys & Girls Clubs, it is usually not staffed by professionals or other trained personnel. These unregulated facilities are susceptible to drug dealing and other illicit activities. In contrast, the Boys & Girls Club staff are committed to enriching their Club members' social, emotional, educational, vocational and recreational well being. Most significantly, participation in organized sports and other after school activities have been linked to decreased use of alcohol and other drugs.

Data from the evaluation show that adult residents of public housing are also beneficially affected by Boys & Girls Clubs. Compared with parents in public housing sites that do not have Club programs and facilities, adult family members in communities with Boys & Girls Clubs are more involved in youth-oriented activities and school programs.

For adults and youth alike, Boys & Girls Clubs appear to be associated with an overall reduction in alcohol and other drug use, drug trafficking, and other drug-related criminal activity. The presence of crack cocaine is lowest in public housing sites with Boys & Girls Clubs that have the SMART Moves prevention program. The rates of drug dealing activity are also lowest in those sites that are served by Boys & Girls Clubs with the SMART Moves prevention program.

Further, the study demonstrated that public housing sites with Boys & Girls Clubs, when compared to public housing sites without Boys & Girls Clubs, experienced: 13% fewer juvenile crimes; 22% less drug activity; and 25% less crack presence.

Although school data are too preliminary to appear in the body of this report, they are suggestive of the potential environmental effects of Boys & Girls Clubs on school performance. Evidence for the positive environmental effects of Boys & Girls Clubs is suggested by lower percentages of school academic failure, repeated grades and behavior problems in schools attended by girls and boys from public housing sites that have Clubs, relative to schools serving public housing sites without Clubs.

CONCLUSION

Based on analyses of data collected from public housing sites that have newly established Boys & Girls Clubs, existing Boys & Girls Clubs, or no Clubs, several conclusions from the longitudinal study are empirically warranted. Foremost among those conclusions is that Boys & Girls Clubs exert a positive and palpable influence on the human and physical environment of the indexed public housing sites.

Through interviews, members of the evaluation team discovered that the presence of Boys & Girls Clubs in public housing encourages residents to organize and improve their community. The Clubs stimulate communication between public housing residents, the police, housing authority managing personnel, and other community groups. The increase in communication seems to have enriched the social quality of life in public housing. This informal interaction and communication is perhaps the most important effect of Boys & Girls Clubs and it is also the most difficult to measure.

On a qualitative and intuitive level the researchers find dramatic differences between public housing sites with Boys & Girls Clubs and those without Clubs. These indicators of potential for Boys & Girls Clubs merit further funding and further research.

Social support services are critical for youth in public housing. Yet comprehensive and sensitive services for young people in public housing are practically nonexistent. Public housing communities urgently need the kind of attention, community organization, and carefully designed intervention programs that Boys & Girls Clubs offer.

Although the long-term impact of Boys & Girls Clubs in public housing is yet to be seen, our evaluation reveals the positive influence of Clubs. Public and private agencies providing and/or supporting prevention efforts urgently need the kind of cost-effective strategy that Clubs provide in order to prevent alcohol and other drug use and maladaptive behavior before they are too costly to treat.

STEVEN P. SCHINKE, Ph.D.
MARIO A. ORLANDI, M.PH., Ph.D.
KRISTIN C. COLE.

Mr. BROOKS. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I would like to thank Chairman BROOKS for yielding this time and for offering these en bloc amendments.

I am pleased to rise today in favor of the Fazio-Wise-Stupak amendments to H.R. 4092. The purpose of the amendments are to express the sense of the Congress on the fund for rural communities, the formula portion of the Byrne grants which we ask be fully funded at the fiscal year 1994 level.

I am dismayed that I have to be here today to plead for the restoration of these much needed funds when there is already an insufficient amount of financial support to wage even the drug war effectively. These funds serve a great purpose at the State level. They fund 881 multijurisdictional drug task forces like SANE, UPSET, TNT, and HUNT in northern Michigan. Furthermore, this money may be used for up to 21 other programs administered by the Bureau of Justice administration. Most importantly, we know this is money well spent—that this program works. Earlier this year, law enforcement officials from California to Alabama to Michigan came before the Government Operations Subcommittee on Information, Justice, Agriculture and Transportation, of which I am a member, and testified as to the merits of this program.

Apparently, the administration has also recently recognized this program's

value. They have decided to fund the formula portion of the Byrne memorial grant at one-third of its 1994 level. Unfortunately, Mr. Chairman, as many Members of this body know, this one-third proposal is not going to be sufficient.

We are here today trying to fashion legislation that will be tough on the criminal but easy on the crime fighter. Let us not take away one of our law enforcement officials' best weapons. Support full restoration of the Byrne formula grant. Support Fazio-Stupak and the en bloc amendments.

Mr. BROOKS. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, I want to salute the chairman for including in the amendments the amendment dealing with incarcerated veterans. This would require States seeking grants for correctional facilities under this act to determine the veteran status of inmates and take appropriate steps to ensure that incarcerated veterans receive the veteran benefits to which they are currently entitled.

This has the support of the major veterans' organizations, and I appreciate the support of the chairman.

Mr. Chairman, let me begin by thanking our distinguished colleagues, Chairman BROOKS and Chairman MOAKLEY, for allowing the provisions offered by Congressmen DON EDWARDS, DAVID BONIOR, GEORGE BROWN, and me dealing with incarcerated veterans to be included in the en bloc amendment.

Convicted criminals deserve to be punished for their offenses, but it is criminal on our part to deprive incarcerated veterans of the benefits that they have earned.

Our provisions do not excuse the behaviors of incarcerated veterans, they simply seek to ensure that the Government meets its obligations to all veterans. The provisions would require States seeking grants for correctional facilities under this act to determine the veteran status of inmates and take appropriate steps to ensure that incarcerated veterans receive the veteran benefits to which they are currently entitled.

The provisions have the strong support of the Vietnam Veterans of America, the American Legion, the Veterans of Foreign War, the Disabled American Veterans, AMVETS, the National Coalition for Homeless Veterans, and CURE.

There is little, if any, cost associated with the provisions since they would not alter the current eligibility criteria for veterans' benefits. The language simply ensures that those men and women who served and sacrificed for our Nation receive the veterans benefits to which they are entitled.

When our colleague, GEORGE BROWN, testified before the Judiciary Committee in 1990, he stated that "most veterans who are in prison are effectively prevented from receiving or even knowing about their rightfully due veterans services." He also explained that we have a special obligation to incarcerated veterans because their war-time experiences and PTSD may have been factors leading up to the crimes that they committed.

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Adopting these provisions is not only the right thing to do, it's also the smart thing to do. Veterans are veterans no matter what else has transpired in their lives. These men and women served our Nation. Providing them with their rightful benefits can only remind them of their prior commitment to society, promote their sense of self, and further their rehabilitation.

I urge you to vote "yes" on the en bloc amendment.

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] has the right to close debate.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield 30 seconds to the gentleman from West Virginia [Mr. WISE] to close debate.

Mr. WISE. Mr. Chairman, I thank the gentleman for yielding time to me. I too join to thank the chairman and to urge support of this en bloc amendment, including the amendments offered by the gentleman from California [Mr. FAZIO], the gentleman from Washington [Mr. SWIFT], the gentleman from California [Mr. CONDIT], the gentleman from Michigan [Mr. STUPAK], and myself, which would restore integrity to the Byrne program for our area, particularly in West Virginia, but for all areas across the country.

This guarantees that the multijurisdictional drug task forces which have been so successful, and the DARE Program, the Drug Abuse Resistance Education Program can continue.

This has been a bipartisan effort to restore these programs. They are very essential to our rural areas, so I urge support of these en bloc amendments. This gets the money to our State and local law enforcement where it does the most good.

Mr. Chairman, as many of you know, I have supported the Byrne Formula Grant Program since its inception. In my home State of West Virginia this program provides critical resources for local law enforcement efforts that could not be funded otherwise.

I look forward to working with the administration in their efforts to increase the police presence on the streets. I recognize the importance of providing adequate levels of law enforcement personnel for community policy activities and I have supported many of the President's anticrime initiatives.

However, in the interest of our communities, we must look to the existing programs that work. I believe that the Byrne Formula Grant Program should serve as the model for the administration's new anticrime initiatives, not be eliminated. While there is a need for additional attention to crime and law enforcement efforts, we don't need to reinvent the wheel—we should take the success of this program, and build on them.

The Byrne Formula Grant Program's flexibility and administration are in keeping with the Vice President's National Performance Review [NPR]. The NPR concluded that the President should empower communities by being "committed to solutions that respect bottom-up initiatives rather than top-down requirements." The 21 broad program purposes enable local law enforcement agencies to focus their resources on the tough problems in their communities; ranging from combating violent crime to drug control to prison alternatives and rehabilitation.

This program is the largest Federal crime-fighting resource for States, and I can attest that the grants are utilized by communities of all sizes. There are communities in my district that received grants of less than $1,000, but to those communities that is the difference between having a program like DARE or a neighborhood program which assists citizens in preventing crimes.

This program reaches the communities that most need it and the communities that are willing to make a commitment to the program. The Byrne Formula program requires that at least 25 percent of the cost of the program be paid with non-Federal funds—these matching funds ensure that the communities have a vested interest in seeing these programs succeed.

The most important aspect of the administration's crime package is the 100,000 additional cops on the beat. It is important to point out that the largest share, about one-third of the $1.4 million Byrne Formula Grant Funds, was used to pay expenses related to multijurisdictional task forces in the past 5 years, and 57 percent of those funds were used to pay the salaries of law enforcement officers. Eliminating the Byrne Program would take cops off the beat, in theory, to fund putting them on the beat.

During the last week in March, Attorney General Reno announced that $125 million has been restored to the Byrne Formula Program—last year funding for the Byrne Formula Program was $358 million. At the present time, the Department of Justice [DOJ] has focused this money on multijurisdictional task forces. While I believe that the task forces are of the utmost importance, I feel that all 21 of the general purposes under Byrne are important and that the States and local communities know best how to utilize these funds.

As you know, the Byrne Formula Grant Program is probably the single most important Federal program for the State of West Virginia. This year the Justice Department awarded $3,056,000 to West Virginia through the Byrne Memorial State and Local Law Enforcement Assistance Program. I have supported the Byrne Formula Grant Program since its inception, because this program provides critical resources for local law enforcement efforts that could not be funded otherwise.

The proposed elimination of the Byrne Formula Program would have the unintended effect of disbanding operational criminal task forces and threaten the existence of the highly successful DARE program. While I support enhanced law enforcement efforts in the community, I do not support eliminating active task forces or jeopardizing existing drug resistance efforts to do so. This administration is committed to finding ways to eliminate waste and improve efficiency—keeping this program in place would be another step in that direction.

I will continue to focus my efforts on restoring full funding for this vital program.

Mr. BARCA of Wisconsin. Mr. Chairman, first I'd like to thank Chairman BROOKS and

the distinguished chairman of the subcommittee, Mr. SCHUMER, as well as the Rules Committee for their support in allowing me to offer this important amendment on violence against truckers.

The challenges truckers and their families must face was called to my attention at a townhall meeting by a local chapter of the Families of Truckers Support Group. They suggested that violence against truckers is pervasive and after researching the issue I agree.

In short, adoption of my amendment would result in no cost to the taxpayers, no additional federalization of crimes, but would benefit truckers on the road in every congressional district by:

First, raising public awareness of increase in crimes affecting this industry and its workers;

Second, reinforcing the protection truckers receive under current Federal law and encouraging increased Federal prosecution;

Third, encouraging further evaluation by the public and private sector of how to best deter these crimes and apprehend those involved.

Multijurisdictional authorities and private organizations have successfully used technology to reduce these crimes. My amendment encourages the extension of these efforts.

The threat of violence makes the rigorous job of truck drivers even harder. The Federal Government which is responsible for the collection of Federal highway taxes and the distribution of commercial driver licenses [CDL], at significant cost to the driver, must recognize the surge in violent crimes perpetrated against truckers and reaffirm that truckers who are victimized while working have a right to full protection under Federal laws.

This amendment is important to the 8 million workers in the U.S. trucking industry who earn their living by performing services vital to our Nation's economy. It has been drafted in consultation with and has received overwhelming support from many groups and government agencies concerned with violence against truckers.

In closing, I would urge Members to support truckers and owner operators who are victims of violent crime by passing this amendment.

Mr. MANTON. Mr. Chairman, I rise today to join my friend, Mr. RANGEL, in support of an amendment to authorize the extension of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program. This grant program is an essential part of our fight against drug abuse, drug trafficking, and drug-related violent crime.

The Byrne Program was named for Eddie Byrne, a 22-year-old rookie New York City police officer, who was brutally killed in 1988 while on duty in the 103d precinct in Queens. Eddie Byrne was one of several officers assigned to around-the-clock protection of the home of a witness in a major drug trafficking trial. The young officer's murder was ordered by a drug kingpin from his Riker's Island cell, as a message to those citizens who are brave enough to stand up for their rights against drug dealers.

Failing to reauthorize this vitally important program would serve a crippling blow to our efforts to fight drug abuse and drug related crime. In New York, the Byrne Program funds drug interdiction efforts at JFK Airport, one of the principal points of entry into the United States, an alternative sentencing program providing drug treatment for two-time drug felony offenders, and the COMBAT antidrug program, combining local law enforcement with community groups to develop ways to combat drug crime in neighborhoods with a high incidence of drug trafficking.

Reauthorization of the Edward Byrne Memorial Grant Program is necessary to ensure that these successful antidrug programs will continue to help make our streets safer. I urge my colleagues to approve the amendment to restore full funding for the Eddie Byrne Memorial Grant Program. The program is an important weapon in our war on drugs, and fitting tribute to a young man who gave him life in a fight to make his neighborhood safe from crime and drugs.

Mr. BONILLA. Mr. Chairman, this amendment is a simple, common sense, low cost measure to make our streets just a little bit safer than before. We often hear that prisons are overcrowded. And that overcrowding is in violation of prisoners' civil rights. Well, if you talk to any of my constituents out in Texas—they'll ask, "What about our rights?" "If they don't have room in jail, put them in tents or barracks." I have introduced this amendment, because I hear the voices of my constituents and I promised them, that I would act on their behalf.

Weekend family campers sleep outdoors in canvas tents; American soldiers, airmen, and marines live in barracks; many of our Nation's high school students are instructed and do their school work in temporary buildings. So, why I ask, can't we house criminals in the very same structures that other Americans relax, live and learn in? Unfortunately, in the past, my State of Texas has been prevented from putting criminals in safe temporary housing to ease the problem of overcrowding. At least one Federal judge, it seems, has shown more concern for the comfort of our criminals than the safety of our citizens.

We all know that the best form of criminal control is keeping the people who steal, rape and murder in jail. Unfortunately, our prisons are full, forcing prison authorities to go to early release programs for criminals. In fact, many criminals never ever go behind bars because of prison overcrowding. Judges know that there is simply no room. This is at all levels of the penal system. Most of the country's most violent criminals only serve a third of their actual time sentenced. Murderers often are out in 4 years, rapists are out in 3 and armed robbers sometimes only serve 2 or even less. Our jails are revolving doors for criminals. Lack of space is no reason for early withdrawal. Fortunately though, tents don't have revolving doors.

That is why I have proposed this amendment. We need to have the Attorney General study and implement ways to house elderly, nonviolent, newly processed and short term Federal, State, and local inmates in prefabricated, temporary, or portable structures within a secure area, so that we can keep the murderers, rapists and robbers behind thick jailhouse walls. This amendment is a low cost measure to help keep our friends and families safe. I thank my colleagues for your time, consideration and support.

Mr. EWING. Mr. Chairman, I rise in support of the en bloc amendment and wish to thank Chairman BROOKS for including the rural caucus amendment in his amendment. I would also like to thank Congresswoman LONG and Congressman BAESLER for cosponsoring this amendment with me.

Crime is an overwhelming problem in small-town America. I have walked the beat with police officers in towns with a population under 40,000, and I've seen firsthand how gangs and drugs are chipping away at the safety of these small towns. There is an organized effort on behalf of gangs to recruit members in small towns and infiltrate these communities with drugs.

The rural caucus amendment will target $385 million in crime fighting dollars to rural areas where, according to the Federal Bureau of Investigation, violent crime increased by 5 percent from January to June 1993. This amendment will provide additional Drug Enforcement Agency agents to rural areas; allow the Attorney General to cross-designate Federal law enforcement agents for use in rural areas, and create rural antidrug task forces.

Our amendment will also increase prevention efforts for rural domestic violence and child abuse. Also, penalties will be increased for drug distribution at or near truck stops and safety rest areas.

As a former prosecutor, I know how beneficial these resources will be to apprehend, prosecute, and convict violent criminals. I urge my colleagues to support Chairman BROOKS amendment and help fight crime in rural America.

Mr. PORTER. Mr. Chairman, I would like to thank the gentleman from Texas and the gentleman from Wisconsin for including in the en bloc amendment legislation that I have introduced to fly the U.S. flag at half-staff on all Government buildings on Peace Officers Memorial Day to recognize the dedication and sacrifices made by police officers in our increasingly violent society.

For the past 32 years, May 15 has been designated by law as Peace Officers Memorial Day in honor of the Federal, State, and municipal officers who have been killed or disabled in the performance of their duties. My legislation would simply add a provision for lowering the flag on this important day; 13,256 law enforcement officers have died in the line of duty. A much greater number have incurred permanent disabilities. In 1992 alone, 144 law enforcement officers were killed.

Lowering the flag to half-staff is an appropriate way to show our appreciation to those officers who have made the ultimate sacrifice to ensure our safety and security.

My legislation has gained bipartisan support in Congress and widespread support from the law enforcement community. It has been endorsed by the National Association of Police Organizations, Concerns of Police Survivors, the Fraternal Order of Police, the American Federation of Police, the National Law Enforcement Council, the National Troopers Coalition, the United Federation of Police Officers, the Law Enforcement Memorial Association, the Law Enforcement Alliance, and many others.

This provision is a rather simple gesture, yet it is a very meaningful demonstration of our

regard for those who put their lives on the line for us every day. Most significantly, perhaps, seeing the flag at half-staff on each May 15 will remind all of us of how fortunate we, as Americans, are to live in a society devoted to the rule of law and to be served by men and women of honor and courage dedicated to upholding and enforcing it and to our safety and security.

I thank you again and commend both gentlemen for including this legislation in the en bloc amendment.

Mr. OLVER. Mr. Chairman, I rise today in support of the amendment. Included is my amendment to authorize a grant program for court advocates for victims of domestic violence.

Domestic violence is among the most insidious of crimes. It is committed in the privacy of one's own home, behind drawn curtains and closed doors. The victims do not suffer on our streets or in our public parks but in their kitchens, their living rooms, and bedrooms all across America.

Despite the private scene of these crimes, they are violent nonetheless. The brutality of this violence is clear in my own State where in just the first quarter of 1992 alone, 22 women and 5 children were killed in what authorities labeled domestic violence but what were more specifically crimes of assault, rape, mutilation, and murder.

This amendment addresses the need for physical safety of the victims when they are most vulnerable. Studies prove the most dangerous time for victims of abuse is immediately after receiving a protective order or when they are attempting to leave an abusive relationship. Victims seeking protective orders need to know their legal options. They also need help designing a personal safety plan before leaving court with a protective order.

Victims may stay in a dangerous situation because they are more fearful of the court process than of their abuser. The abuse may intensify to extreme proportions before the victim is finally motivated to seek court protection.

My amendment would authorize the Director of the Bureau of Justice Assistance to provide grants to States for at least one specialized domestic violence court advocate in every court where a significant number of protective orders are granted.

Court advocates are needed to assist victims of domestic violence who seek court protection from their abusers. They have an urgent need for information on legal options; support through an intimidating court system; help with safety planning, and referrals to various support services.

This amendment is a result of a roundtable on crime I had with several of my local law enforcement officials. They said we must pay more attention to domestic violence. This led me to discussions with organizations in my district and throughout the State of Massachusetts focused on finding effective solutions for domestic violence. All of these organizations agreed that court advocates can be extremely effective in assisting domestic violence victims.

I ask for your support of this amendment.

Ms. SLAUGHTER. Mr. Chairman, just after Christmas last year, my area of upstate New York was rocked by a wave of bombings in which five people were killed. Since that time, I have been concerned that Federal law does not take explosives crimes as seriously as it should. While the plague of gun violence has motivated us to reform our firearms code, we have not made explosives laws nearly as tough.

In a few moments we will consider my amendment to the crime bill, which will rectify this imbalance. For example, I was shocked to discover that, under current law, unlawful possession of explosives is not a Federal felony. For years, we've said that certain people should not be allowed to carry guns, such as convicted felons. Yet these same people can drive around with 100 pounds of gunpowder in their trunk and that's not even a crime.

Similarly, theft of explosives is not a Federal crime, while stealing a gun is one.

Bombers commit murder by remote control. They don't have to be in the same room as their victims, or even in the same city. They never have to see the death and destruction they cause. And their ruthless method of murder often kills random bystanders—such as John O'Donnell of Cheektowaga, NY, who was killed by a bomb intended for his coworker.

Mr. Chairman, in recent years, we have seen mail bomb attacks on a judge and a civil rights activist in the South, a string of bombings at abortion clinics, and the terrorist attack on the World Trade Center. These cowardly crimes are clearly becoming more widespread. For the people of Rochester and for all Americans, we need to take this urgent corrective action now.

Mr. LIVINGSTON. Mr. Chairman, I would like to take this opportunity and thank Chairman BROOKS for incorporating my base conversation amendment as part of his en bloc amendment.

Mr. Chairman, my amendment originally was a provision of what I call my LIFER Plus bill, H.R. 3336. This measure puts hardened, violent criminals in jail for life and converts closed military installations into Federal prisons.

In order to properly address our growing crime problem, I believe that we need recognize that a very small percentage of violent felons commit the lion's share of all violent crime. By simply removing these criminals, we can have a profound impact on the prevalence of violent crime. Just 6 percent of all violent offenders commit a full 70 percent of violent crimes. Furthermore, there is a 76 percent recidivism rate among those with three or more convictions. Removing these one-man crime waves is a vital first step in reclaiming our streets.

According to the Justice Department, the bill's "Three Strikes" measure could possibly lock up 200 to 300 criminals a year. I feel it is important to ensure that we have ample space for these thugs. My amendment would do just that. Specifically, the amendment would require the Secretary of Defense and the Attorney General to study all military installations selected to be closed pursuant to the base closure law and evaluate the suitability of any of these military installations for conversion into Federal prison facilities. The amendment directs that they identify three of them most suitable for such conversion.

Upon the completion of this endeavor, the amendment directs the Secretary of Defense to transfer jurisdiction over the three installations to the Attorney General for conversion into Federal prison facilities designed to incarcerate persons convicted of a Federal violent felony.

The amendment will also help the States by authorizing the Attorney General to accept transfers from overcrowded State prisons of persons previously convicted of a Federal violent felony or are serving a sentence of more than 20 years.

Mr. HOYER. Mr. Chairman, I want to thank the gentleman from Texas, Chairman BROOKS and the gentleman from New York, Mr. SCHUMER for giving me the opportunity to speak on the two amendments I have offered to the Violent Crime Control and Law Enforcement Act. I rise today to urge my fellow colleagues to adopt these two amendments as part of the Violent Crime Control and Law Enforcement Act.

Mr. Chairman, my first amendment would provide the Treasury Department with a $210 million annual authorization for the next 5 fiscal years from the Violent Crime Reduction Trust Fund. In addition, it would allow the Treasury Department law enforcement bureaus to expand many of their programs that are directed toward combating and preventing crime.

These include programs such as Project Uptown, an ATF initiative which assists the New York City Police and Housing Authority deal with armed violent offenders and armed narcotics traffickers who operate in public housing projects. Other programs include Operation Ceasefire and Achilles Task Forces. Operation Ceasefire provides advanced computer technology to State and local police to identify weapons used in crimes in cities with large numbers of organized criminal gang and drug related shootings. The Achilles Task Forces which aims to make the unlawful possession and use of firearms the achilles heel of the small percentage of violent offenders that commit the majority of violent crimes. These are only a representative sample of the types of programs which would be funded.

Mr. Chairman, my second amendment provides for an extension of financial institutions fraud jurisdiction for the Secret Service.

In November of 1990, we passed Public Law 101–509 which gave the Secret Service concurrent jurisdiction with the FBI over financial institutions fraud cases. That authority is set to expire when the RTC is closed in December of 1995. The amendment would extend the time frame for Secret Service jurisdiction from December 31, 1995, to December 31, 2004.

The initial reason behind giving Secret Service the authority to investigate financial institutions fraud was the abundance of cases that came about as result of the savings and loans crisis. Although many of the institutions that caused the crisis have been closed, there are still far too many bank fraud cases reported each year for the FBI to handle alone.

Given that the FBI intends to move 25 percent of its current bank fraud resources to health care fraud cases, there is even greater need than ever for Secret Service to continue its work in this area.

Secret Service has been able to successfully investigate hundreds of cases that otherwise would have been below the FBI's threshold for opening an investigation.

Since the beginning of the program, the Secret Service has made over 600 arrests, seized over $20 million in assets, and scored a 97-percent conviction rate.

Mr. Chairman, both of these amendments coincide with the balanced approach Chairmen BROOKS and SCHUMER have taken in crafting the House crime bill. Again, I want to urge my colleagues to adopt these two amendments.

Mr. WHEAT. Mr. Chairman, I want to thank Chairman BROOKS for the opportunity to offer my amendment to create a National Commission on Crime and Violence as part of the en bloc. I rise to support the en bloc amendment and to discuss my amendment, which is contained therein.

It has been 27 years since the Brown Commission defined the Federal Government's response to crime in our society. Since that time, crime has been transformed by guns, drugs, and gangs into an ultra-violent epidemic that has left no neighborhood feeling safe. The Nation's police, courts, and prisons are overwhelmed, and every week seems to bring a new, unthinkable outrage into bloody reality.

The Brown Commission could not have envisioned the nature of criminal activity in today's society. The men and women who form the thin blue line that protects us are improvising desperately in a continual effort to gain the upper hand in the fight against crime. It's time that the Federal Government take active steps to assist them. My amendment would create a National Commission on Crime and Violence that would use the experience of a cross-section of talented Americans to seek innovative crime fighting and prevention techniques for the 21st century.

In my own hometown of Kansas City, MO, the city just inaugurated three neighborhood resource centers that are staffed with an innovative mix of bicycle patrol officers, city zoning officials, and neighborhood citizens serving as mobilizers and conducting liaison between police and residents. The city of St. Louis is expected to graduate a record six classes of police academy cadets this year, in an effort to greatly increase the visible police presence on the streets.

In the State of Illinois it was recently reported that the police are experimenting with an innovative community policing concept, and are creating strategies that could also help other towns and police forces. Neighborhood resource centers are made mobile in one community, so the police can show the flag in a variety of troubled areas. In another community, a police officer finds that gang members who once would have scattered at the sight of a police cruiser are now coming into his NRC to chat and share information about illegal activities they have observed. These are just a few examples of local initiatives that could eventually form the basis of a future national crime fighting strategy.

The Commission on Crime and Violence will be a 22-member panel, with appointments made by the President and congressional leaders of both parties. The panelists will be experts at crime fighting and crime prevention, and will hold hearings with citizens, crime victims, and police officials to discuss the nature of crime and the innovations needed to fight the crime epidemic. The commission will issue a mid-term report in 1 year, and will terminate after 2-years' work, issuing a final report detailing its findings.

The Commission on Crime will allow us to carefully examine the answers to some very important questions. How can we better coordinate local, State, and Federal resources to get the most bang for our crime-fighting dollars? What is the best way to address youth violence and gang activity? How effective are current criminal justice institutions in meeting the challenges posed by drugs, gun violence, and recidivism? What are some innovative solutions created by individuals on the front lines of America's fight against crime? The commission will examine the causes and effects, and its findings will help every level of government make critical decisions about how to protect the lives and property of the Nation's citizens.

The Commission on Crime and Violence will not solve our crime problem. It will, however, allow us to attack the epidemic with renewed efficiency and vigor, and it will demonstrate that all levels of government are fully committed to restoring order to our streets and neighborhoods.

Again, I offer my thanks to Chairman BROOKS for his assistance in bringing this amendment before the House.

Mr. CONDIT. Mr. Chairman, I rise today to express my strong support for an amendment offered by myself and my colleagues from West Virginia and New Mexico. The purpose of our amendment is simple, but the message it sends is profound.

Our amendment specifies that the anti-crime programs created by this bill are not intended to serve as a replacement for those already funded by the pre-existing Edward Byrne Memorial grant. The amendment also states that nothing in this bill shall be construed to exclude any Byrne participant from applying for a grant under any title created by this bill.

Mr. Chairman, the Edward Byrne Memorial grant is one of the things that the Federal Government is going right in its attempt to combat crime and narcotics abuse and the social problems that arise from them. The administration requested no funds for this program in its budget request for fiscal year 1995. I think it is safe to say many Members were somewhat surprised by that.

The Byrne grant can be used for 21 broad criminal justice purposes. To qualify, each State must submit a comprehensive State plan to the Justice Department. This assures both the involvement of as many jurisdictions as possible and that communities will have funding for the purposes that best suits their needs.

My home State of California has selected 10 of these categories for funding. These programs were selected after a series of town meetings to discuss possible options. My constituents decided on a variety of programs ranging from task forces to increasing criminal history accuracy. I find it hard to believe that Washington-based bureaucrats would know better how they should spend these funds.

This program is currently funding about 1,000 law enforcement task forces across the country. This fosters cooperation between Federal, State, county, and city law enforcement. If we are serious about fighting crime; we have to work together to fight it. The days of the Lone Ranger have long past. We have to spend our precious resources in the manner that proves most effective. The evidence shows that task forces work.

Besides task forces, there are 20 other purposes for which Byrne funds can be used. Some locations have opted for assistant prosecutors to handle small drug cases, others have opted for DARE programs in their schools and still others have found that drug treatment or money laundering programs are what is needed in their communities. Why on Earth would we want to deprive our constituents of the choice?

I chair the Government Operations Subcommittee on Information, Justice, Transportation and Agriculture. On March 2, 1994, I conducted a hearing on the potential impact of the loss of Byrne grant funds. Once word of our hearing got out, interest was so great, we literally had to turn away witnesses.

During the hearing representatives of State Government in California, Texas, and Illinois; Governors from West Virginia and Arkansas; police officials from Maryland, Alabama, and Virginia; prosecutors from New Jersey; and testimony from every major police agency in the United States all said the same thing: "Please do not take away what works, preserve the Byrne Program."

I understand that the White House has softened its stance on the Byrne grant; and for that they should be commended. I have worked with many of my colleagues in the House as well as with the House Budget Committee to make sure that the Appropriations Committee is aware of the need to continue funding this important program. I am also aware that there is considerable interest in the Senate in the preservation of this program and my subcommittee has been in contact with a number of our colleagues in the other body on this issue.

As we debate this important crime bill today we will hear great and detailed discussion about the right and wrong way to go about solving some of our most serious problems. The aim of our amendment is to save a program that has proven to be effective, efficient, and flexible. Please support this amendment and I urge my friends on the Appropriations Committee to provide funding for this program as you prepare the Commerce, State, Justice, and Judiciary appropriations bill for fiscal year 1995.

Mr. MANZULLO. Mr. Chairman, I rise in support of the en bloc package which contains my amendment that corrects what I perceive as an oversight of past Congress'—Federal death and disability compensation for police and fire chaplains.

Under current law, the family of any Federal, State, or local public safety officer killed in the line of duty is entitled to a one-time $100,000 Federal benefit. My amendment expand this coverage to include families of police and fire chaplains killed in the line of duty so that they can receive these well-deserved death benefits.

This provision will not cost very much money because there has only been one such

documented death in the last 20 years of a police chaplain. Should, then, this rare occurrence take place, the families of these courageous men and women under my amendment will be treated the same as other public safety officers. I can think of nothing more important than spending this money on someone who has paid the highest price to public service—their lives. These chaplains will have the assurance of knowing that their loved ones will be taken care of with the one-time $100,000 Federal death benefit.

Police and fire chaplains are often called upon to enter dangerous circumstances. They walk into situations where criminals hold hostages, drive an ambulance if needed, and even pick up a fire ax. These men and women go to work every day and perform their duties diligently and quietly, responding to the same crime and fire scenes as their counterparts do. Most chaplains are volunteers and do not receive any pay from a governmental source.

This was undoubtedly an oversight when Congress debated and passed the Public Safety Officers' Benefits Act of 1976, which was also amended in 1988 to include those public safety officers 100 percent permanently disabled. However, while Congress asks the law enforcement community to do more with less, chaplains are indeed doing much more now than ever before. It is time to include and recognize these chaplains for who they are: public safety officers.

Day by day, the amendment I offer, which is H.R. 3660, gains more bipartisan support. I thank all 27 Members who cosponsored my legislation.

For the RECORD, I would like to submit a letter from Father William Wentink, a Rockford, IL, police chaplain. It was in my discussion with him that I discovered this obvious oversight in the law.

Mr. Chairman, I ask my colleagues to vote for the Manzullo amendment to the crime bill.

SAINT ANTHONY MEDICAL CENTER,
Rockford, IL, March 23, 1994.

Congressman DONALD A. MANZULLO,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN MANZULLO: For over 24 years I have served as Chaplain for the Rockford Police Department. I am also Chaplain for the Illinois State Police as well as the Federal Bureau of Investigation.

The City of Rockford Police Department has approximately 30 Police Chaplains. There is a Chaplain on duty 24 hours a day every day of the year. These are all volunteer positions. Our Chaplains are involved in many areas of Police work. This includes helping people who need a place to stay, food or medicine. We also talk with people who might be lonely or suicidal. We are also involved in death situations. Our Chaplains are on the scenes of major disturbances and incidents in our City.

More and more Law Enforcement Agencies are utilizing the expertise and professionalism of Police Chaplains. Estimates are that between 25% and 50% of the 17,000 Law Enforcement agencies in our County have Police Chaplains on Staff. Approximately 1,200 of these Police Chaplains belong to the International Conference of Police Chaplains. Of these 1,200 Police Chaplains over 93% are volunteer. They offer their time, talents and service to the Citizens of their Communities.

In the United States there are over 100 Police Officers killed in the line of duty each year. There is a Federal death benefit of over $100,000.00 that goes to the estate of a Police Officer whose life is taken in the performance of duty.

I am asking if it would be possible to include Police Chaplains in this benefit. Even though most are volunteer, they are officially appointed to their Departments and carry out their obligations and duties under the command and direction of the head of the agency.

Thank you for the consideration and efforts in this important matter.

Very truly yours,
REV. WILLIAM R. WENTINK,
Chaplain.

Mr. FILNER. Mr. Chairman, I rise today to urge support of my amendment to the omnibus crime bill of 1994, an amendment to authorize the use of juvenile trafficking and gang prevention grants for programs that reduce the incidence of graffiti and promote the removal and prevention of graffiti.

This may seem to be a minor amendment—but it addresses a very important piece in the fight against juvenile crime.

Graffiti is a huge problem in our cities. Gangs use it to mark territory and to challenge other gangs. It contributes to the decline of neighborhoods and leads to a sense of hopelessness in our communities.

As a former member of the San Diego City Council, I discovered that any attempt to regain control of our neighborhoods began with an attack on graffiti. I formed a graffiti patrol with a graffiti hotline to address the problem. We not only helped to paint out graffiti but to mobilize neighbors to continue to keep their neighborhoods clean and graffiti free.

The approval of this extremely important amendment will help to make the Federal Government a partner with local government in the fight against blight, against juvenile crime, and the fight to restore hope to our communities.

Many local government officials are overwhelmed by this problem. Let's give them a hand.

Ms. LONG. Mr. Chairman, I rise in support of the en bloc amendments. On behalf of the Congressional Rural Caucus, I commend Chairman BROOKS and Congressman FISH for their work to ensure that rural America is a full partner in this crime bill.

The amendment offered on behalf of the Congressional Rural Caucus attacks crime in rural America on three fronts: First, it authorizes significant funds for rural anticrime and antidrug initiatives; second, it provides for increased rural domestic violence and child abuse enforcement; third, it enhances penalties for drug distribution at or near truck stops and safety rest areas. In past anticrime legislation, rural areas have not received the attention or focus that the more visible crime problems in larger urban areas have received. This amendment will help alleviate the troubling crime trends in rural America and will send a strong signal to rural residents that we understand the problems facing them.

On behalf of Congressman EWING and Congressman BAESLER, I again thank the Chairman, and I thank the ranking minority member, Mr. FISH, for working to make this anticrime legislation fair for all areas of the country.

Mr. SPRATT. Mr. Chairman, I wish to express my strong support for Congressman HOYER'S amendment No. 49 to H.R. 4092 to provide extra resources for Treasury Department law enforcement activities. The Hoyer amendment would authorize $210 million for each of fiscal year 1995–99 to fund Treasury's increased law enforcement activities. This amendment has received broad support from a variety of sources, including the Clinton administration.

I believe that this enforcement money will, in the long run, more than pay for itself. For example, Customs personnel help catch importers who are evading tariff payments. If past experience is any guide, the resulting penalties and tariff should be worth many times the cost of the extra personnel. This money will also help Customs slow the import of narcotics and other contraband into our country. No one needs to be reminded of the enormous social and economic cost we pay because of easy availability of drugs on the streets of our country.

The House Government Operations Committee's Subcommittee on Commerce, Consumer and Monetary Affairs, which I chair, has held hearings which confirm that existing Treasury enforcement resources, particularly for international trade enforcement, are inadequate to police the growth in trade. Furthermore, our subcommittee found that in constant dollars, Customs' total budget has remained the same since 1987 even though the total value of goods imported into the United States in that period increased by 20 percent. Because of inadequate resources, Customs had less import specialists in fiscal year 1993—1,140—than it had 20 years ago—1,304—even though import specialists are critical to detect import fraud. The enactment of NAFTA and likely adoption of the GATT Uruguay round will result in even greater volumes of foreign goods for Customs to inspect. Yet Customs is not being given the resources or manpower it needs for its extra workload.

Let me illustrate the challenges facing Customs by describing the problems in the textile/apparel/fabric industry. In 1974, the total value of textile and apparel imports was $4.2 billion. By 1993, the value of imports grew by 1000 percent to $42 billion. Despite this exponential growth, textile enforcement resources and manpower has not even begun to keep pace. Customs agents have told me that in the 1970's, they inspected 10 percent of the containers crossing our borders. Now they are lucky if they inspect 1 percent. What has been the result? Today, foreign countries and foreign companies smuggle as much as $4 billion every year in illegal textiles and apparel. These illegal imports violate international trade agreements and take thousands of jobs away from American workers.

Extra funding for Customs will not eliminate the textile transshipment problem or stop all drugs from entering our country. But I believe that the money provided in the Hoyer amendment will help reduce these problems. I urge my colleagues to support the Hoyer amendment.

Mr. MILLER of California. Mr. Chairman, I rise to draw the attention of the House to a crime bill provision that came out of the Natural Resources Committee. Those of us who believe this bill should address more than the aftermath of crime are convinced that recre-

ation can be an effective tool in weaning young people away from a life of gangs, drugs, and the streets.

The Urban Parks and Recreation Recovery Program of the National Park Service was authorized in 1978 to provide matching grants to economically distressed cities to build parks and recreation centers and provide programs aimed at inner city youth. It did a great job until 1985, when the administration and Congress stopped funding it. In the last 2 years, it has gotten a paltry $5 million per year.

The Natural Resources Committee has updated the program to make sure that high-crime urban neighborhoods are targeted and that programs directed at youth considered at-risk receive priority.

I have been simply amazed and gratified at the outpouring of support for this notion in the very short period of time since we launched this initiative. More than 60 organizations have endorsed it including government leaders like the U.S. Conference of Mayors, service and professional leaders like the Boys and Girls Clubs of America, the National Association of Police Athletic Leagues and the Child Welfare League of America, retailers, manufacturers and organizations representing thousands of businesses including Nike, Reebok, REI, Patagonia, the Sporting Goods Manufacturers Association and the National Sporting Goods Association, as well as environmental groups like the National Recreation and Parks Association and the Wilderness Society.

Before the recess, the House voted 361–59 for this provision as independent legislation and Chairman BROOKS has graciously agreed to incorporate its provisions in the en bloc amendments he will be offering to the crime bill later in the proceedings.

The issue of crime, and especially juvenile crime, has understandably angered and outraged our Nation. Today, perhaps 60 percent of violent crimes are committed by young people between the ages of 10 and 20 years old.

For millions of these young people, the only social network and family structure they know are the urban gangs that deal drugs, foster crime, and slaughter each other in our Nation's streets.

For many, the most promising avenue away from this life is through recreation, sports and other activities operated out of parks and recreation centers run by cities, schools, and non-profit organizations.

These programs bring at-risk youth in contact with caring adult mentors who teach them the kind of personal skills and job skills they need to stay out of the gangs and in school.

When I was growing up there was no question that we would have places to play ball, ride a bike, get in a sports league or have a place to go to be with friends and adults. Many of us can, to this day, point to experiences like this that were defining moments in our lives. But today that has all changed and our children, their families, the communities they live in and our Nation are much the worse for it.

We need to turn this around or you will never be able to build enough prisons and courtrooms and bootcamps to contain the criminals. Fortunately, we can do so without creating new mandates, new policies or new administrative costs. We can build on an existing, effective but undersupported program, the Urban Park and Recreation Recovery Program.

In its 15 years, only $192 million of the $750 million authorized for UPARR has been spent despite successful projects in more than 500 cities across America and a backlog of applications that always far exceeded the funds available. Using the program's established network and administrative infrastructure and by updating the program and funding it through the crime bill, we can literally get this money on the streets and young people off the streets in just 4 months. This is crucial.

Mr. Chairman, some provisions in the Senate and House Judiciary Committee bills recognize that if we don't do something to get young people off the track that puts them on a collision course with police, courts and prisons we are doomed. Programs like Ounce of Prevention, Midnight Basketball, and community schools are important, necessary steps in the right direction.

I strongly believe that the updated urban park program is highly compatible with and even necessary to these other laudable efforts and the breadth and depth of support this idea has generated in such a short period of time is ample testimony to the fact that this is simply the right thing to do.

I urge my colleagues to continue their support for this important effort.

An article from the San Francisco Examiner follows:

TAKING BACK MISSION PLAYGROUND—KIDS ARE IN, DRUG DEALERS OUT

(By Leslie Goldberg)

For Cathy Courtney and her neighbors, the sound of the crack of the bat is indeed sweet. Because when nearby residents hear kids playing baseball, basketball or tennis in Mission Playground, they know they won't be seeing drug dealers and their customers in the area.

"It's this very weird balance," said Courtney, who lives across the street from the park. "When the kids are there, the dealers are gone. But if for some reason the kids aren't in the park for a couple of days, the dealers start coming back."

Keeping kids playing in the park is no small feat in these times of scarce public funds for recreation. But it is crucial not only to the children themselves but to the safety and well-being of this working-class neighborhood.

Taking back this tiny space once dominated by drug dealers has been a year-long struggle that has required special effort by police, residents and especially the Recreation and Park workers who staff the rec center and playground.

"My cousin worked as a substitute recreation director at Mission Playground for one day about three years ago," said Lorraine Hanks, a rec worker. "She said she went into the center and locked the door. I asked her, 'But what about the kids?' She said, 'There were no kids—only these really scary guys hanging out outside.'"

Like many inner-city neighborhoods, the Mission Playground area was devastated when drug dealers moved in about three years ago. The ordinarily quiet street became clogged with traffic from buyers.

Brakes screeched. Fights broke out. Hypodermic needles were found in the sand beneath the play equipment. Broken glass littered the sidewalk.

Now, on most days, Mission Playground is filled with youngsters. In the morning, children from a nearby day-care center play on the wooden climbing structure. Later, older children play basketball, tennis and baseball.

"It's beautiful," said Courtney's husband, Frank Morales, who helped organize citizen street patrols to discourage loitering and crime in the neighborhood. "When the kids are here there's no room for dealers," Hanks said.

Like other rec centers in San Francisco, Mission Playground struggles with meager sports equipment.

"We have three basketballs for the 40 kids who have signed up on four teams," Hanks said. Those three balls have to also be shared among the children who are not on teams but just want to play. "Sometimes kids come in here (the rec center) wanting to check out a basketball and we have none. It gets to be embarrassing."

Right now Mission Playground has no kickball for the children, said Hanks.

The basketball teams also have to share 20 jerseys. "Sometimes there might be three different games in one day, so there's no time to take the jerseys home and wash them," said Hanks. "The girls really hate that if they have to put on a jersey that a boy just wore."

Nick Jacoban, another recreation worker, paid for the jerseys out of his own pocket—$20 each.

SOMETIMES THE BALLS POP

The baseball used for practice is worn and looks like an ancient, petrified ball of string. A part-time worker and a graduate student in social work at San Francisco State University, Jacoban personally put down a $200 deposit paid to Recreation and Parks so that the 13- and 14-year-old baseball players could have uniforms.

Two times a year, the Department of Recreation and Parks issues equipment to the playgrounds. This winter, Mission Playground got 8–10 kickballs and a box of 12 baseballs.

"Sometimes the balls pop," said Jacoban. "Sometimes they go over the fence and get lost; sometimes kids don't return them to the equipment room." Children who check out a ball are asked to leave a deposit of a key or a jacket, said the recreation worker.

To keep up with the constant demand for balls, bats and gloves, Jacoban scrounges thrift stores and flea markets. Whatever he can find, he pays for, again out of his own pocket.

He also sometimes pays the teams' league fees. Jacoban showed a $100 receipt from Daly City Parks and Recreation for a girls' softball team.

"San Francisco doesn't charge league fees, but it doesn't offer anything for girls after basketball (season)," he said. "If I didn't do this, they'd be sitting around with nothing to do."

Rec and Park does have a girls' softball league during the summer. But during the winter and spring, not enough girls sign up to have a league. Jacoban thinks the problem may be a lack of promotion.

On his own time Jacoban visits schools in the surrounding area to spread the word among youngsters about activities offered in Mission Park playground. "A little extra effort on the part of the recreation director can go a long way," he said.

DIFFERENCE IN A CHILD'S LIFE

Jacoban isn't the only one putting in extra effort at Mission Playground. Once a week,

rec worker Lorraine Hanks, a single mother of two who works part-time making $12.75 an hour, buys food and cooks up a big pot of spaghetti or gumbo for the kids who show up to play.

"I know some of them are not getting enough to eat," she said. "They don't say anything; they have their pride. But you can just tell."

Both Hanks and Jacoban know what growing up poor is like. "I know their pain—I've been there," said Hanks.

Her mother, the family's sole support, worked as a bus driver and for Hanks, the Milton Meyer Recreation Center in Bayview Hunters Point became a second home. To this day Hanks fondly remembers a recreation worker, Jacqueline Battle. "She went out of her way to keep me off the streets," said Hanks.

Jacoban and his brothers and sisters also were raised by a single mother, who worked as a bookkeeper. "She signed us up for everything—Boys Club, scouts and rec center sports teams," he said. "I didn't have time to get in trouble. . . . I think staying active enabled me to do well in school.

"I see the difference it can make in a child's life when an adult makes a commitment," he said. "We have most of these kids from 3 to 6 p.m. Those are prime hours in their day."

Others, too, are making a commitment to the children and the neighborhood. Frank Morales paid $245 for a VCR so Mission Playground could offer "movie night" on Wednesdays. Courtney has bought paint and repeatedly painted over graffiti. The couple has helped organize a Mission Playground cleanup day and potluck barbecue, April 16 from 9 a.m. to 2 p.m.

Other neighbors, many of whom have no children, bought food and art supplies so the playground could stage a Children's Day barbecue a few months ago.

Morales said he's gone door-to-door asking for old baseball gloves for Mission Playground's children. He got five.

"If I had more equipment, I could have many more teams," said Jacoban. "We need more teams. I've got kids on waiting lists."

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Texas [Mr. BROOKS].

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

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 395, noes 25, not voting 17, as follows:

[Roll No. 104]

AYES—395

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Grams
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hefley
Hefner
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOES—25

Archer
Armey
Barton
Burton
Coble
Condit
Cox
Crane
DeLay
Duncan
Fields (TX)
Gekas
Goodling
Hancock
Johnson, Sam
Penny
Petri
Rohrabacher
Schaefer
Sensenbrenner
Stearns
Stump
Taylor (NC)
Walker
Zimmer

NOT VOTING—17

Bacchus (FL)
Brown (CA)
Brown (OH)
Fish
Gallo
Grandy
Greenwood
Hayes
Hinchey
Johnson (GA)
Neal (NC)
Portman
Rangel
Roukema
Stark
Washington
Whitten

□ 1120

Messrs. COX, PENNY, COBLE, CONDIT, and ZIMMER changed their vote from "aye" to "no."

Mr. LINDER changed his vote from "no" to "aye."

So the amendments en bloc were agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HINCHEY. Mr. Speaker, during rollcall vote No. 104 on H.R. 4092 I was unavoidably detained. Had I been present I would have voted "yes."

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Chairman, as a result of a family emergency, I missed two votes. Had I been in attendance for the vote on the en bloc amendment to H.R. 4092, rollcall No. 104, I would have voted "aye." Had I been in attendance for the Journal vote, rollcall No. 105, I would have voted "no."

Mr. BROOKS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MAZZOLI) having assumed the chair, Mr. TORRICELLI, Chairman of Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 4092) to control and prevent crime, had come to no resolution thereon.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 158, not voting 37, as follows:

[Roll No. 105]

AYES—237

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bevill
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Holden
Houghton
Hoyer
Hughes
Inglis
Inslee
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Visclosky
Volkmer
Watt
Wheat
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—158

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

NOT VOTING—37

Applegate
Bacchus (FL)
Baesler
Ballenger
Berman
Bilbray
Brown (CA)
Bryant
Carr
DeLay
Dellums
Edwards (TX)
Fish
Gallo
Gekas
Grandy
Greenwood
Hochbrueckner
Hutto
Johnson (GA)
Lowey
McMillan
Neal (NC)
Owens
Pickett
Portman
Rangel
Roukema
Sangmeister
Stark
Synar
Vento
Washington
Waters
Waxman
Whitten
Williams

□ 1139

So the Journal was approved.

The result of the vote was announced as above recorded.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 401 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4092.

□ 1140

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4092) to control and prevent crime, with Mr. TORRICELLI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendments en bloc offered by the gentleman from Texas [Mr. BROOKS] had been disposed of.

It is now in order to consider amendment No. 1 printed in part 1 of House Report 103-474.

AMENDMENT OFFERED BY MR. DUNCAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DUNCAN: At the end of title VII, add the following:

SEC. . KIDNAPPING.

Section 1201(g)(1) of title 18, United States Code, is amended by inserting "to the penalty of death if the death of the victim results and, in any other case," after "shall be subject".

The CHAIRMAN. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is a very simple and noncontroversial amendment which conforms to language in the committee bill.

At the beginning of this session I introduced a bill that would allow, but not require, juries to impose the death sentence for federally prescribed kidnaping charges when the death of a minor results. I am very pleased that the committee has reported a bill which would allow the death sentence in these cases by amending section 1201(a) of title 18 U.S. Code.

However, because section 1201(g) of title 18 deals specifically with children, I believe that further clarification should be made so that there will be no doubt that cases covered under section 1201(a) will also be covered by section 1201(g) relating specifically to children. My amendment will make it clear that juries will have the option of imposing the death sentence in these instances.

Last year Americans were shocked by the case of 12-year-old Polly Klaas who was kidnaped from her home in Petuluma, CA, and later murdered. The suspect was a twice-convicted kidnaper who had been in police hands twice during the search for Polly.

Families are no longer safe in their own homes because violent criminals are not concerned about the consequences of their actions or the possibility of severe punishment. It is estimated that this year over 1,100 murderers will not go to prison and those

that do will serve only an average of 8.7 years. Although many kidnaping cases are unreported, the National Center for Missing and Exploited Children has estimated that between 1984 and 1993 a total of 34,814 children were missing.

We cannot continue to send criminals the message that they will not be severely punished, and people who systematically prey on children must know that if they are caught and found guilty they could receive the death penalty.

I believe that this fear does not exist in the minds of many potential murderers and kidnapers. This amendment will change that, and I hope that my colleagues will support it.

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

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

Mr. BROOKS. Mr. Chairman, I want to rise in support of the amendment and thank the gentleman from Tennessee [Mr. DUNCAN] for offering it. It clarifies the Federal death penalty for kidnaping presently contained in title VII, also applies to kidnaping of a minor that results in the death of that minor. That was always the intent of the committee.

Mr. Chairman, I thank the gentleman for clarifying this. I would urge support of the amendment.

Mr. DUNCAN. Mr. Chairman, I think the chairman for that kind offer. I certainly appreciate his support.

Mr. Chairman, I urge support of this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. There being no Member in opposition to the amendment who has requested the time, the question is on the amendment offered by the gentleman from Tennessee [Mr. DUNCAN].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2, printed in part 1 of House Report 103-474.

AMENDMENT OFFERED BY MR. WATT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendments offered by Mr. WATT: Page 36, line 11, insert "or" after the semicolon.

Page 37, strike line 12 and all that follows through line 7 on page 38.

The CHAIRMAN. Pursuant to the rule, the gentleman from North Carolina [Mr. WATT] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Mr. McCOLLUM. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] will be recognized for 5 minutes in opposition to the amendment.

The Chair recognizes the gentleman from North Carolina [Mr. WATT].

Mr. WATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the effect of this amendment would be to strike the provision in the bill which provides for a death penalty for drug kingpins. I am an opponent of the death penalty, but that is not what this argument is about.

I would say that if I were to support a death penalty, it would certainly be a death penalty for drug kingpins. One might wonder then why am I here offering this amendment. I would say to this body that there are three reasons.

No. 1, this language in the bill, which provides for a death penalty when death does not result from the underlying crime, is unconstitutional.

The Supreme Court has indicated that a death must result in order for a death penalty to be applicable. And the drug kingpin statute, of course, results in no death.

No. 2, although I would probably favor a death penalty for drug kingpins, the history of application of the existing drug kingpin statute has indicated that it will be applied in a racially discriminatory way. There have been 37 prosecutions since 1988, when the drug kingpin statute was passed. Thirty-three of those prosecutions have been against black or Hispanic individuals.

I do not think there is anybody in this country who could argue with any degree of credibility that blacks and hispanics are the drug kingpins in this country. So the underlying proposition is, we are passing a drug kingpin statute that gets to the drug kingpins. If that were so, that would be fine. But unfortunately, that has not been the history of application of the drug kingpin statute.

Finally, I would say that this particular provision in the bill may well end up defeating more death penalty prosecutions than it encourages. Most foreign governments will not extradite individuals to this country to be subjected to the death penalty. Many of the drug kingpins, we believe and the evidence has shown, are not resident in the United States. So to have a death penalty statute for drug kingpins is going to make it more difficult to get those drug kingpins into the country to be prosecuted.

I would ask my colleagues to take our responsibility seriously as Members of Congress. Do not just say we are going to be tough on crime and let the Supreme Court declare this provision unconstitutional. It is our responsibility, in the context of the constitutional government, to pass laws that are constitutional. It is our responsibility to be responsible to the people of this country.

I submit to my colleagues that in this particular case, we are being irresponsible to include this language in the bill. I would ask my colleagues to support my amendment.

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

□ 1150

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

Mr. Chairman, first of all I have great respect for the gentleman who is offering the amendment, but I strenuously disagree with his decision to do so or his position on this amendment.

The provision in the bill that he wishes to strike is one that I offered in committee. It is a drug kingpin death penalty for those who are organizers and leaders of a continuing criminal enterprise trafficking in extremely large quantities of narcotics; for example, 300,000 grams of cocaine or 60,000 grams of heroin. We are not talking about the everyday, average street trafficker.

The drug kingpin death penalty that is in this bill passed the House as part of the conference report during the 102d Congress in precisely the language that is here. Major drug traffickers do commit murders as a result of trafficking in very large quantities of narcotics. There is no question in my mind or in the minds of many reputable analysts and former attorneys general that such a drug kingpin death penalty would be upheld as constitutional.

Former Attorney General Bill Barr, former Attorney General Ed Meese, former Solicitor General Ken Starr, Ted Olson, and Paul Cassell, a very famous professor, have all said in letters to us that they believe that the Supreme Court of the United States would uphold this as constitutional under the standards that now exist.

We have had death penalties in the past which have been upheld where there has been no murder or death proven directly. One good example of that is treason.

Another good example of that is espionage. In 1790 Congress passed the treason law, in 1917 the espionage law, and in 1946 passed a separate law that had a death penalty for the release of sensitive information concerning nuclear technology.

I think a recent Federal court decision probably stated it pretty well when Judge Gee said, and I quote:

> Except in rare cases, the murderer's red hand falls on one victim only, however grim the blow; but the foul hand of the drug dealer blights life after life and, like the vampire of fable, creates others in its owner's evil image—others who create others still, across our land and down our generations, sparing not even the unborn.

It is for this reason, because of the grave public harm which trafficking activities in large quantities cause, and because of the culpable state of mind of the individuals required under this drug kingpin death penalty proposal, that most of us and the experts I have cited believe the Supreme Court would uphold this as constitutional.

Congress has the right to speak the will of the people when danger to society is great enough, and certainly when we have drug kingpins, danger to society is great enough. The proportionality rule under the Eighth amendment is met, the blameworthiness of the offender is clear, and I would urge that the Watt amendment be defeated, that we enact once and for all the drug kingpin death penalty in this bill.

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

Mr. WATT. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Texas [Mr. BROOKS], and point out to the body that this provision was not in the original bill; it was added in committee, and it won by only one vote in the committee.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from North Carolina [Mr. WATT]. I am deeply concerned about the constitutionality of imposing the death penalty in any case where death does not directly result, a concern shared by the Department of Justice.

That concern is based on the 1977 Supreme Court case, Coker versus Georgia, in which the Court held that the death penalty for rape was unconstitutional unless the victim was actually killed. Imposing the death penalty in these non-death drug kingpin cases thus is of questionable constitutionality.

I have absolutely no use for drug kingpins and I support the life imprisonment penalties they currently face under existing law. Drug kingpins clearly are a scourge upon our Nation and are repugnant to every law-abiding citizen. As you are all aware, I very much support the death penalty in appropriate cases. I have no compunction about the ultimate punishment when heinous violent acts are committed. But, when we move down a path to passing an unconstitutional provision, we must proceed with care.

The amendment by the gentleman from North Carolina restores the constitutionality of title 7, while leaving in place the existing life imprisonment penalties for drug kingpins. I urge support for this amendment.

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

Mr. McCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

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

Mr. Chairman, I rise in opposition to this amendment. I believe that if anybody is appropriate for the ultimate sentence, which is death, drug kingpins are. To me they are far more culpable and carry far greater burdens of creating turmoil in our society and ultimate death than the mule who may be at the bottom of the rung and pulls the trigger.

We have had instances where it is not unconstitutional to have a capital crime for those who do not pull the trigger: Spies, treason, espionage. When the Nation wants to show its ultimate opprobrium for those who may put in danger tens of thousands of individuals, of young lives, this is appropriate.

Mr. Chairman, I would urge support for the gentleman from Florida [Mr. McCOLLUM], defeat the Watt amendment, and keep the drug kingpin statute in the capital punishment parts of our bill.

Mr. McCOLLUM. Mr. Chairman, may I inquire how much time remains?

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] has 1½ minutes remaining, and the gentleman from North Carolina [Mr. WATT] has no time remaining.

Mr. McCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, 70 percent of all crime in this country is drug related. We are not going to do anything with this crime bill if we do not address the drug problem. It is the major cause of crime in this country, and here is a major section of the bill they want to kill. It makes no sense. Drug kingpins are killing our kids, they are killing our society, they are costing the society billions and billions of dollars a year, and this is an essential part of this bill.

Mr. Chairman, this is not a white issue, a black issue, a red issue, a pink issue. This is an American issue. If we are going to solve the crime problem in America, we have to deal with the drug problem. If we do not have a strong provision in this bill, it is not worth the paper it is written on.

Mr. Chairman, this amendment should be defeated. In fact, I think this section should be have even stronger. There should be lower limits for the death penalty for major drug dealers. They are ruining this society.

Mr. McCOLLUM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to point out in the decision that the gentleman from Texas [Mr. BROOKS] pointed out regarding rape that there were clearly exceptions made by the Supreme Court in that decision stating that this was not a focus on the death penalty generally, where there were no murders or killings. It certainly says that wherever somebody has committed a crime heinous enough for Congress and for the public to be outraged, and to find public opprobrium, that the death penalty is appropriate, and those cases are there for us to define. That is what we are doing today.

The death penalty for drug kingpins and those who are leaders in trafficking in extremely large quantities of narcotics surely is appropriate. Hundreds of people, thousands of people, potentially are killed.

Mr. Chairman, I urge defeat of this amendment to allow the drug kingpin death penalty to stay in the bill.

The CHAIRMAN. All time has expired.

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

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

RECORDED VOTE

Mr. WATT. Mr. Chairman, I demand a recorded vote. A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 108, noes 316, answered "present" 1, not voting 12, as follows:

[Roll No. 106]

AYES—108

Andrews (ME)	Hastings	Olver
Barca	Hilliard	Payne (NJ)
Barrett (WI)	Hinchey	Pelosi
Becerra	Hoekstra	Penny
Berman	Hoyer	Rose
Blackwell	Hughes	Roybal-Allard
Bonior	Inslee	Rush
Boucher	Jacobs	Sabo
Brooks	Jefferson	Sanders
Brown (CA)	Johnson, E. B.	Scott
Brown (OH)	Johnston	Serrano
Clay	Kildee	Sharp
Clayton	Kleczka	Skaggs
Clyburn	Klug	Slaughter
Collins (IL)	Kopetski	Smith (IA)
Collins (MI)	LaFalce	Smith (NJ)
Conyers	Levin	Stark
Coyne	Lewis (GA)	Stokes
DeFazio	Lowey	Studds
Dellums	Maloney	Swift
Dixon	Mann	Synar
Edwards (CA)	Markey	Thompson
Ehlers	Mazzoli	Towns
Engel	McDermott	Tucker
Eshoo	McKinney	Underwood (GU)
Evans	McNulty	Unsoeld
Farr	Meek	Velazquez
Fazio	Mfume	Vento
Fields (LA)	Miller (CA)	Visclosky
Filner	Mineta	Waters
Flake	Mink	Watt
Ford (MI)	Mollohan	Wise
Frank (MA)	Nadler	Woolsey
Furse	Norton (DC)	Wynn
Gonzalez	Oberstar	Yates
Hamburg	Obey	Young (AK)

NOES—316

Abercrombie	Bevill	Cantwell
Allard	Bilbray	Cardin
Andrews (NJ)	Bilirakis	Carr
Andrews (TX)	Bishop	Castle
Applegate	Bliley	Chapman
Archer	Blute	Clement
Armey	Boehlert	Clinger
Bacchus (FL)	Boehner	Coble
Bachus (AL)	Bonilla	Coleman
Baesler	Borski	Collins (GA)
Baker (CA)	Brewster	Combest
Baker (LA)	Browder	Condit
Ballenger	Brown (FL)	Cooper
Barcia	Bryant	Coppersmith
Barlow	Bunning	Costello
Barrett (NE)	Burton	Cox
Bartlett	Buyer	Cramer
Barton	Byrne	Crane
Bateman	Callahan	Crapo
Beilenson	Calvert	Cunningham
Bentley	Camp	Danner
Bereuter	Canady	Darden

de la Garza
de Lugo (VI)
Deal
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English
Everett
Faleomavaega (AS)
Fawell
Fields (TX)
Fingerhut
Foglietta
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kim
King
Kingston
Klein
Klink
Knollenberg
Kolbe
Kreidler
Kyl
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Matsui
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meehan
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (MA)
Neal (NC)
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rostenkowski
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wheat
Whitten
Williams
Wilson
Wolf
Wyden
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Owens

NOT VOTING—12

Ackerman
Dornan
Ewing
Fish
Gallo
Grandy
Gutierrez
Rangel
Roth
Roukema
Washington
Waxman

□ 1218

The Clerk announced the following pairs:

On this vote:

Mr. Ackerman for, with Mr. Grandy against.

Mr. Rangel for, with Mrs. Roukema against.

Ms. BROWN of Florida and Ms. ENGLISH of Arizona changed their vote from "aye" to "no."

Messrs. BERMAN, BECERRA, and SERRANO changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ROTH. Mr. Chairman, during the vote on the Watt amendment rollcall 106, striking the crime bill's death penalty provision for drug kingpins, I was unavoidably detained. Had I been present, I would have voted "no."

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part 1 of House Report 103-474.

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCOTT: Page 62, strike line 6 and all that follows through line 10 and redesignate succeeding subsections accordingly.

Page 69, strike line 17 and all that follows through line 22 on page 70.

□ 1220

The CHAIRMAN. Pursuant to the rule, the gentleman from Virginia [Mr. SCOTT] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Virginia [Mr. SCOTT] will be recognized for 5 minutes, and the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 5 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Virginia [Mr. SCOTT].

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

Mr. Chairman, this amendment strikes from the bill the death penalty crimes in which the States are far better suited to handle, murders committed during carjackings, drive-by shootings, drug and gun crimes.

A vote for this amendment is a vote against unnecessary and burdensome federalization of crimes.

Mr. Chairman, the Chair of the Judicial Conference on Criminal Law, in a letter to the Committee on the Judiciary, wrote,

Our Nation's judicial system is premised on the principle that the Federal and State courts together comprise an integrated system for the administration of justice. Federalization of these crimes may result, paradoxically, in less rather than more effective law enforcement. Scarce judicial resources needed by the Federal courts to try major crimes, such as complex bank fraud and embezzlement cases and to provide forums for the prosecution of national and international drug and money-laundering conspiracies, will be diluted by a variety of cases that State courts are better equipped to handle.

Furthermore, Mr. Chairman, the director of the FBI testified, "The facts are that right now, I don't think I am fully staffed to fulfill all of my current responsibilities." If this bill passes, Mr. Chairman, the FBI will have to investigate local carjacking murders, drive-by shootings, drug and gun crimes, in addition to the espionage, drug kingpin, and racketeering cases.

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

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

First of all, this is not a provision in the bill that deals with carjacking itself; it deals with murder when you have carjackings. I think the problem that is important here is how many crimes are being committed today all over this country involving interstate transportation of cars and kidnapping of people and murders that go along with them. There is no question there is a Federal concern when we have people who are brutally and heinously murdered in various and sundry locations in the process of a carjacking operation. That is a very common trait interstate and it is very appropriate for the Federal Government to be involved.

I would urge my colleagues to sustain the position of the committee and leave the murder of carjacking as a death penalty in this bill. That is all that we are about today. The effort is to strike the death penalty for murders committed during the course of a carjacking.

Mr. Chairman, I urge defeat of the amendment. There is really very little else that can be said on it. I urge a "no" vote.

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

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I rise in support of Mr. SCOTT's amendment because I think it puts the responsibility for these crimes where it belongs—with the States.

I support the Federal death penalty and I support Federal law enforcement enforcing the Federal law to the fullest. But we cannot make every offense into a Federal death penalty offense.

These offenses that are in this amendment are already covered by State law—murders from cars by carjackers and by drug dealers or gun-

runners are already crimes in every State.

For instance there is absolutely no Federal connection in the driveby shootings provision in this bill. There is no requirement that any driveby shooting occur on Federal property, or even across State lines and we have made it a Federal death penalty offense. Why? There's no reason.

And then we have added murders committed during Federal gun or drug crimes to the Federal death penalty list. So if a person commits a murder and uses an illegally possessed firearm that has been in interstate commerce, the Federal system now becomes involved in the murder prosecution. The Federal Government cannot handle the Federal criminals it already has to deal with.

The States are better equipped and better able to deal with these crimes, they are traditional responsibilities and we should not overload the Federal system with them. FBI Director Freeh recently said that they are already understaffed for the current workload. We are doing a disservice by adding these nonconnected Federal death penalty offenses.

Let us support the Federal death penalty, but let us support offenses that belong there, not those that do not.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. I thank the gentleman for yielding to me.

I wish to thank my colleague on the Committee on the Judiciary, the gentleman from Virginia [Mr. SCOTT], for bringing this point to us, because it has been made so ably by our colleague from Kansas as well as the author of this provision that the federalization of State crimes, because they are heinous, is no more rational than for us to make any other local crimes we do not like a Federal crime.

We do not have places to put the people that we would convict. We do not have a system set up.

So I would merely join in strongly urging support for the Scott amendment.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman.

Mr. EDWARDS of California. I thank the gentleman from Michigan for yielding to me.

Mr. Chairman, I think what the gentleman said is entirely correct. We have fewer than 700 Federal judges. They have important constitutional issues. We should not turn them into police court judges. We should not keep federalizing these State crimes.

Mr. McCOLLUM. Mr. Chairman, I yield myself 1 minute.

I wish simply to point out that while I respect the arguments being made on the other side, carjacking does involve, frequently, a Federal nexus; it does involve frequently interstate transportation of those vehicles; it involves, oftentimes, matters which are a Federal concern. The implementation of this requires some discretion so that not every carjacking murder is going to wind up being in Federal court. I would think this is an appropriate thing to keep in the bill for use in appropriate cases by Federal authorities. It is again, in my judgment, appropriate to have a death penalty for murder, and that is all this is, for murder in carjackings.

Mr. Chairman, I urge a "no" vote on this amendment to strike it from the bill.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of my time.

Just very briefly, the passage of this amendment will avoid jurisdictional confusion and rivalries between local police and the FBI, local prosecutors, and U.S. attorneys.

I would hope we would leave this matter to the States. All of these are crimes in the States.

Mr. Chairman, I urge my colleagues to support the amendment.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Virginia [Mr. SCOTT].

The amendment was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 4, printed in part 1 of House Report 103–474.

AMENDMENT OFFERED BY MR. KOPETSKI

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KOPETSKI: At the end of title VII, insert the following:

SEC. . SUBSTITUTION OF PENALTY OF LIFE IMPRISONMENT FOR DEATH PENALTY.

Notwithstanding any other provision of law, wherever a Federal law provides for the imposition of the penalty of death, the court shall instead impose the penalty of imprisonment for life.

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Oregon [Mr. KOPETSKI] will be recognized for 10 minutes, and the gentleman from Texas [Mr. BROOKS] will be recognized for 10 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Oregon [Mr. KOPETSKI].

□ 1230

Mr. KOPETSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment on behalf of myself and my good friends, the gentleman from Maryland [Mr. MFUME] and the gentleman from New York [Mr. SERRANO].

The Kopetski-Mfume-Serrano amendment would, quite simply, strip out all the death penalty provisions in H.R. 4092, and insert, in their place, life imprisonment. And, as there is no parole in the Federal system, our amendment requires life imprisonment without opportunity for parole as a substitute for death sentencing.

Mr. Chairman, we have before us today one of the few instances where the Congress clearly legislates morality. Certainly, many of us are troubled by the death penalty on moral, and possibly, religious grounds. But more importantly, from my point of view, the Government—especially the Federal Government—sets the standards for society. I believe I speak for many in this Chamber when I say Government should be setting an example for our citizens on how to conduct their lives. Government, by its actions, should not, therefore, ratify and legitimize death in our society. But I do not want to dwell on that aspect. There are substantive policy grounds on which to oppose the death penalty. I will recount five of them here.

TOO EXPENSIVE

Life imprisonment without hope of release is more cost effective than the death penalty. Per case estimates of death sentences greatly exceed the cost of life imprisonment. In California, for example, death penalty cases cost an average of $600,000, according to the Loyola of Los Angeles Law Review, compared with $427,000 for life imprisonment. In Oregon the cost is $1.2 million for death penalty cases as opposed to $600,000 for life without parole.

EXECUTING THE INNOCENT

A sentence with the finality and irrevocability of death is inappropriate in a system where miscarriages of justice can and do occur. Stanford Law Review documented hundreds of cases in which innocent individuals were sentenced to death, 23 of whom were wrongly executed. Let me repeat that, because it's a staggering number: 23 people lay dead who were later exonerated of wrongdoing. In the last few years, several death-row prisoners have had their sentences reversed and were freed based upon wrongful convictions.

RACIAL DISCRIMINATION

Between 1930 and 1990, roughly 4,000 persons were executed in the United States, 53 percent of whom were black. During these years, African-Americans made up roughly 12 percent of the country, indicating they are executed in extreme disproportion to their representation in society. A 1990 GAO report confirms prior findings that a convicted perpetrator of a capital crime is much more likely to receive the death penalty if the victim is white and much less likely to receive the death penalty if the victim is black. Since 1976, 87 percent of those executed had white victims while only 11 percent had black victims. Besides race, the death penalty discriminates against the poor.

According to the U.S. Bureau of Justice Statistics, roughly 90 percent of those on death row could not afford to hire an attorney.

DOES NOT DETER CRIME

Study after study shows that certainty of punishment is the main deterrent to criminals, not severity of punishment, as some would have us believe. The murder rates in death penalty States have generally been higher than in non-death-penalty States. Even if severity were the leading factor in deterrence, however, I believe you could make the case that life imprisonment without parole is a sterner, more foreboding sentence. A survey of death-row inmates in Tennessee found that half felt a sentence of life without hope for release would be worse, in their minds, than the death penalty.

INEQUITY OF JUSTICE

We are casually, but unfortunately, federalizing what has traditionally been an area of States' rights. My colleagues may be interested to know that the Conference of Chief Justices, the association of State supreme court chief justices, opposes the federalization of State crimes as violative of long-held principals of federalism. Moreover the State chief justices, judging by the resolution I've read and will submit for the RECORD, find the provisions of this bill little more than insulting to current State efforts and illusory in their promised effects.

U.S. Supreme Court Justice Harry Blackmun recently reversed his long-standing support for the death penalty, in remarks made in the context of a dissenting opinion in Callins versus Collins. Twenty years ago, Justice Blackmun pointed out, when the Supreme Court swept away existing death penalties and asked the States to start over, governments and courts thought they could iron out the rough spots in the application of the death sentence. But, as Blackmun suggests to say in his recent dissent the courts and legislatures could not, and the experiment itself is a failure. I have copies of Blackmun's dissent, and I would be happy to share them with Members.

Mr. Chairman, this is our intent: To substitute the sternest alternative sentence possible in place of the death penalty. We do not deny that the crimes listed in the expansion of the Federal death penalty in H.R. 4092 are heinous crimes, and deserving of the stiffest sentences. In my view, life without any hope of release constitutes death by incarceration, a stiff penalty by any standard.

I urge support of the Kopetski-Mfume-Serrano amendment.

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

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Oregon [Mr. KOPETSKI] which would strike the death penalty provisions of H.R. 4092 and substitute mandatory life imprisonment.

I have the utmost respect for the gentleman's sincere philosophical beliefs about the death penalty. However, in a civilized society there are acts so despicable, so heinous, that society must collectively express its revulsion for these acts by imposition of the death penalty. That penalty must, of course, be imposed under constitutionally sound procedures, which I also support.

I believe the death penalty—in appropriate circumstances—to be a just penalty. I do not believe in theoretical disputes about how much deterrence or punishment is achieved by meting out the death penalty. Plain common sense tells us the death penalty is the only way to send an unequivocal message that some conduct simply will not be borne by innocent victims of heinous crimes without the highest price to be paid.

A civilized society cannot send out mixed or ambiguous signals about how certain heinous acts will be treated. H.R. 4092 reflects this sound philosophy, and I believe it should be preserved. I urge my colleagues on both sides of the aisle to oppose this amendment.

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

Mr. KOPETSKI. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, the Kopetski-Mfume-Serrano amendment would replace the death penalty called for in H.R. 4092, the bill we are debating, with a bill more constitutionally morally sound and a less expensive sentence of life without parole.

Mr. Chairman, H.R. 4092 would apply the death penalty, as my colleagues know, to over 60 new Federal offenses. Yet, in February of this year, Supreme Court Justice Blackmun stated—and I quote, that "[t]wenty years have passed since this court declared that the death penalty must be imposed fairly, and with reasonable consistency or not at all," and he said, "despite the effort of the states and courts to devise legal formulas and procedural rules to meet this daunting challenge, "Justice Blackmun said," the death penalty remains fraught with arbitrariness, discrimination, caprice and mistake." History shows us, if we are wise, that minorities have continuously received a disproportionate share of society's harshest punishments, from slavery to lynchings. The race of the victim also constitutes a factor in the discriminatory fashion in which the death penalty is applied. The GAO stated, and I quote, that "those who murdered whites were found more likely to be sentenced to death than those who murdered blacks," when we all know, as we must, all murder is wrong.

Moreover, a large body of evidence shows that innocent people are often convicted of crimes, including capital crimes, and that some of them have been executed. There have been, on the average, more than four cases per year in which an entirely innocent person was convicted of murder, and many of those persons were sentenced to death.

Mr. Chairman, I have here a list of 46 cases that have either been overturned or where the prisoner was released in light of new evidence, and include it with my remarks for printing in the CONGRESSIONAL RECORD:

FORTY-SIX DEATH ROW CASES FOUND TO BE IN ERROR

RELEASED—1973

(1) David Keaton, Florida; Convicted: 1971. Sentenced to death for murdering an off duty deputy sheriff during a robbery. He was released after the actual killer was convicted.

RELEASED—1976

(2) Thomas Gladish, Richard Greer, Ronald Keine, Clarence Smith, New Mexico; Convicted: 1974. The four were convicted of murder, kidnapping, sodomy, and rape and were sentenced to death. They were released after a newspaper investigation caused a drifter to admit to the killings.

RELEASED—1977

(3) Delbert Tibbs, Florida; Convicted: 1974. Sentenced to death for the rape of a sixteen year old and the murder of her companion. The conviction was overturned by the Florida Supreme Court because the verdict was not supported by the weight of the evidence.

RELEASED—1978

(4) Earl Charles, Georgia; Convicted: 1975. Convicted on two counts of murder and sentenced to death. He was released when evidence was found that substantiated his alibi.

(5) Jonathan Treadway, Arizona; Convicted: 1975. Convicted of sodomy and first degree murder of a six-year-old and sentenced to death. He was acquitted at retrial by the jury after 5 pathologists testified that the victim probably died of natural causes and that there was no evidence of sodomy.

RELEASED—1979

(6) Gary Beeman, Ohio; Convicted: 1976. Convicted of aggravated murder and sentenced to death. Acquitted at the retrial when evidence showed that the true killer was the main prosecution witness at the first trial.

RELEASED—1980

(7) Jerry Banks, Georgia; 1975. Sentenced to death for two counts of murder. The conviction was overturned because the prosecution knowingly withheld exculpatory evidence.

(8) Larry Hicks, Indiana; Convicted: 1978. Convicted on two counts of murder and sentenced to death. He was acquitted at the retrial when witnesses established his alibi and when the eyewitness testimony at the first trial was proved to have been perjured.

(9) Johnnie Ross, Louisiana; Convicted: 1975. Sentenced to death for rape. He was released when his blood type was found to be inconsistent with that of the rapist's.

RELEASED—1981

(10) Charles Ray Giddens, Oklahoma; Convicted: 1978. Conviction and death sentence reversed by the Oklahoma Court of Criminal Appeals on grounds of insufficient evidence.

(11) Michael Linder, South Carolina; Convicted: 1979. Sentenced to death but was ac-

quitted at the retrial on the grounds of self defense.

RELEASED—1982

(12) Annibal Jaramillo, Florida; Convicted: 1981. Sentenced to death for two counts of first degree murder. He was released when the Florida Supreme Court ruled the evidence did not sustain the conviction.

(13) Lawyer Johnson, Massachusetts; Convicted: 1971. Sentenced to death for first degree murder. The charges were dropped when at this new trial a previously silent eyewitness came forward and implicated the state's chief witness as the actual killer.

RELEASED—1983

(14) Chol Soo Lee, California; Convicted: 1977. Convicted and sentenced to death for killing a fellow prisoner. The conviction was overturned because of improper jury instructions and Lee was released.

(15) Billy Jo Wallace, Georgia; Convicted and sentenced to death for murder. His conviction was overturned by the Supreme Court of Georgia based on perjured testimony.

RELEASED—1986

(16) Anthony Brown, Florida; Convicted: 1983. Convicted of first degree murder and sentenced to death. At the retrial, the state's chief witness admitted that his testimony at the first trial had been perjured.

(17) Neil Ferber, Pennsylvania; Convicted: 1982. Convicted of first degree murder and sentenced to death. He was released at the request of the state's attorney when new evidence showed that the conviction was based on perjured testimony.

RELEASED—1987

(18) Joseph Green Brown, Florida; Convicted: 1974. Charges were dropped after the 11th Circuit ruled that the conviction was based on suppression of exculpatory evidence by the prosecution.

(19) Perry Cobb, Darby Williams, Illinois; Convicted: 1979. They were convicted and sentenced to death for a double murder. They were acquitted at retrial when an assistant state's attorney came forward and destroyed the credibility of the state's chief witness.

(20) Henry Drake, Georgia; Convicted: 1976. Reconvicted to a life sentence at his second retrial. Six months later, the parole board freed him, convinced by an exoneration of Drake given by his alleged accomplice.

(21) John Henry Knapp, Arizona; Convicted: 1974. Released after the state Supreme Court ordered a new trial.

(22) Wilbert Lee, Freddie Pitts, Florida; Convicted: 1963. They were convicted of a double murder and sentenced to death. They were released when they received a full pardon from Governor Askew because of their innocence.

(23) Vernon McManus, Texas; Convicted: 1977. After a new trial was ordered; the prosecution dropped the charges because a key prosecution witness refused to testify.

(24) Anthony Ray Peek, Florida; Convicted: 1978. Convicted of murder and sentenced to death. He was acquitted at his second retrial because the erroneous conviction was based on faulty expert testimony.

(25) John Ramos, Florida; Convicted: 1983. Sentenced to death for a rape-murder. The decision was vacated by the Florida Supreme Court. At his retrial, he was acquitted.

(26) Robert Wallace, Georgia; Convicted: 1980. Sentenced to death for the slaying of a police officer. The 11th Circuit ordered a retrial because Wallace was not competent to stand trial. He was acquitted at the retrial because it was found that the shooting was accidental.

RELEASED—1988

(27) Jerry Bigelow, California; Convicted: 1981. Convicted of murder and sentenced to death. His conviction was overturned by the California Supreme Court and was acquitted at the retrial.

(28) Willie Brown, Larry Troy, Florida; Convicted: 1983. They were released when the evidence showed that the main witness at trial had perjured himself.

(29) William Jent, Earnest Miller, Florida; Convicted: 1979. They were released in a plea agreement at their retrial.

(30) Clarence Womack, Alabama; Convicted: 1982. Convicted of murder and sentenced to death. The conviction was overturned by the Supreme Court of Alabama based on suppression of evidence by the prosecution and false testimony.

RELEASED—1989

(31) Randall Dale Adams, Texas; Convicted: 1977. Convicted of murder and sentenced to death. He was ordered to be released pending a new trial by the Texas Court of Appeals. The prosecutors didn't seek a retrial due to substantial evidence of Adam's innocence.

(32) Jesse Keith Brown, South Carolina; Convicted: 1983. The conviction was reversed twice by the state Supreme Court. At the third trial he was acquitted.

(33) Nathan Brown, Georgia; Convicted and sentenced to death. U.S. District Judge Bowen reversed the conviction and sentence based on prosecutorial misconduct.

(34) Robert Cox, Florida; Convicted: 1988. Released by an unanimous decision of the Florida Supreme Court on the basis of insufficient evidence.

(35) Timothy Hennis, North Carolina; Convicted: 1985. Convicted on three counts of murder and was sentenced to death. The state Supreme Court granted a retrial. At the retrial, Hennis was acquitted.

(36) James Richardson, Florida; Convicted: 1963. Released after reexamination of the case by the Miami State's Attorney office concluded he was innocent.

RELEASED—1990

(37) Clarence Brandley, Texas; Convicted: 1980. Awarded a new trial when evidence showed prosecutorial suppression of exculpatory evidence and perjury by prosecution witnesses. The case was not retried.

(38) Patrick Croy, California; Convicted: 1979. Conviction overturned by the state Supreme Court because of improper jury instructions. Acquitted at retrial after argument of self defense.

(39) John Clifford Skelton, Texas; Convicted: 1982. Convicted of killing a 46 year old man by exploding dynamite in his pickup. The conviction was overturned by the Texas Court of Criminal Appeals due to insufficient evidence.

RELEASED—1991

(40) Bradley P. Scott, Florida; Convicted: 1988. Released by the Florida Supreme Court on the basis of insufficient evidence.

(41) Gary Nelson, Georgia; Convicted: 1979. Convicted and sentenced to death for the rape and murder of a 6-year-old girl. Released after it was shown that the willful suppression of evidence in the state's possession pointed to the guilt of another.

(42) Jimmy Lee Horton, Georgia. Horton, a black man, was convicted of murder and sentenced to death by an all white jury. The 11th Circuit Court of Appeals held that the pattern of wholesale strikes against black jurors by the prosecutor were unconstitutional.

RELEASED—1993

(43) Kirk Bloodsworth, Maryland; Convicted: 1984. Convicted and sentenced to death for the rape/murder of a young girl. He was granted a new trial and given a life sentence. He was released after further DNA testing proved his innocence.

(44) Fredrico Martinez Macias, Texas; Convicted: 1983. Convicted of the machete slaying of Robert Haney. A federal appeals court overturned the conviction and the prosecution was not able to get another indictment against him because the grand jury felt there was a lack of evidence.

(45) Walter "Johnny D" McMillian, Alabama, Convicted: 1986. Conviction was overturned by the Alabama Court of Criminal Appeals and was freed after prosecutors decided not to retry him.

(46) Gregory Ralph Wilhoit, Oklahoma, Convicted: 1985. Convicted of killing his estranged wife while she slept. He was released after 11 forensic experts testified that a bite mark found on his dead wife's breast did not belong to him.

Finally, seeking and imposing the death penalty is much more expensive than its closest alternative, life imprisonment without parole. Capital trials are longer, they are more expensive at every step of the way than other murder trials.

The death penalty is discriminatory, arbitrary, unfair, expensive and fraught with error. Those are the conclusions of everybody who has studied in a fair and objective way the imposition of this penalty, and so imposing the death penalty for over 60 new Federal crimes is a foolish attempt to appear tough on crime by seeking revenge instead of seeking solutions and putting an even greater burden on the taxpayers of this Nation. We all understand; some of us do, what it is like to be victimized, but we must also understand that we have to be honest and fair in our assessment of what an enlightened society must do. It is less expensive to put people away for the rest of their lives despite those sorts of arguments to the contrary.

Mr. Chairman, I would urge support of the Kopetski-Mfume-Serrano amendment.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman from Texas [Mr. BROOKS] for yielding this time to me.

Mr. Chairman, I think this is a very important debate because many people genuinely do not agree that the death penalty is a deterrent or that it should be on the books.

□ 1240

Others believe that there is some discrimination that is carried out in the actual implementation of death penalties generically. I think both positions are wrong. The death penalty has a place in our society. We should defeat this amendment for that reason.

The death penalty with regard to deterrence is not going to deter everybody who might commit a murder or

commit a heinous crime subject to the death penalty, but it does deter a certain number of people. Statistically it is impossible for us to be able to demonstrate that in every case because the people who do not commit those crimes or do not commit the murders that would get the death penalty are not around on death row or in jail somewhere to interview.

But it is just common sense, and I think it has been proven by many, many studies that the death penalty indeed does deter a substantial amount of crime when it is carried out properly.

The biggest problem we have with it today is that we do not have the swiftness and certainty of punishment, and we have the endless appeals that the death row inmates have, but that is another problem.

With regard to the discrimination aspect, I would submit that the real statistics show that in actuality, as far as black men or women who are sentenced to death are concerned, compared to white, normally what we will find in those studies is that most of the crimes that were committed by the blacks who get the death penalty were against other blacks or minority members, and that indeed in most cases where the studies have been done, whites actually have a greater chance in front of a sentencing panel of getting life imprisonment rather than the death sentence on a proportion of the number of cases that are brought to bear.

So I think that the bottom line is that neither argument is meritorious. The death penalty has a place. It is not discriminatory. It is very important that it be properly structured and carried out. but we do not want to strike the opportunity for the Federal Government to give the death penalty. We need to finally, after many years of not having it, reinstate the procedures in this legislation, which it does, to allow the death penalty to be carried out for things like assassination of the President, drug kingpins, and so forth.

Mr. Chairman, I thank the gentleman from Texas for yielding time to me, and I urge a no vote on the amendment.

Mr. KOPETSKI. Mr. Chairman, I yield 30 seconds to the distinguished chairman of the Subcommittee on Civil and Constitutional Rights and a great champion of the Bill of Rights, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman for yielding time to me, and I compliment him on offering this important amendment.

Mr. Chairman, I think we ought to make it very clear that all of the evidence is that there is no deterrence in death penalties.

I do not know how many of you saw McNeil-Lehrer 3 nights ago where a triple murderer was asked over and over again by Robert McNeil, "Didn't you know if you murdered those people, you could get the death penalty?"

He said, "No, of course I didn't think about that." He said, "It doesn't deter anything. You feel you have to do it, you don't think you are going to get caught, and that's it."

And he said, "Throughout the prisons where I have been incarcerated, everyone has the same attitude."

There are 13 States that do not have the death penalty, and I can assure my colleagues that their murder rate is no higher in those States than in the rest of the country, including States like California that have the death penalty.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

Mr. KOPETSKI. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Oregon [Mr. KOPETSKI] has 2½ minutes remaining.

Mr. KOPETSKI. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to reiterate one point for my colleagues: the death penalty is more expensive, not less, than life imprisonment. Again, estimates in California are that death penalty cases cost roughly $600,000, compared to $427,000 for life imprisonment.

Moreover, adding more death penalty cases would further clog up the already overburdened Federal courts, squeezing out not only other criminal cases, but also civil cases, including business law. According to a recent article in The Washington Post, nearly one-half the working hours of the Florida supreme court are spent on death penalty cases. The lesson from Florida is clear: death penalty cases crowd out other court business. The Congress should think carefully before imposing the same burden on the Federal system.

Mr. Chairman, let's instead learn from the experience of the States. According to a recent article in The Washington Post, last year's level of executions was the highest in 30 years, and yet, under present law, there were roughly six new death sentences for every execution. Under present law, the backlog of death sentences continues to grow, the average wait for execution may soon surpass 20 years, and death row inmates come to fear old age more than execution. Quite frankly, we can not kill them fast enough under current law. The system is broke. Adding even one new Federal death penalty would add hardship to an already overburdened system, yet, to my disbelief, the House is proposing to add over 60 new Federal death penalties!

Mr. David Sarasohn of the Oregonian newspaper recently wrote of the problems the Federal court system will encounter with death penalty cases, and I will include the article at the end of my remarks.

And, Mr. Chairman, in addition to moral questions and policy questions, there is another fundamental flaw with this provision, as written. That flaw is in the values the bill, as written, espouses. When I say the value systems are flawed, I should also point out, I mean this as separate from the moral aspects, which I described earlier.

We can only vote on what is before us, not on broad policy objectives that we may wish to read into each bill for political benefit or expedience. And before us today is a bill which places a higher value on the life of a Federal bureaucrat than on the men, women and children whom we represent. For example, if you murder a Federal court official, you get sentenced to death under this bill, but, if you murder the 4-year old down the street, you do not. If you are for the death penalty, you have to explain to your constituents why you value a Federal employee more than you value their life or the life of their child. There is another anomaly. Under the bill if you murder someone in a Federal courthouse you get the death penalty. If you murder them outside the courthouse, you don't.

And before us today is a bill which places a higher value on our lives, as Members of Congress, than on the men, women, and children we represent. Again, if you are for the death penalty, you have to explain to your constituents why you value your life and the lives of your colleagues in Congress higher than you value their life or the life of their child. If you are voting against the Kopetski-Mfume-Serrano amendment today, my colleagues, you are not just voting for the death penalty in the abstract, you are voting for some very troubling value systems.

Life has its ironies. Today Americans are outraged at the punishment by caning in Singapore. Our President has asked that the sentence not be carried out. Yet today we vote as a society to impose the death penalty.

I urge support of the Kopetski-Mfume-Serrano amendment.

Mr. Chairman, I include here the article to which I referred, as follows:

50 NEW DEATH PENALTIES! DO I HEAR 60?

(By David Sarasohn)

In 1988, faced with the embarrassing reality that eight years of loudly tough-on-crime government had somehow turned the country into an all-night drug store, Vice President George Bush had a great idea. The answer, he explained, was capital punishment for "drug kingpins."

Congress, most of which was running for re-election, ran to pass a new federal capital punishment bill before the polls opened. It was in such a hurry, in fact, that it failed to specify how the kingpins were to be executed—although there was some feeling that prolonged exposure to the Bush-Dukakis debates might do it.

Five and a half years later, how many drug kingpins has the federal government actually executed?

About as many as the nights George Bush has recently spent in the White House. The federal government, in fact, hasn't executed anybody for 30 years. The most dangerous

thing a drug kingpin could do would be to hold his breath until it did.

On the other hand, the great majority of the congressmen who voted for the idea got re-elected.

Inspired by their stunning success with this approach, the Senate and House are now in the process of creating more federal capital crimes, filling up two crime bills with menacing poses. The House crime bill now includes 40 federal capital counts—although different people reach different courts—and the Senate includes 52.

Big talk from a jurisdiction that hasn't actually executed anyone lately—a lot bigger than the chance that any of this has anything to do with stopping crime.

Nobody's going to be terribly upset about the Senate's plan to make genocide a capital crime—especially not in Yugoslavia. And most people would stand behind execution for murdering the president, vice president or high-level members of their staffs, although this could immediately provoke an inside-the-Beltway quarrel about who is or isn't high-level.

But the Senate bill also contains language that federalizes any murder committed with a gun that crosses state lines, which could flood the federal courts and set off some substantial fights with states—many of which have recently actually executed people.

Among the new listings included in the House's 40 death penalties is "Use of a weapon of mass destruction resulting in death," which is probably already covered in most places. The House joins the Senate in specifying a death penalty for a killing on a maritime facility, such as an offshore oil rig.

Most of these dozens of new capital crimes are different ways of describing murder. Most of them will never be used; many are what Leigh Dingerson, of the National Coalition to Abolish the Death Penalty, calls "statistically non-existent."

"Murder on a maritime platform," she notes, "is not the kind of crime I'm concerned about in my neighborhood."

Kill a high-level member of the vice president's staff on a maritime platform, of course, and you'd really be in trouble.

All the experience of a federal death penalty shows that all this will be insignificant; the feds will not be executing large numbers anytime soon. Lots of other experience suggests that the federal courts are not currently set up as the places to deal with capital trials, and a sudden burst of them—the Senate's interstate gun amendment could potentially create 6,000 a year—could blow out the federal circuits' circuits.

"It's a foreign concept to this system," says Dennis Balske, an assistant federal defender in Portland and former chairman of the Death Penalty Committee of the National Association of Criminal Defense Lawyers. "It's a whole body of law totally different than anything else out there. It's incredibly specialized, and everyone in the system would have to go back to school." This, of course, is not Congress's goal; Congress' goal is to go home and explain that it's been tough on crime.

This entire approach has not been what you'd call closely thought out. There is, for example, the question of just how the federal government would execute someone.

The 1988 law, which currently has six people under federal sentence of death, didn't say anything about how it should happen. So just as the Bush administration was leaving office, it ordered the Justice Department to build a federal Death Row and lethal injection chamber at the federal prison in Terre Haute, Ind. It should be completed this year, but any attempt to use it—promises David Bruck of South Carolina, one of the federal system's two Federal Death Penalty Resource Counsels—will face a legal challenge arguing that means of execution has to be set legislatively, not bureaucratically.

The new laws suggest borrowing state facilities—which asks just what the point is of the Terre Haute location.

You could ask the same thing about the new death penalties—unless you're a congressman running for re-election.

After all, it worked once.

Mr. MFUME. Mr. Chairman, I ask unanimous consent, with the concurrence of the other side, that the gentleman from Oregon [Mr. KOPETSKI] have an additional 1 minute to speak in hopes that he may yield one-half of that time to me.

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

There was no objection.

Mr. KOPETSKI. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, let me just say as we close this debate that the argument by the gentleman from Florida [Mr. MCCOLLUM] carries merit. I believe, also, that you can make sensible arguments on both sides of this issue, and you can be looked at as being laughable on both sides of this issue.

Mr. Chairman, what we are saying with our amendment is to take this burden off the taxpayers, millions of dollars wasted in appeal after appeal after appeal instead of giving somebody life without parole, using that money in the criminal justice system to enforce the law and to take care of others who are breaking the law.

Mr. Chairman, I thank the gentleman for his support of the amendment and I thank the gentleman from Florida [Mr. MCCOLLUM] as well.

Mr. KOPETSKI. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Oregon [Mr. KOPETSKI] is recognized for 30 seconds.

Mr. KOPETSKI. Mr. Chairman, in closing, we talk about being a civilized society in this debate and I think life is often full of ironies. This Nation has been debating whether the penalty in Singapore ought to be carried out on a young man because he is going to be caned. The irony is as that debate rages, and most Americans, I believe, are opposed to the caning of that young man, here we are, the representative body of the people, about to impose the most heinous form of punishment, the death penalty, and I believe that to be wrong.

Mr. NADLER. Mr. Chairman, I rise in support of this amendment. I had the honor of offering a similar amendment before the House Judiciary Committee last month.

This amendment replaces the death penalty with life imprisonment. Mr. Chairman, I do not believe the death penalty is right, and I know there are many who disagree with me. But even those who believe the death penalty is morally right should be worried about mistakes. The death penalty, once imposed, can never be recalled. Innocent people should never be put to death. As the late Justice Marshall said:

> No matter how careful courts are, the possibility of perjured testimony, mistaken honest testimony, and human error are all too real. We have no way of judging how many innocent persons have been executed, but we can be certain that there were some.

Last year, Chairman EDWARDS released a report which documents 48 people on death row who were released because of significant new evidence of their innocence since 1973. Gary Nelson of Georgia spent 11 years on death row, waiting to be executed. He was finally released after a review of the prosecutor's files revealed that material information had been improperly withheld from the defense. Later the district attorney admitted that there was not a single element of the prosecution's case which had not been impeached or contradicted.

In 1984, Federico Macias was convicted of murder in Texas. He was granted habeas because of ineffective assistance of counsel. He was released in 1993 after a grand jury refused to reindict him for lack of evidence.

Also in 1984, Kirk Bloodsworth was sentenced to death for the rape and murder of a young girl. In 1993, he was released after subsequent DNA testing confirmed his innocence.

These are not isolated incidents. In 1987 alone, nine people sentenced to death were released because of a finding of innocence or of guilt only of a lesser charge. The fact that so many came so close to death makes me wonder how many weren't so lucky. I urge you to vote to strike the death penalty, and substitute life imprisonment instead. I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Oregon [Mr. KOPETSKI].

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

RECORDED VOTE

Mr. KOPETSKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 111, noes 314, not voting 12, as follows:

[Roll No. 107]

AYES—111

Abercrombie	Collins (MI)	Ford (MI)
Ackerman	Conyers	Ford (TN)
Andrews (ME)	Coyne	Frank (MA)
Barca	Dellums	Furse
Barrett (WI)	Dixon	Gejdenson
Becerra	Edwards (CA)	Gonzalez
Berman	Ehlers	Goodling
Blackwell	Engel	Gutierrez
Bonior	Eshoo	Hamburg
Brown (CA)	Evans	Hamilton
Brown (OH)	Farr	Hastings
Clay	Fazio	Hilliard
Clayton	Fields (LA)	Hinchey
Clyburn	Filner	Hoekstra
Collins (IL)	Flake	Jacobs

Jefferson
Johnson, E. B.
Kildee
Kleczka
Klug
Kopetski
LaFalce
Levin
Lewis (GA)
Lowey
Maloney
Markey
McDermott
McKinney
McNulty
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Owens
Payne (NJ)
Pelosi
Penny
Rahall
Romero-Barcelo (PR)
Roybal-Allard
Rush
Sabo
Sanders
Scott
Serrano
Sharp
Shays
Skaggs
Slaughter
Smith (IA)
Smith (NJ)
Stark
Stokes
Studds
Swift
Thompson
Towns
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Wise
Woolsey
Yates

NOES—314

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English
Everett
Ewing
Faleomavaega (AS)
Fawell
Fields (TX)
Fingerhut
Foglietta
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Gordon
Goss
Grams
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kim
King
Kingston
Klein
Klink
Knollenberg
Kolbe
Kreidler
Kyl
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Mann
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meehan
Menendez
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Neal (NC)
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Shaw
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Williams
Wilson
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Fish
Gallo
Grandy
Green
Johnson (CT)
Murphy
Pickle
Rangel
Roukema
Synar
Washington
Whitten

□ 1306

The Clerk announced the following pairs:

On this vote:

Mr. Rangel for, with Mr. Murphy against.

Mr. Washington for, with Mr. Green against.

Mr. SAXTON changed his vote from "aye" to "no."

Mr. GONZALEZ changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in part 1 of House Report 103-474.

AMENDMENT OFFERED BY MR. MC COLLUM

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. McCOLLUM:

Page 46, after line 21, insert the following:

"(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.

Page 51, line 7, strike ", in the case" and all that follows through "the jury" in line 14, and insert "an aggravating factor required to be considered under section 3592 is found to exist, the jury".

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. McCOLLUM] will be recognized for 7½ minutes, and a Member opposed will be recognized for 7½ minutes.

Mr. EDWARDS of California. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from California [Mr. EDWARDS] is opposed to the amendment and will be recognized for 7½ minutes.

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

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

Mr. Chairman, the drug kingpin death penalty is for those who are or-

ganizers and leaders of trafficking in very large quantities of narcotics; for example, 300,000 grams of cocaine or 60,000 grams of heroin.

We just passed, a few minutes ago, approved, I should say, the drug kingpin death penalty and the technical terms of the actual language saying we want to impose that death penalty. But because of the bifurcated manner in which the legislation was brought to the floor through committee, the aggravating factors that are constitutionally essential to making this drug kingpin death penalty viable, which were a part of it in the last Congress, when we passed the conference report having the drug kingpin death penalty as part of it, because it was bifurcated in the Committee on the Judiciary, those aggravating factors were not a part of the bill. And they are not a part of it now.

□ 1310

Consequently, in order to make the vote that the Members took earlier, the majority of the Members of this body, valid, and have a drug kingpin death penalty in this bill in a way that can be implemented, we need to pass the amendment I am offering right now.

The general provisions of aggravating factors required by the Supreme Court after its 1972 ruling, which made all death penalties in this country unconstitutional, was that we come with specificity in naming aggravating factors to be used in the imposing of the death penalty.

The States that had the death penalty before have long since enacted those provisions. We today are getting our first shot at doing that at the Federal level for those things such as assassinating the President and other crimes on the books with the death penalty to be imposed. Most of those involve situations in which there is, or has been, a dead body or a murder that has clearly been committed.

In the case of the drug kingpin death penalty, no murder is required to be proven itself. As we explained in the debate on the amendment of the gentleman from North Carolina [Mr. WATT] to try to strike this from the bill, there would be, however, a very egregious situation created if anybody trafficked in the large quantities we are dealing with here, as an organizer of such trafficking, and that is why as a matter of public policy Congress wants to impose the death penalty.

In doing that, however, we need specific aggravating factors to be put in the law to make the carrying out of this particular death penalty for drug kingpins constitutional. The list of those that I have included in my amendment for aggravating factors for consideration to impose such a death penalty would be previous conviction of an offense for which the sentence of death or life imprisonment was authorized, previous conviction of another serious offense which is described in the amendment, a previous drug felony conviction, the use of a firearm in the commission of the drug crime that is described in the drug kingpin bill, the distribution to persons under 21 of the narcotics involved, distribution near schools, using minors in the trafficking and organized trafficking effort that these organizers are directing, and the use of a lethal adulterant in the process of doing this.

I believe that every one of these aggravating factors is an appropriate one to be considered. Of course, the normal mitigating factors could be used on the defense of the other side, as well.

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

Mr. McCOLLUM. I am glad to yield to the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, I am opposed generally to imposing the death penalty where death does not result. It seems to me that actual murder should be necessary to impose the harshest of punishments. For that reason, I supported the Watt amendment to strike the drug kingpin death penalty. Having lost that vote, I would have difficulty resisting the provisions which are constitutionally necessary and essential for the implementation of the drug kingpin death penalty—which is now the position of the House.

I will, therefore, support the McCollum amendment.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for his support and explanation. I particularly thank the chairman of the committee. He has done an excellent job of making his position clear and his support of this amendment.

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

Mr. EDWARDS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a repeat debate over an old issue. I certainly have not changed my position, but I do not think we ought to make it easier to implement a law that is very clearly wrong.

The law established in 1977 by Coker against Georgia by the Supreme Court was very explicit. That case was a terrible rape case, a brutal rape case, but the woman was not killed. The Supreme Court ruled, and I believe it was 7 to 2, that the death penalty was disproportionate, and therefore unconstitutional under cruel and unusual punishment, because for the Government to execute someone in connection with another crime, somebody should have been killed, somebody should have been murdered. Even in this brutal rape case, the Supreme Court said that it was inappropriate and unconstitutional, cruel and unusual, to have the death penalty.

Mr. Chairman, the subcommittee that I chair just in the last few weeks received a report on the implementation of the drug kingpin law that was put into effect a number of years ago. We found that, out of 37, I believe, Federal drug kingpin capital cases, the death penalty was administered disproportionately against minorities. The crimes were all similar.

African-Americans are 13 to 14 percent of our country, but in the report that we issued, we found, and this was confirmed by the General Accounting Office in an earlier report, that where the death penalty is administered, overwhelmingly for the same kind of crimes, whites do not get the death penalty, where African-Americans do.

In these drug kingpin cases, quite a number of them really are not drug kingpins. A lot of them are just low-level participants who are involved in drugs, and this law will be used conveniently to apply the death penalty even in cases where no homicide has occurred.

Mr. Chairman, although I know the House has already decided to approve the law generally, I think we ought to vote "no" on the amendment offered by the gentleman from Florida [Mr. McCOLLUM].

Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, I just wish to reiterate my strong position on this particular matter in terms of the importance of putting the procedures in place. As the chairman, the gentleman from Texas [Mr. BROOKS] indicated in his reasoning for supporting this amendment, we need to have the right aggravating and mitigating factors in law for dealing with this peculiar beast that we have here, the drug kingpin death penalty. Without having my amendment that I am offering now, we will not have an effective death penalty, which the House recently voted—in the past few minutes—that it supported.

Consequently, it seems to me that it is very important that the Members understand that the vote is not, again, on the drug kingpin death penalty itself, but it might as well be. It is on what is required to sustain constitutional tests that the Supreme Court has set, and those mitigating and aggravating factors that we normally would have in a death penalty case are all available, but in addition to that, because there is not necessarily a death that has to be proven here, and because this is a very different kind of a death penalty reasoning, then there are peculiar aggravating factors that need to be put in law.

As I indicated earlier, we list those very explicitly, such as the previous conviction of an offense for which a

sentence of death or life imprisonment was authorized, previous conviction of other serious offenses, a previous serious drug felony conviction, the use of a firearm, the distribution to persons under 21, distribution near schools, use of minors in trafficking, and a lethal adulterant, offenses involving adulterants.

The fact of the matter is that there are arguments that have been made before about this whole matter, but the bottom line is that when somebody is an organizer and leader of an organization that trafficks in huge quantities of narcotics, as is in the drug kingpin death penalty provision, clearly people are going to die as a result of that, and people are in harm's way.

There is an abundance of evidence of the constitutionality of this by experts, former attorneys general, like Barr and Meese and former Solicitor General Ken Starr.

It is important, however, that we now place in the law to supplement, to make sure it works, the drug kingpin death penalty, these procedures that I have just outlined and described, so I urge a "yes" vote on this amendment to put the procedures, the aggravating factors, into the law and let the drug kingpin death penalty work. Let it become a part of this bill, fully and completely.

The CHAIRMAN. All time has expired.

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. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 340, noes 87, answered "present" 1, not voting 9, as follows:

[Roll No. 108]

AYES—340

Abercrombie
Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bellenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
English
Everett
Ewing
Faleomavaega (AS)
Fawell
Fazio
Fields (TX)
Fingerhut
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Mann
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meehan
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Neal (MA)
Neal (NC)
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Unsoeld
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—87

Andrews (ME)
Barca
Barrett (WI)
Becerra
Blackwell
Bonior
Brown (CA)
Brown (OH)
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
Dellums
Dixon
Edwards (CA)
Engel
Eshoo
Evans
Farr
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gonzalez
Gutierrez
Hamburg
Hastings
Hilliard
Hinchey
Hoekstra
Hughes
Jacobs
Jefferson
Kildee
Kopetski
Lewis (GA)
Lowey
Maloney
Markey
McDermott
McKinney
McNulty
Meek
Mfume
Miller (CA)
Mineta
Mink
Nadler
Norton (DC)
Oberstar
Obey
Olver
Owens
Payne (NJ)
Pelosi
Reed
Roybal-Allard
Rush
Sabo
Sanders
Scott
Serrano
Sharp
Smith (NJ)
Stark
Stokes
Studds
Synar
Thompson
Towns
Tucker
Underwood (GU)
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—1

Goodling

NOT VOTING—9

Fish
Ford (MI)
Gallo
Grandy
Murphy
Rangel
Roukema
Washington
Whitten

□ 1340

The Clerk announced the following pairs:

On this vote:

Mr. Murphy for, with Mr. Rangel against.

Mrs. Roukema for, with Mr. Washington against.

Mr. HILLIARD and Mr. BROWN of California changed their vote from "aye" to "no."

Mr. EHLERS, Mrs. SCHROEDER, Mr. SKAGGS, Ms. BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. PENNY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1340

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in part 1 of House Report 103-474.

AMENDMENT OFFERED BY MR. GEKAS

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

The CHAIRMAN. The Clerk will designate the amendment. The text of the amendment is as follows:

Amendment offered by Mr. GEKAS: Page 48, strike line 1 through line 2.

Page 51, strike line 14 and all that follows through line 3 on page 52 and insert the following: the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist outweigh any mitigating 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. The jury shall be instructed that its rec-

ommendation concerning a sentence of death is to be based on the aggravating factor or factors and any mitigating factors which have been found, but that the final decision concerning the balance of aggravating and mitigating factors is a matter for the jury's judgment.

Page 53, beginning in line 3, strike "or life imprisonment without possibility of release".

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 7½ minutes, and a Member opposed will be recognized for 7½ minutes.

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 7½ minutes, and the Chair now recognizes the gentleman from Texas [Mr. BROOKS].

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to have the full attention of the Members of the Congress, especially those who oppose the death penalty or who oppose tightening up of the guidelines on the death penalty, for the purpose of illustrating my amendment, and I want to walk the Members through a trial, a first degree murder trial in which the antecedent crime was a rape.

We have in my hypothetical a criminal who would commit a vicious rape on a young woman. The jury had no difficulty, in my hypothetical case, in finding murder in the first degree. The defendant raped, then killed the victim. First degree murder was returned.

Now the jury was to set about the business of determining whether the death penalty or life imprisonment shall be the final outcome.

Now is a separate hearing the bifurcated or the second part of that hearing where the jury's responsibility was to weigh the factors to be presented to them for the purpose of determining death or life.

Now the prosecutor who successfully was able to bring about a first degree murder conviction has the burden of providing to the jury a set of, or perhaps only one, aggravating factor. The defense then, in turn, would bring into play a set of mitigating circumstances and the jury under all the language or any concept of bifurcated hearings would weigh the aggravating against the mitigating.

Now is the amendment, the language of the bill here, it is stated that—and they take the position do the authors of the bill—that in my hypothetical the prosecutor cannot produce as an aggravating factor the fact that the individual we talked about was raped. That is not an aggravating factor permissible for the second part of the hearing under the language of the bill.

My amendment would permit the prosecutor to present as an aggravating factor the fact that a woman was raped and then killed, so that the jury would have the right to say "Well, if she was raped", and they knew that because they convicted, then rape should be considered as an aggravating factor.

Then the defense attorney can bring in any kind of mitigating factors it wants.

Mr. Chairman, I am asking the Members of the House to vote for the Gekas amendment to allow the prosecutor to bring in evidence of the rape, that is, the antecedent cause of the death of this unfortunate victim. That is all we ask. If you leave the bill alone, it means that the prosecutor's hands are tied with respect to being able to present the rape, which was the real crime that led to the murder, into evidence at the hearing on whether the death penalty should apply. That is how unreasonable that is.

Now, am I conjuring up this idea for the purpose of making a speech? I did not just dredge this up from my own imagination.

In the Lowenfeld case, which found its way to the Supreme Court, the Supreme Court found that my theory, the one I am trying to propose through the Gekas amendment, is constitutional and is effective because it limits the parameters of aggravating factors. In that case there was a brutal murder, murder in the first degree, which called for the death penalty. In the second part of the hearing the jury was permitted to hear from the U.S. Prosecutor, was permitted to hear the evidence as to the multiple murders that took place, which were an essential part of the murder conviction in the first place. So we have ample precedent in the constitutional judgment of the Supreme Court, and we have the absolute common sense truth that a rape, in my hypothetical, should be accorded the status of an aggravating factor for the purpose of the decision on the part of the jury as to whether or not to inflict the death penalty.

Now if that is the case, then we revert to the second part of the Gekas amendment. Let us assume I am correct on that—and I am—we go to the second portion of the Gekas amendment. In the present language of the bill, even if we had 100 aggravating factors, I repeat that, if we had 100 aggravating factors that the prosecutor was able to present in the second part of the hearing and the defense was able to present no mitigating factors, under the present bill, under the language that is contained in the present bill, the jury could still be instructed by the judge to disregard all of what they have heard, the 100 aggravating factors, and find for the life imprisonment portion of the penalty.

Now you would say, "What is wrong with that?" What is wrong with that is that takes the bill back to the Neanderthal days, back before 1972. In 1972—and this is important for you to consider, ladies and gentlemen and fellow Members of the House—in 1972 the death penalty was struck down precisely because of what this bill would create, an unfettered, wide discretion on the part of the jury to find life or death based on their own whims, their own prejudices, their own biases, their own determination whether the smile of the defendant is worth considering or whether the ugliness of the defendant is worth considering, all of these factors that are nonstatutory would enter into play, and that is what the Supreme Court found so objectionable about the death penalty, said it was cruel and barbarous treatment and therefore struck it down.

□ 1350

The instruction that is permitted in this language that is now in the bill, which the Gekas amendment changes, the instruction that is now in the bill says:

No matter what the aggravating factors are, you could disregard them and, despite all of that, find for life imprisonment.

What that does is allow these prejudices, biases, and all these other nonstatutory elements, to enter into the deliberation of the jury.

My amendment simply says, and it is structured so well that it was approved by the House of Representatives, this very same body, and the Senate, and the President of the United States when we passed, and passed into law, the drug kingpin murder statute of a few terms ago; in my amendment the jury will hear the aggravating factors. Then it will hear the mitigating factors. It will waive them, and, if they find that the aggravating factors outweigh the mitigating factors, they should find the death penalty, and vice versa.

Now here is the other thing:

We do have another saving feature for those who have such great pity for the convict, perhaps, who just killed this lady that I am talking about in my hypothetical. If they still have sympathy and still want to reach out to this defendant, still want to show how wonderfully sympathetic they might be, we still have a saving clause for them.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GEKAS] has expired.

Mr. GEKAS. Mr. Chairman, I ask for unanimous support of the Gekas amendment.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to say I agreed with the second to the last statement of my distinguished friend, the gentleman from Pennsylvania [Mr. GEKAS].

Mr. Chairman, I believe the procedures we have in the bill before us are appropriate, workable procedures for carrying out the death penalty.

For those who believe that capital punishment has a place in our criminal

justice system—and I certainly do—it is incumbent that there are procedures crafted to ensure that justice is done. Justice requires the procedures to be constitutionally sound—the bill's provisions achieve precisely that. They appropriately channel a sentencing jury's authority, so that we can separate out those killers who deserve the harshest of punishments, and provide for life without any possibility of release for others convicted of murder. They are tough, but they are fair.

Mr. GEKAS' amendment upsets the careful balance that is necessary to fully and fairly implement the death penalty. By double counting an offense as an aggravating factor, the Gekas amendment introduces a harmful degree of arbitrariness; it eliminates the jury's ability to impose life without the possibility of release if they decide against death. Moreover, the Gekas amendment mandates that a death sentence be imposed in certain circumstances—thus taking away the duly selected jury's discretion.

I urge the Members to maintain the careful balance in the bill before us by rejecting the amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS].

Mr. Chairman, as has been stated, there are times when I believe that capital punishment is the appropriate punishment, but that does not mean a jury should not have a choice, and, as this amendment is written, my colleagues, the bill would give the sentencing jury three options: the death penalty, life without the possibility of parole, and a prison term set by the judge. The Gekas amendment would eliminate the option of life without parole or release. So, if the jury thought that this——

Mr. GEKAS. Mr. Chairman, would the gentleman yield on that point?

Mr. SCHUMER. After I make my point.

If this was a pretty horrendous crime, but they did not quite feel that it should get the ultimate sentence, capital punishment, they would then only get a term of years as sentenced by the judge, and I do not think that makes a great deal of sense. I think the jury should have the option. They can and should make the choice. But to eliminate the middle choice will force juries, because they will not go for a capital sentence, quite frankly, if they do not feel it merits it. So, actually in effect it would reduce the sentence on those that have committed pretty serious acts.

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

Mr. SCHUMER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding on only one point:

The Gekas language does provide for life without parole by the court imposing same——

Mr. SCHUMER. OK; reclaiming my time, it is simply that the jury would not be able to do that, and that is my point. We want to give the jury the flexibility there because otherwise they would not find, they are not going to find, for a capital crime unless they truly believe it is needed.

Mr. Chairman, I thank the gentleman from Texas [Mr. BROOKS] for having yielded this time to me, and I urge opposition to the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS].

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Chairman, I thank the distinguished gentleman from Texas [Mr. BROOKS], the chairman of the Committee on the Judiciary, for yielding this time to me.

Let me say that I support the death penalty, as most of my colleagues know, where I believe it can be constitutionally imposed, and those of my colleagues who are basically opposed to the death penalty, opposed to it, should support GEKAS because he is going to put at risk the Federal death statute, and he is doing it for this reason:

When the Supreme Court a few years ago upheld the death penalty, Mr. Chairman, it did so because elements of the offense cannot be used as a basis for aggravating offenses, and let me explain why.

When a jury finds that in fact the death penalty should be imposed, they have already made a decision about the elements of the offense: premeditation, malice aforethought. Those are the elements of the offense.

When the gentleman from Pennsylvania talks about not being able to consider a vicious rape, the gentleman from Pennsylvania is not explaining basically the bill before us because under subsection c, page 43, of the bill a jury can consider, as one of the aggravating factors, the heinous nature of the offense, cruel nature of the offense, or severe or serious physical abuse, all factors that can be considered under six——

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

Mr. HUGHES. I do not have the time—under six of the aggravating factors. The gentleman from Pennsylvania would have us, under his amendment, basically consider the elements of the offense which, I think, is going to open up the constitutional attack, so the gentleman weakens the bill.

Second, Mr. Chairman, as the gentleman from New York [Mr. SCHUMER] has indicated, the gentleman from Pennsylvania would eliminate life imprisonment without parole.

So, Mr. Chairman, we are going to have those situations where a jury does not want to give the discretion to the judge because they want to put him away for a number of years. A jury is going to have to make a decision as to whether to return capital punishment or give the judge that discretion.

Mr. Chairman, the gentleman from Pennsylvania [Mr. GEKAS] weakens the bill by what he has done, and I would urge a rejection of his amendment.

Mr. GEKAS. Mr. Chairman, may I inquire how much time the gentleman from Texas [Mr. BROOKS] has?

The CHAIRMAN. The gentleman has a minute and a half remaining.

Mr. GEKAS. Mr. Chairman, would the gentleman yield to me as a stroke of surprise here?

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I repeat:

The latest case from the Supreme Court, the Lowenfield case versus Phelps, 1988, found constitutional the prospect of having a rape in my hypothetical be used as an aggravating factor, and if it is just an ordinary rape, if there happens to be such a thing as an ordinary rape, then the language that the gentleman from New Jersey [Mr. HUGHES] was projecting, heinous, and vicious, and so forth, may not apply to a rape. Yet we believe that a rape is a rape is a rape and, therefore, should be considered as an aggravating circumstance in the rape murder which I outlined to my colleagues.

Moreover, the gentleman from New Jersey [Mr. HUGHES] misstates what he says was my misstatement. The jury at all times can recommend life without parole, under my language, and further, if they fail to do so, the court on its own motion, when it is determined by the jury that life imprisonment is the final answer, the judge himself can impose life without parole.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GEKAS] has expired.

Mr. BROOKS. Mr. Chairman, I yield the balance of the time to the distinguished gentleman from New Jersey [Mr. HUGHES].

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] is recognized for 30 seconds.

Mr. HUGHES. Mr. Chairman, I do not think the gentleman from Pennsylvania [Mr. GEKAS], my friend, understands his own amendment. He eliminates life imprisonment without parole where the death penalty is involved.

Mr. GEKAS. That is not so.

Mr. HUGHES. Second, the gentleman has misread the bill. A rape, a heinous rape or serious physical abuse, is an aggravating factor under the bill as written.

Mr. GEKAS. Then vote for the Gekas amendment.

Mr. HUGHES. It is not an element of the offense. The gentleman misunder-

stands what an element of the offense is. That is not an element of the offense.

I say to my colleague from Pennsylvania, "I tried capital cases. The gentleman is trying to tell me that rape is an only offense."

Mr. GEKAS. Aggravating factor.

□ 1400

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS].

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

RECORDED VOTE

Mr. GEKAS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 198, answered "present" 1, not voting 12, as follows:

[Roll No. 109]

AYES—226

Allard
Andrews (NJ)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Browder
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Carr
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Darden
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Gordon
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Klein
Klink
Knollenberg
Kolbe
Kyl
Lancaster
LaRocco
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Machtley
Manton
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Nussle
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Torkildsen
Torricelli
Traficant
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—198

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Danner
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Ehlers
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lantos
Laughlin
Levin
Lewis (GA)
Long
Lowey
Maloney
Mann
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Romero-Barcelo (PR)
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Skaggs
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Thompson
Thornton
Thurman
Torres
Towns
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Wheat
Williams
Wilson
Wise
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—1

Goodling

NOT VOTING—12

Fish
Ford (MI)
Ford (TN)
Gallo
Grandy
Hayes
Murphy
Murtha
Roukema
Washington
Waxman
Whitten

□ 1422

The Clerk announced the following pair:

On this vote:

Mr. Grandy for, with Mr. Washington against.

Messrs. SCOTT, FLAKE, BRYANT, and STUPAK changed their vote from "aye" to "no."

Mr. KLINK, and Mr. FINGERHUT changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, the gentleman from Florida [Mr. MCCOLLUM] is about to offer a privileged motion pursuant to the provisions of clause 7 of rule XXIII, relating to striking out the enacting clause of this bill.

Mr. Chairman, the rule states that if a motion that the committee rise and report to the House a recommendation that the enacting clause be stricken out is adopted in the Committee of the Whole, then the committee must rise, but before the House acts on whether or not to kill the bill, I am quoting now, "It is in order to entertain a motion to refer the bill to any committee with or without instructions."

My inquiry of the Chair is this: If we have reached this stage, is it in order for the gentleman from Florida to offer a motion to refer with instructions to report back forthwith with a germane amendment to this bill?

The CHAIRMAN. The Chair cannot speculate on who would be recognized, but the gentleman's point is correct, that it could be done in the House.

Mr. WALKER. Mr. Chairman, further, if this motion to refer with instructions to report an amendment forthwith is adopted by the House, it has the effect of making in order in the Committee of the Whole the gentleman's amendment; is that correct?

The CHAIRMAN. That could occur.

Mr. WALKER. That being the case, then, as I understand it, the Chair has affirmed my position that this procedure allows the House the opportunity to make in order additional germane amendments to be considered by the House in committee.

The CHAIRMAN. The series of events that the gentleman has stated could occur.

Mr. WALKER. I thank the Chair.

PREFERENTIAL MOTION OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. MCCOLLUM of Florida moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] is recognized for 5 minutes.

Mr. McCOLLUM. Mr. Chairman, the purpose of offering this motion, as was discussed in the parliamentary procedure, is to get the opportunity to offer an amendment on the floor that the Committee on Rules denied us and which we do now have out here today.

This amendment is one which was adopted in the 99th Congress, the 100th Congress, the 101st Congress, and the 102d Congress right here on the floor of the House in a crime bill. Unfortunately, the bill never became law because it never got through the conference committee with the Senate. But it is one that I would suggest that the vast majority of this body would vote for and adopt again, if given the opportunity to vote on it.

What it would do would be to establish what is known as the good-faith exception to the exclusionary rule of evidence.

What the amendment that I would like to offer would allow would be evidence to be admitted, if gained in an objectively, reasonable belief that conduct was unlawful. If that evidence was gained by police in a search and seizure in an objectively, reasonable belief that the conduct was lawful, that the police conduct it, then we should not have technical evidentiary procedures set up by the courts of this country blocking that evidence and keeping us from getting convictions in many, many cases. That is what has been occurring.

The exclusionary rule is a rule created by courts.

It is not a rule of the Constitution of the United States. We have certain protections against unlawful searches and seizures, and those protections are enforced in a number of ways.

The court has chosen to use this rule, but it has also granted a good-faith exception and said that it is the appropriate method of dealing with certain cases where warrants are involved. It has not ever ruled on the case where warrants are not involved.

All my amendment does is to expand or would expand the opportunity for a good-faith exception to exist in cases where there are no search warrants and we are getting evidence that should be admitted into court to get convictions.

The exclusionary rule has a major impact on drug prosecutions over a 3-year period. Also 3,000 felony drug arrests in California were not prosecuted because of the exclusionary rule problems.

It is something that police all over this country have asked us to adopt, a good-faith exception to that, we are establishing that clearly in those cases involved good faith, there was no improper conduct by the police.

The McCollum amendment would not eliminate the exclusionary rule. Rather, it would maximize the availability over liable evidence bearing on the guilt or innocence of the defendant. So that is the purpose of what I am offering this motion for today.

The motion for us to rise, as was explained in the parliamentary discussion, and striking the enacting clause for the opportunity that we would then have to instruct the Committee on Rules to come back out here on the Floor with a bill that would let us offer this rule, this good-faith exception to the exclusionary rule, to have a vote on it, to offer an amendment and to have a vote on it, again, an amendment that has passed in five previous House meetings and five previous Congresses but was not allowed by the Committee on Rules to come out here today.

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

Mr. McCOLLUM. I yield to the gentleman from Pennsylvania.

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

I thank the gentleman for explaining the amendment that he has proposed to bring forward. The House should know that because of the ruling of the Chair that has taken place just previous, the Members are really voting on the subject matter that the gentleman suggests. Because what we have now established is that there is a procedure for bringing this subject matter to the floor. And if, in fact, Members vote against striking the enacting clause, they are in fact casting a real vote against a procedure to bring this particular amendment at this particular time to the floor.

It seems to me Members need to be clear now that they are not simply voting on a procedural matter. They are voting on something that ultimately could lead to a real vote on a real issue as described by the gentleman from Florida.

□ 1430

Mr. McCOLLUM. Reclaiming my time, Mr. Chairman, I want to make absolutely clear the point that what we are voting on today is a good-faith exception to the exclusionary rule by this vote. It is the only opportunity this House will have to do what it has done in the past and give the police of this country and the citizens of this country the proper exception to the exclusionary rule to let evidence in to get convictions in the court proceedings that police all over this country have asked again and again and again for.

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

Mr. McCOLLUM. I yield to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I just would like to make a parliamentary inquiry to the Chair, if I may.

Mr. McCOLLUM. Mr. Chairman, I believe the gentleman can do that without my time.

Mr. VOLKMER. Mr. Chairman, I am not a member of the Committee on the Judiciary.

The CHAIRMAN. The Chair would inquire, is the gentleman yielding to the gentleman from Missouri [Mr. VOLKMER]?

PARLIAMENTARY INQUIRIES

Mr. McCOLLUM. Mr. Chairman, I have a parliamentary inquiry. If I would yield to the gentleman from Missouri [Mr. VOLKMER] for the purposes of one, am I using my time up on the debate we are involved with here for purposes of this privileged motion?

The CHAIRMAN. The gentleman would be.

Mr. McCOLLUM. Mr. Chairman, another parliamentary inquiry.

Mr. Chairman, do I have the right to reserve time or on this motion do I have to consume all my 5 minutes?

The CHAIRMAN. Under the rules of this House, the gentleman does not have the right to reserve time.

Mr. McCOLLUM. I do not?

The CHAIRMAN. The gentleman does not.

Mr. McCOLLUM. Then I do not wish to yield at this point, Mr. Chairman.

Mr. Chairman, I would inquire how much time I have remaining.

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] has 5 minutes remaining.

Mr. McCOLLUM. Mr. Chairman, once and for all, so the Members understand why this motion is being made, it is being made because it is our only opportunity to get a vote on the good-faith exclusionary rule which would allow us once and for all to win for the police of this country what they have been asking for for a long time, to end the technicalities that are stopping good and well-founded evidence from getting into court to get convictions in case after case.

An aye vote is for the good-faith exception to the exclusionary rule this House has adopted in five previous Congresses.

Mr. WALKER. Mr. Chairman, would the gentleman yield for a parliamentary inquiry?

Mr. McCOLLUM. I yield to the gentleman from Pennsylvania.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Chairman, am I correct that should the motion carry, and this is not a motion to kill the bill, this is simply a motion for the Committee to rise, and it can at that point decide that another amendment can be made in order, is that right?

The CHAIRMAN. The motion is to report to the House with a recommendation that the enacting clause be stricken out, an action that would reject the bill if carried in the House.

Mr. WALKER. Mr. Chairman, a further parliamentary inquiry:

Mr. Chairman, as we established in the previous colloquy, I think that there is also an action available to the House at that point to further amend the bill, is that correct?

The CHAIRMAN. A motion to refer would be in order.

Mr. WALKER. Mr. Chairman, it would be in order, and it could be a motion to refer and report back forthwith, which would in effect at that point allow an amendment on the floor?

The CHAIRMAN. The Chair would say that a motion to refer could include that instruction.

Mr. WALKER. Mr. Chairman, that has precedence over the motion to strike the enacting clause, is that correct?

The CHAIRMAN. A motion to refer would be in order pending the question of the House's concurrence in the recommendation to strike out the enacting clause.

Mr. WALKER. I thank the Chair.

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

PARLIAMENTARY INQUIRY

Mr. VOLKMER. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. Mr. Chairman, in the event that the motion presently pending by the gentleman from Florida [Mr. MCCOLLUM] would prevail, would any Member then be eligible for recognition to make a motion to refer, or is the gentleman from Florida [Mr. MCCOLLUM] the only one that can make that?

The CHAIRMAN. At that point we would be proceeding in the House and it would be for the Speaker to recognize.

Mr. VOLKMER. I would ask the Chair, the Speaker could recognize any Member?

The CHAIRMAN. The Speaker would have his usual power of recognition under the precedents.

Does the gentleman from Texas [Mr. BROOKS] seek time?

Mr. BROOKS. Mr. Chairman, I rise in opposition to the motion.

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to say that this is a dilatory effort to stop this bill. Originally, it was my impression that the other side over here wanted to get 5 minutes to discuss some facet of the bill that was not included as an amendment. Now I see that it is a rather divisive effort to stop the entire bill, go back to what would be an open rule, which is not what I want to do at all, which I think would be counterproductive. I think we ought to kill this amendment to strike the enacting clause if we have got the sense God gave a goose.

Mr. SOLOMON. Mr. Chairman, would the gentleman yield?

Mr. BROOKS. I yield to the gentleman from New York [Mr. SOLOMON], a distinguished former Marine.

Mr. SOLOMON. Mr. Chairman, the gentleman knows we have the greatest respect for him, but this is not an attempt to kill the bill. This is simply an attempt to make one amendment in order that was not made in order under the rule. It is a very, very germane amendment. It is very critical to the bill. We would like to have the opportunity to not only debate it for 5 minutes, but to vote on it.

Mr. BROOKS. Reclaiming my time, Mr. Chairman, I would say to the gentleman that that was not my understanding of the proposal. They wanted 5 minutes to talk about something else, and that is fine. However, if they want to amend this bill, they will have to go through the Committee on Rules. The Committee on Rules had enough amendments on this bill to choke a horse, a big horse.

Mr. SOLOMON. If the gentleman will continue to yield, we do not even want it to come back to us. We want it to go through them.

Mr. BROOKS. We do not need any more amendments, Mr. Chairman. There are enough amendments now available on this bill, and I am trying to edit this to where it makes sense, to where it would be unbelievable that they would want to have any more.

Mr. SCHUMER. Mr. Chairman, would the gentleman yield?

Mr. BROOKS. Mr. Chairman, I yield to the distinguished gentleman from New York [Mr. SCHUMER].

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

Mr. Chairman, I hope all of my colleagues on this side of the aisle will oppose this motion. We voted on the rule yesterday. That was a vote. There was a great deal of debate and controversy, and the other side amply had its chance to say there were not enough amendments, 68 was not enough, that we were not debating every controversial provision, although anyone who listened on the floor this morning knows we are debating every controversial provision two or three times over.

Now what we could do if we voted for this, what is to prevent another motion and another motion and another motion?

I say to my colleagues, particularly those who were not here last year and the year before, this is the same kind of delay. This is the same kind of "Well, let us bring the whole bill down unless it is exactly my way" that has led us not to pass any bills in the last several years.

I would say to my colleagues on the other side of the aisle, Mr. Chairman, they may not agree with every provision in this bill, but they know overall it is a very good bill. They had their fight on the rule, they know it, they know it, and many of them will vote for it. They have had their fight on the rule. They have lost it.

Mr. Chairman, let us get on with the people's business and move this crime bill, carefully crafted with both punishment and prevention, so that the President can sign it and the voters and the people can finally get some relief from the lack of safety that is plaguing every home and every car and every street and every school.

We must defeat, we must defeat any of these attempts to delay us on our path. We have already had that debate.

Mr. SOLOMON. Mr. Chairman, what the gentleman is saying, he is afraid to let the House work its will. Why is he so afraid?

Mr. BROOKS. Mr. Chairman, I would inquire of the Chair if the other side has any additional time.

The CHAIRMAN. They do not. The gentleman from Texas [Mr. BROOKS] has the only time remaining.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time, and move the previous question on the preferential motion.

The CHAIRMAN. All time has expired.

The question is on the preferential motion 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. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 257, not voting 10, as follows:

[Roll No. 110]

AYES—170

Allard	Cunningham	Hefley
Archer	DeLay	Herger
Armey	Diaz-Balart	Hobson
Bachus (AL)	Dickey	Hoekstra
Baker (CA)	Doolittle	Hoke
Baker (LA)	Dornan	Horn
Ballenger	Dreier	Houghton
Barrett (NE)	Duncan	Huffington
Bartlett	Dunn	Hunter
Barton	Ehlers	Hutchinson
Bateman	Emerson	Hyde
Bentley	Everett	Inglis
Bilirakis	Ewing	Inhofe
Bliley	Fawell	Istook
Blute	Fields (TX)	Johnson (CT)
Boehlert	Fowler	Johnson, Sam
Boehner	Franks (CT)	Kasich
Bonilla	Franks (NJ)	Kim
Bunning	Gallegly	King
Burton	Gekas	Kingston
Buyer	Gilchrest	Klug
Callahan	Gillmor	Knollenberg
Calvert	Gilman	Kolbe
Camp	Gingrich	Kyl
Canady	Goodlatte	Lazio
Castle	Goodling	Leach
Clinger	Goss	Levy
Coble	Grams	Lewis (CA)
Collins (GA)	Greenwood	Lewis (FL)
Combest	Gunderson	Lightfoot
Cox	Hancock	Linder
Crane	Hansen	Livingston
Crapo	Hastert	Machtley

Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—257

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

Fish
Gallo
Grandy
Hilliard
Murphy
Quillen
Roukema
Washington
Waxman
Whitten

□ 1457

Mr. SMITH of Michigan changed his vote from "no" to "aye."

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in part 1 of House Report 103-474.

AMENDMENT OFFERED BY MR. WATT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WATT:

Page 40, strike lines 23 through 25.

Page 46, strike lines 22 through 24.

Page 47, line 17, after "tors" insert "listed in section 3592".

Page 48, line 2, after "factor" insert "listed in section 3592".

Page 50, beginning in line 19, strike "and any other" and all that follows through "exist" on line 21.

The CHAIRMAN. Pursuant to the rule, the gentleman from North Carolina [Mr. WATT] will be recognized for 7½ minutes, and a Member opposed will be recognized for 7½ minutes.

Mr. MCCOLLUM. Mr. Chairman, I am opposed to the amendment and would like to be recognized.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 7½ minutes in opposition to the amendment.

The Chair recognizes the gentleman from North Carolina [Mr. WATT].

Mr. WATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me put this amendment in perspective. The criminal defendant has been convicted at this point, and we are at the penalty stage, and we are deciding whether to impose the death penalty or not to impose the death penalty.

□ 1500

The statute provides this this bill provides for consideration of certain aggravating factors. Now we are at the penalty stage in a criminal proceeding and deciding whether the defendant lives or dies, is submitted to the death penalty or not. This bill specifies, starting at page 40 of the bill and running for six solid pages, aggravating factors which can be considered in determining whether the defendant is put to death. Under an earlier amendment, if the defendant is a drug kingpin, there are an additional six aggravating factors which can be considered. In addition, the bill goes forward to say that in addition to those aggravating factors, the prosecuting attorney can specify whatever other aggravating factors he or she wishes to specify. And that is where the problem arises, Mr. Chairman.

That provision which allows a prosecuting attorney to specify other aggravating factors which are not specified in this bill, delegates to the executive branch the authority to make up whatever the law is going to be in that particular case and is unconstitutional.

I would appeal to my colleagues in this body, those on both sides of the aisle who customarily argue that we should not be giving up our authority to the executive branch, to exercise our responsibility in this body and limit the prosecutor to the aggravating factors which are specified in the bill which currently take up six or seven pages already.

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

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

Mr. Chairman, this debate over this amendment is something which I think is very important but probably not understood by many of the Members. In this case of the death penalty, there is an opportunity normally given in the State courts, and we certainly think we should do it here in Federal courts, for there to be aggravating factors presented as a possible matter by a jury, or a judge if he is doing the sentencing, in determining the death penalty, that are particularly tailored to the circumstances of an individual case. We cannot as legislators think of all the circumstances that might exist that would present aggravating factors that would warrant the giving of the death penalty.

So, the bill as it is now constructed lists a number of very specific aggravating factors, and there could of course also be mitigating factors that could be listed here as well, but we outline certain very specific ones so that we meet the Supreme Court guidelines, if there are some clear paths that can be followed legislatively by those who are making the decision on death penalties. But we should not do what the gentleman wants to do; we should not strike and eliminate the opportunity that is given in this bill for other aggravating factors that we cannot think of now for every possible contingency

or for every possible type of case where the death penalty is warranted, to be presented to a jury or a judge in making his or her decision.

There should be a chance with due notice which is given in this bill—and I think a constitutionally correct way of doing it—for the prosecutor to present some other well-crafted aggravating factor to argue in favor of capital punishment being given.

If the gentleman's amendment passes, then the prosecutors will not have that opportunity to tailor any aggravating factors to the peculiarity of the case. I think that would bring about the potential for grave injustice for death penalty perhaps not being imposed in a case that has circumstances that are unusual or peculiar to it. I think that is indeed the weakness of the gentleman's amendment. If it is clear to everyone that that is what we are talking about and all we are talking about, it seems to me we all would want to vote "no" on this amendment and leave the discretion in the hands of the prosecutors to look on each death penalty case on a case-by-case basis and be able to craft an appropriate aggravating factor or two which is indeed beyond the parameters of what we have written in our proposals here in the bill as it now reads.

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

Mr. WATT. Mr. Chairman, I believe I have the right to close, and I have reserved the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. WATT].

Mr. WATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would point out the inconsistency of my colleague's argument. Typically, he is the very person in this body who is talking against the delegation of authority that we should be exercising to the executive branch. There is nothing in the language in this bill which even requires the prosecuting attorney to tailor the aggravating factors in any way. There is not even any language that suggests that the prosecuting attorney must make it somehow appropriate, as he has characterized it. The prosecuting attorney could say the defendant got an F on his report card in the 10th grade and that could be an aggravating factor. He could pull any aggravating factor, unrelated to this offense, unrelated to anything else, that he wanted to pull and specify it. I would suggest, and I would ask my colleagues not to give that kind of discretion to prosecuting attorneys. We should not be pulling in prosecutors and giving them the authority to write the laws in this way.

Additionally, the defendant deserves to know in advance the aggravating factors that will be considered.

I would say that under this bill, given this discretion, the defendant will never be able to understand and know what aggravating factors will be considered.

Mr. HUGHES. Mr. Chairman, will the gentleman yield to me?

Mr. WATT. I yield to the gentleman from New Jersey.

Mr. HUGHES. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman for yielding and congratulate him. When the Supreme Court invalidated all death penalties more than 20 years ago, it did so because of the uncertainty in the law and practice at that time. The Court found that it was not possible to find any rational pattern or set of rules regarding which conduct would lead to a death penalty and which would not.

A key factor in the Court's subsequent approval of new death penalty systems was the addition of specific, statutory aggravating factors. Uncertainty was substantially reduced, and guidance to jurors enhanced, by the enumeration of specific aggravating factors, which, if found to exist, could form the basis of a jury finding in support of a death penalty.

The bill before us contains some 15 specific aggravating factors. This is a proper exercise of legislative and policymaking authority, and is in keeping with the Supreme Court's mandate that specificity and certainty be built into death penalty statutes.

Much of that is lost, and the constitutionality of our death penalty laws threatened, if we give prosecutors unrestricted and unguided authority to fashion their own subjective aggravating factors, which would then assume a stature equal to those aggravating factors spelled out in the law.

The 15 statutory aggravating factors are not only quite extensive, but quite broad. They include such far-reaching factors as a "heinous, cruel, or depraved manner of committing an offense." We should not allow prosecutors and jurors to go beyond these already broad provisions.

I support the Watt amendment.

Mr. WATT. I thank the gentleman for his comments.

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

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

Mr. SCHUMER. I thank the gentleman for yielding.

Mr. Chairman, I also want to support the amendment. I disagree with the gentleman, ultimately, on capital punishment on other provisions in this bill. I certainly believe, when you are going to invoke the ultimate punishment, that is capital punishment, we ought to be very careful and very delineating in what we do.

□ 1510

To say that there should be an opened aggravating factor, that anything could be an aggravating factor, does, in my opinion—it is a close case, but it does, in my opinion, tip the scales over in favor of too much discretion and too much abuse leading to some of the other kinds of things that we have seen in certain capital cases, and so I would urge my colleagues to support this amendment. Those of us who believe in capital punishment have an obligation, I think, to see that it is administered fairly, carefully, and with every, every, every predisposition so that mistakes are not made, and for that reason I urge that we adopt this amendment.

Mr. WATT. Mr. Chairman, in conclusion I would simply say that we have a death penalty, we have added a number of additional death penalty provisions. There ought to, at least, be standards for evaluating when the death penalty will apply. If we do not have standards, the problem that we have had with racially disparate application of the death penalty will become that much more of a problem, and I would ask my colleagues to support this amendment.

Mr. McCOLLUM. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Florida has 5 minutes remaining.

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

Mr. Chairman, I have again a great deal of respect for the gentleman from North Carolina [Mr. WATT], but I want to read the actual language he is striking that is pertinent to this so we all understand what it says in the bill. After the aggravating factors that are delineated for imposing the death penalty there is this clause or sentence. It says:

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

One thing is very clear from reading that, and that is that notice must be given. The defense is not going to be surprised by what is brought forward by the prosecutor.

In addition, it is just the common way of doing things, to allow some flexibility in creating aggravating factors or mitigating factors when we start considering sentences, including the death penalty. No way, shape or form can we perfect here in the legislative body every single conceivable circumstance which would be something we would find aggravating enough in every case to be able to warrant the death penalty or to be able to warrant any other sentence for that matter. There are always new and strange cases coming about. That is why we have so many varied court opinions all over this country. It is almost mind boggling to look at how many different nuances we can find to try cases and try to resolve issues that come up or

how many new decisions the Supreme Court is called upon to make over contentious matters every term of court.

Mr. Chairman, we just simply find that there are a lot of variations on factual circumstances that we cannot think of when we sit down here and try to draft them all out in a neat little form. If we are going to have an effective death penalty back again in the fall, which we should have put in place for the Federal crimes that warrant the death penalty a long time ago, then we need to do the right procedures, and one of those procedures which is in this bill already the gentleman wants to strike is to provide a catch-all for prosecutors to be able, with notice, to frame and craft additional aggravating factors that might warrant the death penalty, and I would submit we should not take that type of opportunity away and foreclose an appropriate drafting of an aggravating factor.

Mr. Chairman, I yield back the balance of my time.

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

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

RECORDED VOTE

Mr. McCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 116, noes 308, answered "present" 1, not voting 12, as follows:

[Roll No. 111]

AYES—116

Abercrombie
Ackerman
Andrews (ME)
Barrett (WI)
Bellenson
Bishop
Blackwell
Bonior
Brown (CA)
Brown (OH)
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
de Lugo (VI)
Dellums
Dixon
Edwards (CA)
Engel
Eshoo
Evans
Faleomavaega (AS)
Farr
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Frank (MA)
Furse
Gejdenson
Gonzalez
Gutierrez
Hamburg
Hastings
Hilliard
Hinchey
Hochbrueckner
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Levin
Lewis (GA)
Lowey
Maloney
Mann
Markey
McCloskey
McDermott
McKinney
McNulty
Meek
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Nadler
Norton (DC)
Oberstar
Obey
Olver
Owens
Payne (NJ)
Pelosi
Rangel
Reed
Reynolds
Romero-Barcelo (PR)
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Scott
Serrano
Sharp
Skaggs
Slaughter
Smith (NJ)
Stark
Stokes
Strickland
Studds
Swift
Synar
Thompson
Towns
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Woolsey
Wynn
Yates

NOES—308

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Carr
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
English
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fingerhut
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kim
King
Kingston
Klein
Klink
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meehan
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Neal (MA)
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Ravenel
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Upton
Vucanovich
Walker
Walsh
Weldon
Williams
Wilson
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Goodling

NOT VOTING—12

Becerra
Fish
Gallo
Grandy
Laughlin
Murphy
Neal (NC)
Quillen
Roukema
Valentine
Washington
Whitten

□ 1533

The Clerk announced the following pairs:

On this vote:

Mr. Washington for, with Mr. Grandy against.

Mr. Becerra for, with Mrs. Roukema against.

Ms. SHEPHERD, Mr. ROSE, and Mr. MOAKLEY changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. HAYES. Mr. Chairman, I would like this opportunity to step back from all the rhetoric over the impact of this crime bill. Preventing and fighting crime is not about the many meaningless provisions in this bill that in actuality only serve political purposes and will have little effect on how the law enforcement community protects the public. Fighting crime is indeed about protecting people's lives and livelihoods and making everyone feel safe and secure enough to walk outside their own homes. It is about providing resources and technical assistance to local law enforcement officials so that they can do their job effectively.

It was for this very reason that Congressman CHARLIE TAYLOR, Congressman SCHUMER, and I introduced the National Triad Program Act. This bill advocates a strategy that in this age of cynicism is unheard of—cooperation. It proposes to form a coalition between local sheriffs, police chiefs, and senior citizens groups to reduce the victimization and unwarranted fear of crime which disproportionately plagues senior citizens. This program has been incorporated into the prevention title of H.R. 4092, establishing 50 pilot such programs across the country. The premise behind Triad is to make seniors feel more comfortable about reporting crimes inflicted upon them, which they have been reluctant to do in the past. It would, further, get seniors directly involved through outreach and volunteer efforts to better prevent crimes in their communities.

There are presently 100 Triad programs already operating under local and State jurisdictions throughout the country. One of the first programs was started in my district in St. Martin Parish, LA, by Sheriff Charles Fuselier. It was through his tireless efforts and those of the National Sheriff's Association that this program has become such a nationwide success. Sheriff Fuselier has received more than a tenfold return on his investments in terms of the

volunteers, which work in his office 2 to 3 days a week, and the crimes that have been quickly resolved because of greater senior participation.

By the year 2030 there will be approximately 66 million senior citizens in American society. Accordingly, the Triad information network has the potential to be the cornerstone of future crime fighting activities within the seniors community. We must put our muscle and limited resources behind programs that work.

Ms. VELAZQUEZ. Mr. Chairman, in the ancient Near Eastern empire once ruled by the great Hammurabi, criminals would be punished for their offenses by his code of law—"an eye for an eye." I would think that by the year 1994 this uncivilized and barbaric concept of law would have long since been made obsolete. Yet, I stand here in front of you today debating over a modern version of Hammurabi's Code—the death penalty.

It is my strong belief that criminals who commit violent crimes should be adequately punished for their offenses, but that punishment should not result in their death. Mr. KOPETSKI has offered an amendment that punishes them for their violent acts with life imprisonment.

The death penalty is plagued by racial disparity and error. Numerous studies have shown that racial minorities are being prosecuted under the death penalty law far beyond their proportion in the general population or the population of criminal offenders. An analysis of prosecutions under the Federal death penalty provisions of the Anti-Drug Abuse Act signed by President Reagan in 1988, reveals that 89 percent of the defendants selected for capital prosecution have been either African-American or Mexican-American. Moreover, studies have shown that innocent people are being sentenced to death. In 1993 alone, 4 men sentenced to death were found innocent.

These figures paint a sad portrait of a discriminatory and ineffective system of justice. They only confirm the conclusion's of the Honorable Justice Harry Blackmun who wrote of the death penalty, "the death penalty remains fraught with arbitrariness, discrimination, caprice, and mistake. The death penalty experiment has failed."

Mr. Chairman, let us bring fairness and constitutionality back into our justice system. I urge my colleagues to vote for Mr. KOPETSKI's amendment.

Mr. SANTORUM. Mr. Chairman, as Congress begins its debate on anticrime legislation, I find it extremely telling that we as legislators have ignored the wisdom of the people who are implementing the laws that we write. I would like to share with you a letter I recently received from the Pennsylvania District Attorney's Association which states that some of the provisions in the bill we are debating are so slanted in favor of the criminal that they relegate victims to a "position of irrelevance".

DEAR CONGRESSMAN SANTORUM: We are writing to express the views of the Pennsylvania District Attorney's Association and virtually all of the prosecutors across the nation to ask you to vote for the Hyde amendment to strike Title VIII from House Bill 4092, the Omnibus Crime Bill. We also urge you to support the McCollum amendment to substitute the Equal Justice Act provisions for the so-called "Racial Justice Act" provisions presently in the bill. It is scheduled for a vote on the House floor on Wednesday, March 23, 1994.

Title VIII, the Habeas Corpus Revision Act of 1994, is a virtual wish list for criminal defense attorneys. It overturns significant United States Supreme Court case law and authorizes Federal judges to overturn death sentences on the basis of certain belated claims even if there was no constitutional error.

As prosecutors, we don't want, nor do we expect, Congress to stack the deck in our favor. We are, however, looking for a level playing field. Title VIII is so defense oriented that it doesn't approach fairness and relegates victims to a position of irrelevance.

Title IX, the Racial Justice Act, is designed to effectively end the death penalty in America by death penalty opponents who, faced with overwhelming public opposition to their position, cannot repeal the death penalty directly. It mandates a highly offensive "racial quota" system to the application of the death penalty and destroys the fundamental principal that prosecutors must conduct death penalty litigation in a manner that is entirely color blind.

Very truly yours,

BILL RYAN,
President.
LYNNE ABRAHAM,
Legislative Chairman.

Mr. Chairman, the message in this letter is clear, by passing these provisions in the crime bill, we are not streamlining our appeal process or correcting inequities in our implementation of the death penalty. Instead, we are making it easier for criminals to continue to abuse our system and rendering our criminal justice system paralyzed. I believe it is time Congress stops talking about being tough on crime and cleaning up our system, while we ignore the expert advise of people who recognize the problems in our criminal justice system and experience the frustration brought on by our inability to correct them. With our Nation's escalating violent crime problem, we can no longer ignore the opinions of law enforcement and simply pass legislation designed to protect criminals.

Mr. ABERCROMBIE. Mr. Chairman, I rise today to draw attention to an important provision in H.R. 4092 designed to protect the traveling public. Specifically, the purpose of the Abercrombie amendment is to facilitate in the investigation of violent crimes against travelers.

Over the past few months we have seen an increasing number of crimes of violence directed at travelers, both domestic and foreign, in the United States. Unfortunately some of the incidents have been so notorious that they have received international attention.

Our Nation is dependent on the travel and tourism industry. In 34 States, it is already the first, second or third largest employer. Travel and tourism is the Nation's second largest employer, providing 6 million jobs. The $74 billion we earn from international visitors make it our single biggest export. In the State of Hawaii, for example, the travel and tourism industry accounts for over 30 percent of the State's GDP. We cannot afford to stand by and let these crimes of violence affect the travel patterns of individuals.

The Abercrombie amendment is not meant to increase the Federal role, that is, federalize the crime, or diminish the authority of local jurisdictions. Also, the amendment does not mandate States to provide greater protection for travelers than for their own citizens. Instead, the amendment gives local law enforcement officials the option to utilize the resources of the Federal Government to assist in the investigation of violent crimes against travelers. This is the approach taken by the Department of Justice in mutual legal assistance treaties, that is, assist in the investigation and prosecution of crimes. For the purpose of the amendment the definition of a traveler is an individual who is not a resident of the State in which the crime of violence occurs. It applies to domestic and foreign travelers.

The amendment was drafted in consultation with Department of Justice [DOJ] and is consistent with Attorney General Reno's notion of working together. The DOJ recognizes that offenses against travelers may be difficult for State authorities to prosecute because of problems in securing testimony and other evidence, emphasizes the importance of the Department of Justice fully assisting State authorities in their efforts to obtain evidence needed for effective investigation and prosecution. Thus, this provision underscores both the availability of Federal assistance and the expectation that the Departments of Justice and State will use their best efforts to secure evidence needed by State and local prosecutors and investigators in cases involving serious crimes against travelers.

The amendment has the strong support of law enforcement officials and the travel and tourism industry. Accordingly, I ask my colleagues to support the Abercrombie amendment.

Mr. GOODLING. Mr. Chairman, as the ranking member on the House Committee on Education and Labor, I have serious concerns about many of the provisions included in H.R. 4092, the Omnibus Crime Control Act, as well as many of the amendments which have been made in order by the Rules Committee. In attempting to address the crime problem which faces our Nation, the House Judiciary Committee brought several bills to the floor aimed at preventing crime and rehabilitating prisoners. However, many of these programs relate to issues within the jurisdiction of the Education and Labor Committee and are substantially similar or duplicative of existing programs.

I am not opposed to providing targeted assistance to youth in neighborhoods with high incidence of crime and poverty, yet I am opposed to creating duplicative programs. I strongly believe there should be linkages between what we are doing in the area of crime prevention, employment, and education and training if we are to be successful in salvaging this Nation's youth. However, in creating these linkages, we must build on existing programs, establishing a comprehensive system of assistance, not a series of fragmented Federal programs through which millions of limited dollars are wasted on duplicative administrative structures. In fact, the GAO recently identified 154 Federal programs that in some capacity provide job training and assistance to disadvantaged adults and youth through a wide variety of delivery mechanisms.

For example, title X of H.R. 4092 would establish a new Youth Employment and Skills

Crime Prevention Program. Currently, we have numerous Federal statutes which provide very similar and in many cases identical forms of employment, education, and training assistance to disadvantaged and at-risk youth, as are provided under this legislation's YES Program. We have the year-round training program for disadvantaged youth, established under title II–C of the Job Training Partnership Act [JTPA]; the Summer Youth Employment and Training Program for disadvantaged youth, established under title II–B of JTPA; the Youth Fair Chance Program, which targets assistance for disadvantaged youth to high poverty communities established under title IV, part H of JTPA. In addition, we have the Job Corps Program established under title IV, part B of JTPA, which also provides intensive assistance and services to severely disadvantaged the at-risk youth. These are just the programs established under the Job Training Partnership Act, not to mention numerous other Federal statutes which independently provide employment and training assistance to youth and young adults. I attempted to offer an amendment which would strike title X, subtitle J of the bill, however, my amendment was not made in order.

To further illustrate this point, the following is a list of amendments which are duplicative of existing programs within the jurisdiction of the Education and Labor Committee:

The Olver amendment would authorize the Attorney General to make 10 State demonstration grants that provide for at least one specialized domestic violence court advocate in every court where a significant number of protective orders are granted. This is substantially similar to the Family Violence Prevention and Services Act, which already provides for demonstration grants to deal with family violence. This existing program was appropriated $27.7 million for fiscal year 1994.

The Martinez amendment would authorize demonstration grants for umbrella agencies in enterprise zones for strategic planning and evaluation of service programs in low-income communities and gang prevention programs, such as Boys and Girls Clubs. These grants duplicate: First; the Community Services Block Grant Act which provides funds for Community Action Programs [CAPS] in all communities, not just enterprise zones. This program was already appropriated $464 million for fiscal year 1994; and second; part D of the Juvenile Justice and Delinquency Prevention Act, which provides grants for gang prevention activities which was appropriated $5 million in fiscal year 1994.

The McCurdy amendment would establish a Police Corps Program to allow State and local law enforcement agencies to recruit young people to serve a term with the police in return for aid for a college education. It would also establish a Law Enforcement Scholarship Matching Grant Program for current law enforcement personnel and young people interested in a career in law enforcement. The first part of this amendment is duplicative of the National Services Act, which specifically lists programs that address unmet public safety needs as eligible for national service grants and was appropriated $370 million in fiscal year 1994.

The Gorton amendment would prohibit awarding Pell basic grants to anyone incarcerated in a Federal or State prison.

I have serious concerns in regard to this amendment. During the 1992 Reauthorization of the Higher Education Act, Congress enacted changes affecting the eligibility of prisoners to receive Pell grants aimed at preventing the abuse of the Pell Grant Program. These changes included: First, determining that Pell funds can only be used for tuition and books and not for cost of living; second, eliminating persons on death row; third, limiting a schools total enrollment of prisoners; fourth, prohibiting schools from participation in the Pell program if they offer more than 50 percent of their courses by correspondence; and fifth, prohibiting States from shifting the costs of post secondary education for prisoners onto the Pell program.

The Wynn amendment would prohibit Pell grants to Federal or State prisoners after January 1, 1996 unless it is certified by the Secretary of Education or the Governor.

The Martinez amendment which would establish requirements for States under which they would enact regulations regarding background investigations and training requirements that apply to all persons providing private security services.

The Owens amendment would permanently exempt State and local public safety agencies from the Age Discrimination in Employment Act in order to permit them to consider age in their hiring and retirement policies.

In the Education and Labor Committee, we are currently looking into ways to reform this array of education, welfare, training, and employment assistance programs into a comprehensive system of services designed to serve the many needs of youth and adults. I would be happy to work with proponents of this legislation to amend our current programs, where necessary, to address crime prevention and poverty concerns. I do think however, that such amendments would be better developed under the jurisdiction of the Education and Labor Committee through comprehensive reforms of our existing systems.

Mr. PACKARD. Mr. Chairman, Americans are tired of living in fear and are demanding crime legislation that deals with the root of decay in our criminal justice system. Nationwide there is consensus that our criminal justice system has failed and innocent Americans have become the victims of a system originally conceived to protect them.

The President's rhetoric has stressed the importance of reforming our criminal justice system, but he has failed to introduce a crime bill that effectively reforms the process. His proposal is a weak attempt at piecemeal legislation that is all talk and no action. He attempts to offer short-term flawed solutions to intricate problems that merit comprehensive responses.

The administration's crime bill squanders $8 billion into several new useless social-welfare programs. Specifically it provides a formula that gives $2 billion to localities with the highest self-imposed tax rates. The theory is that since these communities have the highest tax levels, they will also have the highest levels of unemployment and poverty. To help alleviate their problems, President Clinton wants the Federal Government to send these communities a blank check. This is ludicrous. Why are we rewarding communities that have contributed to their own economic chaos. Higher taxes do not create employment or business and they certainly do not bring people out of poverty. In fact, they have the reverse effect.

The remainder of the $8 billion from these social-welfare programs will be used toward several Great Society-style programs. These programs are targeted to crime-prone areas for recreation activities. For example, there is a program called midnight sports where criminals can participate in basketball games from 10 p.m. to 2 a.m. I fail to see how a friendly taxpayer financed basketball game will deter these criminals from committing other crimes.

Even more disturbing than this, are the major loopholes that exist under habeas corpus. The bill claims to reform habeas corpus, but in reality it weakens current law and even overturns previous Supreme Court decisions. These loopholes allow criminals to abuse and prolong the appeals process in an effort to avoid the death penalty.

The administration's approach further weakens the legislative language of the three strikes and you're out provision. The bill imposes mandatory life imprisonment without parole for criminals convicted of three violent crimes, but it requires that the third strike must be a Federal crime. By diluting this language, repeat offenders are not permanently removed from the street. Without permanently removing these criminals from the street, the system fails once again to close the revolving door that is at the core of the crime epidemic in this country. How will these criminals be deterred when they do not serve the whole portion of their sentence? As they say in baseball, and I strongly believe the American people now echo this sentiment, "three strikes and you are out."

The Clinton plan also allocates $3 billion in Federal grant money to assist State in building new prisons or improve existing ones so they have room to keep violent repeat offenders behind bars. However, there is nothing in the bill's language to ensure that these offenders will serve a significant portion of their sentence. Currently, convicted criminals are only serving about 37 percent of their sentence. Why should tax-paying citizens pour Federal money into State prison systems without there being and type of guarantee that these reforms will keep criminals behind bars. We must tie Federal funds to truth-in-sentencing reforms, otherwise we are throwing taxpayer's money away.

The only way that we are going to stop the crime epidemic in this country is by repairing our current criminal justice system and permanently nailing shut the revolving door that enables violent criminals from terrorizing innocent victims in our society.

The crime crisis in this country is real and it affects everyone. This crime proposal does not reform the criminal justice system as promised. Instead, we are once again left with empty political rhetoric that fails to respond to the public's cry for criminal justice reform.

Mrs. KENNELLY. Mr. Chairman, I rise today in strong support of the crime bill before us today. This is an issue which affects every citizen in every district.

But let me tell you a story from my district. Less than 2 weeks ago, 7-year-old Marcellina Delgado was shot near the Charter Oak housing project in Hartford. She was on her mother's lap as her family drove to her grandmother's house. What did Marcellina do to deserve such a fate? She was riding in a car that one gang member mistakenly thought belonged to an enemy gang member.

We have all heard this story. Law abiding citizens, going about their business, are getting caught in gang crossfire. How many innocent victims must get hurt or be killed before we stand up and support those fighting this battle every day? Today, we in the House must give the answer: Enough is enough—enough crimes, enough bloodshed, and enough deaths.

I know that there are Members on both sides of the aisle with concerns over provisions included in H.R. 4092. But now more than ever, we need a bipartisan approach to the fight against crime. We can no longer afford to argue over Democratic and Republican responses to this demoralizing problem. We must put our differences aside and directly confront this issue. The American people are asking us to act and it is high time we did.

H.R. 4092 contains much we can support. It addresses not only methods of punishment, but methods of prevention as well. The legislation authorizes more than $15 billion through fiscal year 1999 for a variety of anticrime strategies over 5 years, half of which is for crime control, with the other half for crime prevention. We are also voting on whether to approve $3.5 billion to hire State and local police officers for community policing programs, $3 billion for grants to State prisons and $600 million for alternative incarceration for young offenders. Roughly $7 billion is included in H.R. 4092 for community crime prevention programs. Other important provisions in this bill call for life imprisonment for three time violent offenders, more severely punish crimes of violence against women, and make it a Federal crime to sell or transfer a handgun to a juvenile.

The time for talk has passed. The time to act is upon us. I urge my colleagues to support this bill so we can begin to take back our streets.

Mrs. LLOYD. Mr. Chairman, I rise in support of the community justice program provisions included in the Violent Crime Control and Enforcement Act. These provisions focus on crime prevention. The provisions take positive steps in instilling confidence and self-worth among many of our at-risk youth.

Too many of our youth are subjected to the hostile environment on the streets where selling drugs and committing crimes are a way of life. Unfortunately, many American communities do not have the resources to provide alternatives for at-risk youth. Thus, many juveniles are exposed to a life of crime. We must provide alternatives to at-risk youth. We need to catch them during their most impressionable years, before they follow the pernicious path of crime.

I particularly applaud the authorization of grants for midnight sports leagues. Hamilton County Juvenile Court in my district has expressed interest in implementing such a program, as an addition to a crime prevention initiative known as Project: About Face. The objective of the project is to encourage juvenile delinquents to do an about face into a positive contributing member of society, and effectively reducing the crime rate. The court witnesses the everyday afflictions experienced by juvenile delinquents. For many of these at-risk youths, their initial entry into the judicial system is the start of a vicious cycle.

The midnight sports league help communities keep youth off the streets, by allowing them to use local gymnasiums and community facilities throughout the night. In addition, the program will provide individuals participating in the league with job training, educational seminars, and counseling services.

Mr. Chairman, the midnight sports program and other prevention programs included in the crime bill give at-risk youth a sense of community and support. The minimal cost in providing sports leagues, educational resources, and community activities is certainly a worthwhile investment in changing juvenile delinquents into productive adults.

Mr. BROOKS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GIBBONS] having assumed the chair, Mr. TORRICELLI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 4092) to control and prevent crime, had come to no resolution thereon.

APPOINTMENT OF CONFEREES ON HOUSE CONCURRENT RESOLUTION 218, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1995

Mr. SABO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 218) setting forth the congressional budget for the U.S. Government for the fiscal years 1995, 1996, 1997, 1998, and 1999, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. KASICH moves that the managers on the part of the House to the conference on the disagreeing votes on H. Con. Res. 218, be instructed to agree to the Senate amendment reflecting a $26 billion reduction in the deficit over five years by agreeing to reduce the total spending levels specified in section 2(2) and 2(3) of the House-passed resolution as follows:

Fiscal year 1995—$4.4 billion in budget authority and $1.6 billion in outlays;

Fiscal year 1996—$4.9 billion in budget authority and $1.5 billion in outlays;

Fiscal year 1997—$5.8 billion in budget authority and $4 billion in outlays;

Fiscal year 1998—$9.9 billion in budget authority and $7 billion in outlays; and

Fiscal year 1999—$21.8 billion in budget authority and $9.9 billion in outlays.

Provided further, That conferees be instructed to agree to that portion of section 50 of the Senate amendment which provides that "If the President's defense budget request is approved, since 1985 real defense spending will have been reduced by 45 percent by 1999; and President Clinton, during his State of the Union Address on January 25, 1994, promised no further cuts in defense spending" and therefore insist that no further cuts be made in defense by agreeing to the highest possible level of funding for defense (within the scope of the conference).

The SPEAKER pro tempore. The gentleman from Ohio [Mr. KASICH] is reorganized for 30 minutes.

Mr. KASICH. Madam Speaker, I yield myself 4 minutes.

Madam Speaker, we are facing a very important vote again here. In fact, it is the last opportunity the House will have for deficit reduction this year. Because of the nature of the rules of this House, as many of my colleagues know, if we cut spending out of discretionary spending later in the year, those cuts do not reduce the deficit. So this is the last opportunity, the last train leaving the station in order to reduce the deficit, in order to cut Federal spending.

This motion I am offering, but also working in concert with the gentleman from Minnesota [Mr. PENNY] and the gentleman from Texas [Mr. STENHOLM].

This proposal, which endeavors to cut defense, which has been voted on already in the Senate, which has passed the Senate, imposes another $26 billion in deficit reduction.

□ 1540

It would be the first additional deficit reduction proposal that would be enacted since the President raised taxes in this Congress.

Madam Speaker, what we do is we are asking the House conferees to cut this spending by $26 billion over 5 years. That represents 0.3 percent of Federal spending over the next 5 years. If Members would focus their attention on this chart, they will see that the big orange ball represents total Federal spending. There is a sliver in there. It is very difficult to see that sliver. In fact, I have in my hand a magnifying glass that I need to look very closely in order to see how much spending is done.

This is a magnifying glass, I say, because I am sure the Members cannot see that sliver of spending cuts on this chart. We do need a magnifying glass in order to see the spending cuts that will occur under this proposal.

Aside from that, let us look at it graphically another way. This represents total Federal spending over the next 5 years, well over $8 trillion. If we compare how much Federal spending will occur over the next 5 years with this sliver of a cut, as Members can see by putting the rules up there, frankly,

we need a magnifying glass in order to see the difference between what Federal spending will do without the Grassley-Exon cuts and what it will do with them.

Madam Speaker, this is an opportunity in this House to finally try to cut some spending. Every time we come to the floor to cut spending, we hear a litany of reasons why we should not do it.

"We should not cut now, we ought to cut later," reason No. 1.

Reason No. 2, "The proposal is not specific enough."

Reason No. 3 to reject spending cuts, "The proposal is too specific. Therefore, we should not adopt it."

The fourth reason why we should not do it, "We cannot cut spending. We have to use the savings to fix the health care problem in this country."

Reason No. 5, "We are not cutting entitlements."

Reason No. 6, "Why are you cutting entitlements?"

Reason No. 7, "You do not need to cut the deficit in good times."

Reason No. 8, "Well, you cannot in good conscience cut the deficit in bad times."

In other words, every time an effort is made on this House floor to reduce spending, whether it is the Penny-Kasich bill that cut a penny out of a dollar, or whether it is the Exon-Grassley motion to instruct conferees, where we are making the smallest sliver of cuts in Federal spending, this House figures out or brings every ghost and goblin and every strawman it can conjure in its imagination to this House floor to scare Members into voting no.

I would say to the Members of this House, when the American people get the message that this House is not capable of cutting one red cent from any program under any circumstance in any condition, they are going to feel their outrage. What I say to the Members of this House is, come to this House floor. Instruct conferees to agree with the Senate, and let us just do the smallest bit of down payment to reduce the national debt and the growing Federal deficit.

Mr. Speaker, it should come as no surprise that 18 organizations—and the millions of individuals they speak for—have announced their support for the Penny-Kasich motion to cut spending by $26.1 billion over the next 5 years. They understand that it represents our last chance on this year's budget to cut the deficit.

I ask Members to please review the following list and consider their reasons for supporting this motion. Then consider this motion to keep the cuts that were passed in the Senate. We think you will agree that cutting spending by just a fraction over the next 5 years is the least our constituents can expect from us.

ORGANIZATIONS ENDORSING THE KASICH MOTION

American Business Conference—A coalition of chief executive officers from the fastest growing mid-sized companies in America.

Americans for Tax Reform—A non-profit, non-partisan national taxpayer advocacy group, Americans for Tax Reform promotes free market economic policies and lower taxes.

Associated Builders and Contractors—A national construction association representing 16,000 merit (open) shop construction and construction-related firms in 80 chapters across the United States.

Association of Concerned Taxpayers—A grassroots lobbying organization working for tax simplification and tax reduction and opposing tax increases.

Chamber of Commerce—The world's largest federation of business companies and associations and is the principal spokesgroup for the American business community.

Christian Coalition—A pro-family organization with over 1 million members.

Citizens Against Government Waste—A 550,000 member private sector, non-partisan, non-profit organization which educates the American people about the waste, mismanagement, and inefficiency in the Federal Government.

Citizens for a Sound Economy—A 250,000 member citizen advocacy group that promotes market- based solutions to public policy problems.

Concerned Women for America—The nation's largest non-partisan, politically active women's organization with over 600,000 members.

Concord Coalition—A bipartisan, grassroots organization dedicated to eliminating the deficit.

Family Research Council—The Family Research Council is an independent, non-profit, advocacy organization dedicated to ensuring that the interests of the family are considered and respected in the formation of public policy.

Financial Executive Institute—Represents over 14,000 senior financial executives from over 8,000 companies throughout the United States. As financial executives, they are primarily committed to bringing greater financial responsibility to the Federal Government

National Association of Manufacturers.

National Federation of Independent Business—The nation's largest advocacy organization representing small and independent business owners. With a membership of more than 600,000 business owners, NFIB is a melting pot of commercial enterprise: high tech manufacturers and family farmers, neighborhood retailers and service companies.

National Taxpayers Union—Founded in 1969, The National Taxpayers Union is the nation's largest non-partisan, non-profit taxpayers' organization. NTU represents over 250,000 taxpayers dedicated to limited government and fiscal responsibility.

Responsible Budget Action Group—A bipartisan organization formed to lobby on major budget and fiscal policy issues. RBAG undertakes a lobbying campaign only when it is the consensus of the board that the issue is of such overwhelming significance and importance to warrant involvement.

Senior's Coalition—A non-profit, non-partisan senior educational and advocacy group with over 2 million members and supporters nationwide, the Senior's Coalition is America's third largest senior's organization.

Small Business Survival Committee—A small business advocacy group that works to oppose taxes, regulations, and pending legislation at all levels of government that impose unfair burdens on American businesses and impede economic growth.

AMERICAN BUSINESS CONFERENCE RESOLUTION ON FISCAL YEAR 1995 BUDGET

Resolved, The American Business Conference (ABC), reaffirming its view that persistent federal budget deficits, combined with a low rate of national saving, are serious impediments to long-term economic growth, calls on the House and Senate budget resolution conferees to adopt the spending cuts approved by the Senate in its budget resolution for fiscal year 1995. These spending cuts represent an additional reduction over five years of $43.2 billion in budget authority and $26 billion in outlays from the Clinton Administration's budget proposal and the budget resolution of the House of Representatives. Believing, with the President, that the defense budget should not be subject to additional cuts beyond those achieved in OBRA 1993, ABC calls on House and Senate conferees to direct that the spending cuts fall on non-defense programs.

AMERICANS FOR TAX REFORM,
Washington, DC, April 12, 1994.

Hon. JOHN KASICH,
House of Representatives,
Washington, DC.

DEAR MR. KASICH: On behalf of the members of Americans for Tax Reform, I want to thank you for your efforts to achieve real deficit reduction, without raising taxes.

As we approach April 15, the real pain of a growing tax burden is being felt by millions of Americans. All the more important then, is your motion to instruct House conferees to accept the modicum of spending cuts enacted by the Senate in the Budget Bill. I am happy to support this effort, and to commit the members of ATR to the battle. Feel free to make whatever use of this letter you wish.

Sincerely,

GROVER G. NORQUIST.

ASSOCIATED BUILDERS
AND CONTRACTORS, INC.,
Rosslyn, VA, April 13, 1994.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 16,000 member companies of the Associated Builders and Contractors we strongly urge you to support the motion by Representatives Tim Penny, John Kasich and Charles Stenholm to instruct the House conferees for the FY 1995 Congressional Budget Resolution to accept the $26 billion in cuts approved by the Senate.

Senators James Exon and Charles Grassley were successful in passing their amendment to cut discretionary spending by $26 billion. ABC feels that it is important to retain these Senate cuts in the House Resolution to set an example for fiscal responsibility in our nation's budget process.

While attempting to cut an extra $26 billion from the $1.5 trillion budget will not balance the budget, it does send an important message to the American people that Congress is willing to take a small step toward curbing the runaway budget deficit.

Further, ABC strongly urges you to retain the House amendment by Representative Mike Parker to the Resolution which assumes savings from an increase in the Davis-Bacon threshold to $100,000 and a reduction in the reporting requirements from weekly to monthly. This amendment is identical to Vice President Gore's National Performance Review which recommended an increase in the Davis-Bacon threshold to $100,000 and reduction of the paperwork associated with the law.

Please support the motion to instruct to accept the $26 billion in cuts approved by the Senate. Also retain the increase in the Davis-Bacon threshold to $100,000 and a reduction in the reporting requirements from weekly to monthly.

Sincerely,

CHARLOTTE W. HERBERT,
Vice President, Government Relations.

ASSOCIATION OF CONCERNED TAXPAYERS,
Washington, DC, April 12, 1994.

Hon. JOHN KASICH,
U.S. House of Representatives, Washington, DC.

DEAR JOHN: Your efforts to achieve a reasonable substitute for the Clinton Budget are of primary importance. It is critical that we continue to move towards fiscal sanity, and clear that your proposal did that.

Unfortunately, the House saw fit to continue its profligate ways. The taxpayer fared somewhat better in the Senate, if the House will accept the Exon-Grassley amendment cutting the budget by $26 billion over five years. While this does not achieve the level of savings in the original Kasich substitute, it is a good step in the right direction, and deserves support.

Please count the members of the Association of Concerned Taxpayers among the supporters of your effort to instruct the House conferees to accept the Senate position.

And thanks again for your efforts.

Sincerely,

GORDON S. JONES.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, April 14, 1994.

Hon. JOHN R. KASICH,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE KASICH: As the House appoints conferees to the FY 93 Budget Resolution, the U.S. Chamber of Commerce strongly supports your motion to instruct House conferees to agree to Senate language on discretionary spending caps. As you know, the Senate version of the Budget Resolution would lower these caps by $26.1 billion over five years, reflecting an amendment by Senator Grassley (R–IA).

The Chamber believes the Grassley amendment would place renewed pressure on discretionary spending programs. As Congress works to meet these ambitious targets, we are hopeful that a solid examination and prioritization of federal programs will result. Our nation can no longer afford programs that are ineffective, inefficient, or that fail to advance the broader national interest.

The U.S. Chamber of Commerce, representing 215,000 businesses, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 69 American Chambers of Commerce abroad, applauds your leadership on this issue. We look forward to working with you on other opportunities to return the nation's government to fiscal responsibility.

Sincerely,

R. BRUCE JOSTEN.

CHRISTIAN COALITION,
CAPITOL HILL OFFICE,
April 4, 1994.

DEAR MEMBER OF CONGRESS: On behalf of the one million members and supporters of the Christian Coalition, we urge you to resist any efforts to weaken the spending cuts now contained in S. Con. Res. 63., the concurrent budget resolution for fiscal year 1995.

A bipartisan effort, led by Senators Exon and Grassley, in the Senate Budget Committee resulted in a resolution which includes an amendment to cut discretionary spending outlays by $26 billion over the next five years. Now the bipartisan team of Representatives Penny, Stenholm and Kasich is leading this effort in the House to keep these cuts. These spending reductions are only a modest step in reducing the deficit, yet it is imperative that they be preserved.

Congress has had several opportunities, but has failed, this year to reduce the deficit and provide tax relief for families. We know this is to the frustration to many of those Members who for years have tried to cut spending and to those Members who were elected in the last cycle on pledges of fiscal reform.

On April 15, millions of American families will be required to pay almost 40 percent of their income on taxes combined for all levels of government. Families have no choice but to spend within their means. It is time for Congress to do the same.

The legacy of debt we are leaving for our children is a disgrace. We urge you to preserve the $26 billion in spending reductions. The fiscally responsible votes will be "YES" on the previous question and "YES" on the original Kasich Amendment.

Sincerely,

MARSHALL WITTMANN,
Director, Legislative Affairs.
HEIDI SCANLON,
Director, Governmental Affairs.

THE CONCORD COALITION,
1025 VERMONT AVENUE NW., SUITE 810,
Washington, DC, April 14, 1994.

A MODEST GESTURE IN THE RIGHT DIRECTION

The Concord Coalition today indicated its support for a motion to instruct House conferees on the budget resolution to support a 5-year, $26 billion spending reduction that was added by Senators Exon (D–NE) and Grassley (R–IA) to the Senate's version of the budget resolution.

"Compared to Concord's recommendations, the proposed reduction of $26 billion is a pittance," said former Senator Warren B. Rudman, Co-chair of The Concord Coalition. "It would translate into only $1.6 billion of spending cuts next year, a mere 3 tenths of one percent of discretionary spending, and less than a 1 percent cut over the next five years. Nevertheless, it is a move in the right direction. Anyone serious about reducing the federal budget deficit should be willing to trim appropriations by these small amounts," Rudman added.

"Reconciliation legislation to trim entitlements is off the agenda for this year and the health care reform debate calls into question whether or how son health costs can be brought under control," said Martha Phillips, Executive Director of The Concord Coalition. "The modest discretionary cuts proposed in the Senate Budget Resolution would be at least a symbolic gesture in the direction of deficit reduction."

The Concord Coalition's own Zero Deficit Plan, which would balance the budget by the year 2000, calls for fifty specific domestic discretionary spending terminations and reductions totalling $94 billion over the next five years, plus another $14 billion in defense and international spending reductions. In the same five years, the Zero Deficit Plan would add $19 billion in new domestic discretionary spending for investments. Thus, Concord's net discretionary reductions would total $89 billion. In addition, The Concord Coalition's plan required increased revenues and major reductions in entitlement spending.

The Concord Coalition is a bipartisan nonprofit grass roots organization dedicated to strengthening America's economy by eliminating the federal budget deficit. It is co-chaired by former Senators Paul E. Tsongas (D–MA) and Warren B. Rudman (R–NH).

CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, April 8, 1994.

DEAR REPRESENTATIVE: The House soon will consider a motion to instruct the conferees on the FY 1995 Congressional Budget Resolution to be offered by Representatives John Kasich (R–OH), Tim Penny (D–MN), and Charles Stenholm (D–TX). The goal of the motion to instruct is to preserve $26 billion in budget cuts adopted last month in the Senate version of the Budget Resolution. As you are aware, Senators James Exon (D–NE) and Charles Grassley (R–IA) offered the successful amendment, and we are anxious to see the House of Representatives follow suit.

It is time to make the cuts count. This is not just another motion. This instruction to the conferees would set an example for fiscal responsibility in our nation's budget process. The effort in the Senate to include the cuts totaling $26 billion was completely bipartisan. Three attempts to strip some or all of the spending cuts were defeated.

Inside the Beltway, this may be a tough vote for some members of Congress. But American taxpayers know that adding to the deficit is more painful than a single vote in the U.S. House of Representatives.

The 600,000 members of the Council for Citizens Against Government Waste (CCAGW) urge you to vote to recede to the spending cuts in the Senate Budget Resolution. It is a vote in the best interest of our children and their children. CCAGW will rate this vote in our annual ratings.

Sincerely,

TOM.

CSE KEY VOTE NOTICE

APRIL 12, 1994.

Issue: Budget resolution (motion to instruct House conferees).

Vote: For the previous question and the Kasich amendment.

DEAR REPRESENTATIVE: On behalf of the 250,000 members of Citizens for a Sound Economy (CSE), I urge you to vote *yes* on the previous question and *yes* on the original Kasich Amendment to instruct House conferees to accept the $26 billion in spending cuts. A vote *for* both issues signifies your support to preserve the spending cuts passed by the Senate.

CSE will count this as a KEY VOTE to be reported to our members in your district. This KEY VOTE will be used to determine your eligibility for our Jefferson Award, to be presented at the conclusion of this Congress.

Sincerely,

MICHELE ISELE,
Vice President of Government Relations.

CONCERNED WOMEN FOR AMERICA,
April 6, 1994.

U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: Concerned Women for America's members throughout the United States are very disturbed by the increased tax burden on families which often compels both parents to enter the work force in order to make financial ends meet. Ironically, two-thirds of a working mother's salary in the average two parent, two-income household, will still go to pay for federal taxes rather than additional income for her family.

Representatives John Kasich (R-OH), Tim Penny (D-MN) and Charlie Stenholm (D-TX)

recognize the overwhelming burden placed on American families and are working to secure America's future through deficit reduction and responsible government spending. In continuation of the bipartisan amendment passed in the Senate, Concerned Women for America urges Members to cut discretionary spending outlays by $26 billion over the next five years. These cuts are the first step assuring a sound economic future for America's children. In order to achieve deficit reduction, the government must work the way American families reduce their own personal budget problems—through the reduction of spending.

CWA believes this is a winning issue. Our members strongly urge you to vote "yes" on the previous question and "yes" on the original Kasich Amendment to the FY 95 Budget.

Thank you for your time and attention. We look forward to working with you further on this issue. Concerned Women for America is the largest non-partisan, politically active women's organization in the Nation, representing over 600,000 members.

Sincerely,

BEVERLY LAHAYE,
President.

FAMILY RESEARCH COUNCIL,
April 7, 1994.

DEAR MEMBER OF CONGRESS: We strongly urge you to support the Kasich/Penny/Stenholm motion to instruct the House conferees on the Budget Resolution to accept the Exon-Grassley amendment as added in the Senate. The Exon-Grassley amendment will require an additional $26 billion in discretionary spending cuts over the next five years.

This step towards greater deficit reduction is important to families because of the special interest that families have in future generations. Parents are concerned that any debt that is passed on to the next generation will serve as a serious hindrance to their children's economic well-being. Reducing the deficit is vital to the long-term strength of the U.S. economy and thus the long-term economic strength of the family.

The cuts in Exon-Grassley are small, calling for only one-third of one percent over the next five years. The benefits, however, of beginning to reduce the deficit are great. Please do not pass up this opportunity for deficit reduction.

Please support the Exon-Grassley amendment by voting for the Kasich/Penny/Stenholm motion to instruct the conferees.

Sincerely,

GARY L. BAUER,
President.

FINANCIAL EXECUTIVES INSTITUTE,
Washington, DC, April 8, 1994.

Hon. JOHN R. KASICH,
U.S. House of Representatives, Ranking Member, House Budget Committee, Ford House Office Building, Washington, DC.

DEAR CONGRESSMAN KASICH: On behalf of Financial Executives Institute, I am writing to offer FEI's strong support to the bipartisan effort in the House led by you, Rep. Tim Penny, and Rep. Charlie Stenholm to preserve the Senate's $26 billion in spending cuts passed in S. Con. Res. 63.

Financial Executives Institute (FEI), is a professional association of 14,000 senior financial executives from some 8,000 major corporations throughout the United States and Canada.

As senior financial executives, we have long understood the correlation between fiscal responsibility and the efficient operation of our corporations. Indeed, if any corporation operated in the same manner as the Federal Government, the SEC would shut it down.

While attempting to cut an extra $26 billion from the $1.5 trillion budget will not balance the budget, it does send an important message to the American people that Congress is willing to take a small step toward curbing the runaway budget deficit.

We commend you and your colleagues for your tireless dedication to effect real change in the way Congress spends the American people's hard earned dollars. FEI stands ready to assist you in this important effort.

Sincerely,

JAMES A. KAITZ.

NATIONAL ASSOCIATION
OF MANUFACTURERS,
April 14, 1994.

Hon. CHARLES W. STENHOLM,
U.S. House of Representatives
Washington, DC.

DEAR REPRESENTATIVE STENHOLM: This letter is to inform you of NAM's strong support for the pending motion to instruct House conferees on the budget resolution to accept the $26 billion in spending cuts passed by the Senate.

We believe these additional spending cuts are a necessary step in further reducing federal budget deficits that are still too high.

The NAM therefore urges the House of Representatives to accept the Senate's $26 billion in discretionary spending cuts over the next five years.

Sincerely,

PAUL R. HUARD.

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, April 11, 1994.

DEAR REPRESENTATIVE: On behalf of the over 600,000 members of the National Federation of Independent Business (NFIB), I urge you to support the motion to instruct House conferees on the Budget Resolution to accept the $26 billion in spending cuts approved by the Senate. I strongly encourage you to support this motion when it comes to the House floor for a vote.

The vote is likely to take place on Wednesday, April 13. Representatives Penny and Kasich are planning to offer the bipartisan motion to accept the spending cuts approved by the Senate. Senators Grassley and Exon led a bipartisan effort resulting in the Senate Budget Committee reporting out a resolution which included an amendment to cut discretionary spending by $26 billion over the next five years. The full Senate adopted the resolution including the cuts by a vote of 57–40.

The House motion to accept the $26 billion in cuts represents just a fraction of all federal spending; however, it is a necessary step to reduce the deficit and the size of the federal government. NFIB members have consistently and overwhelmingly voted in favor of immediate deficit reduction, 88% in favor most recently.

NFIB members believe that spending must be cut now. Again, I urge you to vote for the bipartisan motion to instruct conferees to adopt the $26 billion in spending cuts passed by the Senate.

Sincerely,

JOHN J. MOTLEY III,
Vice President,
Federal Government Relations.

NATIONAL TAXPAYERS UNION,
Washington, DC, April 13, 1994.

DEAR REPRESENTATIVE: The 250,000-member National Taxpayers Union (NTU) strongly urges you to vote in favor of the Penny-Kasich Motion to accept the $26 billion in cuts approved by the Senate.

A bipartisan effort, led by Senators Exon and Grassley, in the Senate Budget Committee resulted in a resolution which includes an amendment to cut discretionary spending by $26 billion. In the House, a bipartisan team led by Representatives John Kasich, Tim Penny, and Charlie Stenholm is working to keep the Senate cuts intact.

While no plan to cut federal spending is painless, this motion is an important step to avoid the greater economic pain of deficits spiraling out of control.

The American people have sent a clear message to Congress—cut spending and balance the budget. A vote for the Penny-Kasich Motion proves that you hear the people and heed their voices.

Vote YES on the Penny-Kasich Motion to preserve the Senate cuts.

Sincerely,

JILL LANCELOT,
Director, Congressional Affairs.

COMMITTEE FOR A RESPONSIBLE
FEDERAL BUDGET,
Washington, DC, April 11, 1994.

DEAR FORMER COLLEAGUE: This week, the House is expected to vote on a resolution to be offered by Representatives Penny, Kasich, Stenholm and others. The resolution will instruct House Conferees to agree, in the conference on the budget resolution to the Exon/Grassley amendment, to cut spending and the deficit.

We believe that now, while the economy is growing, unemployment is declining, interest rates are edging up and inflation fears are surfacing, is the optimum time to do more to reduce Federal spending and the deficit. We urge you, therefore, to support the Penny/Kasich/Stenholm resolution and other serious proposals to achieve that goal. Let us know what we can do to support your efforts toward that end.

Best regards,

ROBERT N. GIAIMO.
HENRY BELLMON.

THE SENIORS COALITION,
April 12, 1994.

DEAR MEMBER OF CONGRESS: We at The Seniors Coalition, a non-profit, non-partisan organization representing over 2,000,000 members and supporters in all fifty states, support budget cuts in pork-barrel discretionary spending in order to protect the Social Security Trust Funds.

Accordingly, we urge you to help protect Social Security by supporting the Penny-Kasich motion to preserve the Senate's $26.1 billion in spending reductions over five passed in S. Con. Res. 63.

How do spending cuts and progress toward a balanced budget help Social Security?

Currently, Social Security is operating with a cash reserve of less than 2 years. Some claim that today's high FICA taxes are creating a much larger surplus to "cushion" the system when the "baby boomer" generation retires, but where is the money?

The answer is that it has been "borrowed" by the government through U.S. bonds to finance the federal deficit.

Many in Congress claim that these "I.O.U.s" will be paid back to Social Security to meet the needs of tomorrow's retirees, but when a nation has a debt of over 4 trillion, and not a penny has been paid back since the last balanced budget in 1969, can we trust Social Security's future to a government IOU?

The farther into debt the nation falls, the less likely we will ever pay off the nation's debt to the Social Security Trust Fund. Future benefits (guaranteed by the then worthless bonds) will have to be paid for with higher taxes or benefit cuts.

Balancing the budget would mean no additional government bonds to finance the deficit, and no more "borrowing" from the Social Security Trust Fund. This would truly protect the future of our nation's retirees.

The Penny-Kasich motion is an excellent start. If we can't cut $26.1 billion today, what kind of future do we have. What kind of future does Social Security have. Please think of that before you vote. Thank you for your consideration.

Sincerely,

JAKE HANSEN,
Director of Governmental Affairs.

[From the Small Business Survival Committee, Apr. 4, 1994]

LEGISLATIVE ALERT

DEAR SMALL BUSINESS OWNER: A coalition of national grassroots organizations are working to cut spending and save taxpayers money, but their efforts may be wasted unless we act now to let our voice be heard!

Recently, the U.S. Senate Budget Committee adopted a resolution to cut $26.1 billion dollars in discretionary spending from the budget. That means $26.1 billions of wasteful spending taxpayers and small business owners won't have to pay for! This measure was approved by the Senate in a 70-40 vote.

The House of Representatives is now considering a motion offered by Rep. John Kasich (R-OH), Tim Penny (D-MN), and Charles Stenholm (D-TX) to preserve $26 billion in spending cuts adopted by the Senate. There is a danger that some congressmen may try to substitute an alternative resolution for the Kasich amendment that won't cut spending. In fact, the $26 billion dollars in savings could be spent on new and wasteful programs!

The voice of small business must be heard on this critical issue! The Small Business Survival Committee believes that spending must be cut now, not sometime in the future. All SBSC members are urged to contact their congressional representatives before April 12 and tell them to vote "YES" on the original Kasich amendment.

Your congressional representative can be reached at 202.224.3121 (Capitol switchboard), or through your local district office.

Thank you for your effort. Every day small business owners have to make tough financial decisions—its about time Congress does the same. Your voice counts!

Sincerely,

KAREN KERRIGAN,
President.

[From the Heritage Foundation Backgrounder, Apr. 12, 1994]

HOW DOMESTIC CUTS CAN PAY FOR THE EXON-GRASSLEY BUDGET AMENDMENT

(Updating Backgrounder No. 931, "The Clinton Challenge Answered," March 5, 1993)

This week, lawmakers in the House will debate whether to adopt the Exon-Grassley amendment to the Administration's fiscal year 1995 budget. This Senate-passed amendment, sponsored by Senators James Exon (D-NE) and Chuck Grassley (R-IA), requires $26 billion in unspecified cuts from discretionary spending over the next five years, with all of the savings to be applied to deficit reduction. Critics of the amendment claim that cutting what amounts to $1 from every $320 of federal spending will result in draconian reductions in sensitive programs. Such claims are little more than variations on the "Washington Monument Ploy," in which bureaucrats and politicians mobilize public opinion against budget cuts by warning that an agency's most visible program might be shut down.

Since the House-passed budget did not contain a similar measure, the differences between the two bills will have to be worked out in a conference committee composed of leading budgeteers from the House and Senate. As it now stands, the House conferees will argue for stripping the Senate language from the budget. But a bipartisan team, led by Representatives John Kasich (R-OH), Tim Penny (D-MN), and Charles Stenholm (D-TX) has drafted a motion to instruct House conferees to maintain the discretionary spending cuts approved by the Senate.

The Kasich-Penny-Stenholm effort faces stiff opposition from many camps, including the White House. Oddly, the principal argument used by the White House is that this tiny cut in federal spending will have a serious impact on an already shrinking defense budget. Such claims are erroneous. There is no need to touch defense spending to meet the requirements of the Exon-Grassley amendment. Lawmakers could easily find the necessary cuts in the fattened domestic discretionary area of federal spending. Any claims to the contrary are simply thinly veiled attempts by the White House to protect its new spending initiatives—which Clinton calls "investments."

There are three common arguments against the Exon-Grassley spending cuts:

Claim #1. Because of last year's deficit reduction bill, spending is under control, so no further spending cuts are needed.

Wrong. According to the Administration's own budget, released in February, total federal spending will grow by $370 billion over the next five years, to a level of $1.85 trillion in fiscal 1999. This hike in spending exceeds the $340 billion increase in the budget over the past five years.

Clinton's own budget figures show that he will become one of the biggest spending Presidents in history. And since defense spending is projected to fall in nominal terms by some $22 billion by 1999, all of the growth in government is on the domestic side of the federal budget. After adjusting for inflation, domestic spending (excluding net interest and savings and loan bailout costs) will grow 14 percent more in four years under Bill Clinton than it did during the twelve years of Jimmy Carter and Ronald Reagan combined.

By fiscal 1997, aggregate domestic spending will exceed 15 percent of gross domestic product (GDP). By contrast, the entire government consumed only 17.6 percent of GDP at the beginning of the Great Society era in 1965.

Claim #2. The 1993 budget deal placed tight caps on discretionary spending; more cuts would force the gutting of essential programs.

Wrong. The "hard" freeze in overall discretionary spending gives the illusion of austerity, but actually allows for a boost in domestic spending at the expense of the defense budget. Domestic discretionary spending currently stands at over $247 billion, the highest level in history, even after adjusting for inflation. This level is $19 billion higher than George Bush's last budget and some $79 billion higher than Reagan's last budget. For the big spenders who have enjoyed such large increases in domestic discretionary spending, any reasonable restraints in spending would seem "draconian."

Since Reagan's last budget in fiscal 1989, defense spending has declined $61 billion, in 1993 constant dollars. Half of these cuts have gone toward deficit reduction, but the other half have funded increases in domestic discretionary spending.

Because of these trends, the end result of six years of collective Bush-Clinton spending decisions will be that domestic discretionary spending in fiscal 1996 will surpass defense spending for the first time. This is quite an achievement considering that defense spending exceeded all domestic spending by 30 percent at the time young Bill Clinton posed with President Kennedy in the White House Rose Garden.

If lawmakers are serious about cutting spending in order to reduce the deficit, they can easily find $26 billion in cuts over five years from the bloated domestic part of the discretionary budget. Indeed, for those who are looking for cuts, the Congressional Budget Office last month released its annual guide, "Reducing the Deficit: Spending and Revenue Options." This publication contains hundreds of possible spending cut measures, all of which seem to have been omitted from last year's deficit reduction package. The following examples, totaling nearly $52 billion, would be more than sufficient to comply with the Exon-Grassley amendment:

Claim #3. The Exon-Grassley cuts are not specific, and lawmakers will have to take all or most of the savings out of defense spending.

Wrong. Defense spending has been cut to the bone, and Washington's big spenders are now using this fact to protect their own pork barrel programs. This ploy worries many Members who rightfully believe that defense spending has been cut far below what is prudent for the nation's defense needs. Indeed, the Clinton budget projects that by fiscal 1999, defense spending will fall to 2.9 percent of GDP, the lowest level since the 1930s. The Clinton Administration's five-year defense budget is already $100 billion short of the amount needed to fund the forces called for in its own defense plan.

These cuts in defense spending over the next five years are especially severe when compared with the disproportionately large increases in aggregate domestic spending during the same period. Adjusting for inflation (in 1993 dollars), every $1 decline in defense spending is met by a $2.42 increase in domestic spending. This means that Washington is poised to spend a "peace dividend" twice, not return it to Americans in the form of tax relief. Under these conditions, lawmakers should ferret out every dollar of wasteful spending from domestic programs before they turn to defense for more cuts.

House lawmakers should think twice before rejecting the Exon-Grassley amendment to cut a mere $26 billion from federal spending over the next five years. Indeed, they should ignore the scare tactics used by critics at the White House who are trying to protect wasteful domestic spending at the expense of an already anemic defense budget. If members need suggestions on where to cut domestic spending, they need look no further than the find work of their own Congressional Budget Office.

SCOTT A. HODGE,
Grover M. Hermann Fellow in Federal Budgetary Affairs.

Mr. SABO. Madam Speaker, I yield myself 4 minutes.

Madam Speaker, I rise in strong opposition to the Kasich motion. This is

not an instruction that deals with a sliver. It is a motion that deals with reducing discretionary spending, which represents a little over a third of the Federal budget. It is the portion of the budget where a year ago we adopted a freeze at or below the estimated 1993 levels for the next 5 years, unprecedented.

We are complying with the tough restrictions on discretionary spending that we set in 1993, which will put us at the lowest level of discretionary spending in relation to GDP in, I believe, close to 50 years, 45 years. It is on top of cuts and discipline of last year, a 1.5 percent cut in this portion of the budget that funds our investment programs, and funds our programs in education, pays for our national defense, builds the infrastructure of this country.

My friend, the gentleman from Ohio [Mr. KASICH] would suggest it should have no impact on defense, and quotes some words from part of a Senate amendment. He takes the whereas clause and skips the resolve clause, which understands that the Senate amendment would have impact on both domestic discretionary spending and defense spending.

The reality is that this amendment this year and over the next 4 years would have significant impact on everything that we choose to do on a discretionary basis, whether it is investing in kids, paying for health research, or defending our country.

As a matter of fact, if we take the assumptions of the Senate author, the three areas that have the biggest impact are national defense, education, and criminal justice. We have the Senate, which just a short time ago insisted on a new trust fund for the crime bill, and this amendment, saying we are going to take our $1 billion away from it, consistency I do not understand.

Madam Speaker, we passed a good program a year ago. It has been working economically. In discretionary spending, which we are dealing with today, it has discipline tougher than this Congress has known in years. Let us stay with it. Let us not go beyond it. Let us keep our common sense so we can deal with the common problems of this country.

Madam Speaker, for the RECORD I include the following information on the Distribution of 1995 Exon-Grassley cuts:

DISTRIBUTION OF 1995 EXON-GRASSLEY CUTS

(In millions of dollars)

	As described by Exon-Grassley		Proportionately	
	Budget authority	Outlays	Budget authority	Outlays
050 Defense	−1,333	−391	−2,648	−775
150 International Affairs	−220	−64	−205	−60
250 General Science	0	0	−168	−49
270 Energy	−9	−3	−63	−19
300 Natural Resources	0	0	−207	−61
350 Agriculture	0	0	−42	−12

DISTRIBUTION OF 1995 EXON-GRASSLEY CUTS—Continued

(In millions of dollars)

	As described by Exon-Grassley		Proportionately	
	Budget authority	Outlays	Budget authority	Outlays
370 Commerce and Housing Credit	−137	−40	−34	−10
400 Transportation	−138	−40	−375	−110
450 Community and Reg. Development	−357	−105	−89	−26
500 Education and Training	−1,421	−416	−394	−115
550 Health	−163	−48	−215	−63
570 Medicare	−9	−3	−29	−9
600 Income Security	−241	−71	−364	−107
650 Social Security	0	0	−25	−7
700 Veterans Affairs	−78	−23	−173	−51
750 Adinistration of Justice	−986	−288	−163	−48
800 General Government	−225	−66	−123	−36
920 Allowances	0	0	0	0
Total	−5,317	−1,558	−5,317	−1,558

Mr. KASICH. Madam Speaker, I yield 2 minutes to the very distinguished gentleman from Arizona [Mr. KOLBE], a member of both the Committee on Appropriations and the Committee on the Budget.

Mr. KOLBE. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I do rise in my role as a member of the Committee on Appropriations, as well as a member of the Committee on the Budget. Frequently, we hear those who serve on the Committee on Appropriations say that "We just really cannot make these cuts. They are going to cut too deeply into the programs that make such a difference."

Let us harken back and remember last fall, when we had the Penny-Kasich amendment on the floor here to make some of the cuts that we have been talking about in the last several days and last several months. That was defeated.

When it was defeated the chairman of the Committee on the Budget said, "We will have a separate set, a different set of cutting priorities." We had that list of cuts and we passed that list as a substitute for Penny-Kasich.

Madam Speaker, what has happened since then? Some of them have been implemented. During the earthquake relief bill we implemented some of them, 25 percent, 30 percent, I do not know, but I think it is less than 50 percent of them have been implemented. We have not implemented what we said we were going to.

Over and over again, members of the Committee on Appropriations say, "Gee, we just cannot make these cuts in the area that we are in," whether it is defense or whatever. This amendment recognizes, this motion to instruct recognizes that there are priority areas; that education, that defense, that protecting things like Social Security and some of the underlying social service programs are important.

However, it does say that there are areas of discretionary spending where we can make cuts. Madam Speaker, this is the last opportunity we have to make cuts that are deeper than those that we have, and we should adopt this motion to instruct.

Mr. YATES. Madam Speaker, will the gentleman yield?

Mr. KOLBE. Madam Speaker, I believe my time has expired, but I will yield to the gentleman from Illinois.

Mr. YATES. Madam Speaker, the gentleman is a member of the subcommittee which I chair on the Committee on Appropriations, and the gentleman knows that Indian health has been cut by $250 million. Where are we going to get the money to make up that necessary sum?

Mr. KOLBE. Reclaiming my time, Madam Speaker, I would just point out these are cuts, but we are not cutting into some of the basic programs here. We are talking about cuts that can be made without cutting into the fundamental social service programs we all recognize need to be protected. We need to make these cuts for our children and our grandchildren's future.

Mr. SABO. Madam Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I rise in opposition to the Kasich amendment. I do not think we will need a magnifying glass to find the cuts that will fall on the criminal justice system if this amendment passes. I have not brought mine up to the well here, because Members will not need it. What I would say to my colleagues very simply is this. We have done a very good job of cutting the deficit. The deficit is coming down, but we have to do it with care and with rationality.

□ 1550

We face a crisis in the criminal justice system. This is one area I think there is unanimous consensus in America that we are not spending enough.

Madam Speaker, in our crime bill, we set up a trust fund. I think that is a good thing, but that mostly involves aid to localities, for cops on the beat, for building prisons, and for prevention programs. It would be ridiculous, it would made no sense, to put those programs out and then cut the sinew of Federal law enforcement which must also go along with our aid to the localities in the crime bill.

Madam Speaker, if we were to cut the FBI and cut the DEA and cut the ATF the amounts of dollars as prescribed by Exon-Grassley, that is $1 billion, that would be thousands of FBI agents, thousands of DEA agents, and we would be involved in what this body and what this town and what this Congress does too often, giving with one hand and taking away with the other so there is no net result.

Madam Speaker, it is all clear that when the Senate tried specific amend-

ments on what to cut, they could not agree, and so they passed this broad amendment. This broad amendment with the across-the-board kinds of cuts that would have to exist would decimate—decimate Federal law enforcement.

Madam Speaker, let us not next week vote on a crime bill that will increase dollars to fighting the necessary fight against crime and yet today quietly and stealthily take away those same dollars by voting for this amendment.

I urge defeat of the motion.

Mr. KASICH. Madam Speaker, may I ask the Chair how much time is remaining on each side?

The SPEAKER pro tempore (Ms. SHEPHERD). Each side has 24 minutes remaining.

Mr. KASICH. Madam Speaker, I yield 1 minute to the very distinguished gentleman from Arizona [Mr. KYL].

Mr. KYL. Madam Speaker, I rise in support of the Penny-Kasich motion to instruct members of the House-Senate Conference Committee to cut spending by $26.1 billion over the next 5 years.

This represents a cut of just $1 from every $320 that the Federal Government will spend over that period.

Mr. KASICH. Madam Speaker, will the gentleman yield?

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

Mr. KASICH. Madam Speaker, how much is that I ask the gentleman?

Mr. KYL. Just $1, only $1 out of $320 for every dollar the Government spends.

This is not so much a serious effort at deficit reduction as it is an indicator of just how serious Congress really is about even beginning to solve the problem.

If we can't even cut spending by three-tenths of just 1 percent, how are we ever going to eliminate annual deficits that will amount to $176 billion next year climbing to at least $201 billion in fiscal year 1999 according to the administration's estimates?

One of the concerns being expressed about this motion is that it will somehow gut defense. That's just not true. There is no reason to touch defense—which even President Clinton has conceded has been cut as far as it can be—to meet the requirements to the Penny-Kasich motion.

Congress can find the necessary cuts in domestic programs, including the new spending initiatives the Clinton administration has proposed. Domestic discretionary spending currently amounts to over $247 billion, the highest level in history, even after adjusting for inflation.

That is $19 billion higher than George Bush's last budget.

Madam Speaker, every time a cut in spending is proposed, the special interest groups shift into high gear to scare people into believing that programs important to them will bear the full brunt of deficit reduction. There is always some excuse for not cutting spending.

That has got to end here and now. Support the Penny-Kasich motion.

Mr. SABO. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Mississippi [Mr. MONTGOMERY], the distinguished chairman of the Committee on Veterans' Affairs, another area cut by Exon-Grassley.

Mr. MONTGOMERY. Madam Speaker, I thank the chairman of the Committee on the Budget for giving me this time.

Madam Speaker, I rise in opposition to the motion to instruct the conferees to agree to Senate provisions that would cut discretionary spending over 5 years by an additional $43 billion and outlays by $26 billion below the caps set by last year's deficit reduction package.

I will oppose the motion because if enacted it would have a serious impact on VA's health care system. You have already heard from many of your constituents about the inadequate budget for VA hospitals, outpatient clinics, and nursing homes. You've heard complaints about inadequate equipment and long waiting periods in order to get appointments with specialists. If we cut an additional $43 billion in budget authority over the next 5 years, I can tell you that you will hear even more complaints from veterans than you have in the past.

Since there is no indication how the cuts will be made, we assume that VA would take its fair share of the cuts and, therefore, I shall oppose the motion to instruct the conferees.

I know some Members are saying, "There's SONNY again, defending veterans' programs," but I am on the right track.

Madam Speaker, what we are getting ready to do if we adopt the Exon-Grassley amendment, we are going to cut veterans' programs further by $173 million this year. Cuts in discretionary funds are killing us. Every time we come in here, someone is trying to take it away from veterans' programs. I get complaints from Members on both sides of the aisle that "you are not giving us good service in the outpatient clinics, you are closing wards in our veterans' hospitals, that we cannot continue to cut, cut, cut."

Madam Speaker, over 2,000 veterans a month are moving into the State of Florida. There is a desperate situation down there. They are not handling these veterans' claims and requests for health care in a timely manner.

I ask the Members to vote against this motion to instruct the conferees, and support the House-passed budget resolution.

Mr. KASICH. Madam Speaker, I yield myself 10 seconds, and I read from the letter from the sponsors of this amendment:

> Our amendment did not designate where the spending reductions should be made in the budget. The distribution charts attached to Chairman Sabo's letter do not reflect how either one of us would make the cuts required by our amendment.

That is from the sponsors of the amendment.

Madam Speaker, I yield 1 minute to the very distinguished gentleman from Texas [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. Madam Speaker, I am favoring this cut and I tell you why: It seems like every time we get in here we argue about whether or not to cut. People are tired, tired, tired of hearing more spending, more spending, more spending. And can we cut the budget? Yes, we can cut the budget. Do we have a surplus? No, we do not have a surplus and, no, do we have a strong defense? No, I agree with the gentleman from Mississippi [Mr. MONTGOMERY], we do not. But we do not have to cut defense. We can vote for this reduction in spending and get this country back on track, and it is a minimal cut, without cutting defense.

Madam Speaker, I would say that no American in his right mind would cut our defense any further than it has already been cut in view of what is going on in the Nation today. So let us vote for these reductions and keep our country strong.

Mr. SABO. Madam Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON], and maybe he can help me understand the stealthy cut. It does not apply to defense, veterans' affairs; I thought I heard education, vital social programs. I am not sure what is left, but I yield to the gentleman from Connecticut for some explanation.

Mr. GEJDENSON. Madam Speaker, there are two overriding issues here: One is, where are we? The fundamental economic concern from people appointed to the Fed by the former Presidents is that the economy is getting too hot, that the budgets that the Democrats in this Congress have passed have brought this economy back to life and it may get out of control and get so hot that we are going to have inflation.

The other thing to remember is what MO UDALL always said: "May our words be gentle and kind for tomorrow we may have to eat them," and let us go back to the past and figure out if we ought to listen to the gentleman from Minnesota [Mr. SABO], who says to reject this amendment or some of the folks on the other side.

Madam Speaker, a rhetoric versus reality test.

Rhetoric: This is August 5, 1993. "We will try to help you when this puts the economy in the gulch."

Reality: During President Clinton's first year, we had the largest increase in GDP in a decade.

Rhetoric on this side: "This is really Dr. Kevorkian's plan for the economy."

On our side, the reality is, confidence in retail sales and business investments; housing starts are up; all these things are up. That is the reality.

The rhetoric, August 3, 1993: "It is like a snakebite," meaning the President's plan. "the venom is going to be injected into the body of the economy and kill jobs that Americans now have."

The reality: Employment shot up by almost half a million jobs in March of this year.

Rhetoric: "The deficit will reach another high." August 5.

The reality: The deficit at its lowest point since 1979.

Rhetoric: "Not a single Federal program will be eliminated, not one."

What happened? The budget eliminated 115 Federal programs and cut more than 300 others.

Madam Speaker, let us do what is responsible. The responsible and right thing is to follow the chairman of the Committee on the Budget that working with this administration has given us a budget that brought the economy back to life, that is starting to bring jobs into my district and across this country and not end up in this foolishness that will cause this body and this country damage.

Mr. KASICH. Madam Speaker, I yield 3½ minutes to the very distinguished gentleman from Pennsylvania [Mr. MCDADE], the ranking Republican on the Committee on Appropriations.

Mr. MCDADE. Madam Speaker, I thank the distinguished gentleman from Ohio for yielding me the time, and I thank my colleagues for participating in this important debate.

Madam Speaker, I have concluded that I am going to support this motion to instruct conferees with respect to finding the money to save $26 billion in outlays over the next 5 fiscal years, and I want to explain to Members the process by which I arrived there.

□ 1600

The first and most important thing to me, as the ranking member on the Defense Appropriations Subcommittee, is that the Kasich amendment exempts from these proposed cuts the defense budget of the United States, and I think that is tremendously important.

The second thing the Kasich amendment, which is a bipartisan effort sponsored by Members on the other side of the aisle, does is to expand the base from which these cuts are sought. It does not require that the cuts be taken from just the discretionary budget. It attempts to say, look at the total spending, except Social Security, that occurs in the Federal Government, which is roughly $1.2 trillion annually to find that relatively small amount with relation to the trillion, $26 billion over a 5-year period.

In fact and in reality, as we all know, the budget resolution applies to the next fiscal year and the next fiscal year only, so we are really talking about the first year portion of those cuts, and I have got to say, Madam Speaker, I hope that we will adopt this one small step.

I need to say further no matter what we do today with respect to the defense budget there is so much to be done as we look down the road, because in my view, the Clinton blueprint for the defense budget is a blueprint toward a hollow force and a broken budget. It is a blueprint that simply destroys the defense and national security of this Nation. It says to the people in the military that if you wear a uniform you cannot get a pay raise. That is what the budget says that has been presented to us.

We have got to change that. We changed it last year. We have got to change it this year.

It says that we are not going to invest in adequate housing and quarters for our troops. It said that last year. It says it this year. We have got to change it. It says we are not going to invest all the money required to repair equipment.

The backlog in depot maintenance for the Marine Corps alone is up 700 percent over 2 years, and it says we are not going to make the necessary investments to keep our forces modern and at the cutting edge.

Madam Speaker, the defense budget is based on a group of rosy scenarios that would make even Harry Houdini feel embarrassed. It is no secret all we have to do is look at what has been said on the public record, from the Secretary of Defense on down; Pentagon officials have been telling us we can save tens of billions of dollars by changing the procurement process. How many times have we heard that around here? We can save tens of billions of dollars, they say, by changing management reform. Those are plug lines in their budget that are never going to occur.

They say we can save tens of billions of dollars in infrastructure changes and base closings. In fact, that costs money up front. That is not going to happen. All of those anticipated savings that we have heard have been around for years. They are nothing but a house of cards, leaving the defense budget underfunded enormously.

There is at least a $20 billion underfunding for inflation alone.

Let me say that if we look at the hearing record when the Secretary of Defense testified, I asked him about the underfunding in the defense budget. He agreed to the $20 billion that was underfunded with respect to inflation. We agreed the pay raise was underfunded to the extent of about $14 billion. He agreed they were putting a plug line in for $14 billion for acquisition reform.

They are all phony, phony figures. The defense budget as it has been proposed will not stand up to scrutiny.

I say to my friends that I hope that we will adopt the Kasich motion. We have got to make some room some place for additional savings. The $1.2 trillion Federal budget is the base that we are trying to focus on as an area where we can find this amount of money, without impacting on an already overstrained defense budget.

I hope we will do so.

Mr. SABO. Madam Speaker, I yield 15 seconds to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Madam Speaker, I sat on the same budget as my friend from Pennsylvania does. Make no mistake about it, if we adopt this, defense is going to take another cut. There is no doubt about it. My friend knows it, and everybody in this House knows that we are going to take another cut. We are going to absorb another cut in defense if this passes. You know it, and everybody that has studied the budget in this House knows it.

Mr. SABO. Madam Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Madam Speaker, the gentleman from North Carolina is right. Just as sure as the good Lord made little green apples, there will be a cut in defense as a result of this.

The gentleman from Pennsylvania terms this incorrectly. This is not an amendment. This is a motion to instruct to accept the Senate language proposal.

Madam Speaker, the unintended consequences of this will be drastic for those who serve in uniform throughout our Nation and elsewhere. If the House accepts this proposal, the fiscal year 1995 cut to discretionary spending would be $5.3 billion. Using the Senate's author's own language, defense could be cut $1.3 billion in fiscal 1995. If these same discretionary cuts were distributed proportionately, defense spending would be cut as much as $2.6 billion in fiscal year 1995.

As you know by my votes and my talks on this floor, I am very concerned about the deficit. But I am also concerned about the young men and young women who serve our Nation's Armed Forces.

The President made a pledge to cut the deficit, and he stood by that pledge. In support, the majority of the House helped him achieve that goal by passing the deficit-reduction package last year.

Moreover, the President made another pledge, and that was to hold the line against further defense cuts, and that is what this is an attempt to do.

Madam Speaker, deployments for the U.S. military are up drastically since the cold war ended. There is not enough money in the pipeline for training of our soldiers and sailors and air-

men and marines adequately. The spare-parts problem is growing.

This is more than a National Guard armory problem. This is more than having a reserve unit in your area closed down. We are talking about lives and training and capability of those in uniform. This is a very important issue for the United States of America.

The special interest of which someone spoke a moment ago, the special interest is that of national security.

Let us vote this down. Let us live by the President's pledge. Let us do what we did earlier against the Frank amendment, and let us go forward and keep our forces adequately funded.

This will do drastic damage to them just as sure as we are in this Chamber today.

Mr. KASICH. Madam Speaker, I yield 30 seconds to the gentleman from Pennsylvania [Mr. MCDADE], the senior Republican on the defense appropriations subcommittee.

Mr. MCDADE. Madam Speaker, I thank my colleague, the gentleman from Ohio, for yielding this time to me.

Madam Chairman, I take this time to say to my colleagues that there have been a lot of versions that have been floated and negotiated back and forth, as Members discussed what would be done with respect to this resolution, this motion to instruct.

Let me read from it: The only reason that I support it is because no further cuts can be made in defense, none. That is in the instruction itself. All you have to do is pick it up and read it. I have a copy of it here if you want to see what you are going to vote on. It says no further cuts will be made in the defense levels that are approved already.

So the defense numbers are not an issue. The defense numbers are not an issue and off the table, and I hope this motion will be agreed to.

Mr. KASICH. Madam Speaker, I yield 4 minutes to the very distinguished gentleman from Texas [Mr. STENHOLM], a leader in the fight to reduce the deficit.

Mr. STENHOLM. Madam Speaker, just as God made little green apples, a $6 trillion national deficit growing continuously at $200 billion plus is going to become a national defense issue for this country someday.

One month ago I spent 2 days here on the House floor as we debated four different approaches to a balanced budget constitutional amendment. From speaker after speaker opposing these four amendments, I heard these words: "We don't need a Constitutional Amendment. We just need to be willing to make the tough choices!"

I have noticed that a favorite pastimes here in Washington these days is to point out any balanced budget amendment supporter who votes against spending cuts. I have no problem with that sort of attention. But I must say that I am wondering when I will have an opportunity to read some articles about all the people who proclaim, "Make the hard choices, Make the hard choices" but never do just that.

Today, those people who opposed the constitutional amendment will have the chance to force some hard choices. Likewise, those who support a constitutional amendment will be given the chance to show that they are willing to back up that support with real deficit reduction. Will this one provision get us a balanced budget? Of course not. There are some who seem to believe that unless you can show how you will take every step of the journey to a balanced budget your effort is not credible. I believe we should search for every possible foothold on that journey and make each step we can.

Today we have the opportunity to vote to retain $26 billion in spending cuts included by the Senate. As usual, everyone who feels threatened by hard choices has engaged in the all-too-familiar refrain of the coming of the end of the world.

SUMMARY OF PROPOSED REDUCTIONS FOR FISCAL YEAR 1995 FROM HOUSE-PASSED BUDGET RESOLUTION BY FUNCTION

[In millions of dollars]

		Budget authority	Outlays
150	International affairs		
250	Science		
270	Energy	334	162
300	Natural resources	459	394
350	Agriculture		
370	Commerce, credit	353	123
400	Transportation	312.3	231.3
450	Comm. development		
500	Educ, training	830	430
550	Health		
570	Medicare		
600	Income security		
650	Social Security		
700	Veterans		
750	Administration of Justice	100	31
800	Gen. Government	260.6	86
920	Allowances	450	145
	Total (billions)	3.099	1.602

These choices are indeed hard because they come out of discretionary spending. Now, that's not so hard for most domestic programs because domestic programs are slated to continue growing by more than 8 percent compared to last year's spending. In fact, even with the $26 billion cut and even if all $26 billion comes from programs other than defense, nondefense discretionary spending in 1999 will be $40 billion higher than it is this year.

But for defense and agriculture, these cuts could be very hard indeed because these two areas have suffered an inordinate share of the past cuts. For defense, even in the House-passed budget, actual dollar spending in fiscal 1995 budget would go down by 7.3 percent from last year's spending.

For that reason, I am pleased that the Kasich-Penny motion explicitly states that the House conferees insist on the highest level of defense spending within the scope of the conference. Since the House and Senate included levels to meet the President's defense request, the motion reaffirms our commitment to protecting the President's defense request. Although the entire motion is nonbinding, passage of the motion would in effect put the House on record in support of "firewalls" to protect the President's defense level.

But the bottom line, regardless of whether you want to hold defense harmless or would like to cut more from defense programs, is that this battle will be fought on another day. Either there will be 218 votes to protect defense or there will be 218 votes to make cuts in defense. If there are 218 votes to make deeper defense cuts, those cuts will be made in the appropriations process regardless of what defense level is included in the budget resolution. The difference is that if the cuts occur in the appropriations process, the savings will be spent on nondefense programs and not applied to reducing the deficit. Only the Kasich-Penny motion will move us toward applying any savings to the deficit.

My strong preference would be to have additional cuts come from the entitlement side of spending. Clearly, it is entitlements which are driving the persistent deficits we are experiencing. That criticism notwithstanding, I believe we cannot afford to pass up this opportunity for deficit reduction. Instead of criticizing the spending cuts for what they do not do, it is more constructive to support the cuts as a step in the right direction while pursuing additional efforts to control entitlements.

The simple truth is that this $26 billion in discretionary spending cuts provides the only deficit reduction option in the budget resolution. We urge your support of that cut by supporting this motion to instruct conferees.

□ 1610

Mr. SABO. Madam Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Madam Speaker, as a member of the Budget Committee, I rise in strong opposition to the motion to instruct.

Mr. KASICH'S motion would instruct the House conferees to agree to the Exon-Grassley amendment which would cut discretionary spending by an additional $26 billion in outlays over 5 years. This is an additional cut of 25 percent above and beyond the discretionary cuts of $102 billion in last year's budget package.

This is simply unacceptable. Yes, the deficit is important, along with sustaining economic recovery. We know that increased productivity is one of the factors driving the recovery so why would we vote to cut education $1.4 billion when we know that education drives productivity.

This country needs a balanced economic policy and last year's budget package put the deficit on a downward trend. But balance is not cutting education, or cutting criminal justice programs by $986 million on the same day we begin to debate the crime bill. Balance is about setting priorities. Yes, the deficit is a priority, along with other equally important priorities. A recent GAO report found that the number of poor children in the Nation grew by 26 percent between 1980 and 1990. And in my home town of Hartford, CT, nearly half of the children 2 and under, live in poverty. I stand here today to say that each and every one of those children is a priority.

Let us look at where the real problem lies. Both OMB and CBO forecasts show domestic discretionary spending declining and scheduled to continue declining as a share of GDP. My colleagues, discretionary spending is not the problem. Despite all the rhetoric we will hear today, we all know that entitlements are the problem. Interestingly enough, entitlement spending, other than Medicare and Medicaid, also is projected to come down as a percentage of GDP. Rather, nearly 100 percent of the problem is in Medicare and Medicaid. I would hope my colleagues remember that when health care reform comes to the floor.

Vote "no" on this motion to instruct. A "yes" vote will come back to haunt your constituents for it will harm the future of our children and our country.

Mr. KASICH. Madam Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. I thank the gentleman for yielding this time to me.

Madam Speaker, what we need today is a little more common sense. The Federal Government will spend in excess of $8 trillion over the next 5 years.

The motion before us presently contemplates cutting back only $25 billion of the spending level. That represents a three-tenths of 1 percent cut in the total Federal spending.

Who are we kidding that this is draconian? A three-tenths of 1 percent cut in total spending over the next 5 years? We here a lot of discussion today about how this is draconian, it is going to kill every program in the budget. This is more Washington nonsense.

Over the past few days, the White House and party leaders here on Capitol Hill have been telling Members whatever it takes to get them to vote "no." To some, the case has been made that—you can't vote for this recommendation for cuts because it exempts defense, and we have got to take more money out of defense. To others, they say that there is language in this motion that exempts strongly—that does not strongly enough exempt defense and, therefore, these cuts are going to hit domestic programs. To others they say the language is generic, it does not specify where the cuts should fall and, therefore, it could hit some program that you like. To still others they say, "Evidently the language is quite specific because it is now going to slash criminal justice and veterans programs and education programs." It is all nonsense.

Something has to give, yes. We talk about spending freeze in today's budget. That is an overall freeze. What it really represents is $110 billion less in defense spending over 5 years and a comparable increase in domestic spending over that same time period. Common sense tells you that a $26 billion cut is not a cut at all. Domestic discretionary spending will increase nearly $100 billion in 5 years. We are talking about scaling back that increase by only $26 billion.

The problem with this amendment is not that it cuts too much but that it cuts too little. I wish we could do more at this time to address entitlement spending. That is the big bugaboo in the Federal budget.

Half of all of our money goes to entitlement spending. We need to deal with that. I wish we could deal with that in this amendment. All we can do is deal with a very small sliver of the budget, and that happens to be discretionary spending. All we are suggesting is that we take a three-tenths of 1 percent cut of the total budget and scale back part of our discretionary spending increases over the next 5 years.

To argue that this proposal cuts too much does not pass that common sense test. Let us reject Washington's nonsense and vote for the Kasich amendment.

Mr. SABO. Madam Speaker, I yield myself 1 minute before I yield to the gentleman from Pennsylvania [Mr. MURTHA].

I have to say to my friend from Minnesota [Mr. PENNY] this instruction relates to discretionary spending, which is a little over a third of the budget. Its impact is significant on discretionary spending, which is a part of the budget that we also put tight restrictions on, as the gentleman knows, in the 1993 budget agreement. It is over 1.5 percent in budget authority over this period of time on top of real restraint that we stopped earlier.

So, to talk about these as slivers is misleading.

Mr. SKELTON. Madam Speaker, will the gentleman yield?

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

□ 1620

Mr. SKELTON. Defense is discretionary spending; is that right?

Mr. SABO. The gentleman is correct.

Mr. SKELTON. And there is nothing to keep it from legally being cut; is that right?

Mr. SABO. That is correct.

Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MURTHA], the chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. MURTHA. Madam Speaker, I was just down to Fort Campbell and saw the real property maintenance problems they are having. I talked to the wives of some of the people down at Fort Campbell, and they were telling me how they were having trouble getting access to medical care. These are just small examples of my growing concern about military readiness. I am starting to see some frays in military readiness, and I think it is because our defense cuts have put us on the very edge. We still have a high level of deployments around the world. Our military people are deployed—I think they said 50 percent of the time and that must be paid for. We have cut $150 billion from Defense in 15 years. It's the only major part of the budget that has taken sizable cuts. We have reduced it to the point where we cannot reduce it any more.

Now let me just tell my colleagues the facts and how the budget allocation process works. We have 13 subcommittee chairmen on the Committee on Appropriations who will sit down after this budget resolution is finished. They will make a decision and a recommendation to the Democratic caucus of the committee and then to the full Committee on Appropriations—a recommendation about how the money in the budget resolution is going to be spent among the 13 appropriations subcommittees. In the 20 years that I have been on the Committee on Appropriations Madam Speaker, I have never seen a recommendation by the 13 members, the chairmen of the subcommittees, ever change. And that recommendation always is guided by the principle that half the cuts come from Defense, and half of the spending cuts come from nondefense spending.

Madam Speaker, I say to my colleagues, "These are real facts of life. This is what will happen when the real money is allocated. And if this were to go through, there most likely will be roughly an $800 million outlay cut in Defense. We cannot afford it."

Madam Speaker, I would urge the Members to carefully consider this vote, and even though this vote and the instructions to the conferees are nonbinding, I would urge my colleagues not to send such a strong and inappropriate signal that Defense can be cut further. I would urge the Members of the House to vote against these instructions which will cut Defense.

Mr. KASICH. Madam Speaker, I yield myself 1 additional minute.

I am going to need my magnifying glass again for the three charts to respond to the Budget Committee chairman. These cuts right here are Federal spending with the Exon-Grassley cuts in it. My colleagues can see a microscope is needed to see the difference in

spending when we count all total Federal spending. If we are just looking at discretionary, nondefense discretionary, we also need a magnifying glass to see the difference here because this is nothing but a sliver.

Mr. PENNY. Madam Speaker, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Minnesota to make his comment.

Mr. PENNY. Madam Speaker, I take this time simply to respond to the chairman of the committee. He objected that we suggested this represented a three-tenths of 1 percent cut of total Federal spending over 5 years because this amendment or these cuts would actually be applied to discretionary accounts only. I will grant him that. If we talk about the measurement of these cuts against the discretionary spending items over the next 5 years, it represents a 1-percent cut over 5 years. That is minuscule.

Madam Speaker, to say this is Draconian does not pass the commonsense test.

Mr. KASICH. Madam Speaker, I yield myself an additional 15 seconds to take this back to the big picture.

This little sliver here, my colleagues, is all we are talking about saving, and to the people who are concerned about this I say: "You see what is happening to the deficit in the outyears. It goes up, and it threatens the financial security of this country if we don't begin to deal with Federal spending. This is you chance to do it."

Mr. SABO. Madam Speaker, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Madam Speaker, I rise in support of both fiscal restraint and a strong defense, but against the Kasich motion to instruct conferees on the budget resolution.

My reason is simple: I cannot support 26 billion dollars' worth of uncertainty. I voted for the $90-billion package of cuts in the Penny-Kasich amendment to the reinventing Government bill last fall. I supported the historic 5-year budget plan initiated by the President that was predicted to cut the deficit by almost $500 billion and is now performing better than anyone expected. I also supported the House version of the fiscal year 1995 budget resolution which, by its terms, will take us $53 billion below the fiscal year 1994 deficit.

I supported these measures because their spending cuts were enumerated. In contrast, the Exon-Grassley proposal adopted in the Senate is anything but; 26 billion dollars' worth of discretionary cuts could have been distributed among the various functions of the Senate budget resolution, but that is not what happened. I support that portion of the motion offered by the gentleman from Ohio [Mr. KASICH] which attempts to provide some order to the decisions regarding defense spending and its impact on our industrial base, which is critical to the economy of my district, but I cannot support the motion as a whole because its protections are nonbinding and it does nothing to add certainty to the Senate action it endorses.

Madam Speaker, Federal spending needs to be cut further, but we must do much more on the front end to make sure our choices for cuts are integrated into a carefully crafted strategy to fund a strong defense, maintain high skill, high wage jobs for American workers, and invest in critical priority programs like more cops on the beat.

Mr. KASICH. Madam Speaker, I yield 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Madam Speaker, I would like to speak to the comments of the gentlewoman from Connecticut [Mrs. KENNELLY] who said children will be impacted by this bill. My children are impacted by the debt service that we are building up in this country.

I say to my colleagues, if you take a look at $1.3 billion a day that we are spending on just the interest, we could take that money and apply it to some of the things that we want to in this Chamber. But if we continue and cannot cut a sliver out of $1.2 trillion over a 5-year period, you cannot tell the American people that we cannot do that.

Mr. KASICH. Madam Speaker, I yield a minute and a half to the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Madam Speaker, I thank the gentleman from Ohio [Mr. KASICH] for yielding this time to me.

Madam Speaker, I rise in strong support of the Kasich-Penny-Stenholm motion to instruct. This would cut spending by $26 billion over 5 years. This is only one-third of 1 percent of total spending for 5 years.

Now, if Congress cannot cut spending this much, Congress cannot cut spending at all.

Now let us look at Congress' record for the last year. We have to cut spending first, an alternative to a tax increase, and the House turned it down, and the House turned it down. A Republican alternative to the 1994 reconciliation bill, and that got a big "no." We got the Penny-Kasich amendment, and that was "no." We got the earthquake aid offset. That was a "no." Got the balanced budget amendment, another "no." Republican fiscal year 1995 budget to reduce the deficit an additional $150 billion, and that was a "no." And now we have the Exon-Grassley cuts saving $26 billion. I think that we need to have the courage to make this simple effort to reduce spending over 5 years.

Last month many Members argued against a balanced-budget amendment by stating that Congress should just have the fortitude to make the tough choices and cut spending. Well, here is our chance. Support the motion to instruct.

Mr. SABO. Madam Speaker, before I yield I would suggest to my colleague, the gentleman from Colorado, that a little less than a year ago we passed a $500 billion deficit reduction package which has actually resulted in deficit reduction of over $600 billion. That was voted "yes" by this side of the aisle, voted "no" by the other side of the aisle.

I yield 1½ minutes to the gentleman from Illinois [Mr. GUTIERREZ], and I also would inform the gentleman from Ohio [Mr. KASICH] that we only have one speaker left.

□ 1630

Mr. GUTIERREZ. Madam Speaker, I rise today not to introduce a new idea, but simply to remind my colleagues of an old one—the idea that we have a deep and ongoing commitment to the veterans of our Armed Forces.

As we are asked by some to consider cutting the budget even further, this notion should be kept not only in the back of our minds, but at the forefront of the argument.

Members of the Veterans' Committee, like all Members of this House, have already made difficult choices in the name of deficit reduction. We have done so with care and attention.

After all, that is what our veterans deserve—care and attention—whether it comes from a VA doctor who stands by a veteran's bedside, or from a Member of Congress who stands at this lectern.

Several distinguished veterans' groups have spoken out against further, unspecified cuts in the budget, like those proposed in a motion to instruct budget conferees. They know what less funding—in the amount of tens of millions of dollars—really means: It means less medical care for veterans, longer delays in the adjudication of claims, more lives at risk.

Whatever districts we represent—conservative or liberal, wide-open farmland or a beautiful, big city like Chicago—all Members of this body share a common constituency: The men and women who put their lives on the line to protect this flag, and this institution.

The budget is not simply about numbers. It is about the omen and women who served us. It is now time for us to serve them.

We can do so by opposing the motion to instruct conferees and by supporting the budget passed by the House.

Mr. KASICH. Madam Chairman, I yield 1 minute to the distinguished gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, my wife and I have two teenage daughters, and every day we go through the same battle with them. Will you clean your room? Yes, mom, yes, dad, we will clean it tomorrow.

Well, tomorrow comes and we ask them about cleaning their room. Oh, yeah, dad, we will do it tomorrow.

I have been a Member of this Chamber for 3 years, and during those 3 years I have heard virtually every Member of this Chamber talk about cutting spending, and I have heard about half of them talk about cutting spending tomorrow. There are always a million reasons why we cannot cut spending, but it is time now to do it.

I do not know who the author of the old saying was, "Don't put off until tomorrow what you can do today," but it certainly speaks well of what we need to do today. Stand up and be counted, put the rhetoric aside, and let us cut spending today.

Mr. SABO. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Missouri [Mr. GEPHARDT], the majority leader.

Mr. GEPHARDT. Madam Speaker, members of the committee, I would rise to ask Members to vote against this motion, and I do it for the reason that we are now at a stage in our budget process where we have made important decisions.

We have decided what the spending level will be last year, and we put into place caps, hard caps, with a hard freeze through the leadership of many people on our budget committees that we have convinced the financial markets are meaningful, and they are.

To now come in with a motion to instruct that in essence says no, we did not mean what we passed in the budget, we want to do something different, is really trying to pass another budget. For the life of me, I cannot understand why we would want to make this what is allegedly called a small change.

The problem with it is once again it is in the general. It is not in the specific. There is not a one of us that would answer the question, do you think we ought to cut spending, who would not say yes, in general. But then when it comes to the specific, whether it is defense, whether it is highway program, or whether it is some other part of the budget, that is when it gets tough. That is when getting the consensus together gets much more difficult.

If we were not prepared in the budget to say where it would be, how are we prepared to say where it will be?

Finally, all of us know that if we are going to make significant reductions in the budget, it is going to have to come in the area of entitlement growth. I think all of us belief that we have stringent caps in discretionary spending. Our problem in the future in getting this deficit down is in entitlement growth.

So if we really want to do this, we have got to do it in the area of entitlement growth. That takes you to health care and Social Security. Health care is going to be before us, hopefully later this year, and hopefully we will do something significant in that area. I hope we can. The Social Security Commission came forward the other day and said they are going to have problems beginning in 2026. Maybe it is time to have problems beginning in 2026. Maybe it is time to have another Social Security Commission to look at where that problem is going and what needs to be done there. That is valuable suggestion. That is something that we ought to do.

We also have a proposal for entitlement review, and that may be a way to put further pressure on that. I am for that.

But to come in today and to say let us add another x number of billions, that may cut defense, may not cut defense; may cut domestic, may not cut domestic, really does not make any sense.

I urge Members to vote against this motion. Let us go to conference. We have got our figure; the Senate has their figure. We are going to come in with a figure that probably is somewhere in between. We will live with that in discretionary spending. Let us get on with the process. Let us not vote for this motion. Let us get this budget done for this year, and move on and tackle the tough large problems that are out in front of us for the future.

Mr. KASICH. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, well, it is amazing, it is deja vu all over again. I wish the distinguished majority leader had been here when I opened. Because what I said is there is always a lot of good reasons to do nothing. Shouldn't cut now; well, you are not specific enough; well, you are too specific.

I have two very interesting letters here. One is from the President of the United States, who wrote to me this week saying that we should not enact the Kasich-Penny motion because it is too general.

Then I have in my hand a letter from November 19, 1993, from the same President of the United States, who writes to the Speaker opposing the Penny-Kasich motion. You know why? Because it was too specific.

Now, which is it? Are we going to object to spending cuts because they are specific, or are we going to object to them because they are not specific? Or are we going to object to any spending cuts for any reason that serves us the day we are going to vote to cut?

Now, when we passed the tax increase last year in this House, as opposed to the cut spending first plan that the Republicans offered on a bipartisan basis, Democrat leadership came to the floor and said, "This will not be the last time that we will cut spending. We will be back to do more. But this is all we can do at this point in time."

Yet every time we have come to the floor, the result has been, "Can't do it." "It is too general." "It is too specific." "We have to wait for health care." There is always a reason why we cannot do it.

I myself have great respect for the people on the Democrat side. In fact, this coalition includes Democrats. Why are we here? We are here because, first of all, we are not happy with the fact that in the out years, ladies and gentlemen, the deficits continue to go back up. And they continue to go back up under a scenario that implies strong economic growth. And I will tell you that everybody who watches the financial markets today, we are all nervous. You wake up every day and you try to figure out whether the market is going up, or whether the market is going down, and what is the bond market doing, and what is the Fed going to do, and what is happening with interest rates. And it all gets down to economic growth in this country.

Well, I want to tell you that the President said a couple weeks ago that whenever he puts a plan forward, the Republicans always say, and you might remember, no, no, no, no, no, no, no, no.

□ 1640

Every time we bring a bipartisan effort to this floor to cut spending, be it specific or general, the seven times that we have brought significant spending cuts to this floor, the response from the President and the response from the majority in this Chamber has been no, no, no, no, no, no, no.

What I would suggest is, today, let us break the pattern. Let us break the pattern and let us come to the floor and let us just say yes one time for one spending cut on a bipartisan basis so that we do not continue to risk the financial security of this Nation by refusing to break the gridlock created by this Washington establishment.

I would urge my colleagues on both sides of the aisle, this is not going to solve the budget deficit, but do they know what it does, it creates momentum, momentum for change in this city. I urge Members to vote yes on the Kasich-Penny-Stenholm motion to reduce Federal spending for this country.

Ms. PELOSI. Madam Speaker, I rise in strong opposition to the motion to instruct conferees on the budget resolution for fiscal year 1995. The one-third of the Federal budget that is subject to annual appropriations is not the problem.

For the first time since 1969, the House-passed budget resolution would result in spending less money in 1995 than in 1994—without even an adjustment for inflation. Thus, it should be absolutely clear that discretionary spending programs are not the cause of projected Federal deficits. Further reductions in these programs will place many programs of high priority to the American people at great risk.

What is at risk? $700 million for Head Start is at risk. $517 million for the National Insti-

tutes of Health is at risk. $619 million to respond to the backlog of Social Security disability claims is at risk. $93 million for the Ryan White AIDS Program is at risk. The health and well-being of the American people is at risk.

I urge my colleagues to leave the appropriations caps alone. Vote no on the motion to instruct.

Mr. FAWELL. Madam Speaker, I rise in strong support of the Kasich-Penny-Stenholm motion to instruct House budget conferees to accept the additional $26.1 billion in spending reductions initiated by Senators EXON and GRASSLEY. When I came to Congress 9 years ago, the national debt stood at $1.4 trillion, and the deficit stood at $185 billion. Despite all the much heralded deficit reduction proposals such as Gramm-Rudman-Hollings, the 1990 budget agreement, and most recently the 1993 Clinton tax bill, the national debt is currently $4.3 trillion, and even if all the promised spending cuts occur and projected tax revenues appear—which we know will not happen—we will still add $1.7 trillion to the national debt over the next 5 years. During House consideration of the budget resolution earlier this year, Congressman JERRY SOLOMON, FRED UPTON, and I offered a substitute amendment which would have balanced the budget over 5 years. The Solomon-Fawell-Upton proposal would have cut an additional $47 billion in fiscal year 1995 alone. Regrettably, the House defeated our substitute and the substitute offered by Congressman KASICH, opting instead for a largely status quo budget without any additional deficit reduction.

As the General Accounting Office reported in 1992, the current budget imbalance is unsustainable in the long term. The report states, "the key question facing policymakers is not whether to undertake major deficit reduction, but when and how". The report further stated that, "regardless of the approach that is chosen, prompt and meaningful action is essential. In the end, action is unavoidable. The longer it is delayed, the more painful, it will be."

While this report was issued prior to passage of the Clinton tax bill, its message is no less appropriate today. Those who would tell you that we are on the right path and that further deficit reduction should be delayed are dead wrong. While the deficit will decline over the next 2 years, it resumes an upward path beginning in 1997. Furthermore, even if all the proposed spending cuts occur, Federal outlays will increase by $334 billion over the next 5 years. Do not count on health care reform to produce additional deficit reduction. The Joint Economic Committee reports that the Clinton health care reform proposal could cost as much as $918 billion over 5 years, and the Congressional Budget Office confirms that the Clinton proposal will add to the deficit, not subtract from it.

Madam Speaker, the Congressional Budget Office predicts that gross interest payments on the Federal debt will approach $300 billion this year, a figure larger than all Federal outlays 20 years ago. As interest payments continue to crowd out Federal programs, it will only force more programmatic cuts to balance the budget. We must not continue to delay meaningful action on the deficit. We owe it to our grandchildren, who will have to pay for our largess, to take this further step toward fiscal sanity. I urge all members to support the Kasich-Penny-Stenholm motion.

Mr. PACKARD. Madam Speaker, today, this House faces yet another integrity test. This test involves matching our rhetoric to our actions. When it comes to cutting spending in the Federal budget, principle is routinely sacrificed to parcohial interests and pork projects. I fear once again, that the soundbites will again outweigh substance by as much as two-to-one. The odds on favorite in this budget battle is the status quo.

My colleague Mr. KASICH is seeking to actually make real spending cuts. His motion to instruct budget conferees to accept the $26 billion in additional cuts included in the Senate version would be a first step in scaling back escalating Federal spending. The usual suspects have lined up against Mr. KASICH, Mr. STENHOLM and Mr. PENNY. The administration has engaged in what they called a full court press to defeat the motion. The Democratic leadership has been lobbying Members frantically and galvanizing forces outside Congress to kill the motion. Special interests who are supposedly threatened by deeper budget cuts will no doubt cry foul.

We saw the same opponents of fiscal sanity when we debated the Penny/Kasich proposal which would have resulted in one penny saved out of every Federal dollar spent over 5 years. Of course, the big spenders in Congress, backed by the administration, lined up a chorus of cries about the pain that would be inflicted on their favorite Government programs if Penny/Kasich passed. Of course the motion failed.

We heard the same hysterical language about jeopardized national security and threats to everything from crime-fighting, education, and long-term economic growth if we passed a balanced budget amendment to the Constitution. It is absolute anathema to the big spenders in Congress that their ability to spend other people's money exactly as they choose would be restricted.

Spending cuts to the Federal budget have been the belle of the ball lately, the most popular idea for Members to trot out in front of constituents. But time after time, Congress only flirts with the possibility, refusing to take a turn on the dancefloor of fiscal sanity.

I urge my colleagues to support the Kasich motion to instruct conferees.

Mr. MINGE. Madam Speaker, I will support the Penny-Kasich motion because I believe that we must continue to pursue options to reduce Federal spending and bring our Federal deficit under reasonable control.

However, spending cuts must be part of a balanced approach. We need to look at all sides of deficit reduction, including the income side, or more accurately, the nonincome side.

It would not be popular, and it may even be quite painful for many of my colleagues, but we must be even-handed in our deliberations on deficit reduction. It is not enough to recommend an arbitrary $26 billion in cuts in discretionary programs—many of which have already felt the budget ax—while ignoring entitlement programs and the myriad provisions of the tax code through which the Federal Government makes tax expenditures by foregoing tax revenues. To eliminate the deficit, we need a military base closing commission approach. Everything should be on the table. Nothing is so sacred it cannot be considered. We even need to ask if tax free bonds are the fairest, most efficient way for the Federal Government to provide assistance to municipalities, localities and States.

I believe that any meaningful examination of Federal revenues and expenditures must include close, unbiased analysis of the various means whereby we spend through the creation and continuation of programs and the authorization and appropriation of funds.

Mr. ROTH. Madam Speaker, the Kasich/Penny/Stenholm motion to instruct conferees on the Budget Resolution is a golden opportunity to show the Nation that we're serious about reducing the deficit. By passing this motion, we will cut $26.1 billion in discretionary spending. This would be a small but real dent in the 4 trillion dollar national debt, a bill so big that every man, woman and child in America owes $17,000.

The American people have sent a loud, clear signal for reduced government spending and an end to huge budget deficits. The people of my district are particularly concerned by the waste, fraud and abuse in government today. I send a questionnaire every year to survey my constituents' opinions on the important issues of the day. This year, the vast majority of people have indicated that wasteful and excessive government spending is their single greatest concern. How many more times must the American people call for cutting government before the big spenders in Congress get the message?

By supporting the Kasich-Penny motion to instruct, we will cut $26 billion directly from the deficit. This vote represents a clear opportunity to start bringing our financial house in order.

Let's not miss this opportunity. A short time ago, the House defeated the largest and most comprehensive deficit-cutting proposal ever considered in the House of Representatives. I joined a number of my colleagues in drafting this budget plan, which contained over 500 specific cuts and slashed over $600 billion in Federal spending. Our proposal would have balanced the budget in 5 years without reducing Social Security, cutting earned veteran's benefits, gutting defense or raising taxes. Yet the House of Representatives voted it down.

More recently, Congress had another opportunity to reduce government spending with the balanced budget amendment. As in the past, I supported it, but a majority of Congress did not. And another chance at putting our country's finances in order was lost.

We can't afford to continue down this path. The vote today to cut $26 billion is the last chance for Congress to cut the deficit this year. Any further cuts Congress makes in the fiscal year 1995 budget can be used on other spending programs and not to reduce our deficit.

Remember, our national debt is getting bigger by the hour. By this time tomorrow, it will be nearly a billion dollars more than it is right now. Government spending is completely out of control. Congress simply can't continue to spend beyond its means.

The American people will no longer tolerate representatives that ignore their calls for re-

duced government spending. Today's vote to slash $26 billion from the budget should be the first step towards Congress' return to fiscal sanity.

I call upon my colleagues to act responsibly. By passing this motion and pulling the reins on reckless deficit spending, we will help guarantee a brighter future for us and our children for generations to come. Join me in supporting the Kasich/Penny/Stenholm motion to instruct conferees. Let's take advantage of this great opportunity to take control of government spending.

The SPEAKER pro tempore (Ms. SHEPHERD). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Ohio [Mr. KASICH].

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

Mr. KASICH. Madam 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 202, nays 216, not voting 15, as follows:

[Roll No. 112]

YEAS—202

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bliley
Blute
Boehner
Bonilla
Brewster
Browder
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Cox
Crane
Crapo
Cunningham
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dooley
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fowler
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Gordon
Grams
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
LaRocco
Lazio
Leach
Lehman
Levy
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Mann
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Pallone
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tauzin
Taylor (NC)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

NAYS—216

Abercrombie
Ackerman
Andrews (ME)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bilirakis
Bishop
Boehlert
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Bryant
Byrne
Cardin
Carr
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Goss
Green
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
Laughlin
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Parker
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pickle
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (FL)

NOT VOTING—15

Barton
Blackwell
Doolittle
Fish
Franks (CT)
Gallo
Grandy
Kaptur
Lewis (CA)
Murphy
Quillen
Ridge
Roukema
Thomas (CA)
Washington

□ 1703

The Clerk announced the following pair:

On this vote:

Mr. Lewis of California for, with Mr. Washington against.

Mr. VALENTINE changed his vote from "yea" to "nay."

Messrs. POMEROY, YOUNG of Alaska, and BLILEY changed their vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. TUCKER). Without objection, the Chair appoints the following conferees: Messrs. SABO, GEPHARDT, KILDEE, BEILENSON, BERMAN, WISE, BRYANT, STENHOLM, and FRANK of Massachusetts, Ms. SLAUGHTER, Messrs. KASICH, MCMILLAN, KOLBE, and SHAYS, Ms. SNOWE, and Mr. HERGER.

There was no objection.

PERSONAL EXPLANATION

Mrs. ROUKEMA. Mr. Speaker, due to urgent family business, I was absent from the House on April 14, and was unable to cast the following votes. Had I been present, I would have voted as follows:

Rollcall 104, H.R. 4092, Brooks: en bloc amendments: "nay."

Rollcall 105, approving the Journal: "nay."

Rollcall 106, H.R. 4092, Watt: striking death penalty/drug kingpin: "nay."

Rollcall 107, H.R. 4092, Kopetski: death penalty/life imprisonment: "nay."

Rollcall 108, H.R. 4092, McCollum: drug kingpin death penalty procedures: "yea."

Rollcall 109, H.R. 4092, Gekas: death penalty/aggravating factors: "yea."

Rollcall 110, H.R. 4092, McCollum: rise and strike enacting clause: "yea."

Rollcall 111, H.R. 4092, Watt: death penalty/strike aggravating factors: "nay."

Rollcall 112, House Concurrent Resolution 218, instructing House budget resolution conferees: "yea."

GENERAL LEAVE

Mr. KASICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks, and include extraneous material, on the motion to instruct on House Concurrent Resolution 218.

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

There were no objection.

LEGISLATIVE PROGRAM

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

Mr. WALKER. Mr. Speaker, I have asked for this time for the purpose of ascertaining the schedule for next week, and I yield to the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader, for that purpose.

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

There will be no more votes today. On tomorrow, Friday, there will be no votes.

On Monday, April 18, the House will meet at 10:30 a.m. for morning hour, and then we will meet at noon on the following bills on suspension:

H.R. 4013, Veterans' Health Programs Improvements Act of 1994;

H.R. 1617, Use of VA Property At Hines, Illinois, For Temporary Accommodations For Family Members of Severely Ill Children;

H.R. 821, Reserve Armed Forces Eligibility For Burial In National Cemeteries;

H. Con. Res. 222, Raul Wallenberg Bust Placement In The Capitol;

S. 1654, To Make Certain Technical Corrections;

H.R. 3813, Environmental Export Promotion Act Of 1994;

H. Con. Res. 124, Concerning The Emancipation Of The Iranian Baha'i Community; and

H.R. 2333, Motion To Go To Conference On State Department And Related Agencies Authorization.

I would expect there would be two votes, one on the motion to go to conference, and perhaps one on one of the suspension bills. But our plan would be not to have more votes than that, and to roll other suspension votes if there are suspension votes until Tuesday.

The reason we need to go forward with the motion to go to conference vote is that the conference needs to meet on Tuesday morning. And votes will be postponed until 5 p.m. on Monday.

On Tuesday, April 19, the House will meet at 10:30 a.m. for the morning hour. We will meet at noon on Tuesday to continue H.R. 4092, the Omnibus Crime Control Act, hopefully completing consideration next week.

There will be another vote on suspension on Tuesday, House Resolution 329, designating 1994 as a year to honor the Honorable Thomas "Tip" O'Neill, Jr.

On Wednesday, April 20, and Thursday, April 21, we will meet at 2 p.m. on Wednesday and 11 a.m. on Thursday to complete the Omnibus Crime Control Act. We hope to finish that by Thursday at the end of business, and it could be late.

Then on Friday, April 22, we hope, therefore, to not have legislative business.

Mr. WALKER. I thank the gentleman. Do we expect to have the budget conference report come back next week?

Mr. GEPHARDT. I have to consult with the chairman, and obviously we are hopeful we can get it back.

Mr. WALKER. Just to reiterate, the gentleman does not expect more than two votes on Monday, or we would not have more than two votes on Monday, if I understand correctly, and they would not be before 5 p.m., is that correct?

Mr. GEPHARDT. The gentleman is correct.

Mr. WALKER. I thank the gentleman.

ADJOURNMENT TO MONDAY, APRIL 18, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10:30 a.m. on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 180. Joint resolution to provide for the appointment of an executive secretary for the United States Capitol Preservation Commission, and for other purposes.

LAW ENFORCEMENT CAUCUS

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

Mr. STUPAK. Mr. Speaker, yesterday 18 Members of the House joined with me to announce the formation of the Law Enforcement Caucus. The gentleman from Iowa [Mr. LIGHTFOOT] and I will cochair the caucus.

As we begin the debate on the crime bill, I believe much of the debate could have been avoided if we only had input from law enforcement officers. During the upcoming debate we will hear about victims' rights. We will hear about defendants' rights. But what about the men and women who are going to be asked to carry out these new policies. Where was their input before we got to the House floor?

We need to open dialog with law enforcement officers throughout the whole Nation. That will be the purpose of the Law Enforcement Caucus. From the county sheriff in northern Michigan to the beat cop in New York City, we urge you to have input into the Law Enforcement Caucus. We urge you to utilize the Law Enforcement Caucus.

To all of our Members, both Democrats and Republicans, we urge you to join the Law Enforcement Caucus.

I rise today to announce the formation of the Congressional Law Enforcement Caucus, a bipartisan organization of House membership who, in many cases, have a background in law enforcement and in all cases, have a keen interest in issues that affect the law enforcement community. Congressman LIGHTFOOT and myself will be serving as cochairs of the caucus.

The main reason for the formation of this caucus is to provide the law enforcement community with an avenue to participate in the political and legislative process. Upon arriving in Congress I was struck by the fact that seemingly every group, from the firefighters to the soybean growers, were well represented in Congress. But conspicuously absent was the law enforcement community.

Why? When during almost every session of Congress, the lives and jobs of Americans involved in law enforcement change as Congress legislates.

We believe it will be a benefit to Congress now and in the future to have a better dialog with the people that keep America's streets safe. This caucus will provide members of the House and the law enforcement community with just this opportunity.

We will serve as a clearinghouse for information and grants, a means for holding hearings, and a sounding board for ideas brought forth by the law enforcement community. We will seek to build consensus where possible understanding that views on issues affecting the community are many and varied. Most importantly, the caucus will act as a single point of contact for the law enforcement community when they have questions about things that take place in Congress.

My background in law enforcement goes back to the early 1970's. I was a State trooper in Michigan from 1973 until 1984. After retiring from the force, I became a trial attorney back in my home of Menominee, MI.

I look forward to working with my House colleagues as well as the law enforcement community. I am sure this will be a productive relationship.

Any Members wishing to join the Congressional Law Enforcement Caucus should not hesitate to contact my office.

EXPRESSING DISGUST AND OUTRAGE AT REVELATION OF CORRUPTION WITHIN DISTRICT OF COLUMBIA SUBSIDIZED HOUSING ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, this Member rises today as a member of the Housing Subcommittee of the House Banking Committee to express disgust and outrage at the revelation of widespread corruption within the District of Columbia's Subsidized Housing Administration. Five District of Columbia housing employees have been charged with mail fraud and accepting bribes. These officials were allegedly involved in corruption so widespread that nearly everyone benefiting from the District's Housing Subsidy Program, which includes the use of Federal section 8 funds, during the last four years did so by bribing city officials. Only 10 of 400 vouchers distributed in the recent past did not involve bribery.

According to a spokeman for the U.S. Attorney's office "the fact that public and assisted housing could only be attained through bribery was a well-known fact of life within certain segments of the community." The Department of Housing and Urban Development, which is charged with oversight and management of Federal housing funds distributed to the District, was apparently not within these certain segments. Indeed the housing agency of the District of Columbia has been considered to be a badly troubled housing authority.

That this corruption could be so rampant, and go on so long, without the Department of Housing and Urban Development's knowledge or action, is appalling and totally unacceptable. According to news accounts, at least one individual living in Chicago illegally received vouchers issued by the District of Columbia under this long running scam. Certainly, this situation confirms once again the fact that there is widespread, endemic corruption within the government of the District of Columbia. The Washington Post, in an editorial today, provides a litany of the abuses of the District government uncovered only in the last year. This Member attaches the whole editorial, but also, quotes the Post in part:

In the past year, District residents have seen Bureau of Traffic Adjudication workers arrested for taking bribes to fix parking tickets and remove automobile boots. They've seen employees arrested for stealing thousands of dollars in quarters from city parking meters. They've read about large-scale busts of current and former correctional officers for smuggling drugs to inmates, and about a halfway house scandal that bolsters the idea that the inmates are running the jails. Residents have even seen a dozen police officers arrested on conspiracy and drug charges. But with this week's unfolding bribery scandal residents may just about have seen it all.

This Member is astounded that a jurisdiction with this record of criminal behavior by its government could even be considered for statehood. Such a notion boggles the mind. Even beyond that, however, the fact that this fraud extended beyond the District and halfway across the Nation is indicative of the inability of HUD to adequately oversee the use of Federal funds it distributes.

For years, the HUD inspector general has recognized that the Department of Public and Assisted Housing in the District is troubled. During that time, HUD has taken over the housing authorities in Philadelphia, PA; East St. Louis, IL; Chester, PA; Passaic, NJ; Bridgeport, CT; New Orleans, LA; and Kansas City, MO. It certainly is time, if not beyond the time, for HUD to consider taking over the District's housing program by appointing a grand master to run it or some other approach.

Corruption of this kind hurts not just the American taxpayer, it's first and foremost victims are those people in the District of Columbia who have gone day after day, night after night without safe, decent housing, because they play by the rules. It is an obvious failure of the government of the District of Columbia that its residents have been betrayed by their local government. Let's not have the Federal Government betray them as well.

HUD should immediately take action to assure that corruption is rooted out, here in the District, and anywhere else that law abiding citizens are being victimized by those who illegally would use Federal programs for personal profit. As the attached Washington Post editorial says of HUD's programs "we need honest people to administer them."

Honest administrators—that is a simple first step that must be taken immediately. Not only do taxpayers deserve to have their tax dollars spent wisely and honestly, but those who truly need these housing programs deserve to be served by honest administrators who are not tainted by bribery or corruption. It's not too much to ask—even of the D.C. government.

[From the Washington Post, Apr. 14, 1994]

GOVERNMENT THAT BETRAYS

You may recall a March 3 news story in The Post about a woman trudging through the freezing rain with two toddlers, one strapped to his mother's chest. They and other homeless families had been put out of the city's overnight shelter and were looking for a meal, some dry clothes and a place to stay until nightfall. The story suggested that it wouldn't have mattered if their names had been placed on the city's clogged waiting list for affordable housing, since the city maintained that nothing was available. Please bear that account in mind as you digest yesterday's story about top-level corruption in the city's Subsidized Housing Administration and the disgusting way in which families like hers have been wronged.

While thousands of legitimately eligible poor families have been playing by the rules and languishing for months or years at a time on a near-stationary waiting list for government-subsidized rent vouchers, hundreds of ineligible families have been bypassing the line by allegedly paying bribes demanded by officials in the Department of Public and Assisted Housing. According to U.S. Attorney Eric Holder, just about everyone who has benefited from the federally supported "Section 8" voucher and "Mod Rehab" programs during the past four years has done so by greasing the palms of city officials on the take. Only about 10 of 400 new rent vouchers went to families that didn't pay bribes. The rip-off was such a "good thing" that out-of-town bribers even got in on the action. No less than the agency head is among those charged, a career employee in place before the Kelly administration assumed office, who was reassigned, along with the others charged, when senior officials got suspicious and took steps leading to the investigation. She is accused of sending a rent subsidy voucher to her sister in Chicago. The investigation disclosed an abuse of office and corruption on a shocking scale and level of complicity.

Mayor Kelly said the case shows the city means business about cleaning house. To bring real meaning to the term, however, the city can start by rooting out all corrupt DPAH workers and the families that weren't qualified but wormed their way into the Section 8 program by paying off city workers. But ending corruption can't stop with housing programs.

In the past year, District residents have seen Bureau of Traffic Adjudication workers arrested for taking bribes to fix parking tickets and remove automobile boots. They've seen employees arrested for stealing thousands of dollars in quarters from city parking meters. They've read about large-scale busts of current and former correctional officers for smuggling drugs to inmates, and about a halfway house scandal that bolsters the idea that the inmates are running the jails. Residents have even seen a dozen police officers arrested on conspiracy and drug charges. But with this week's unfolding bribery scandal, residents may just about have seen it all.

In explaining why that woman with two tiny kids had to wander in the freezing rain until the shelters opened again at 7 p.m., an official of the city's Office of Emergency Shelter and Support Services spoke of the lack of affordable housing and complained to The Post: "We need Section 8 subsidies from HUD." We need more than that: We need honest people to administer them.

SIGNING OF URUGUAY ROUND TRADE AGREEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, tomorrow in Marrakesh, Morocco, the United States and 124 other nations will sign the Uruguay round trade agreements. This historic trade pact was concluded last December after 7 long years of multilateral negotiations under the GATT. I congratulate President Clinton and the administration for their efforts in successfully concluding the Uruguay round.

Our trade negotiators were generally able to achieve U.S. objectives at the bargaining table. These include improved market access for U.S. industrial and agricultural exports; new rules for areas such as services and intellectual property rights; and an improved process for resolving trade disputes.

The economic impact from the Uruguay round will be highly beneficial for the U.S. economy, including a significant increase in U.S. income, exports, and employment.

Mr. Speaker, the Uruguay round has been a bipartisan effort from the outset. I look forward to working with the administration and my colleagues on both sides of the aisle in passing this year, legislation to implement the trade agreements to be signed in Marrakesh tomorrow.

THE FDA IS HARMFUL TO THE HEALTH AND POCKETBOOKS OF OUR PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, almost no agency is more harmful to the health and pocketbooks of our people than the Food and Drug Administration.

Already the FDA has driven the cost of medicine out of sight by making it unbelievably expensive and bureaucratic to get a drug approved.

Now the Wall Street Journal, on its front page 2 days ago, reported on a 9-year battle the FDA has had with a small company in Illinois:

Let me read a portion of this story:

It is as simple as a medical device can get: two sealed plastic sheets with lubricant in between. It is laid over a woman's breast like a clot during an examination, to reduce friction.

Glenda Richardson thinks it probably spared her death from breast cancer. John Withers, a surgeon at the Maui Clinic in Hawaii, says it is one of the most effective weapons against breast cancer in years. And Patricia Redmond, a New York radiologist, says it "can absolutely save lives."

But don't try buying it in the U.S. Though many doctors and cancer specialists hail the Sensor Pad as a useful tool in detecting the disease that many women fear most, and though it years ago sailed through approval processes in countries in Europe and Asia, the Food and Drug Administration won't let Inventive Products Inc. sell it in this country.

Grant Wright, the president of Inventive Products, and his father, Earl, the pad's co-inventor, have been fighting for nine years to get clearance for the product. What began as an FDA request for more information has degenerated into a long, debilitating struggle and allegations that the Wrights violated federal law. So frustrated did the Wrights become about the bureaucratic maze that six years ago they started selling the pad to U.S. hospitals without FDA clearance. That triggered a court battle that they lost in 1992. Now they are back to trying to win FDA blessing for the pad.

Stifling innovation?

But if the dispute is not resolved soon, Grant Wright says, he will close his Decatur, Ill., company, which costs about $4,000 a month to operate and has already burned through $356,000 in legal fees. 'I'm 33, with a wife and three kids,' he says 'I've got to do something with my life.'

Mr. Wrights's struggle, in the eyes of some, is more than just the tale of a small-town entrepreneur's tangle with far-away bureaucrats; it is more, too, than a study of how the medical-devices industry in the U.S. copes with the world's most stringent regulatory system. To some advocates of his simple device, it is a manifestation of the way the nation's litigation-driven aversion to risk can stifle innovation in the medical marketplace. 'We as a society refuse to take risks and want 100% guarantees that our lives are going to be perfect,' says Mary Palmore, a Chicago gynecologist."

Breast cancer killed an estimated 46,000 women in the United States last year and was the second-biggest cancer killer of women.

This is a device that has saved the lives of women all over the world because early detection is essential.

This product was approved after 30 days in Canada. It has been approved easily in Japan, Singapore, Korea, Thailand, and most of Western Europe.

The only place where the company has had trouble is in the United States.

Why? because Washington bureaucrats are so arrogant that they think they can run our lives better than we can ourselves.

They think they can spend our money for us better than we can ourselves.

They justify everything in the holy name of safety.

I have no objection to some testing for safety. But you can go overboard on anything.

But there is no such thing as a perfectly 100 percent safe drug or anything else.

I have had a bleeding ulcer three times. For me aspirin is an unsafe drug. But for most people it is a good thing and I am glad it is on the market?

How in the world can they justify taking 9 years for something that took 30 days in Canada?

All it really is, is a power play on the part of the FDA. A bureaucratic temper tantrum. They want to show who is boss.

Apparently this small company in Illinois did not bow down to them far enough. It did not show the proper respect.

The company sold the product for awhile on the legal theory that it was not strictly a medical device and thus was outside the FDA's jurisdiction.

In 15 months' time, they sold 250,000 pads to 200 hospitals.

Do people want to buy this product? You bet they do.

But because of the FDA, they are not going to be allowed to buy something that could potentially save their lives.

Another sad thing, in addition to lives that will not be saved, is that if this product had been produced by some extremely big business, it probably would have been easily approved years ago.

I have said many times that big government really helps only the bureaucrats who work for it and extremely big businesses.

Only big business can comply with all the rules and red tape and get the favorable rulings from the bureaucrats and the tax breaks, government contracts, and so forth.

Small businesses simply cannot sit on a product for years or come up with the often times many millions that it takes to gain bureaucratic approval.

The American Medical Association has estimated that it now takes almost $300 million and several years to get a drug to market.

Only one out of every 4,000 drugs gains final approval.

No wonder the drug industry has become concentrated in the hands of a few giants.

Almost no small companies could afford to go through this bureaucratic maze.

If somebody comes up with a cure for cancer, we probably won't hear about it for years because the FDA will bog it down.

And if somebody does discover a cure, they will be forced to sell out to one of the pharmaceutical giants, unless they have many millions to play the FDA game.

All of this is really driving up the cost of medicine in this country and is really hurting the poor and working people of this Nation.

I call on the FDA to get off its bureaucratic duff and approve this product that hospitals, doctors, and patients all over this country want to use.

To not do so would be one of the worst abuses of power that has ever occurred in the city.

This is supposed to be a free country. This is supposed to be a Government of, by, and for the people—not of, by, and for the bureaucrats.

I ask to include the story about this bureaucratic horror story in today's RECORD.

HOW A DEVICE TO AID IN BREAST SELF-EXAMS IS KEPT OFF THE MARKET

(By Brent Bowers)

It is about as simple as a medical device can get: two sealed plastic sheets with lubricant in between. It is laid over a woman's breast like a cloth during an examination, to reduce friction.

Glenda Richardson thinks it probably spared her death from breast cancer. John Withers, a surgeon at the Maui Clinic in Hawaii, says it is one of the most effective weapons against breast cancer in years. And Patricia Redmond, a New York radiologist, says it "can absolutely save lives."

But don't try buying it in the U.S. Though many doctors and cancer specialists hail the Sensor Pad as a useful tool in detecting the disease that many women fear most, and though it years ago sailed through approval processes in countries in Europe and Asia,

the Food and Drug Administration won't let Inventive Products Inc. sell it in this country.

Grant Wright, the president of Inventive Products, and his father, Earl, the pad's co-inventor, have been fighting for nine years to get clearance for the product. What began as an FDA request for more information has degenerated into a long, debilitating struggle and allegations that the Wrights violated federal law. So frustrated did the Wrights become about the bureaucratic maze that six years ago they started selling the pad to U.S. hospitals without FDA clearance. That triggered a court battle that they lost in 1992. Now they are back to trying to win FDA blessing for the pad.

STIFLING INNOVATION?

But if the dispute isn't resolved soon, Grant Wright says, he will close his Decatur, Ill., company, which costs about $4,000 a month to operate and has already burned through $356,000 in legal fees. "I'm 33, with a wife and three kids," he says. "I've got to do something with my life."

Mr. Wright's struggle, in the eyes of some, is more than just the tale of a small-town entrepreneur's tangle with faraway bureaucrats; it is more, too, than a study of how the medical-devices industry in the U.S. copes with the world's most stringent regulatory system. To some advocates of his simple device, it is a manifestation of the way the nation's litigation-driven aversion to risk can stifle innovation in the medical marketplace. "We as a society refuse to take risks and want 100% guarantees that our lives are going to be perfect," says Mary Palmore, a Chicago gynecologist.

Dr. Palmore acknowledges that the FDA has a legal duty to ensure that the pad isn't falsely promoted as a diagnostic tool, but suggests that the agency itself may be caught up in what she sees as a national obsession with safety. "The FDA is concerned that in our litigious society, a woman will say: 'I used it, and I got cancer anyway,'" Dr. Palmore says.

The agency says that safety, not litigation, is its main concern. And it strongly defends its refusal to authorize the Sensor Pad. "Their intention is very worthy," Susan Alpert, director of the FDA's Office of Device Evaluation, says of the Wrights. "But the issue for the agency is of ensuring that we don't allow to market any device that poses significant risk without an attendant benefit."

Indeed, many consumer advocates and health-care specialists applaud the FDA's rigor in screening devices, and some complain that it doesn't act forcefully enough. The FDA, meanwhile, faces a huge backlog of applications for new medical devices, which has stretched the average review time to 196 days. The agency says it is working hard to whittle the backlog of more than 5,000 applications.

Breast cancer took an estimated 46,000 lives in the U.S. last year and was the second-biggest cancer killer of women. Early detection is essential in defeating it, and frequent self-examination is essential to that effort. But many women don't find this easy, and that is where the pad comes in. Its lower sheet clings to the skin while the top sheet "floats" on a thin layer of liquid silicon, eliminating friction so a finger can explore the contours of an object as small as a grain of salt.

"The thing that amazes me," says the younger Mr. Wright, "is that the research spending [on breast cancer] keeps going up and I can't get this simple $7 product into the hands of women who want it."

His father, Earl, once thought the Sensor Pad would be a big success. Mr. Wright, 63, is an established inventor whose products range from a blood-serum filter used in laboratories to nonaerosol foaming pumps used by hospital surgeons. Mr. Wright in 1986 set up Inventive Products as a subsidiary of his Earl Wright Co. solely to make and market the Sensor Pad. He put his son in charge.

Gaining approval to sell it in other countries wasn't a problem. Inventive Products applied for marketing authorization in Canada in 1985 and got it within 30 days, Grant Wright says. He also says the pad has been approved in Japan, Singapore, Korea, Thailand and most West European countries, although Inventive Products hasn't actively promoted it abroad. "We've had no problems anywhere in the world," he says.

Except at home. When the Wrights sought FDA clearance for the device in 1985, the agency's initial response was positive. Still, the government wanted more information. "Every time we submitted information, they asked for more," the son recalls. After several months, the agency denied approval for the pad—but indicated its concerns might be met by extensive labeling changes.

The FDA wanted the labeling to state that the Sensor Pad could be sold by prescription only. And it wanted all references to breast cancer deleted. The label was to include the chemical composition of the device. It also was to describe the 10-inch-diameter pad's "susceptibility to heat, sunlight, soap, Formalin, alcohol and other mechanical agents."

Mr. Wright says he immediately set about complying with the requests. But about three months later, he says, the FDA inexplicably notified him that it wouldn't reconsider approving the product. Instead, he was told, Inventive Products would have to go through a laborious "premarket approval" process for new medical devices.

This process is meant to keep new, mostly high-technology instruments off the market until they can be adequately tested for safety. Few people would disagree that the FDA should get convincing evidence that invasive devices are safe. More than 200 people died in the 1980s when their Bjork-Shiley heart valves fractured, for instance. But Mr. Wright argues that the Sensor Pad poses no direct risk to users.

The FDA responds that the indirect risk—that a cancerous lump would go undetected—is potentially lethal.

The agency's Dr. Alpert says the fact that a device is simple doesn't necessarily mean it is benign; everything depends on its "intended use." She dismisses endorsements from doctors and patients—which, she says, many device makers trot out—as anecdotal evidence that is insufficient to make a scientific case. "Reporting doesn't do it—data does," she says.

In 1992, only 12 medical devices were given FDA premarket approval, including heart pacemakers, lenses that are implanted into the eye after cataract surgery and devices for smashing kidney stones. Of the simple, noninvasive pad, "I've never seen a product like this held off the market," says John Isaacs, a gynecologist in Evanston, Ill., who is the author of a textbook on breast disease.

But the FDA says the Sensor Pad needs to be scrutinized because it isn't "substantially equivalent" to a product already on the market, a legal requirement for quick approval of simple devices. The Wrights argue that the pad is substantially equivalent to soap and water, a mixture the medical community has long recommended to reduce friction in breast self-examination.

To obtain premarket approval, the FDA said, Inventive Products would have to conduct exhaustive clinical tests on women, comparing the number of breast-cancer cases detected through self-examination with and without the Sensor Pad. Such tests, Mr. Wright says, would require a huge sample—a minimum of 82,000 women—to produce statistically meaningful results. An FDA spokeswoman disputes that figure. "We want to be as reasonable as we can," she says. "The number will be much less than that."

Mr. Wright says he has already done two trials with simulated breast models, which he claims yield more accurate results. In the first, women examined the artificial breasts for lumps using both the pad and their bare hands. In the second, they used both those methods and also a third method—soap and water on their hands. The tests showed that the pad enhanced sensitivity and resulted in increased lump detection, Mr. Wright says.

The FDA rejected his trials as insufficient. The prospect of starting over with the lengthy, expensive tests the FDA demanded pushed the Wrights to change their course. Because they never considered the pad to be a medical device as defined by federal law, they decided in 1988 to market the product directly to hospitals. The Wrights say they—and their attorney—figured the FDA either would recognize its lack of jurisdiction or take Inventive Products to court and force the issue.

Over 15 months, the Wrights sold 250,000 pads to some 200 hospitals. But in April 1989, federal agents raided the company's Decatur plant and a number of hospitals and confiscated the pads.

The action came one day after Earl Wright was named a finalist in the Intellectual Property Owners Foundation's inventor-of-the-year contest for his "touch-enhancing device."

Grant Wright challenged the FDA's claim to jurisdiction over the pad. But in 1990, a U.S. district court in Danville, Ill., ruled for the FDA. Mr. Wright appealed, and two years later an appellate court in Chicago upheld the ruling. At that point, Inventive Products told the FDA it had ceased marketing the pad.

But Mr. Wright didn't give up. In March 1992, he filed an ethics complaint with the FDA's integrity office against some agency officials after learning that they had met with a minority shareholder of the company without his knowledge. After he filed the complaint, he says, the FDA turned hostile. At a meeting in Washington in August 1992 to discuss requirements for premarket approval, he says, an FDA lawyer—flanked by 10 other agency officials and a Justice Department lawyer—"told us we'd never get our product to market."

An agency spokeswoman says it is doubtful such a remark was made. "We have gone out of our way to show the Wrights how to get their product marketed. Such a comment doesn't make sense," she says.

Mr. Wright promptly fired off letters of complaint about the meeting to the FDA and to Rep. John Dingell of Michigan, who is known for flailing the FDA for its missteps. More letters flew back and forth. An FDA integrity officer wrote that the FDA was acting in good faith. Mr. Wright responded by demanding an investigation of the FDA lawyer who attended the August meeting. A couple of days later, his Washington lawyer sent a seven-page letter to a Dingell staffer, accusing the FDA of "hounding" Inventive Products.

Four months later, the Wrights received notice from an FDA compliance officer that

the agency was investigating them for possible violations of federal law for selling the pad in 1990-91. Mr. Grant says he has received no word about the investigation since an FDA administrative hearing in Chicago last June. But, he says, he has gotten the message: "If you squawk, they will slap you around." The FDA denies taking any retaliatory actions.

Meanwhile, members of the medical community continue to support the Sensor Pad. Dr. Withers, the surgeon at Maui Clinic, says the pad has twice enabled him to feel otherwise undetectable lumps. He scoffs at the idea that using it might give women a false sense of security, one of the FDA's main concerns. "There is no question that the Sensor Pad increases my tactile ability," he says. "It makes it 100% easier."

Gale Katterhagen, medical director of the cancer center at St. Joseph Medical Center in Burbank, Calif., says tests he conducted for Inventive Products several years ago indicated that women who used the pad were 22% more likely to perform monthly breast exams. "This device is harmless," Dr. Katterhagen says.

Women who use the pad swear by it. Ms. Richardson, a 43-year-old Decatur resident, doubts that she would have found two small lumps without the pad. She had a double mastectomy. "It probably saved my life," she says, adding that she gave one to her 19-year-old daughter.

Mary Gorman, a 55-year-old writer in Washington, is certain the pad saved her breast. "I found my cancer before it was detectable on a mammogram," she says. Her surgeon, Katherine Alley, says the device may have saved Ms. Gorman's life. Considering the lethality of breast cancer, Dr. Alley says, "it is just ridiculous" to keep the pad off the market.

Potential demand appears to be huge. When a Pittsburgh hospital offered on local TV in 1990 to send out free samples, it was flooded with 36,000 calls and letters.

For all that, the FDA's Dr. Alpert believes that Inventive Products is largely responsible for the delays it has encountered. "There are lots of different kinds of trials they could do to show this is effective." she says. "It doesn't have to be years and years."

The elder Mr. Wright has managed to commercialize the Sensor Pad's antifriction technology for a much smaller market. He has built the Slipp, a nylon and plastic sheet used in hospitals to transfer patients from a gurney to a bed. About 500 have been sold.

But his son spends much of his time in his nearly empty headquarters explaining to doctors why he can't send them samples of the Sensor Pad. Last year, he laid off his own brother, reducing his work force to himself and his secretary from a peak of 28 six years ago. "We're at the point of surrender," he says.

□ 1720

FAMILY AND MEDICAL LEAVE ACT

The SPEAKER pro tempore (Mr. TUCKER). Under a previous order of the House, the gentleman from Michigan [Mr. FORD] is recognized for 5 minutes.

Mr. FORD of Michigan. Mr. Speaker, little over a year ago, this Congress passed H.R. 1, the Family and Medical Leave Act. President Clinton quickly signed this measure into law. Its enactment was the culmination of a decade-long struggle which was successful only when a Democrat was elected to the White House.

Throughout the debate on the bill, opponents claimed that the measure would impose a costly new mandate on businesses. We argued that the requirement of a modest period of unpaid family leave would only be used by employees who had a pressing need to care for themselves or family members. On March 20, The New York Times carried an article that surveyed many in the human resources field and concluded that the supporters of the act were right and that the opponents were not.

WE'RE DOING JUST FINE, THANK YOU

(By Barbara Presley Noble)

Despite the worst expectations of companies large and, especially, small, the Family and Medical Leave Act, which entitles employees to up to 12 weeks of unpaid leave a year for family medical emergencies, appears to have had little negative impact since it went into effect last August. If anything, according to a recent survey by William M. Mercer Inc., the benefits consultant, and the University of California, Berkeley, small businesses have felt the law's impact less than large companies.

"In large employers, there are so many levels of bureaucracy and different policies," said Janice Stanger, an associate at Mercer who worked on the study with researchers at the Work and Family Task Force of the university's Institute of Industrial Relations. "Small business is more flexible, more used to working around people's idiosyncrasies and changes in schedule. There has not been a disproportionate impact." The survey included questions on the impact of California's family and medical leave law, a measure similar to the Federal mandate that has been on the books since the beginning of 1992.

There has been little impact in part because few employees have taken advantage of the new leave entitlement. Two-thirds of employers covered by the earlier California leave law reported that less than 1 percent of their employees have taken a leave; just 1.5 percent of the employers said that more than 3 percent of their people have used the leave option. Employees at small businesses are the least likely to take advantage of the law.

Another business fear—an F.M.L.A.-related escalation in administrative costs—has also failed to materialize since the California law went into effect. More than 90 percent of employers said they had experienced either insignificant or minor costs.

The 4 percent who incurred major costs were businesses with 10,000 or more employees, a finding that probably reflects the paradox of largeness: big companies have the infrastructure in place to cope with government's whimsical excursions into regulation, but as regs beget regs, inevitably they collide. At one large company Ms. Stanger works with, the new leave law conflicts with its many pre-existing leave policies.

Compliance efforts by large companies have been made more difficult by cutbacks, which have hit human resources departments especially hard. "Large employers are very leanly staffed," Ms. Stanger said. "They are trying to do more with less. It is difficult to cope with the mandate because they don't have the staff."

A significant minority of companies are hanging tough, taking no compliance action until, presumably, tested by an employee in search of a leave. About a quarter of companies responding had not developed a leave policy, one step beyond the legal requirement that employers post a notice about the leave law and make sure their workers are informed of their rights. Perhaps surprisingly, perhaps not, more than a mere blip of employers—8.5 percent—said they do not guarantee a leave-taker's job, although the legislation specifically requires that an employee be allowed to return to the same or equivalent position.

Researchers received 299 completed questionnaires out of 980 sent to employers in the West. Companies sampled represent a variety of industries and an even distribution of company sizes.

The results may have been shaped somewhat by the sample: 80 percent of the companies responding were from California. Because that state's family leave law has been in effect for two years, those employers "were more attuned to leaves, and they saw the Federal law coming for awhile," Ms. Stanger said. "They were further along in decision-making."

But the results comport with the experience of other people familiar with the impact of the law nationally. John T. Koss, a vice president in the New York office of the Segal Company, another big benefits consultant, said the sound and fury that accompanied the signing of the bill in February 1993 has decrescendoed notably since then. "When the act first passed, a lot of employers overreacted," he said. "They thought they would have to do a lot and would have all sorts of people going on leave for a sprained ankle."

Most employers have by now completed the first step: informing employees and devising leave policies in line with Labor Department regulations issued last summer. Step two was bracing themselves for what did not happen: all these people going on leave. And while some implementation details of the legislation remain unclear, such as how to coordinate leave and group health benefits for former employees, "the doomsday predictions were not true," Mr. Koss said. "I can't confirm this statistically, but I suspect that those who would have gone went. If you have to take a leave for chemotherapy, you don't have much of an option."

D.C. PHONE COMMUNICATION NEEDS IMPROVEMENT

THE SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, we have been hearing a lot about the information superhighway which will ease our lives in the future. But any such superhighway will need road signs, so that we can find our way, and my review of an existing part of that system—the local phone service here in Washington—suggests that low-tech ignorance and insensitivity can exist in even the most state-of-the-art electronic network.

More specifically, if you use the local phone book, you will have a very hard time reaching most of the islands in the South Pacific. This is the case because the local phone company has not chosen to list the country codes of all the nations of the world.

A friend tried to make some calls to the Pacific. First, he found that the

Marshall Islands, formerly a U.S. trust territory, and now an associated state to the United States, with an Embassy in this city, did not have either a country or an area code listed in the phone book. The Federated States of Micronesia, also an associated state to the United States, is in the same situation. So in Western Samoa.

Worse is the treatment of the Commonwealth of the Northern Mariana Islands, a U.S. territory. It is not mentioned in the phone book, but Saipan is. It would be like listing Georgetown but not the District of Columbia. Saipan is the largest of the Marianas Islands, but is not a separate entity.

The phone company should provide a complete listing of all the nations of the world and major islands not just what appears to be a list of the big ones and a random sample of the rest.

Let we point out some of the places listed, and not listed on pages 28, 29, and 30 of the District of Columbia phone book. There is a country code for St. Helena—Napoleon's prison in the South Atlantic—with a population of 7,000, but none for the Solomon Islands, where there are 360,000 people. There are two listings for Greenland, both for the island as a whole, and for its capital Godthaab—but none for Tonga. Similarly, tiny, land-locked San Marino and Liechtenstein each have two listings, but there is not one for Kiribati, the former Gilbert Islands, with a population larger than the two European enclaves combined.

In short, there seems to be a strong Eurocentric, Atlantic Basin bias at work here. These kinds of listings show a disrespect for the Pacific Islands and the people therein.

Even within the Pacific there is a randomness that suggests a lack of either concern or knowledge. But list Palau, but not the Marshalls and Micronesia? Why list Nauru with a population of about 8,000, and not Vanuatu with a population of 175,000? And why not use the correct name of the country, which is Fiji; it has not been Fiji Islands for decades.

This was called to the local phone company's attention, but all we got was a lame reply that since they, as a corporation, do not handle international calls, they really had no obligation to provide any listings at all.

While I have not studied the matter, I am told that the telephone company in Fort Lauderdale handles this matter much better. The difference is simple; they seem to list all the nations in the world, and just use smaller type; why can't that be done here?

Meanwhile, thanks to another insensitivity on the part of the national phone system the U.S. territories in the Pacific are all treated like foreign countries. You have to dial 011 and then a country code to reach Palau, Guam, the Northern Marianas and my own American Samoa. You can just dial 1 and an area code to all of Canada, to Puerto Rico, to the U.S. Virgin Islands, and to most of the other nations in the Caribbean. Some places are more equal than others.

Fixing the dialing system to the Pacific islands would be complicated, I am sure; but the local phone company can remedy the problem with the country codes in the next edition of the phone books. It does not seem to be too much to ask.

A VISIT FROM THE TAX MEN—WITH APOLOGIES TO CLEMENT C. MOORE AND ST. NICK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, knowing the friendship you and I have and operating on a bipartisan basis, I only wish that the House were meeting tomorrow, since tomorrow is a day that the Democrats should really be celebrating, which is the national tax day. I have a little bit of advice based on a visit from the tax man, with apologies to Clement C. Moore and also to St. Nick.

□ 1730

Twas the night before Tax Day, When all through the land, Not a creature was stirring, Not a soul was on hand.

But the tax forms were hung by the doors with great fear; In hopes that the Democrats wouldn't come near.

The taxpayers were cowering, hiding under their beds, While visions of "tax and pretend" Democrats danced in their heads.

And Mama with her 1040's, and I with my pen, Were waiting with our wallets to be cleaned out again.

When out on the lawn there arose such a clatter, I sprang from my bed to see what was the matter.

Away to the window I flew like a flash, Tore open the shutters and threw up the sash, not the cash.

The moon shown down with a strange, eerie glow, Giving luster to the broken tax promises strewn out below.

When what to my wondering eyes should appear, But a Democratic Congress and their tax collecteers.

With a jolly-faced driver and his tax bags to fill, I knew in a moment it must be Saint Bill.

More rapid than eagles the collectors they came, While the Democrats whistled and called them by name:

"On Increased Spending." "On Retroactivity."

"On Middle Class Poverty. "Yes, onward Proclivity."

"To the largest tax boost in history, passed by a margin of one."

"To the greatest tax hike ever under the sun."

They went straight to their work, deterred they were not. Now they've got what it takes to get what we've got.

They sprang to their sleigh, to the collectors gave a whistle, And the taxes flew higher than the pollen of a thistle.

"Now dash away, dash away, let's watch the taxpayers fret. They said the Democratic tax boost will sink them even deeper in debt."

But I heard the Democrats explain, ere they drove out of sight, "Happy Tax Day to all, and to all a good night."

WE NEED A WAR AGAINST GUNS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, the House is presently considering the crime bill, and this afternoon we experienced something that might be called a frenzy, a frenzy of applications of the death penalty. We seem to be preoccupied with death. In fact, Mr. Speaker, the entire approach to crime in the United States of America by this body appears to be a barbarian's approach. We are acting as if we were uncivilized. Never before have so many educated, well educated, men and women behaved in such a ridiculous way. I am as concerned about crime as anybody in America, but I do not think we are going to solve the crime problem with a preoccupation with death. I do not think we are going to solve the crime problem by expending enormous amounts of money to build prisons.

Mr. Speaker, what we are doing is contrary to what scientific evidence shows and contrary to people who know about crime, and penology, and rehabilitation geriatrics. Most of the crime is committed by young people, and yet we are moving to put people in prison for long periods, which means we will have nursing homes on a massive scale paid for by the taxpayers.

There are numerous things that just do not add up, Mr. Speaker, but nobody wants to look at it now. The frenzy is on, and I say, "You jump in the middle of the frenzy, and nobody is going to hear you, so I'm delighted to have this 5 minutes to just speak in a quiet moment when reason might be heard."

There is one element of fraud in all of these proceedings related to crime. I do not want to appear to say to my colleagues they are not sincere. Large numbers of them are sincere. I think most are sincere. I think most want to solve the crime problem, and they think they are doing the right thing. But there is an element of fraud in the proceedings in that guns are not addressed at all in terms of the dimensions that guns contribute to the problem.

Mr. Speaker, guns in America are the major problem of crime. Guns are the element that make crime so deadly. There is less crime according to the

surveys being done by the FBI and all other studies. There is really less crime. The crime rate is going down in most of our big cities. But the perception of the citizenry is that there is more crime because crime is more deadly and more dangerous, and what makes crime more dangerous? The proliferation of guns in our society, the fact that there are so many more guns.

Mr. Speaker, a few months ago they were quoting a figure of 200 million guns available in America right now. Already they modify the figure. It is more like 215 million available. Pretty soon we will have a gun for every American.

Unlike any other industrialized nation, Mr. Speaker, we continue to ignore the power of guns and the impact of guns on our society, the way guns make life more dangerous for Americans. Crime is more deadly because there are more guns. More noncriminals, innocent people, die because of guns, and the danger of guns, bullets, do not know who their targets are. We have had a lot of organized crime battles in the streets in the past: St. Valentine's Day massacre, criminals shooting criminals. But now it is innocent people who die when this gunplay takes place on the streets of New York and other big cities where the population is dense. Innocent people die because guns are in the hands of younger and younger people who do not know how to use them and do not have any conscience in many cases.

Right across the country guns are in the hands of enormous numbers of teenagers and young people. The statistics show every year that more and more people die from guns at a younger and younger age.

We need a people's crusade against guns. Obviously it is not going to come from the Congress. Obviously we are going to act as if guns are not a problem. We are going to turn our back on the obvious statistics where nations, like Japan, have less than a hundred people killed by guns last year as well as nations like Great Britain, nations like France, nations like Belgium, Germany. All of the industrialized nations have very tight controls on guns, and there is a definite correlation between their tight controls and the number of people who die from guns each year. We had something like 10,000 or more last year, 10,000 versus less than 100 in Japan, and Germany, and France, and we proceed with a crime bill and have no, no, intelligent discussion of guns and the need to control guns.

The gun lobby has all kinds of friends here. There are people who get very indignant when we talk about controlling guns. But, if we do not talk about controlling guns, we are perpetuating a fraud on the American people. We are endangering our citizens. We are not tackling the crime problem. We are endangering the tourism industry. There are numerous problems which flow from the refusal to address the problem of guns on the floor of this House.

The House will not do it; Congressmen will not do it. We need a people's crusade. The people are going to have to make war against guns in order to really begin to end the crime that is most dangerous in our streets.

PARLIAMENTARY INQUIRY

Mr. DORNAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. TUCKER). The gentleman will state his parliamentary inquiry.

Mr. DORNAN. Are there any 60-minute special orders tonight?

The SPEAKER pro tempore. The Chair is not aware of any.

Mr. DORNAN. Then I would ask unanimous consent to be allowed to address the House for 20 minutes and to revise and extend my remarks.

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California [Mr. DORNAN] for 20 minutes.

THE TRAGEDY OF FRIENDLY FIRE

Mr. DORNAN. Mr. Speaker, the reason I made that parliamentary inquiry is that I did not want to be rude, because I had not been on the earlier call for special orders and inserted myself with an even 20 minutes ahead of someone who is waiting patiently for 60 minutes. This is the getaway Thursday, and that is why I will speak for only 20 minutes. I could speak for a full hour on this issue because it is one of the most tragic subjects in military affairs: the subject of friendly fire; the subject of hurting, wounding, and killing our own allies, our own men.

□ 1740

Mr. Speaker, we had far too many incidents of friendly fire death in Desert Storm. As a matter of fact, it was such a high percentage—25 percent—it was shocking. Of the 146 killed in action, 35 were friendly fire. That means 111 were killed by combat operations, and 35 by mistake.

Now, the reason I took this time tonight is because of a ghastly tragedy that has taken place in the northern no-fly zone of Iraq, where American F-15's the world's greatest fighter, I believe a flight of two, shot down two United States UH-60 Blackhawks, the world's best and largest utility helicopter. This aircraft serves in many, many roles ranging from the Coast Guard and Navy in what they call guard duty, to pick up pilots out of the water. Along with Kanan Sea-Sprite, the Seahawk is still being purchased by the Navy. It is also used, as the MH-60, by our Special Operations forces. It is just an absolutely superb Sikorski helicopter.

Today, 2 of them, with 6 crewmen and at least 14 passengers, including U.N. observers in the Provide Comfort Zone, the Kurdish area north of the 36th parallel, these 2 UH-60 Blackhawks were shot down by 2 U.S. Air Force F-15's.

The President has just had a press conference, and said there were 26 killed. I have called over to the Pentagon for more information. There isn't much available, even to a Member of Congress who is on the Intelligence Committee and Armed Services Committee.

The tapes, the audio, and possibly videotapes of the incident, this horrible incident, have been impounded for an investigation ordered by the White House. The time the incident took place is 0730 zulu. All flying time is predicated on that meridian that runs through Greenwich, England, zulu time.

Zulu time would be 3:30 here. So this happened in the dead of night in Washington, at 3:30 a.m., eastern daylight time.

Now, let us move the daylight, the loss of daylight across the world. 3:30 here is 7:30 in England, 8:30 in Paris and Rome, 9:30 Cairo, and probably 10:30 out in the gulf. So in midmorning, over Iraq, a bright clear sunny day, with what I am hearing, not yet confirmed from the Pentagon, the F-15's were flying out of Incirlik, Turkey, assigned down from Europe. I was in Incirlik the day the Desert Storm land war started and managed to get an observer ride on a Texas KC-135 that was refueling F-15's on the first day of the war, 24 February, 1991. I was the only Member of the Senate or House in the gulf area when the war started, so I know Incirlik very well.

These F-15's out of Incirlik did not want to shoot down two of our own helicopters, filled with people, using the operational name Provide Comfort to help the besieged Kurds in northern Iraq.

This could be prevented some day soon by what is known as millimeter wave technology, which is already developed in the Longbow, as in archery, model of the AH-64 Apache, and this is a battle I am having with the executive branch, that I would hope you, Mr. Speaker, and every Congressman on both sides of the aisle will help me in a crusade to expedite the purchase as fast as we can of off-the-shelf technology which will do something about this horror of friendly fire.

Now, this Hill is already in a turmoil with all the subcommittee meetings on Armed Forces that I have been going to this month. The truth is coming out that the President and the Secretary of Defense, Mr. Perry, were not informed of the F-16 strikes in Bosnia a few days

ago, two sorties, or the Marine Corps F-18 strikes the next day, which were delivered in bad weather. You can see that on the audio tapes. My son Mark just called me. I haven't seen them yet. On CNN you can hear the pilot grunting as he pulls G's. You can see the dark river that the infrared camera shows up which actually separates the city of Gorazde, probably the Drina River. One of the planes went back to a field in Italy with a hung bomb, and two of the dropped bombs were duds. One struck near the tank that they were trying to take out that was firing on U.N. military observers, the UNMO's, that are holed up in a bank in Gorazde. I found out yesterday they live in the vault in the bank. The indignities going on that involve U.N. forces, who are trying to stop this genocidal, incestuous civil war that is still tearing apart the Balkans, are unbelievable.

Sooner or later we are going to have a friendly fire incident there, unless we get better command and control. I spoke to 40 NATO officers up to and including several 3-star generals, 1 4-star general, over at the Hyatt Regency today, member of the NATO Warfare College. I had to be the one to bring them the bad tidings of this story as it was first breaking, the friendly fire story in Iraq.

The theme of my remarks to them is that we must have a proper known and understood chain of command, and it must be practiced over and over and over. And that is why we cannot continue to gut our operations and maintenance money, or to be stingy with money that involves identification, friend or foe [IFF] systems. And the resistance I am getting from the Pentagon, because they are receiving such savage meat ax attacks, is that they want to wait and delay all new friendly fire electronic technology, because they are going to wait until the whole army is wired with state-of-the-art, turn-of-the-century, perfect real-time communications, and digitization between every Abrams tank, every Bradley fighting vehicle, every light armored vehicle, every single "Little Bird" MH-6 gunship, every special ops helicopter, every fast moving F-14, -15, -16, -18, Harrier, and A-10. We want everybody to talk to everyone all at once, a billion dollars of new electronic technology, and we want to save all of our dollars, the Pentagon tells me, until we can get that done perfectly at the turn of the century.

That is garbage. We have got to spend the money now for off-the-shelf technology to save lives, even if that system cannot be integrated later with whatever perfect electronic real-time system we come up with to integrate all of our combat systems together.

Mr. Speaker, and the million and a half people that are watching this afternoon, listen to this from the Gulf. These are all good people who put their lives on the line to keep commerce open in the Gulf, to keep oil flowing.

By the way, imagine what Saddam Hussein is doing. Is he out on his porch, this tin pot dictator, shooting off his 9 millimeter in the air because more people died today than died in the entire operation in Grenada? That was 19, with one friendly fire.

How about Urgent Fury in Panama? That operation was 23 lives, plus the young Navy officer, Lieutenant Roberto Paz, Bob Peace, who was executed at the gate the first day, the incident that triggered President Bush's move into Panama. That was 23.

We lost 26 men today. This may be the biggest friendly fire incident since World War II.

Listen to these incidents from the Gulf. January 29, four Marines killed when their LAV is struck by a Tow missile fired from another light armored vehicle west of Kachi.

□ 1750

That was a month before the land war started.

Valentine's Day, February 14, 1991, three soldiers wounded in a small arms exchange during urban clearing operations in the town of Arky Amah Al Jadid, Saudi Arabia. February 24, one Marine killed when his convoy is fired upon by a tank.

February 26, three soldiers killed, three wounded when their armored personnel carrier is hit by machine-gun fire from a tank. February 26, same day, one soldier killed when his vehicle is hit by a premature burst of an artillery round. That is the kind of thing where there is not too much you can do. That sounds like the T.V., 2-hour movie with Carol Burnett, "Friendly Fire," where an artillery shell hit a tree and detonated over friendly forces. Those kind of incidents are almost impossible to prevent in the heat of battle.

The same day, February 26, five soldiers wounded when their Bradley fighting vehicle is incorrectly identified and hit by a TOW missile. That missile is guided by a wire right through the target, always a direct hit.

Same day, February 26, two big M1A1 Abrams tanks hit by fire from another Abrams tank. No casualties. Thank God for the reactive armor on an M1A1 tank.

Same day, February 26, this is all the third day of the land war, two soldiers killed, six wounded when their Bradley, operating in reduced visibility, is fired upon by a friendly M1 Abrams tank. That is one, two, three, four, five incidents happening, well, given that the war started the night before, the second day in the land war.

The sixth incident that day, two Bradleys, operating at night in reduced visibility, fired upon by an M1. Thank God, no casualties.

Next day, February 27, six soldiers killed, 25 wounded when five M1 tanks and five Bradleys are fired upon by an M1 tank because of incorrect identification.

February 27, two soldiers killed, nine wounded when three Bradleys were fired upon by an M1 tank.

February 27, third of six incidents that day, one soldier killed, one wounded when two Bradleys are identified incorrectly at night in the rain and fired upon by an M1 tank.

February 27, this would be incident four of six, one soldier killed, two wounded, two Bradleys hit by fire from, again, an M1 Abrams while operating in rain and smoke at night during an attack on a bunker.

February 27, two soldiers killed, two wounded when their Bradley is fired upon by an M1 tank. The last incident that day, six of six, one soldier killed, one wounded by machine gun fire when they are identified incorrectly as Iraqi troops.

Now, that was all ground to ground. Let us go back to January, to the 23d. The air war is still going on, a month before the ground war.

An Air Force A-10 Thunderbolt fires on a Marine observation post. Luckily, no one hit. Lucky for that A-10 pilot. He would carry that the rest of his life.

The next day, January 24, one Marine, one soldier wounded, another Thunderbolt A-10 strafes a Marine Corps Humvee and a 5-ton truck 60 miles outside Kafji.

January 29, seven Marines killed, two wounded when an Air Force A-10, this is another "Wart Hog" Thunderbolt II, fires a Maverick missile which malfunctions in flight and hits an LAV—cannot do much about a malfunction.

February 2, still no land war, one Marine killed, two wounded during an attack by a Marine Corps A-6E Intruder using 500-pound bombs after their vehicles are incorrectly identified as being Iraqi.

February 2, same day, two soldiers wounded when a HARM missile, that is a radar killing missile, fired by an Air Force F-4G Wild Weasel does not properly acquire its intended target and locks on the soldiers' radar instead of enemy radar.

February 4, another HARM missile. It is suspected to have landed close to a guided missile frigate, the U.S.S. *Nicholas*. That is the frigate that I launched, laid the keel in, good grief, in Long Beach Shipyards. No casualties; superficial damage to the ship.

February 17, two soldiers killed when a Bradley is struck by a Hellfire missile from an AH-64 Apache, six soldiers wounded. I have seen some of them burned over most of their bodies, face almost burned off on one. They appeared on Phil Donohue's Show with the excellent career lieutenant colonel who, when he fired, after trying to recheck and recheck and recheck, the in-

stant he fires he hears, "Hold fire, friendly fire report."

I can hear his voice now forever in my head: "Don't say that. Don't you tell me that." Because he had a bad feeling something was going to go wrong. This was a lieutenant colonel out in the field with his gunship Apaches. Terrible.

Six days later, the eve of the land war, one Marine is killed, one wounded when a HARM missile from an unarmed source strikes a radar unit. February 24, first day of the land war, a HARM missile, again, a radar killer developed in the last 2 years of the Vietnam War, is suspected to have landed close to another guided missile frigate, the *Jarrett*. Luckily, no casualties.

Here is ship-to-ship. February 25, second day of the land war, guided missile frigate *Jarrett* again fires a chaff rocket, fires at a rocket launched by the battleship *Missouri*, now mothballed, no casualties, some damages, superficial, to the *Missouri*.

March 27, a mine countermeasures ship, the *Avenger*, MCM-1, the ship's alphabetical designation, receives small-arms fire from Kuwait. No casualties.

Ground-to-air, a Navy A-6E pilot reports he is fired upon by a surface-to-air missile in the "good guy" air. No casualties.

What do we do about all these friendly fire incidents? For some of them, it is the fog of battle. Others can be stopped by this, I dug into my files. Here is a DORNAN letter, May 12, 1992, press release, "DORNAN seeks to prevent friendly fire. Amendment added to defense legislation."

And then we are talking about positive things we did. It says:

> The amendment was attached to the Defense Authorization Act for fiscal year 1993 during a hearing Tuesday. The measure must now be considered by the full committee.

It passed. Here is my press release later. It says:

> Here we go, conspicuously horrific shortcomings on friendly fire in the Gulf.

It says:

> I drafted and successfully introduced on Tuesday language to next year's Pentagon funding bill that directs the Army to report on testing of combat identification systems, report due to Congress by January 15, 1993.

That is a year and 3 months ago. It went nowhere. Went nowhere. Why am I being stiffed on this? We are all on the same team here. Let us get this Millemeter Wave Technology going; let's buy these systems. This is one of these things all Congressmen would say, "To blazes with the cost. We want to defend our young men and women out there putting their lives on the line for their country."

We have to fight even to get Purple Hearts for friendly fire. I was in the middle of that fight, leading that fight with Pete Peterson, as a matter of fact, to get Purple Hearts for friendly fire victims, and we got them.

Because they said, well, it may have happened in the heat of combat, but when you are hit by your own troops, you do not get a Purple Heart. How do we know for sure that every incident is not friendly fire, how do we know that bullet does not hit a bullet in the sky or an artillery shell is hit by another shell and the debris drops on our guys. That is combat.

We got these men Purple Hearts that a lot of them did not get in World War II and Korea and Vietnam.

Now, if my figures were correct, 35 out of 146 combat deaths, nearly one-quarter as a result of friendly fire. Add to that the 9 British soldiers killed inadvertently by an A-10 "Wart Hog" Thunderbolt II pilots, it tore these pilots up. They begged to remain anonymous, but they have been sent letters by the British families, demanding that these young pilots come over there and talk to them.

I ask you this question, Mr. Speaker. The AWACS crew that directed these F-15 Eagles in on these two Blackhawk Helicopters today, can they ever fly again together as a crew—Absolutely not. I talked to some of these NATO generals and a couple American flag officers. And I said, that team will have to be busted up and those young men all sent into other AWACS units. Can these two pilots ever fly again?

I would not want to end their careers, but if I were one of those F-15 pilots, I would say, retire me.

I have had it. My flying days are over. This is a tragedy. I will live with the rest of my life.

Suffice it to say, in closing, Mr. Speaker, everybody in the sound of my voice who reads the CONGRESSIONAL RECORD in our libraries across America the next few days and my colleagues watching in their offices, I will be sending you another "Dear Colleague" as soon as we get it out tomorrow. It will be in your offices Monday.

Get behind my proposal to find some money in the defense budget to get state-of-the-art technology off the shelf, irrespective of cost. Get it out in the field as fast as humanly possible. And while we are discussing that, I started flying with IFF, Identification Friend or Foe, back in the middle 1950's. Why were not both of the helicopters and the fast-moving Eagles all equipped with IFF or required to turn on IFF so we would not fire on our own choppers filled with U.N. people trying to help the starving, abused Kurds in the northern Provide Comfort zone.

□ 1800

Trying to provide them comfort, we brought agony to 26 families around the world. Let us get busy on combat identification systems. We sure as heck have the technology.

Mr. Speaker, I include for the RECORD two press releases regarding my efforts on the friendly fire issue, and one article from the Army Times written by Chris Murray:

DORNAN SEEKS TO PREVENT "FRIENDLY FIRE"—AMENDMENT ADDED TO DEFENSE LEGISLATION

WASHINGTON, DC.—Preventing American military casualties from "friendly fire" is the focus of language which U.S. Rep. Robert K. Dornan (R-CA/38) successfully added to next year's Pentagon funding bill.

The amendment was attached to the Defense Authorization Act for fiscal year 1993 during a hearing Tuesday of the House Armed Services Research and Development Subcommittee. The measure must now be considered by the full committee.

Dornan, an avid history buff, said the lessons of the past point to the need for more effective ways of distinguishing between enemy and American or allied forces.

"The majority of our armored vehicles destroyed in the Persian Gulf War was due to friendly fire," said Dornan, who spent the last several months studying various combat identification programs, "but this pales to insignificance to the high percentage of American and allied combatants who lost their lives from the fire of their own friends."

"We have an electronic interrogation device which identifies allied and enemy aircraft, but similar technology needs to be applied to our ground vehicles. Right now, it's definitely a problem that needs to be resolved."

Dornan's amendment directs the Army to submit a report to Congress by January 15, 1993, detailing the results and recommendations of combat identification testing. Provisions in the report would include a description of the technologies tested, the cost and effectiveness of each system, potential detection of the technology by the enemy, and problems which could be caused by environmental factors.

The report will provide Congress with the most accurate and complete information regarding the different combat identification technologies available, according to the congressman.

"The report will allow the House and Senate Armed Services Committees to make informed decisions in the future on these life-saving devices."

Dornan said he discussed his efforts to develop more effective combat identification technology several months ago with Secretary of Defense Dick Cheney.

"The Secretary was immediately interested in my enthusiasm to solve the land identification problem," explained Dornan.

DORNAN PURSUES "FRIENDLY FIRE" SOLUTION—ACCIDENTS WERE "SHORTCOMING" OF PERSIAN GULF WAR, CONGRESSMAN SAYS

WASHINGTON, DC.—U.S. Rep. Robert K. Dornan (R-CA/38) said Wednesday that "friendly fire" accidents were a "conspicuously horrific shortcoming" of the American military's performance in the Persian Gulf War.

Out of 147 U.S. military personnel killed in action during Operation Desert Storm, 35 resulted from "friendly fire." At least nine allied fatalities were so-called victims of "friendly fire."

Since the war's conclusion, Dornan has studied the Pentagon's various combat identification programs. The congressman, having flown Air Force fighters in the late 1950s and early 1960s, said he is very familiar with airborne IFF (identification, friend or foe) systems. What he found during his investiga-

tion of the last several months was an effective electronic interrogation system to identify enemy aircraft but no system that adequately identifies ground vehicles.

The Defense Department utilized a makeshift ground identification system in the Middle East but canceled it after the war because of numerous deficiencies. Among its many shortcomings, according to Dornan, was it could not be used during the day, could be copied by enemy forces, and could be used by the enemy to pinpoint American targets.

"The majority of our armored vehicles destroyed during the Persian Gulf War were due to friendly fire," said Dornan, "but an even worse tragedy was the large number of American and allied combatants who lost their lives from the fire of their own friends."

His comments come amid controversy over the "friendly fire" deaths of nine British soldiers who died when American pilots mistook British personnel carriers for Iraqi tanks. Parents of the soldiers have recently petitioned both governments for more information on the accident.

Dornan drafted and successfully introduced on Tuesday language to next year's Pentagon funding bill that directs the Army to report on testing of combat identification systems. The report, due to Congress by January 15, 1993, would include a description of the technologies tested, the cost and effectiveness of each system, potential detection of the technology by the enemy, and problems that could be caused by environmental factors.

"The report will allow both the House and Senate Armed Services Committees to make informed decisions in the future on these life-saving devices," said Dornan.

Several months ago, Dornan discussed his efforts to develop more effective combat identification technology with Secretary of Defense Dick Cheney.

"The Secretary was immediately interested in my enthusiasm to solve the land identification problem," Dornan said.

NEW DEVICES LOWER RISK OF FRIENDLY FIRE

(By Chris Murray)

WASHINGTON.—A report critical of the Army's Battlefield Combat Identification System (BCIS) may jeopardize its funding in the 1995 budget.

The General Accounting Office, in an Oct. 22, 1993, report to Congress, said the Army would be spending money on equipment that eventually might be discarded if it cannot be integrated into a long-term solution to preventing friendly-fire deaths.

The Army had asked for $100 million in the 1995 budget to test a system that uses millimeter-wave signals to identify friendly forces. After the GAO issued its report, the Army scaled back the request to $50 million, said Lt. Col. Bob Sigl, product manager for BCIS.

The Army wants to field the system on 1,520 helicopters and combat vehicles.

But GAO said that would not be enough to support a major conflict and would still leave forces subject to fratricide.

It further concludes the proposed system would not provide adequate coverage to ground forces because it cannot be used on fixed-wing aircraft.

GAO advised the secretary of defense to order the Army not to produce the equipment until it is sure the system can be integrated into long-term combat identification solutions.

Working within the Department of Defense's recommended budget of $50 million, the Army plans to build 45 prototype BCIS systems for testing and evaluation by the end of fiscal 1995, said Sigl.

The Army has been studying ways to prevent friendly fire casualties through its Combat Identification Program ever since 35 American deaths in the Persian Gulf war were attributed to friendly fire.

The specific goal is to provide ground soldiers with equipment that will enable them to identify friendly forces during the heat of battle.

FLASHING LIGHTS

As a quick but temporary fix to the problem, field units now are using battlefield identification systems that employ infrared lighting.

Two of those devices use directional flashing lights that only can be seen with night-vision goggles. They are developed by the Defense Advanced Research Projects Agency and the Army's Communications and Electronic Command.

"Fratricide [friendly fire casualties] can occur almost any time forces are engaged. . . . If you limit the visibility and reduce the information available to those people, you could have units moving parallel and coming in contact with each other," said Col. Thomas Rosner, project manager of the Army's Battlefield Combat Identification System.

"Fighting under nighttime conditions with limited visibility and limited information is probably an excellent scenario for a fratricide."

HEAVY TOLL

During the Persian Gulf War, 24 percent of U.S. battle fatalities and 15 percent of battle injuries were caused by friendly fire.

Of the U.S. tanks and Bradley fighting vehicles disabled during the Gulf War, 77 percent were damaged by friendly fire.

The approach under study and criticized by the GAO report involves the use of millimeter-wave technology. This radio frequency system employs an antenna mounted on the outside of a tank. It would be a separate system integrated into the overall makeup of the tank.

Normally, when a target is acquired, the gunner is ordered by his tank commander to send an invisible laser to determine the vehicle's range. The range appears on the gunner's.

The millimeter wave is activated when the gunner presses the laser button as part of his normal fire control sequence, Sigl said. "It sends a question [invisible signal] to [the unidentified vehicle] that [asks,] 'Are you a friend or foe?'" said Sigl, product manager for the Battlefield Combat Identification System.

Sigl said that when the signal from the millimeter wave is returned from the targeted tank, a light with the word "friend" will appear in the target sight of the tank that sent the signal.

The tank gunner also can activate the millimeter-wave signals by using his target sight, Sigl said.

The Army is studying ways to miniaturize and adapt the millimeter-wave antennas for eventual use by ground soldiers, Sigl said.

The use of soldier-to-soldier voice communications also is being studied for combat identification, Rosner said. The system would use walkie-talkie type-equipment.

The Army had planned to conduct an advanced warfighting demonstration in 1994 to let the soldiers decide which item will do the best job in helping the Army avoid fratricide incidents with ground troops, said Rosner.

"We're trying to look at all of them, let the user play with it, and he can determine which technology is the best way to fit with my tactics and doctrine," he said.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TUCKER). The Chair will note that the gentleman from California [Mr. DORNAN] was recognized as the designee of the minority leader, and that his unanimous consent request should not be considered a precedent under the current announced procedures for special orders longer than 5 minutes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WASHINGTON (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

Mr. BLACKWELL (at the request of Mr. GEPHARDT) for April 13, 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. CANADY) to revise and extend their remarks and include extraneous material:)

Mr. HORN, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

(The following Members (at the request of Mr. KOPETSKI) to revise and extend their remarks and include extraneous material:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. SABO, for 5 minutes, today.

Mr. FORD of Michigan, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CANADY) and to include extraneous matter:)

Mr. SHUSTER.

Ms. ROS-LEHTINEN.

Mr. QUINN.

Mr. GILMAN in 3 instances.

Mr. BEREUTER.

Mr. HORN.
Mr. GOODLING.
Mr. BUNNING.
Mr. KYL.
Mr. SAM JOHNSON of Texas.
Mr. GILLMOR.
Mr. YOUNG of Alaska.
Mr. GUNDERSON.
Mr. GOODLING.
Mr. PACKARD.
Mr. PORTMAN.

(The following Members (at the request of Mr. KOPETSKI) and to include extraneous matter:)

Mrs. SCHROEDER.
Mr. SCHUMER.
Mr. TRAFICANT.
Miss COLLINS of Michigan.
Ms. PELOSI.
Mr. ACKERMAN.
Mr. RICHARDSON, in four instances.
Mr. FAZIO.
Mr. MATSUI, in three instances.
Mr. BLACKWELL.
Mr. GORDON.
Mr. LANTOS, in two instances.
Mrs. THURMAN.
Mr. SARPALIUS.
Mr. STUPAK.
Mr. CLAY, in two instances.
Mr. FRANK of Massachusetts, in two instances.
Ms. MARGOLIES-MEZVINSKY.
Mr. MINETA.
Mr. COYNE.
Mr. DEUTSCH, in two instances.
Mr. TUCKER.
Mr. NADLER.
Mr. HAYES.
Mr. HINCHEY, in three instances.
Mr. TOWNS.

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. EMERSON.
Mr. SAXTON.
Mr. JOHNSON of South Dakota.
Mr. DE LA GARZA.
Mr. ROSTENKOWSKI.
Ms. VELÁZQUEZ.
Mrs. FOWLER.
Mr. REED.
Mr. MILLER of California.
Mr. PARKER.
Ms. KAPTUR in four instances.
Ms. LAMBERT.
Mr. SAXTON.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 455. An act to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes to the Committee on Natural Resources.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 2004. An act to extend until July 1, 1998, the exemption from ineligibility based on a high default rate for certain institutions of higher education.

ADJOURNMENT

Mr. DORNAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock p.m.), under its previous order, the House adjourned until Monday, April 18, at 10:30 a.m.

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. MONTGOMERY: Committee on Veterans' Affairs. H.R. 1617. A bill to authorize the establishment on the grounds of the Edward Hines, Jr., Department of Veterans Affairs Hospital, Hines, Il, of a facility to provide temporary accommodations for family members of severely ill children being treated at a nearby university medical center, (Rept. 103-476); Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 4013. A bill to amend title 38, United States Code, to provide the Secretary of Veterans Affairs with necessary flexibility in staffing the Veterans Health Administration, to authorize the Secretary to establish pilot programs for health care delivery, and for other purposes; with amendments (Rept. 103-477). 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:

Referral to the Committee on the Judiciary of H.R. 1593 extended for a period ending not later than April 29, 1994.

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. GILMAN:

H.R. 4210. A bill to authorize the President to establish a program to assist the transition to full NATO membership of Poland, Hungary, the Czech Republic, and Slovakia by January 1999; to the Committee on Foreign Affairs.

By Mr. BLUTE (for himself and Ms. ESHOO):

H.R. 4211. A bill to provide for the coordination within the Federal Government of biotechnology research and development; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

H.R. 4212. A bill to stimulate the research and development of biotechnologies; to the Committee on Ways and Means.

By Mr. RICHARDSON (for himself, Ms. FURSE, Mr. WYNN, Mr. KOPETSKI, Mr. DEFAZIO, Ms. NORTON, Mr. KILDEE, Mr. OLVER, Mr. ROSE, and Mr. HAMBURG):

H.R. 4213. A bill to amend the Land and Water Conservation Fund Act to authorize the Secretary of the Interior to establish a national registry of rivers and watersheds to be protected and restored, and for other purposes; jointly, to the Committees on Natural Resources, Merchant Marine and Fisheries, and Agriculture.

By Mr. APPLEGATE:

H.R. 4214. A bill to amend chapter 83 of title 5, United States Code, to provide that the 2 percent reduction in annuity for each year a Federal employee is under 55 years of age at the time of retiring be eliminated if the separation is due to a reduction in force; to the Committee on Post Office and Civil Service.

By Mr. BAKER of California (for himself, Mr. CRAPO, Mr. GALLEGLY, Mr. EMERSON, Mr. SOLOMON, Mr. STUMP, Mr. BARTLETT of Maryland, Mr. LEVY, Mr. LIPINSKI, Mr. DOOLITTLE, Mr. LIVINGSTON, Mr. COX, and Ms. ESHOO):

H.R. 4215. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for retirement savings, to permit nonemployed spouses a full IRA deduction, and for other purposes; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 4216. A bill to amend title XVIII of the Social Security Act to limit the amount a provider may charge an individual for an outpatient hospital service furnished under part B of the Medicare Program to 20 percent of the reasonable cost of the service, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DE LA GARZA (for himself, Mr. JOHNSON of South Dakota, and Mr. MINGE) (all by request):

H.R. 4217. A bill to reform the Federal crop insurance program, and for other purposes; to the Committee on Agriculture.

By Mr. DIAZ-BALART (for himself, Ms. ROYBAL-ALLARD, Mr. BECERRA, Mr. BONILLA, Mr. DE LA GARZA, Mr. GUTIERREZ, Mr. DE LUGO, Mr. MENENDEZ, Mr. ORTIZ, Mr. PASTOR, Mr. RICHARDSON, Mr. ROMERO-BARCELÓ, Ms. ROS-LEHTINEN, Mr. SERRANO, Mr. TEJEDA, Mr. TORRES, Mr. UNDERWOOD, and Ms. VELÁZQUEZ):

H.R. 4218. A bill to reform certain housing programs administered by the Secretary of Housing and Urban Development; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. FOWLER (for herself, Mr. HUTTO, Mr. PETERSON of Florida, Mrs. THURMAN, Mr. MICA, Mr. YOUNG of Florida, Mr. GOSS, Mr. BACCHUS of Florida, Mr. LEWIS of Florida, Ms. BROWN of Florida, Mr. STEARNS, Mr. MCCOLLUM, Mr. BILIRAKIS, Mr. CANADY, Mr. MILLER of Florida, Mrs. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. JOHNSTON of Florida, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. SHAW, and Mr. HASTINGS):

H.R. 4219. A bill to direct the Secretary of the Interior to make technical revisions to maps relating to the Coastal Barrier Resources System; to the Committee on Merchant Marine and Fisheries.

By Mr. GOODLING (for himself, Mr. CUNNINGHAM, Mr. FAWELL, and Mr. MCKEON):

H.R. 4220. A bill to amend the National School Lunch Act to protect school districts

and the Department of Agriculture from anticompetitive activities of suppliers that sell commodities to schools that participate in the school lunch program, the school breakfast program, the special milk program, and the summer food service program for children, and for other purposes; to the Committee on Education and Labor.

By Mr. GOODLING (for himself and Mr. FORD of Michigan):

H.R. 4221. A bill to amend the National School Lunch Act to provide increased flexibility relating to the use of information submitted to determine eligibility under programs under that act and the Child Nutrition Act of 1966, to provide for the establishment of commodity letter of credit [CLOC] demonstration programs in certain States, and to establish a program to assist schools in offering greater quantities of fresh fruits and vegetables under the school lunch program; jointly to the Committees on Education and Labor and Agriculture.

By Mr. GUNDERSON (for himself, Mr. GOODLING, Mr. PETRI, Mr. CASTLE, Mr. HOBSON, Mr. SHAYS, Mr. JOHNSTON of Florida, and Mr. POSHARD):

H.R. 4222. A bill to amend the Job Training Partnership Act to establish a workforce skills and development loan program to provide grants to States to guarantee loans made to employers, representatives of employees, and other entities to provide skills upgrading for non-managerial employees, and for other purposes; to the Committee on Education and Labor.

By Mr. KYL:

H.R. 4223. A bill to establish a commission to examine the costs and benefits, and the impact on voter turnout, of changing the deadline for filing Federal income tax returns to the date on which Federal elections are held; to the Committee on Ways and Means.

By Mr. LAMBERT (for himself, Mr EMERSON, Mr. BARLOW, Mr. THORNTON, Mr. WHITTEN, Mr. DICKEY, Mr. FIELDS of Louisiana, Mr. JEFFERSON, Mr. BAKER of Louisiana, Mr. MCCRERY, and Mr. TANNER):

H.R. 4224. A bill to direct the Secretary of the Interior and the Secretary of Energy to undertake initiatives to address certain needs in the Lower Mississippi Delta Region, and for other purposes; jointly, to the Committees on Natural Resources, Energy and Commerce, Science, Space, and Technology, and Banking, Finance and Urban Affairs.

By Mr. LEHMAN:

H.R. 4225. A bill to amend the Internal Revenue Code of 1986 to prevent fraudulent claims for the earned income credit; to the Committee on Ways and Means.

By Mr. MACHTLEY:

H.R. 4226. A bill to amend the Federal Water Pollution Control Act to provide for a national estuary pollution prevention demonstration program; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. MANTON (for himself, Mr. ROSE, and Ms. DUNN):

H.R. 4227. A bill to amend title 5, United States Code, to provide that the mandatory retirement age for members of the Capitol Police be made the same as the age applicable to law enforcement officers; jointly, to the Committee on Post Office and Civil Service and House Administration.

By Mr. MILLER of California (for himself, Mr. DOOLITTLE, and Mr. RICHARDSON):

H.R. 4228. A bill to extend Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California; to the Committee on Natural Resources.

By Mr. RICHARDSON (for himself and Mr. THOMAS of Wyoming):

H.R. 4229. A bill to amend the Solid Waste Disposal Act to enable Indian tribes to enforce provisions of the act relating to leaking underground storage tanks on Indian lands, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. RICHARDSON:

H.R. 4230. A bill to amend the American Indian Religious Freedom Act to provide for the traditional use of peyote by Indians for religious purposes, and for other purposes; to the Committee on Natural Resources.

By Mr. RICHARDSON (for himself and Mr. THOMAS of Wyoming):

H.R. 4231. A bill to prohibit regulations that classify, enhance, or diminish the privileges and immunities of an Indian tribe relative to other federally recognized Indian tribes, and for other purposes; to the Committee on Natural Resources.

By Mr. STUPAK:

H.R. 4232. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian tribe, and for other purposes; to the Committee on Natural Resources.

By Mr. SUNDQUIST:

H.R. 4233. A bill to amend the Internal Revenue Code of 1986 to allow a taxpayer to elect to deduct either State and local income taxes or State and local sales taxes; to the Committee on Ways and Means.

By Ms. VELAZQUEZ:

H.R. 4234. A bill to make grants to local educational agencies and community-based organizations to provide assistance to localities most directly affected by hate crimes; to the Committee on Education and Labor.

By Mr. VOLKMER (for himself, Mr. ROSE, Mr. STENHOLM, Ms. LONG, Mr. SARPALIUS, Mr. PETERSON of Minnesota, Mr. HOLDEN, Mr. POMEROY, Ms. DANNER, Mr. ANDREWS of Maine, and Ms. SNOWE):

H.R. 4235. A bill to enable milk producers to implement a national Class IV Pool to establish a fair and equitable blend price for milk use in export dairy products, to establish the Dairy Export Marketing Board to administer the Class IV Pool and otherwise work to expand exports of and develop markets for milk and dairy products, and for other purposes; to the Committee on Agriculture.

By Mr. MINETA (for himself, Mr. BATEMAN, Mr. CRAMER, Mr. KLEIN, Mrs. BYRNE, Mr. WALSH, Mr. OXLEY, Mr. BROWN of California, Mr. BACCHUS of Florida, Mr. VALENTINE, Mr. KOPETSKI, Mr. HANSEN, Mr. SKEEN, Mr. BAKER of California, Ms. DANNER, Mr. HUGHES, Mr. PICKETT, Mr. TANNER, Mrs. MEEK of Florida, Mr. ROHRABACHER, Mr. PACKARD, Mr. BEVILL, Ms. BROWN of Florida, Mr. FILNER, Mr. MCCLOSKEY, Ms. ESHOO, Mr. BORSKI, Mr. FROST, Mr. ANDREWS of Texas, Mr. MOLLOHAN, Mr. FINGERHUT, Mr. PETE GEREN of Texas, and Mr. LIPINSKI):

H.J. Res. 353. Joint resolution designating July 16 through July 24, 1994, as "National Apollo Anniversary Observance"; to the Committee on Post Office and Civil Service.

By Mr. REED:

H.J. Res. 354. Joint resolution designating May 22, 1994, as "National Neighbor Day"; to the Committee on Post Office and Civil Service.

By Mr. SCHUMER:

H. Con. Res. 239. Concurrent resolution concerning the 27th anniversary of the reunification of Jerusalem; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. FILNER.

H.R. 300: Mr. PACKARD.

H.R. 326: Mrs. KENNELLY, Mr. FAZIO, Mr. SAWYER, Mr. GINGRICH, and Mr. CRAMER.

H.R. 350: Mr. MINGE.

H.R. 417: Mr. BARTON of Texas and Mr. CASTLE.

H.R. 441: Mr. STARK.

H.R. 551: Mr. ROGERS.

H.R. 635: Mrs. VUCANOVICH.

H.R. 649: Mr. WASHINGTON.

H.R. 710: Mr. HUTCHINSON.

H.R. 769: Mr. GILCHREST.

H.R. 790: Mr. SANDERS and Mrs. ROUKEMA.

H.R. 885: Mr. KNOLLENBERG and Mrs. MEYERS of Kansas.

H.R. 911: Mr. KASICH.

H.R. 1048: Mr. COMBEST, Mr. EVERETT, and Mr. TAYLOR of Mississippi.

H.R. 1056: Mr. ACKERMAN, Mr. HERGER, Mr. CHAPMAN, Mr. WILSON, Ms. LOWEY, Mr. SCHUMER, and Mr. BARLOW.

H.R. 1097: Mr. CALVERT.

H.R. 1099: Mr. FRANKS of New Jersey.

H.R. 1164: Mr. ROMERO-BARCELO, Mr. ZIMMER, and Mr. DIXON.

H.R. 1280: Mr. ABERCROMBIE, Mr. WATT, Ms. BROWN of Florida, Ms. CANTWELL, Mr. KLECZKA, Mr. OBERSTAR, Mr. FARR, Mr. LIPINSKI, and Mr. KLINK.

H.R. 1349: Mr. STEARNS.

H.R. 1402: Ms. DANNER.

H.R. 1403: Mr. HUTCHINSON.

H.R. 1434: Mr. JOHNSON of South Dakota.

H.R. 1444: Mr. MINETA.

H.R. 1452: Mr. CALVERT.

H.R. 1487: Mr. RAVENEL.

H.R. 1500: Mrs. UNSOELD, Mr. CONYERS, and Mr. ZIMMER.

H.R. 1527: Mr. CALVERT.

H.R. 1627: Mr. KOLBE, Mr. LAUGHLIN, and Mr. STENHOLM.

H.R. 1843: Mr. CALVERT.

H.R. 1864: Mr. DUNCAN.

H.R. 1968: Mr. SAM JOHNSON and Mr. LEWIS of Florida.

H.R. 2012: Mr. BEVILL, Mr. DOOLEY, Ms. ESHOO, Mr. HAMBURG, Ms. HARMAN, Ms. SCHENK, Mr. SKAGGS, Mr. SMITH of Iowa, Mr. ANDREWS of Maine, Mr. MARKEY, Ms. SLAUGHTER, Mr. TOWNS, Mrs. CLAYTON, Mr. DERRICK, Mr. BROOKS, Mr. BRYANT, Mr. CHAPMAN, Mr. COLEMAN, Mr. GONZALEZ, Mr. HALL of Texas, Mr. LAUGHLIN, Mr. ORTIZ, Mr. PICKLE, Mr. WASHINGTON, Mr. BROWN of California, Mr. POSHARD, Mr. TORRICELLI, Mr. SCHUMER, Mr. FORD of Tennessee, Mr. GORDON, and Mr. MOLLOHAN.

H.R. 2019: Ms. VELAZQUEZ and Mr. HAMBURG.

H.R. 2120: Mr. DELAY.

H.R. 2228: Mr. CALVERT.

H.R. 2418: Mr. OXLEY.

H.R. 2420: Mr. LIPINSKI, Mr. THOMPSON, Mr. REYNOLDS, Mr. DEUTSCH, Mr. MANTON, and Mrs. LLOYD.

H.R. 2438: Mr. HINCHEY.

H.R. 2541: Mr. HUTCHINSON.

H.R. 2708: Ms. DANNER and Mr. MCCRERY.

H.R. 2720: Mr. HERGER, Mr. STARK, and Mr. MACHTLEY.

H.R. 2727: Mr. WHEAT, Mr. HAMBURG, and Mr. WAXMAN.

H.R. 2873: Mr. MCMILLAN, Mr. LANTOS, Mrs. THURMAN, Mr. EMERSON, Mr. HORN, Mr. MCDADE, Mr. FIELDS of Texas, Mr. PALLONE, Mr. HOAGLAND, Mr. DICKEY, Mr. GALLEGLY, Mr. TALENT, Mr. SANTORUM, Mr. KYL, Mr. KLEIN, and Mr. WALSH.

H.R. 3017: Mr. KLUG, Mr. INGLIS of South Carolina, and Mr. PACKARD.

H.R. 3100: Mr. JOHNSTON of Florida.

H.R. 3246: Mr. BAESLER, Mr. BOEHNER, Ms. BROWN of Florida, Mr. BUNNING, Mr. KANJORSKI, Mr. LEWIS of Georgia, Mr. MCNULTY, Mr. REYNOLDS, Mr. SCHAEFER, Mr. SWETT, Mr. VOLKMER, and Mr. KLUG.

H.R. 3261: Mr. BARTLETT of Maryland, Mr. ROTH, Mr. HASTINGS, Ms. NORTON, Mr. RICHARDSON, Mr. KLINK, Mr. CRAPO, Mr. ROSE, Mr. VISCLOSKY, Ms. ESHOO, Mr. DEFAZIO, Mr. CALLAHAN, Mr. DREIER, Mr. HOBSON, Mr. GILLMOR, Mr. COMBEST, Mr. SANTORUM, Mr. SMITH of Michigan, Mr. MARTINEZ, and Mr. LIGHTFOOT.

H.R. 3266: Mr. KYL, Ms. SNOWE, Mr. SENSENBRENNER, Mr. CLEMENT, Mr. HUTTO, Mr. GOODLING, and Ms. CANTWELL.

H.R. 3293: Mr. SMITH of New Jersey, Mr. WILLIAMS, and Mr. JEFFERSON.

H.R. 3309: Mr. RAMSTAD, Ms. KAPTUR, and Ms. WOOLSEY.

H.R. 3327: Mr. UNDERWOOD.

H.R. 3333: Mr. COX.

H.R. 3347: Ms. WATERS, Mr. PAYNE of New Jersey, and Mrs. SCHROEDER.

H.R. 3389: Mr. EVANS and Mr. LIPINSKI.

H.R. 3482: Mr. REYNOLDS.

H.R. 3486: Mrs. JOHNSON of Connecticut.

H.R. 3490: Mr. PETERSON of Minnesota and Mr. MONTGOMERY.

H.R. 3491: Mr. STEARNS, Mr. DORNAN, Mr. CALVERT, and Mr. BATEMAN.

H.R. 3513: Ms. ESHOO.

H.R. 3523: Mrs. VUCANOVICH, Mr. DELLUMS, and Ms. WOOLSEY.

H.R. 3527: Mr. SERRANO.

H.R. 3561: Mr. WATT, Ms. MOLINARI, Mr. MORAN, Mr. MCDERMOTT, Mr. HILLIARD, and Mr. DELLUMS.

H.R. 3634: Ms. FURSE, Mr. ANDREWS of Maine, and Mr. MEEHAN.

H.R. 3636: Mr. KENNEDY, Mr. SHAYS, Mr. TAUZIN, and Mr. SCHAEFER.

H.R. 3651: Mr. OXLEY.

H.R. 3694: Mr. ORTON, Mr. VENTO, Mr. PARKER, Mr. YATES, Ms. MCKINNEY, Mr. SAWYER, Mr. CALVERT, Mr. SCOTT, Mr. ENGEL, Mr. VELAZQUEZ, Mrs. JOHNSON of Connecticut, Mr. CLEMENT, Mr. HOCHBRUECKNER, Mr. ABERCROMBIE, Mr. PETERSON of Minnesota, and Mr. REYNOLDS.

H.R. 3704: Mr. GILCHREST.

H.R. 3739: Mr. DUNCAN, Mr. CALLAHAN, Mr. INHOFE, and Mr. ISTOOK.

H.R. 3771: Mr. BISHOP.

H.R. 3811: Mr. LEWIS of California.

H.R. 3818: Mr. RAHALL.

H.R. 3830: Mr. ANDREWS of Texas, Mr. CANADY, Mr. DIAZ-BALART, Mr. GORDON, Mr. KOPETSKI, Mr. MINETA, Mr. SHAYS, and Mr. WYNN.

H.R. 3843: Mr. REYNOLDS.

H.R. 3844: Mr. REYNOLDS.

H.R. 3853: Mr. EVANS and Mr. FILNER.

H.R. 3873: Ms. FURSE and Mr. RICHARDSON.

H.R. 3879: Mr. DARDEN, Mr. STARK, Mr. ANDREWS of New Jersey, Mr. FLAKE, Mr. THOMAS of Wyoming, Mr. DIAZ-BALART, Mr. GRAMS, Mr. SKELTON, and Mr. RUSH.

H.R. 3895: Mr. SOLOMON.

H.R. 3897: Mr. BAKER of California.

H.R. 3900: Ms. DELAURO, Mr. DELLUMS, Mr. MOLLOHAN, Mr. GONZALEZ, and Mr. QUINN.

H.R. 3932: Mrs. SCHROEDER.

H.R. 3947: Mr. ROSE, Ms. PELOSI, Mr. MCDERMOTT, Mr. THORNTON, Mr. DEFAZIO, Mr. BARRETT of Wisconsin, and Mr. STUDDS.

H.R. 3948: Mr. TUCKER, Ms. COLLINS of Michigan, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3955: Mr. BARLOW, Mr. BOEHNER, Mr. VALENTINE, and Mr. COLLINS of Georgia.

H.R. 3966: Mr. GUTIERREZ.

H.R. 3978: Mr. HERGER.

H.R. 3986: Mr. SOLOMON and Mr. GUTIERREZ.

H.R. 3990: Mr. JOHNSON of South Dakota, Mr. MOAKLEY, and Mr. REYNOLDS.

H.R. 4013: Mr. SANGMEISTER.

H.R. 4019: Mr. ACKERMAN, Mr. EVANS, Mr. TRAFICANT, Mr. FROST, and Mr. FRANK of Massachusetts.

H.R. 4042: Mr. BROWN of California.

H.R. 4051: Mr. BROWN of California.

H.R. 4057: Mr. WYNN, Mr. PARKER, Mr. MINGE, Mr. INHOFE, Mr. RAVENEL, Mr. STUPAK, Mr. BARTLETT of Maryland, Mr. BEREUTER, Ms. CANTWELL, Mr. JOHNSON of Georgia, Mr. BROWN of Ohio, Mr. KNOLLENBERG, Mr. DOOLITTLE, Mrs. VUCANOVICH, Mr. INSLEE, Mr. SCHAEFER, and Mr. DOOLEY.

H.R. 4064: Mr. ROMERO-BARCELÓ and Mr. GUTIERREZ.

H.R. 4065: Mr. ROMERO-BARCELÓ and Mr. GUTIERREZ.

H.R. 4094: Mr. GOODLING.

H.R. 4095: Mr. LEWIS of Florida and Mr. GOODLING.

H.R. 4135: Mrs. MEYERS of Kansas, Mr. SARPALIUS, Mr. CHAPMAN, Mr. TEJEDA, Mr. EDWARDS of Texas, Mr. BROOKS, Mr. GENE GREEN of Texas, Mr. PORTER, and Mr. SWIFT.

H.R. 4138: Mr. MORAN, Mr. MEEHAN, Mr. BARLOW, and Mr. STARK.

H.J. Res. 20: Mr. BARRETT of Wisconsin.

H.J. Res. 163: Mr. KIM.

H.J. Res. 171: Mr. DUNCAN and Mr. CRANE.

H.J. Res. 199: Mr. FAWELL, Mr. HORN, Mr. EMERSON, Mr. ROSE, Ms. PRYCE of Ohio, Mr. BACCHUS of Florida, Mr. BLUTE, Mr. GOSS, Mr. CRAMER, Mr. REGULA, Mr. SKEEN, Mr. ROEMER, Mr. BERMAN, Mr. HANCOCK, Mr. MCCANDLESS, Mr. BROWN of California, Mr. TORRES, Mr. FINGERHUT, Mr. DICKS, Mr. DREIER, Mr. SANDERS, Mr. GENE GREEN of Texas, Mr. NEAL of North Carolina, Mr. CLAY, Mr. WALSH, Mr. DEFAZIO, Mr. SHAYS, Mr. LINDER, Mr. BISHOP, Ms. LONG, Mr. EHLERS, Mr. MEEHAN, Mr. MONTGOMERY, Ms. LOWEY, Ms. WOOLSEY, Mr. BALLENGER, Mr. TALENT, Ms. NORTON, Mr. RIDGE, Mr. YOUNG of Alaska, and Mr. GUTIERREZ.

H.J. Res. 209: Mr. RAVENEL, Mr. NEAL of Massachusetts, and Mr. LIPINSKI.

H.J. Res. 284: Mr. DURBIN.

H.J. Res. 302: Mr. RICHARDSON, Mr. KLUG, and Mrs. BENTLEY.

H.J. Res. 320: Mr. BATEMAN and Mr. MARTINEZ.

H.J. Res. 327: Mr. RICHARDSON, Mr. MCDADE, Mr. OXLEY, Mr. TALENT, and Mr. PETRI.

H.J. Res. 328: Mr. HOCHBRUECKNER, Mr. GALLEGLY, Mr. HOBSON, and Mr. STOKES.

H.J. Res. 333: Ms. SLAUGHTER.

H.J. Res. 344: Mr. WOLF, Mr. WILSON, Mrs. THURMAN, Mr. JOHNSON of South Dakota, Mr. MCNULTY, Mr. REYNOLDS, Mr. HOCHBRUECKNER, Mr. KING, Mr. DEUTSCH, and Mr. ACKERMAN.

H. Con. Res. 120: Mr. DELAY.

H. Con. Res. 124: Mr. VISCLOSKY and Mr. PETRI.

H. Con. Res. 162: Mr. DURBIN.

H. Con. Res. 202: Mrs. LLOYD.

H. Res. 26: Mr. BEREUTER and Mr. KINGSTON.

H. Res. 117: Mr. HUTCHINSON.

H. Res. 122: Mr. ZELIFF.

H. Res. 291: Mr. BURTON of Indiana.

H. Res. 368: Mr. SCHIFF, Mr. MORAN, Mr. LEWIS of Georgia, Mr. BARRETT of Wisconsin, and Mrs. MEEK of Florida.

H. Res. 377: Mr. SOLOMON.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. SOLOMON on the bill H.R. 493: Robert K. Dornan and J. Dennis Hastert.

Petition 10 by Mr. MCCOLLUM on House Resolution 295:

Petition 11 by Mr. RAMSTAD on House Resolution 247: Bill Baker.

Petition 12 by Mr. TRAFICANT on H.R. 3261: Luis V. Gutierrez, Toby Roth, Don Young, Gene Taylor, Joel Hefley, John J. Duncan, Jr., Bill Emerson, Dan Burton, Michael D. Crapo, Sonny Callahan, Larry Combest, Paul E. Gillmor, Nick Smith, David Dreier, Rick Santorum, David L. Hobson, Bill Baker, Fred Upton, Philip M. Crane, Matthew G. Martinez, and Christopher H. Smith.

Petition 13 by Mr. SMITH of New Jersey on House Resolution 281: Jim McCrery, James T. Walsh, and Richard H. Baker.

Petition 15 by Mr. BILIRAKIS on House Resolution 382: Porter J. Goss, Corrine Brown, Tillie K. Fowler, Robert K. Dornan, Peter Blute, Frank Tejeda, and James M. Inhofe.