

HOUSE OF REPRESENTATIVES—Friday, February 10, 1995

The House met at 9 a.m.

PRAYER

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

Enable us, O Almighty God, to take the heavenly vision of harmony and peace and mercy and truth and translate that vision into the work that we do with our hearts and minds and hands. Encourage to take our ideas and ideals, our hopes and dreams, our faith and our convictions into the realm of daily action and personal responsibility. May we so heed Your word of truth and Your message of justice that Your will may be done on Earth as it is in Heaven. In Your name, we pray. 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.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Iowa [Mr. GANSKE] come forward and lead the House in the Pledge of Allegiance?

Mr. GANSKE 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will announce there will be 5 1-minutes on each side.

REPUBLICAN CONTRACT WITH AMERICA

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

Mr. HAYWORTH. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will: Force Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget. We have done this.

It goes on to state that in the first 100 days, we will vote on the following

items: A balanced budget amendment—we have done this; unfunded mandates legislation—we have done this; line-item veto—we have done this; a new crime package to stop violent criminals—we are doing this now; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for families to lift Government's burden from middle-income Americans; national security restoration to protect our freedoms; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; Government regulatory reform; commonsense legal reform to end frivolous lawsuits; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

APPOINT AN INDEPENDENT COUNSEL

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

Mr. VOLKMER. Mr. Speaker, today marks the third full week since the naming of the House Ethics Committee. As of now the committee has not discussed any of the very important issues before them involving our Speaker.

Mr. Speaker, there is a cloud hovering over the Capitol, a very dark cloud that will not go away until many questions are answered. As each day passes, this cloud grows larger and darker with new questions of ethics violations.

It should not take 100 days for the Ethics Committee to act. In fact it should not take them long at all to decide that an independent counsel is the only way these questions involving our Speaker can be answered.

If there is nothing to hide, let the independent counsel begin immediately. Only an independent counsel can remove this dark cloud over this great House of Representatives.

FOR THE CHILDREN

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

Mr. BARTLETT of Maryland. Mr. Speaker, why are Republicans working to change the way Government works? Why are we working so hard to pass a balanced budget amendment, to enact real anticrime measures, to reform our

welfare state? The answer is: for America's children.

We want to get this country in the best possible shape for future generations.

Our democracy must remain strong. We must clean our streets of crime, get our fiscal house in order, and provide every American the greatest opportunity to pursue happiness.

To do these things, we must change direction. We cannot continue to spend and tax our way to financial ruin. We cannot continue a welfare state that destroys opportunity and ruins generations of Americans. We cannot allow lawlessness to rule our streets and thugs to terrorize our citizens.

Mr. Speaker, these are the reasons I support the Contract With America. It represents real change that most Americans can support.

I urge the defenders of the status quo to reflect on one thing: Can our children afford to continue on the path you advocate? For most people, the answer is clearly no.

SOLVING THREE PROBLEMS AT ONE TIME

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

Mr. FLAKE. Mr. Speaker, during the course of the last several months, as we have been in the House there have been three issues that have been discussed in some manner, one of them being capital gains breaks for the rich, one of them being adjusting the minimum wage, trying to adjust the wage by which we increase the payments to those who are the working poor, as well as welfare reform.

I come today offering a solution to all of it. Let us give capital gains reductions, let us target it so we give minimum wage to the working poor, while at the same time as we move persons off of welfare give them an opportunity to work at a job that pays a decent wage.

We can solve all three problems if we can work together. Let us remove all the partisanship, let us not look at these issues as being disjointed, let us hook them up together, capital gains, minimum wage increase while at the same time changing welfare. We can solve the problem for everybody.

Win, win, win.

SAFE STREETS FOR AMERICA

(Mr. HEFLEY asked and was given permission to address the House for 1

□ 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.

minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, we have all heard the saying, "If you can't do the time, don't do the crime."

Unfortunately, the sad fact is that if you commit a violent felony there is only a 3- to 4-percent chance you will do any jail time. Looking at that another way, 96 to 97 percent of the time a violent criminal never sees the inside of a jail.

No wonder Americans have said that they have had enough and want their streets back.

When people are afraid to step outside their doors at night something is wrong. When people are afraid to sit on their porch, something is wrong. When fear of crime prevents many Americans in our inner-city areas from taking a night job or going to night school, it hurts all of us.

Even the wealthy who live in guarded, gated communities feel an immediate need to do something about violent crime. But for middle class and poorer Americans, who bear the brunt of violent crime, this is a life-and-death issue that affects them every day.

If nothing else, we owe the working men and women of our country, the ones who pay the bills, safe streets.

REINING IN THE IRS

(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 IRS is loading up. Individual dossiers now on every taxpayer, not just your credit history and your wife's background, your speeding tickets, how about news stories, how about informant's tips and how about rumors, ladies and gentleman.

□ 0910

Now, if that is not enough to pirate your software, check this out: It is not even confidential. Last year they slapped on the wrist 300 agents for snooping through tax returns. Unbelievable, ladies and gentleman.

And the Congress of the United States has allowed this to happen. I say it is time for Congress to act. What makes it even worse, when the IRS comes to the door with their Gestapo file and looks you in the eye, you are guilty and have to prove yourself innocent.

Do yourself a favor, do your constituents a service, and cosponsor H.R. 390 and let us put the IRS where they should be. They work for the American people.

APPROVAL RATING FOR CONGRESS HAS DOUBLED

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

Mr. GANSKE. Mr. Speaker, there is a new-found respect for Congress in the country. Republicans have only been in charge for 1 month, and the approval rating for Congress has already doubled.

The reason is obvious. Under Republican leadership we are working hard to keep our promises to bring big change to America.

Nowhere is that more apparent than in the crime package we are now debating. We are making tremendous progress in ensuring that the criminal justice system will be more concerned with the rights of victims and society than the rights of criminals.

And who will benefit most from our rough crime package? The middle and lower income classes, who live with violent crime every day. They know what we need to do: catch, convict, and confine violent criminals.

That is what our crime package is all about. And that is why we will continue working hard to see that it is enacted.

INTRODUCTION OF LEGISLATION TO PROVIDE A LIVABLE WAGE

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

Mr. THOMPSON. Mr. Speaker, I stand in support of livable wage for all Americans by the year 2000. Congressmen CLYBURN and HILLIARD and I have introduced a bill, H.R. 768, that moves the debate from a minimum wage to a livable wage. Many Americans who work in retail establishments such as McDonald's already earn more than \$5 per hour. The current minimum wage of \$4.25 per hour amounts to approximately \$9,000 a year. No individual or family can live at a decent level on this income. Contrary to popular belief, two-thirds of minimum wage workers are adults and not teenagers.

The minimum wage has not been raised since April 1, 1991, nearly 4 years ago. For the richest country in the world, this is a national disgrace. All of us know that the cost of goods and services have risen over this time period. By supporting a liveable wage, we send a clear signal to the Nation of our support for the working poor.

Let us vote for a livable wage and index future increases so that all American families can keep up with the rising cost of living. My constituents in Mississippi deserve it. Your constituents deserve it. We must demand it.

CONGRATULATIONS TO THE SAN FRANCISCO 49ERS

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

Mr. CUNNINGHAM. Mr. Speaker, the San Diego Chargers were picked in

their division, but then the season started; our Bolts pursued a vision. Often they would fall behind. They bested the toughest teams in the AFC. In the playoffs they beat Pittsburgh and Miami.

Then on Super Bowl Sunday, the 49ers won. I picked the Chargers. The gentlewoman from California, I had a 19 point advantage on her. I thought I had an advantage. Well, us males have thought that for thousands of years, and I guess we will never learn, because here I am to pay off my Super Bowl bet to the gentlewoman from California, the most prized possession that I could possibly own, El Indio chips and Mexican food, salsa and homemade guacamole, fresh from San Diego.

The 49ers are champs, and they will have our respect. But all the NFL will seek the trophy they protect. Should the San Francisco team return next year, I will still bet on my Chargers.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I am happy to yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, I congratulate the gentleman for the great, valiant effort of the Chargers. California sent two great teams to the Super Bowl, and I thank the gentleman for his salsa, chips, and guacamole, and give him a T-shirt.

CONGRATULATING TWO GREAT FOOTBALL TEAMS FROM CALIFORNIA

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

Ms. PELOSI. Mr. Speaker, I want to congratulate the Chargers and my colleague, all of my colleagues, from San Diego.

We are very proud in California of two great teams.

The gentleman from California [Mr. CUNNINGHAM] is a good sport. I waited awhile for him to pay off on this debt. His "the chips are on their way" became like "the check is in the mail." You know, the Super Bowl has been over awhile, and I thought that as to this concession he was waiting for Michael Huffington to concede before he conceded the Super Bowl loss.

In any event, he is a great Californian, a great sport. I thank him for that.

I also will have to say how proud I am of the San Francisco 49ers, owner Eddie DeBartolo, president Carmen Policy, you know, quarterback Steve Young, Jerry Rice, Rickey Waters, and the list goes on and on.

It was a great Super Bowl. We are very proud. Five trips to the Super Bowl for the 49ers, five championships, five world championships.

Go '9ers.

INTRODUCTION OF RESOLUTION OF INQUIRY CONCERNING TAXPAYER-BACKED MEXICAN RESCUE PACKAGE

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

Ms. KAPTUR. Mr. Speaker, today with bipartisan cosponsorship, I am introducing a resolution of inquiry concerning the recent U.S. taxpayer-backed Mexican rescue package.

Far too many questions regarding the terms of the financing and the financial risks to our people and our banking system remain unanswered. The purpose of this resolution is to obtain factual information from the Clinton administration on a series of questions contained in the resolution, including the soundness of the collateral backing the agreement, the solvency of PEMEX, the actual terms of the short-, medium-, and long-term loans, and the rate at which funds are being drawn down.

I ask my colleagues to cosponsor this resolution of inquiry and respectfully request the Committee on Banking and Financial Services report it favorably within the 2 weeks required.

VIOLENT CRIMINAL INCARCERATION ACT OF 1995

The SPEAKER pro tempore (Mr. SAM JOHNSON of Texas). Pursuant to House Resolution 63 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. 667.

□ 0917

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. 667) to control crime by incarcerating violent criminals, with Mr. BARRETT of Nebraska, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, February 9, 1995, the amendment offered by the gentleman from Virginia [Mr. SCOTT] had been disposed of, and the bill was open for amendment at any point.

Four hours and ten minutes remain for consideration of the bill under the 5-minute rule.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment, amendment No. 2, Watt No. 2.

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina: Page 17, strike lines 16-23 and page 18, strike lines 1-3.

Page 18, line 4, strike the letter "g" and insert instead the letter "F".

The CHAIRMAN pro tempore. The gentleman from North Carolina [Mr. WATT] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume. This should not take 5 minutes. I actually engaged in some degree of debate on this amendment during the period of general debate.

This amendment simply would strike the provisions in the bill having to do with the award of attorneys' fees.

I now realize that I may have the wrong amendment at the desk.

Mr. Chairman, I ask unanimous consent to substitute amendment No. 3, Watt No. 3, and have that one read instead. I ask unanimous consent that the amendment that was originally read be withdrawn and that the Watt amendment No. 3 be substituted.

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

There was no objection.

The CHAIRMAN pro tempore. The amendment has been withdrawn.

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer my new amendment.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina: Page 16, strike lines 10-20.

The CHAIRMAN pro tempore. The gentleman from North Carolina [Mr. WATT] will be recognized for 10 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. WATT].

□ 0920

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment actually relates to the procedure by which an appeal is taken from an order in which relief has been granted in a prison lawsuit.

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. CANADY of Florida. I thank the gentleman for yielding.

Mr. Chairman, I am uncertain as to what this amendment is. The amendment that was read does not seem to be amendment No. 3 that was printed in the Journal. I would like to understand what amendment we are on at this point.

Mr. WATT of North Carolina. The gentleman's side has a copy of them. We redesignated the amendments because when the bill came out of com-

mittee it came out in a different form that the amendments that were printed in the RECORD conform with. So we have gone back and conformed the amendments to comply with the actual printed bill.

Does that address the gentleman's concern?

Mr. CANADY of Florida. It does. I thank the gentleman.

Mr. WATT of North Carolina. I had given the gentleman's side a copy of this amendment and the revised amendments yesterday afternoon.

Mr. Chairman, resuming my time, the bill provides that when an order has been entered by the court and the defendants in the case who have already been found to have violated a constitutional rights by prison overcrowding or in some other way violating a prisoner's rights and an effort has been made to try to correct that, when the motion to revise that order is made, that order continues in effect during the pendency of the motion to revise the court's order. Well, that is exactly what happens in any lawsuit. If the court ever enters an order in a case, that order stays in effect until the court comes back and changes that order or until some higher court changes that order.

The provisions of this bill would say if the court has entered an order, the order is in effect, the defendant files a motion with the court to change that order or to eliminate that order, then simply because the defendant filed a motion to change the order, if the court did not act on that motion within 30 days or some arbitrary time, the defendant would win the motion.

There is absolutely no precedent for this kind of radical change in any area of the law. Basically, what it says is you take overcrowded, overworked Federal courts, and you, without adding any additional personnel, any additional space, any additional opportunity for them to get the aid that they need—and everybody knows the courts are already overworked—and you take that and use it as an excuse to, in effect, change the whole burden of proof and process that we have followed in our country for years and years.

Another example of some political sloganeering taking precedence over reasonable public policy and thought in this body.

I would simply submit that this provision makes no sense from a public policy perspective. It may make some sense from an appeal to the political electorate's perspective, but I would even think it does not make any sense once you think about it and talk it out from that perspective.

So I would ask my colleagues to be reasonable, go back to the process that has existed in all other cases in our court system and allow that process to continue to exist in this case.

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

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). Is there a Member in opposition to the amendment of the gentleman from North Carolina?

Mr. CANADY of Florida. Mr. Chairman, may I claim the time in opposition?

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. CANADY] will be recognized for 10 minutes.

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

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this provision of the bill which is being attacked by the current amendment is a provision that is simply designed to insure the expeditious consideration of motions for relief filed by States and local governments.

What happens in many of these cases involving prison conditions is, the court, unfortunately, will not expeditiously consider such motions for relief by the States and local governments. In some cases, that can result in dangerous criminals actually being let out on the street.

Now, what we have in the bill is something that is very reasonable; it gives the court adequate time to consider the motions for relief and simply provides that if the court does not act on the motion for relief filed by the State or local government within the time period specified, then there will be a stay.

Now, once the court acts on the motion, the stay goes away. This is simply a mechanism to encourage the court to act swiftly, to consider these matters which are of great public importance. If the court ends up ruling against the State or local government, at that point the State or local government will have the ability to appeal that order of the court.

Now, I think it is important to understand there are two different time periods that are specified in the bill. One time period is for 30 days. That means that a stay will come into effect 30 days after a motion has been filed. But that only happens in circumstances where there has been no prior finding by the court that an individual's constitutional rights have been violated. So that is a very unique circumstance, where there has been an order imposed that is not based on a specific finding of such a constitutional violation.

I believe there is a compelling case in such circumstances for allowing the State or local government to obtain swift relief from onerous impacts of such a court order that is not based on a finding of specific constitutional deprivation.

Now, it is true that other cases, where there may have been a finding of

a constitutional deprivation, are subject to the stay provisions, but that stay provision only comes into place after the court has had the motion for more than 180 days.

Now, I believe 180 days is certainly an adequate period of time for a court to consider such a matter, particularly given the fact that these matters involve the public safety and involve the issue in many cases of keeping violent criminals off the street who would otherwise potentially be released under the court's order.

So I believe these are reasonable provisions.

The important thing to understand there is there is nothing, there is absolutely nothing in this bill that keeps the court from keeping in place the provisions of the order. If the court will simply make the findings that are necessary under the law, if the court will simply deal with the matter in an expeditious manner, the court will provide whatever relief is appropriate for a constitutional deprivation.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such additional time as I may consume and would like to address a couple of questions, after I make a comment, to the gentleman from Florida [Mr. CANADY].

Again, this is one of these situations like we saw yesterday and the day before yesterday where I am not sure the other side has read the provisions of its own bill.

Mr. CANADY represents to my colleagues here that under one part of this, the 30-day provision, no order needs to be in effect. But I do not know where he is getting that from if he has read the provisions of his bill.

It says, beginning on the 30th day after such motion is made in the case of a motion made under subsection B. Subsection B of this bill, an order is already in effect by a court because subsection B deals with termination of relief, relief that has already been ordered by the court.

So on that point, I think he is just absolutely wrong in his reading of his own bill.

□ 0930

Second, I would simply ask the gentleman whether he knows of any other situations, legal situations in this country, in which, where an order is in effect by the court, and somebody is trying to get from under that order, and they file a motion with the court to terminate it, a disposition of that motion is made in one way or another without the court having acted on it? Is there any other legal precedent for this that he can cite in any other area of the law?

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. CANADY of Florida. That is the typical situation in the case of appeals from a judgment of the court.

Mr. WATT of North Carolina. We are not talking about appeals. We are talking about going back to the same court that entered the order. This provision has nothing to do with appeals. This has to do with a motion in the court where the relief was granted. Is there any other precedent in the whole body of law in this country where a similar provision exists?

Mr. CANADY of Florida. There are provisions of law that stay certain orders against governmental entities. I am familiar with those in a variety of States where an order may be entered against a particular governmental entity. There is a stay imposed specifically because of the status of the party as a governmental entity. That is something that is found in the law, but let me go back to this point that the gentleman raises about the 30-day stay.

Now this is a conversation, quite frankly, that we had in the Committee on the Judiciary, and I am simply going to repeat it to my colleague.

Mr. WATT of North Carolina. Mr. Chairman, let me reclaim my time because we are operating on my time here, and I will reserve the balance of my time and let the gentleman make his point on his time since I have limited time here.

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

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we discussed at length in the Committee on the Judiciary, the 30-day stay only comes into place in circumstances where there is an absence of a finding by the court that prison conditions violated a Federal right.

I say to the gentleman, if you want to look on page 16 of the bill, beginning at line one, that's where you'll find it.

Now obviously there is going to be a court order in place. I never indicated that the stay only comes in place when there has been no court order. Obviously there is nothing to stay if there is no court order. We are talking about a court order, however where the court order does not have a finding by the court that prison conditions violated a Federal right.

Now all we are saying, it is in those circumstances the local government or the State should be entitled to very swift consideration of a motion for relief from an order that has not been based on the finding it should be based on. That is all that we are providing here.

Now, as I said, this is the same explanation that was provided in the Committee on the Judiciary. The plain language of the bill indicates that that is what we are talking about, and the gentleman can see it there on page 16.

Mr. WATT of North Carolina. How much time remains, Mr. Chairman?

The CHAIRMAN. The gentleman from North Carolina has 2 minutes remaining.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself the balance of my time.

I agree with one thing that the gentleman said. This is the explanation they gave for this provision in committee; that is true.

The explanation in committee was wrong. The explanation they are giving on the floor today is wrong. The wording of this bill specifically says the 30-day provision applies in any civil action with respect to prison conditions in which prospective relief has been granted.

So he has got a 30-day provision for that, and he has got a 180-day provision where retrospective relief has been granted, but in both of those cases relief has been granted.

Now let me just say to my colleagues and to the American people that yesterday or the day before yesterday—I am losing track of time now with all of these bills that keep coming at me—we set up a different standard of law with respect to aliens than we set up with respect to gunowners as far as the fourth amendment is concerned. Under that provision we are treating one part of our population differently than we treat other parts of our population. Here we are today setting a lower standard again for the rights of other citizens simply because we do not like those citizens.

I would say to the gentleman from Florida [Mr. CANADY] and to all of my colleagues, We can't set a different standard of law and decide in advance who is a bad guy and who is a good guy. Our whole criminal justice and court system is designed to make those determinations. We can't make those determinations on the floor of the Congress of the United States. It's the courts' responsibility to make those determinations, and when we start with moving the courts' authority, we are undercutting our rights, and this makes no sense, and I hope my colleagues will join me in opposing it.

Mr. CANADY of Florida. Mr. Chairman, I yield myself the balance of my time just to sum up very quickly.

The issue here is whether we are going to allow courts to continue micromanaging prison facilities and to allow them to delay their consideration of motions for relief from their micromanagement. That is the issue. I believe that we have seen a history of abuses in this area. There is a compelling public interest in ensuring that local governments and the States are able to obtain relief in an expeditious manner.

Now we are not tying the courts' hands here. We are simply saying to the court, "Act, consider these mat-

ters, deal with them because they are of public import because they are matters that have a grave impact on the public safety. They're matters that in effect are life-and-death matters."

Let me say this also:

We are not setting a lower standard for anybody's rights here. This bill has been carefully crafted to ensure that people who have a legitimate claim, people whose rights, whose constitutional rights, are in fact being violated, can have a remedy. But what we want to stop is the overinvolvement of the courts in managing the prison systems.

I say to my colleagues, That's what this is about, and, if you want to have a more rational policy in this area, you will oppose this unfavorable amendment.

Mr. WATT of North Carolina. Mr. Chairman, would the gentleman yield just so I can make a point?

Mr. CANADY of Florida. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. The issue is not whether the courts will micromanage prisons. The issue is whether Congress will micromanage the courts, and that is what we are doing by putting this provision in the law.

Mr. CANADY of Florida. I respectfully disagree. I think we are addressing an important public matter here, and this is certainly within the province of the Congress' responsibility, and indeed I believe it is incumbent upon the Congress to address this issue.

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 noes appeared to have it.

RECORDED VOTE

Mr. WATT of North Carolina. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 93, noes 313, not voting 28, as follows:

[Roll No. 112]

AYES—93

Abercrombie
Beilenson
Beraman
Bishop
Bonior
Brown (CA)
Brown (FL)
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Conyers
Coyne
Deilums
Dicks
Dingell
Dixon
Durbin
Eshoo

Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Gejdenson
Gibbons
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hoyer
Jackson-Lee
Johnson, E.B.
Kennedy (MA)

Kennedy (RI)
Kildee
LaFalce
Lantos
Levin
Lewis (GA)
Lowey
Martinez
Matsui
McDermott
McKinney
Meehan
Meek
Menendez
Mineta
Mink
Mollohan
Nadler
Oberstar
Oliver

Owens
Pastor
Payne (NJ)
Pelosi
Reed
Reynolds
Rivers
Rose
Roybal-Allard
Rush
Sabó

Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Stokes
Studds
Thompson

Towns
Velázquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Williams
Wise
Wynn
Yates

NOES—313

Ackerman
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehler
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Creameans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan

Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kim
King
Kingston
Kieczka
Klink
Klug
Knollenberg
Kolbe
LaHood

Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBlundo
Longley
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer

Rogers	Smith (TX)	Torricelli
Rohrbacher	Smith (WA)	Traficant
Ros-Lehtinen	Solomon	Upton
Roth	Souder	Volkmer
Roukema	Spence	Vucanovich
Royce	Spratt	Waldholtz
Salmon	Stearns	Walker
Sanford	Stenholm	Wamp
Saxton	Stockman	Watts (OK)
Scarborough	Stump	Weldon (PA)
Schaefer	Stupak	Weller
Schiff	Talent	White
Seastrand	Tanner	Whitfield
Sensenbrenner	Tate	Wicker
Shadegg	Tauzin	Wilson
Shaw	Taylor (MS)	Wolf
Shays	Tejeda	Woolsey
Shuster	Thomas	Wyden
Sisisky	Thornberry	Young (FL)
Skeen	Thornton	Zeliff
Skelton	Thurman	Zimmer
Smith (MI)	Tiahrt	
Smith (NJ)	Torkildsen	

NOT VOTING—28

Allard	Gillmor	Stark
Andrews	Greenwood	Taylor (NC)
Becerra	Hayes	Torres
Boucher	Herger	Tucker
Chapman	Hinchee	Walsh
Chrysler	Johnston	Waxman
Collins (MI)	Lofgren	Weldon (FL)
Deutsch	Mfume	Young (AK)
Ford	Miller (CA)	
Frost	Rangel	

□ 0959

The Clerk announced the following pairs:

On this vote:

Miss Collins of Michigan for, with Mr. Chrysler against.

Mr. Johnston of Florida for, with Mr. Weldon of Florida against.

Messrs. POMEROY, FRANKS of New Jersey, and DE LA GARZA, Mrs. MALONEY, Ms. FURSE, and Messrs. COLLINS of Georgia, MARKEY, and ENGEL changed their vote from "aye" to "no."

Mr. FAZIO of California, Mr. MEEHAN, and Mr. STUDDS 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. DEUTSCH. Mr. Chairman, during rollcall vote No. 112 on H.R. 667 I was unavoidably detained. Had I been present I would have voted "no."

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, due to circumstances beyond my control I was called away from the floor of the House on February 10, 1995 and missed a vote. Had I been here, I would have voted as follows:

Rollcall No. 112—no.

□ 1000

AMENDMENT OFFERED BY MR. RIGGS

Mr. RIGGS. 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. RIGGS: After subsection (b) of section 504, insert the following new subsection (and redesignate subsequent subsections accordingly):

"(c) AVAILABILITY OF FUNDS FOR JAIL CONSTRUCTION.—A State may use up to 15 per-

cent of the funds provided under this title for jail construction, if the Attorney General determines that the State has enacted—

"(1) legislation that provides for pretrial release requirements at least as restrictive as those found in section 3142 of title 18, United States Code; or

"(2) legislation that requires an individual charged with an offense for which a sentence of more than one year may be imposed, or charged with an offense involving violence against another person, may not be released before trial without a financial guarantee to ensure appearance before trial."

The CHAIRMAN. The gentleman from California [Mr. RIGGS] is recognized for 10 minutes.

Mr. RIGGS. Mr. Chairman, my amendment is intended to address the twofold problem of jail overcrowding in many of our communities across the country today, and also it is designed to address the problem of instances where individuals who have been arrested for serious crimes and violent offenders are being released back into our communities after arrest on their own personal recognizance and promise to appear in court.

This has become a particularly exaggerated problem in our communities because in many instances, these individuals are not only failing to appear in court to stand trial on original charges, but too often are going back out into our communities and are committing additional crimes. My amendment might be known as the jail, not bail, amendment to H.R. 667.

Under my amendment, each State would be given the flexibility to use up to 15 percent of its funding under the act for jail construction. However, the chief law enforcement officer of each State, the Attorney General, would have to find that in order for the local communities to utilize these funds, that the State has adopted pretrial release restrictions that are at least as restrictive as those in effect in the Federal system, or that individuals charged with serious offenses or crimes of violence are not released without security. That means without the requirement of posting a commercial bail bond.

Mr. Chairman, I wish to underscore to my colleagues that this is not a mandate, only an additional option for each State that qualifies and utilizes funding under this act.

Let me go back to the original problem that I mentioned, which is the problem of jail overcrowding. There is clearly a need for greater prison capacity in each of our States.

In many instances, and I know this certainly is the case in California, our local jails, and these are the county-run facilities, are often holding individuals who have been convicted of felony charges and are awaiting transfer to State prison, so my amendment is designed to recognize the problem of jail overcrowding and recognize the fact that, again, local correctional fa-

cilities are often being used as an adjunct of the State penal system.

Mr. Chairman, we all know that jails are a less secure facility than a prison. Jails are designed to detain temporarily prior to trial those who have been charged with a crime, or to incarcerate minor offenders. Increased enforcement efforts and a heightened public concern about crime have added the pressure on all of our correctional facilities, but certainly, again, our local correctional facilities in communities throughout America.

Let me turn to the other issue, Mr. Chairman, which is the question of requiring secured bail from offenders, and these are individuals who have been charged with crimes, versus free bail, which is the practice of releasing individuals right back out into the community on what is known as OR, their own recognizance, and their personal promise to appear in court at a later date to stand trial on the original charges.

According to the Justice Department's own statistics, 60 percent, 60 percent of State felony defendants who are released prior to trial are not required to post bail. This has created an unintended effect in our local communities, because one-third of these individuals are either rearrested for a new offense before trial, or fail to appear in court as scheduled. Of course, as we all know, failure to appear in court on original charges is in and of itself an additional crime.

Mr. Chairman, of those already on pretrial release, 56 percent are released again when arrested on new felony charges. That literally boggles the mind, the notion that somebody could be released on a felony charge, and this is an initial crime, for an initial crime and an initial arrest, released back into the community, again many times simply on their written promise to appear in court at a later date, and then commit additional felony crimes.

What we know from the research is that those on secured release, that is to say, those who have been required or who have associates or relatives who have assisted them in posting a commercial bail bond, are far more likely to come back to court and answer the charges against them than those who are released on their own recognizance. Fewer people are rearrested while out on secured release.

My amendment, by requiring in most instances the posting of a cash bail, would save the taxpayer money, since private industry is then put in a position of monitoring criminal defendants and not taxpayer-supported officials.

Mr. Chairman, the justice system should favor the victim, not the criminal. That is the common theme that runs throughout our efforts here on the floor over the last few days as we enact the crime provisions, the anticrime provisions, I should say, in the Contract With America.

My amendment, like the rest of the Contract With America, will reduce Government, reduce taxes, and reduce crime.

RIO DELL POLICE DEPARTMENT.

Rio Dell, CA, December 29, 1994.

DEAR CONGRESSMAN RIGGS, I am writing to you on behalf of the Law Enforcement Chiefs Association of Humboldt County. We are facing a critical point in trying to enforce the laws of this state and country. Due to the Humboldt County Jail capacity rating of 200 inmates, we are being forced to cite and release persons for auto theft, persons committing burglary and other types of felonies. All misdemeanors have to be cited and released in the field.

The problem with the cite and release system is that these persons are given a date and time to appear in court. Problem is, they never show up for their court appearance. So then a warrant is issued for them. They are picked up, arrested, and cited and released again. These subjects know they are not going to go to jail, so they don't show up in court, again and again. This goes on and on, month after month, year after year.

It has gotten to the point that it is causing a morale problem with all police officers in all law enforcement agencies in Humboldt County. If a citizen knows that a subject was picked up, arrested, then they think that this person is in jail. So next, they see them on the street the same day and then they come after the officers, wanting to know why the person is not in jail. The officers try to explain to them the way the system is working. But the citizens don't care about that. They blame the police officers and the police departments because these subjects are back out on the street. Ninety five per cent (95%) of the warrants we get from the court state, "Do not cite and release. Mandatory appearance requested." We still have to cite and release these persons because the jail will not take them.

We have a new jail being built that will not be completed until 1997. And even then we will be back to square one again. Within thirty days, we will be facing the same problem again as the new jail will not hold over 250 inmates.

We are losing the streets to these criminals because of the system. They know that if they are arrested, all we can do is cite and release them again. Point. My department arrested the same person three times in one week for burglary. We have had to cite and release persons with over \$100,000 in warrants because they did not meet the criteria to be housed in the County Jail.

We are seeking your help in securing the abandoned Navy facility at Centerville Beach in Humboldt County to be used as a County Jail Farm with the following usage; to house all these subjects with these outstanding warrants and persons that are arrested that did not meet the criteria for the main jail.

Also, we wish to establish Project Challenge. At one time, we had Project Challenge but we lost the funds because the state cut funds on us. Project Challenge deals with drug users who will work with us to try to get off drugs, try and make useful citizens out of them.

The Centerville Beach Navy facilities face the Pacific Ocean. It has all the equipment that would be needed. It has its own power system, if needed. It has a large gymnasium that would be beneficial for the inmates, and a large kitchen. There is over 17 acres, nine of those acres could be farmed and used to raise cattle that could be used to feed the in-

mates at this facility and those at the main jail. They could farm produce.

We, the Chiefs of Law Enforcement of Humboldt County, believe that if we can secure this facility, and if inmates are kept busy and with the clean environment that this location has, it is possible to turn some of these inmates around and make useful citizens out of them. Get these people on the right path and out of the system.

No inmate would be released from this location as it is ten miles out from any city. So all inmates would be transported back to the main jail in Eureka and released from that location.

We, the Chiefs of Law Enforcement Association of Humboldt County, hope that you can help us secure funds, possibly from the new Crime Bill, to secure the facility. We will be forever indebted to you for any help that you can render us.

Sincerely,

G.P. GATTO,
Chief of Police.

[From the Times-Standard, Feb. 8, 1995]

FEDERAL FUNDS FOR POLICE OK'D

(By Kelly Johnson and Christopher Rosche)

Help is on its way in the fight against crime in Eureka, city officials said Tuesday.

Arcata, Fortuna, Rio Dell and the Del Norte County Sheriff's Department also will receive money to cover part of the cost of one new officer each.

The Justice Department announced the grants to the three cities Tuesday as part of anti-crime legislation Congress approved last year. President Clinton, who supported the legislation, had earlier promised federal seed money to put 100,000 more police officers on the nation's streets.

Tuesday's grants went to communities having populations of less than 50,000. California was cleared to receive \$16 million to help hire 212 additional officers in cities throughout the state.

Eureka will receive \$75,000, Mayor Nancy Flemming told the City Council at a meeting Tuesday night.

Police Chief Arnie Millsap is interviewing officers to fill current vacancies, she said, calling the interviews an "important step forward."

"They're on their way, folks, and it is going to help," she said of the new officers.

Arcata and Fortuna also are eligible for the maximum \$75,000. Rio Dell could receive up to \$66,883.50, the Justice Department said. Del Norte County's cap is \$70,292.25.

The money to all agencies, however, will not be available until the new officers are sworn in.

The communities in line to receive money must also submit budget information and community-policing plans.

In Eureka, Mayor Flemming thanked her City Council colleagues Tuesday night for "moving forward aggressively to get all these frightening numbers down and get our city back the way we want it."

Legislation introduced by state Assemblyman Dan Hauser, D-Arcata, also would help, Councilwoman Jean Warnes said. His bill would require the state to transport Pelican Bay State Prison parolees back to the counties in which they were convicted.

She urged residents to call or write Rep. Frank Riggs, R-Windsor, for help in fighting crime in Eureka. The city can use its high crime statistics to show the state and federal government that Eureka needs even more help, she said.

In a sampling of two dozen California cities, Eureka appeared to have a 1993 per

capita crime rate second only to Oakland's. City statistics show that property crimes in Eureka sharply increased from 1993 to 1994.

A big problem, officials said, is Humboldt County's "cite and release" jail policy. People who commit nonviolent crimes are released because the jail is too crowded.

That policy is "scaring us to death," Flemming said.

Councilman Jim Worthen said he personally will ask federal representatives for help when he travels to Washington, D.C., next month on behalf of the National League of Cities.

Eureka also must continue to work with other local cities to find solutions to the crime problem, Councilman Lance Madsen said.

In its fight against crime, Eureka has to do something about the "conspiracy and blackmail by the homeless movement," Councilman Jack McKellar said. But the city is limited in what it can do about the homeless problem by state and federal requirements and possible legal challenges, he said.

On Capitol Hill, the new Republican majority is working on anti-crime bills that would replace the grants earmarked for police hiring, drug courts and social programs with combined block grants. The money would go directly to local officials who would determine, within some limits, how it would be spent.

The new legislation would not, however, cancel police grants already awarded.

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

Mr. RIGGS. I am happy to yield to the gentleman from Florida, the distinguished subcommittee chairman.

Mr. McCOLLUM. I think the gentleman offers an excellent amendment, Mr. Chairman. What he is doing is carving out an ability for the States, if they want to, to use up to 15 percent of their money for jail construction and jail operation, not just State prison moneys; prison construction, provided that they have the same type of strong, tough bonding requirements on pretrial release that the Federal Government has.

I think that is a very constructive amendment. It limits the amount that could be used for the jail purposes, keeps within the concept of what the prison grant program is all about, and it would add a condition which some States will meet. Some States will not, but it is an excellent carrot, as well, for that purpose, so I commend the gentleman on his amendment.

Mr. RIGGS. I would like to point out, to follow up what the subcommittee chairman said, that we do have current statistics or recent year statistics from the Justice Department, and I would like to point out to my colleague on the other side of the aisle that in the calendar year 1992, and this is Justice Department statistics for those arrested on serious charges, 37 percent of those arrested for violent offenses were released on a nonfinancial basis; 24 percent were released simply on their own recognizance and personal promise to appear in court at a later date.

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

Mr. RIGGS. I am happy to yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I am curious about the gentleman's amendment. If the court were to devise or a jurisdiction were to devise a system which allowed for a deposit, say, of 10 percent of the amount of bail with the court, refundable if the defendant showed up for trial, would that be an acceptable alternative to buying a bail bond from a private bail bondsman under this proposal?

□ 1010

Mr. RIGGS. Reclaiming my time to respond to the gentleman, because I think that is a very legitimate question, it is the intent of my amendment to let the States develop those standards.

Mr. BERMAN. So one would not be required to utilize a private bail bondsman under this proposal.

Mr. RIGGS. The gentleman is correct, that would not necessarily be the requirement.

Mr. BERMAN. One more question. If the jurisdiction in certain kinds of situations offers a kind of confinement, home monitored confinement or some other alternative to assure themselves the individual's presence, is that a suitable alternative?

It is different, it is more restrictive than OR. It provides security for the law enforcement authorities about where the individual is. Is that an acceptable alternative to buying a private bail bond?

Mr. RIGGS. I think the gentleman makes some very constructive observation and questions, and I appreciate them. As the author of the amendment and maker of the motion I would find that to be an acceptable alternative to simply releasing an offender or defendant on personal recognizance.

Mr. BERMAN. Could I suggest then instead of casting this in terms of without a financial guarantee, strike the word; either put financial guarantee or other suitable guarantee. I think that perhaps will solve the problem, other suitable guarantee.

Mr. RIGGS. Reclaiming my time, I would like to give some further thought to the gentleman's suggestion. What we are striving for here though is a financial guarantee in most instances, not all, but most, because again, the evidence clearly shows that the financial guarantee is much more likely to ensure the defendant's return to court or an appearance in court to stand trial on the initial charges, No. 1, and much less likely to commit a subsequent crime while free on release.

Mr. BERMAN. If the gentleman will continue to yield, and I appreciate him doing so, I do not have my own knowledge of the statistics, but I accept the proposition, and I know that in some jurisdictions there are creative alternatives, electronic monitoring devices

that ensure the individual cannot leave the home without the authorities knowing, these kinds of things.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The time of the gentleman from California [Mr. RIGGS] has expired.

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

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

Mr. RIGGS. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Chairman, I think this issue is the old bracelet concept. As an individual who has operated the system for 10 years, I just would like to point out to my colleague from California that we are really talking about apples and oranges here. This is a great system. We have used it as an alternative to incarceration, but as far as I know they are being used for presentenced individuals, they are not for sentenced individuals, as an addendum to incarceration, not as a guarantee to come back, because there is that issue of processing that has been addressed again and again. We have used that very effectively in San Diego County and across California, but to use it in lieu of bonding, I think we have administrative problems.

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

Mr. RIGGS. Let me suggest at this point to the gentleman that we can informally meet to discuss this.

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

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding the time. I will just be very quick.

The amendments as proposed is an absolute requirement of a financial guarantee. The gentleman from California, from San Diego spoke about his experiences. He may be right about San Diego. I think there are some other jurisdictions where alternative systems, not simply OR release, but alternative systems are utilized to monitor a defendant in the pretrial phase, and I think providing a little bit of flexibility in this provision so we do not rule out those nonfinancial situations as well as what the gentleman has already done would help to make it clear that you do not have to buy a private bail bond and the gentleman does not intend this to be a bail bondsman bill. This is for law enforcement, and there should be alternatives to the bail bondsman clearly that those are allowed. Those are the only suggestions I would have.

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

Mr. BERMAN. I yield to the gentleman from California.

Mr. RIGGS. I appreciate the gentleman yielding. Again I would be happy to look at the language that would address, as the gentleman from California put it, alternative arrangements. But I would refer the gentleman to paragraph one under clause c in my amendment which allows the Attorney General to make the determination if States have enacted pretrial release requirements, and that is fairly broad, at least as restrictive as those found in the Federal system. And I think the gentleman may be looking at just the second paragraph which talks about a financial guarantee.

Mr. BERMAN. If I can just reclaim my time, section 3142 is what? In other words, at least as restrictive as those in 4132? Those allow alternatives to financial guarantees.

Mr. RIGGS. If the gentleman would withhold for a moment, we can perhaps go right to the United States Code and find those provisions. Will the gentleman yield?

Mr. BERMAN. I am happy to yield to the gentleman from California.

Mr. RIGGS. Under section 3142, which runs a couple of pages at least, it does speak at the beginning of that section about release or detention of a defendant pending trial, and I quote,

Upon the appearance before a judicial officer of a person charged with an offense, the judicial officer shall issue an order that, pending trial, the person be—(1) released on personal recognizance or upon execution of an unsecured appearance bond.

That is under subsection b of the section.

Mr. BERMAN. Just to reclaim my time, if what I hear is correct, since the gentleman is providing in subsection c the alternatives of one or two, then the alternatives described in 3142 are sufficient if they exist at the State level to qualify for this provision?

Mr. RIGGS. The gentleman is correct. I think that would address the gentleman's concern.

Mr. BERMAN. Therefore, it is not an automatic requirement of a financial guarantee?

Mr. RIGGS. The gentleman is correct.

Mr. BERMAN. It is that or the provision set forth in section 3142?

Mr. RIGGS. The gentleman is correct.

Mr. BERMAN. I thank the gentleman.

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

Mr. Chairman, this is a disturbing proposal for the following reasons: We are first of all dealing with pretrial and we are requiring cash bail. What if the person does not have cash? What if the person does not have any previous convictions? It is not clear to me at all why we need to be micromanaging into the 50 States in the Union to determine how they ought to have bail requirements in each State, and it is because

of that that I do not have any sympathy for creating new micromanaged requirements that would take 15 percent out of the prison construction to allow for jail construction if in fact we merely tighten up the bail requirement by requiring cash at the beginning when guilt or innocence has not yet been proven.

So I am disturbed about this amendment, and since it has not been passed through the Justice Department, they have given us no indication that they would be supportive of it, and I do not remember it coming up in the committee during the discussion of the crime bill, I am very unexcited about here, with a dozen Members on the floor, we are now going to create another micromanagement position for the States.

□ 1020

And I thoroughly think that we should be getting kind of full of telling States of how to manage their criminal justice system.

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

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

Mr. SCOTT. I would like to ask the gentleman: You have indicated we did not have hearings, so we did not have an opportunity to flesh out the constitutional implications.

Do you have any idea how the various States will be affected by this amendment?

Mr. CONYERS. Well, because there was no hearings, we are trying to see how this even fits into the Federal Criminal Code and into the existing sections, and even into the bill itself. So bringing something of this magnitude down on the floor is just to me something that we do not need to deal with now. I mean, maybe there was some reason this did not come up in the hearings, but there is no way that I am going to now suggest that on all of the things that we have put on the States that we are now going to tell them how they ought to handle their pretrial bail circumstances.

You know, can I suggest that may be some bail bondsman's organizations may be, politely, behind some of this emphasis to create new requirements that would need their services? Because I do not know why else we would want to do it this way, and the gentleman is even thinking about the suggestion of the gentleman from California [Mr. BERMAN] that maybe even if it could be paid into the courts would be at least a small amelioration of the problem that I see, and the gentleman is still reflecting on that.

So, as you can tell, there is very little enthusiasm on this side of the aisle for the amendment.

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

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

Mr. WATT of North Carolina. Mr. Chairman, I thank the ranking Member for yielding to me.

I guess my concern goes substantially beyond the ones that have been expressed and back to the provisions of the fourth amendment to the Constitution which says excessive bail shall not be required, and yet here we are kind of micromanaging the State courts again and having it done by a group of people who have told us that they believe in all these States' rights, and all of a sudden we are telling the States what to do in every area of the court system, every area of the incarceration system. That is basically where I am.

I mean, I just cannot understand why States' rights advocates are consistently coming into this body and micromanaging what the States have been doing. We have had no involvement in all of this time. I just have trouble understanding that.

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

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

Mr. RIGGS. Mr. Chairman, I thank the distinguished ranking Member for yielding to me.

Mr. Chairman, I want to point out again, as I said in my opening remarks, that my amendment will give greater flexibility to States by permitting those that adopt strict pretrial release practices or, speaking to the concern of the gentleman from California, require cash bail for defendants charged with serious and violent crimes to use some of the funds under the act for jail construction.

This is not a new mandate. It is simply an additional option, and I appreciate the gentleman yielding.

Mr. CONYERS. May I suggest that we do not know what the various States are really doing on a State basis, and so we now have another qualification in the prison construction bill that tells the States what they must do to qualify for construction funds, and then we are now telling them how to run bail bonding at the same time, and then the gentleman from California [Mr. RIGGS] is resisting the modest proposal of the gentleman from California [Mr. BERMAN] which might make it at least palatable to the gentleman from California [Mr. BERMAN], even if it is does not for myself.

So I now find myself more often defending States' and local governments' rights to determine what their laws are going to be. Is there some assumption built into this amendment the States do not know when they have a dangerous crime or a person who may not show up in court, and that the only way that we are going to get them to show up in court is that we give a 15-percent set-aside in prison construction money for them to build more jails? And is that the real reason that they are not keeping people who you

apparently think ought to be put on bail?

I mean, what are we doing in this process? Why are we here now? Merely because we have a crime bill to tell the courts that they are letting out too many people without getting cash bail and they are not coming back, and they would come back faster if you put bail requirements, cash bail requirements, on them, and to make sure you do that, we will give you some money to build some more county jails or State jails?

I do not think this is something that this committee has investigated sufficiently for us on our side to give any blessing to it in this brief discussion.

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

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

Mr. HEINEMAN. Mr. Chairman, I think we have reached an area where we are talking about micromanaging States as it relates to bail and other issues. This is an issue for the Congress to talk about, because it is a national issue; I think just as any other national issue, we do have standing in putting certain qualifications on the States, being it is a country issue, it is an issue of the United States as a whole, and just as there was a bubonic plague in this country at one point, we cannot expect one State to give inoculations and the others not to.

This is just as bad as a disease plague, this crime. We have to treat it across this whole country in the same way in order to have a national effect, and unless I am wrong, I think we do have standing in telling the States that they should be doing this in concert with all the States.

Mr. CONYERS. Reclaiming my time, I am not saying we do not have any right to look into this matter. All I am saying is that we had hearings, witnesses, markup, and now we meet on the floor to pass a pretty complex piece of legislation, and now it comes up, and so it is the timeliness part that I am inquiring into. I need a lot more information.

Mr. RIGGS. Mr. Chairman, I yield myself 1½ minutes, the remainder of my time.

Mr. Chairman, I want to make it very clear to my colleagues, because I think they are expressing genuine concerns, No. 1, I am not acting as a foil for the commercial bail bond industry. I somewhat resent that inference.

I am trying to address, however, a major public safety concern which is related to jail overcrowding and the fact that we have increasingly moved away from financial guarantees or alternative release provisions that will attempt to do two things; first, ensure that that individual appears in court at the scheduled date to stand trial on the original charges, and all the evidence is that they are much less likely to appear in trial if they are released back

into the community on their own recognition and personal promise to appear, much like signing a traffic citation.

And, second, we are attempting to cut down on the immediate recidivism. The criminal justice system should not have a revolving door at the front. These individuals are going right back out into the community, many times beating the arresting officer back on the street, or committing subsequent serious crimes.

So I am addressing a major public safety concern. I am doing it in the form of flexibility to the States that want to, working with the State attorney general, adopt arrangements that will, in fact, lead to pretrial release form across this country.

□ 1030

That is the intent of my amendment.

Mr. CONYERS. Mr. Chairman, one final question, if I may. Will the gentleman yield?

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

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, why do we assume the State courts cannot figure out that they need more jails to house people?

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. RIGGS].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there other amendments to the bill?

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment marked B.

The Clerk read as follows:

Amendment offered by Mr. MCCOLLUM: add at the end, the following new title:

SEC. 1. BUREAU OF PRISONS COMMUNITY SERVICE PROJECTS.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

“§ 4047. Community service projects

“(a) Subject to the limitations of subsection (b), the Chief Executive Officer of a Federal penal or correctional facility may, as part of an inmate work program, provide services to private, nonprofit organizations, as defined in section 501(c)(3) of the Internal Revenue Code of 1986, or to a component of any State government or political subdivision thereof. Such services shall be provided pursuant to rules prescribed by the Attorney General.

“(b) Services provided under subsection (a)—

“(1) shall be used only for the benefit of the recipient entity and not for the benefit of any individual or organization other than the recipient; and

“(2) shall not displace an employee of the recipient or result in a reduction in hours, wages, or employment benefits of any employee of the recipient.”

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 303, title 18, United States Code, is amended by adding at the end the following new item:

“4047. Community service projects.”

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

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 10 minutes.

Does a Member rise in opposition to the amendment?

Mr. CONYERS. Mr. Chairman, I am not in opposition to the amendment, but I would like to use the time allotted.

The CHAIRMAN pro tempore. Without objection, the gentleman from Michigan [Mr. CONYERS] will be recognized for 10 minutes.

There was no objection.

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

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

Mr. Chairman, this amendment is very simple and straightforward. I hope it is noncontroversial and we can dispose of it.

Mr. Chairman, the Bureau of Prisons has informed me that they have some questions that have been raised about their ability to be involved in community service projects with the 95,000 or so Federal prisoners around the country. This would make it possible for the law to let them go do a lot of community service projects, of course under restrictions, for private, nonprofit organizations or local cities or communities.

Apparently, right now the interpretation of the law is they can only do these community projects and work projects, if there is a Federal hook; that is, a Federal program or some Federal nexus being involved in the money perhaps that goes to the local community service group that they are providing work and assistance to.

This would allow them to go out to whatever nonprofit organization, city or county or political subdivision, whatever it may be, and provide community service.

We have been very careful to restrict this; it does not involve the production of any product that would go out, although that might be an arguable thing that we should allow them to do at some point in time in the prison industry. But this does not get involved in that, not involved in the debate over prison expansion or expansion of prison industries.

What it says is, inmate work programs can go out and help people as a community service, a volunteer thing, in lots of ways they are not now allowed to do.

I would think for the purposes of getting more work out of prisoners and

getting them to do, giving them an opportunity to do a public service while they are at it, that this is a very good, simple amendment, appropriate to the bill with which we are dealing today. It is something they badly want.

I would encourage its adoption.

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

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

Mr. Chairman, my concern here—and we just received this amendment—is that we are not getting into the very sensitive area of products being produced by inmates. There is a whole area that is very sensitive in this regard, and I am very concerned that that is not happening anywhere throughout this provision.

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

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

Mr. MCCOLLUM. I thank the gentleman for yielding.

Mr. Chairman, I have been careful to scrutinize this, very careful. When we saw some language in the Bureau of Prisons they felt was not offensive in that regard because it involved some nature of products which would be exempt normally from all the considerations, I even struck that language from the amendment.

So we are not offering anything that even has the word product in it so we do not get into that kind of debate. We have taken it out of there, any reference to the word product in the original language is gone from this amendment. It is strictly service; literally that is what it is, nothing else. Every reference to any kind of product or prison industry is gone.

What it reads now, so that we will be very clear is: “Subject to the limitations of subsection (b),” which is where we talk about the services provided,

*** the chief executive officer of a Federal or penal correctional facility may, as part of an inmate work program, provide services to private, nonprofit organizations, as defined in section 501(c)(3) of the Internal Revenue Code of 1986 or to a component of any State government or political subdivision thereof.

Strictly of services.

(b) talks about the services, what the services can be,

*** shall be used only for the benefit of the recipient entity and not for the benefit of any individual or organization other than the recipient and shall not displace an employee of the recipient or result in a reduction in hours, wages, or employment benefits of any employee of the recipient.

It is really what it says it is, pure volunteer-type community service projects without displacing the worker at all.

As far as the section 501(c)(3) organizations, and State or local units of government, so there is no problem.

Mr. CONYERS. I believe this gentleman is satisfied as to the concern

that I had. I see nothing but services throughout this, and that is the only word repeated throughout this, and the word "product" is crossed out.

I assume that what we see is what we get, and I am prepared to accept the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CARDIN

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CARDIN: Page 8, strike lines 7 through 11, and insert the following:

- “(1) \$990,300,000 for fiscal year 1996;
- “(2) \$1,322,800,000 for fiscal year 1997;
- “(3) \$2,519,800,000 for fiscal year 1998;
- “(4) \$2,652,800,000 for fiscal year 1999; and
- “(5) \$2,745,900,000 for fiscal year 2000.

Mr. MCCOLLUM. Mr. Chairman, I reserve a point of order on the amendment.

I would like to hear the discussion first before I withdraw or otherwise deal with my point of order.

The CHAIRMAN pro tempore. The gentleman from Maryland [Mr. CARDIN] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

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

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I have offered is a modest cut in the dollars that are provided in this bill for additional prison construction. It is a cut of \$7.2 million per year. This will allow us flexibility when we consider H.R. 728, to reinstate the funding level for the GREAT program that was enacted in the 1994 legislation.

The GREAT program is the Gang Resistant Education and Training Program. It is a program that has been very successful, operated by Treasury with local law enforcement and school officials. It provides police officers in our 7th grade in our schools in order to work our youth to prevent gangs from developing. It has worked in many of our communities.

What it does is instill a better attitude with young people concerning police officers, which has been proven to deter gang activities.

Let me just cite some of the results quoted from the Arizona GREAT program. As a result of that program, we have seen a drop in the percentage of all ethnic groups who say they belong

to a gang, who want to be gang members. The percentage of students who reported getting into various kinds of trouble decreased after participating in GREAT. The percentage of students who know gang members and who want to be gang members decreased after students participated in the GREAT program.

The GREAT program has worked. It currently is a partnership between the Federal Government and local law enforcement, along with our schools.

Mr. Chairman, we have a problem in Baltimore. I did not realize we had a gang problem in Baltimore. I have met with our police commissioner in our city, Mr. Frazier. He has pointed out that we are starting to see more and more gang activity in our cities. As a result of the legislation passed last year by this Congress, Baltimore is now one of the 11 communities which have a GREAT program operating. It is going to provide police officers in our schools in Baltimore, working with our youth to deter gang activities.

Currently, there are nine communities that had GREAT programs, prior to the enactment last year of this legislation. As a result of last year's legislation, 11 more communities have this program. We are doubling the funds for the GREAT program. Originally only Hawaii; Phoenix; Albuquerque; Portland, OR; Kansas City; Detroit, Philadelphia; Tucson; and Prince George's County had GREAT programs.

As a result of the legislation last year, Trenton, NJ; New York City; Washington; Boston; Miami; Memphis; Las Vegas; Los Angeles; Milwaukee; Wilmington; and Baltimore now are in this program.

Mr. Chairman, I am imploring the sense of fairness of all Members of this House. We are here to set priorities.

The amendment that I am suggesting will be a very modest cut in prison construction, \$7.2 million. According to the information that has been made available for me, the average cost of a medium-security prison would cost \$36 million today, and a maximum-security prison in Florence, CO, costs \$66 million. \$7 million will hardly build the entrance to these types of facilities or the reception center.

Compare that to building part of a prison, to developing 11 programs in our communities working with the police and students to stop gang activities.

□ 1040

Clearly we are better served by putting the money into our schools, putting the money into prevention. Yes, prevention. Last year we had a good balance between prevention and prison construction. I am just asking that in this one case a program in which the Federal Government has assumed a good deal of responsibility in making funds available to local governments,

that we provide the wherewithal through this amendment so that we will be able to continue that program.

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

Mr. MCCOLLUM. Mr. Chairman, I will withdraw the reservation of a point of order.

The CHAIRMAN. The reservation of a point of order is withdrawn.

Mr. MCCOLLUM. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Maryland [Mr. CARDIN]. I did not see that there was any problem with this amendment technically. I do, however, oppose the amendment.

What the gentleman is attempting to do is take some money, strike it from this bill, x amount of dollars, and then have it reserved or be able to argue next week, presumably when we bring up the prevention and the local block grant programs, that there is some money available to tack on that he saved to tack on some program for gang prevention.

First of all, I do not like the idea of taking any money out of the prison grant program. I think we got the right amount in here. I see no reason to do that, to reduce it by whatever sum, however paltry it may appear. I think these several millions of dollars over the 5-year period is not that paltry. It is pretty significant. It is, I think, \$7 million 1 year, a couple million another, and it all adds up to \$20 or \$30 million more.

But besides that, in principle we are beginning already by this amendment the debate on the local community block grant concept that is going to come up next week in the block grant bill where we are going to provide, or we do provide in that bill that will come out here on the floor, some \$10 billion to the local cities and counties to use as they see fit to fight crime. I am quite sure that when we get to that and we have that debate the point will be well made, and everybody here can see it and understand it, that the best arguments that the gentleman is going to make about having gang prevention programs will succeed in many cities. They will succeed, I think, in quite a number of them, probably in Baltimore, near his area, maybe in Orlando, in my city, when the plea is made to the city council or to the county commission who gets the moneys under that bill, but not every community needs gang prevention programs. Not every community has a gang problem, and it seems to me that that is the essence of what that debate next week is going to be.

We should provide resources to the cities and the counties with maximum flexibility to fight crime, to use in the best way they see fit in their particular community, because what is good for somebody in Fresno, CA, might not be good for somebody in New London, CT.

It is an entirely different scenario in each case, and what the gentleman is suggesting doing here today is take some money, let us save some money today, so I can offer a specific, targeted, categorical grant program for gang prevention in a bill that will come up next week that is not even designed for categorical grants. It is designed entirely the opposition direction, for pure block grants with maximum flexibility that does not designate how this money is to be used, nor do you have to say you have to use it for that in order to qualify for it.

So, I have to oppose this amendment, do oppose it for both the reasons of its cutting the money out of this bill and because of the gentleman's stated purpose for doing it.

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

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

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

Mr. CONYERS. Mr. Chairman, the Treasury Department's gang resistance education amendment is a worthy program, and I think the amount is small enough so that, if it is deleted from prison construction legislation, there will be no great harm done. It is not like we have a whole string of these. This is the only one of this kind that I know that has occurred, and I met several times with the Assistant Secretary of the Treasury, Ron Noble, who is fully committed to eliminating the influence of gangs through demonstration projects.

Now we all complain about the increase of gang participation. Here is something that we can do about it, and so I do not want to jeopardize this provision, and I support very enthusiastically the amendment.

Mr. CARDIN. Mr. Chairman, I thank the gentleman from Michigan [Mr. CONYERS] for his comments.

Clearly we are here to make choices, and this is a very minor cut as far as prisons are concerned, cannot even build part of a prison of any significant size.

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

Mr. CARDIN. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, this is a minuscule amount of money, but it is money that will actually work. Gang reduction programs work. A program was studied in a Spokane, WA, school. They used a school to offer at-risk youth a variety of recreational and educational activities just Friday and Saturday nights. There was a volunteer effort of local merchant-donated materials. There was an intense evaluation that found that crime was reduced in the area after the program was implemented. The view of police officers as positive role models by youth was enhanced, and most of the participants

recommended the program to their friends.

This will reduce crime. The minuscule amount of money that will get lost in rounding off in the prison construction changed to this kind of program can do the most good. Mr. Chairman, I would hope that we would adopt this very worthwhile amendment.

Mr. CARDIN. Mr. Chairman, it is interesting that my friend from Florida [Mr. MCCOLLUM] cannot point to any harm done by this amendment, yet the absence of enacting this amendment and providing the wherewithal will have severe consequences on communities that are trying to prevent gang activities, working with the police and working with the schools, and I would urge my colleagues to support the amendment.

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

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

I just have to point out the fact that this is not minuscule, and any of us who get here and think that a million dollars, and this is much more than that, this is \$20, \$30 million when it cumulatively is looked upon over the 5-year life of this bill; anybody that thinks this is minuscule has really got blinders on. This is what the public gets outraged about, to think we can come up here and think that a million dollars, or \$2 million, or \$3 million, or \$7 million, or \$30 million, is minuscule. It is not. It is something, real money.

And the second point I would like to make is, yes, I do see some harm in this. This is the camel's nose under the tent, sure enough, because what the gentleman is suggesting is that we take this money and allow him then next week in a different bill to say and make the claim that he is using this money for categorical grant programs when this side of the aisle does not believe there ought to be categorical grant programs for prevention in general. We do not believe that the money ought to be designated by the Federal Government to go for gang prevention any more than we believe it ought to be designated to go for cops on the streets. We believe that the moneys that are submitted to the States, actually submitted directly to the counties and the cities in that bill to be offered out here next week, should be given to them to use in their sole discretion to decide whether they want to use it for gang prevention or something else. But we should not create special programs in this area that weed out all whys, and we do not know that.

So I think this is a very significant amendment. I think it is an amendment that thrusts us into the debate next week, and I think the gentleman from Maryland [Mr. CARDIN] knows good and well that it does, and I strongly oppose it for that reason.

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

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

Mr. CARDIN. Mr. Chairman, does the gentleman know what an average cost for a maximum security prison is today?

Mr. MCCOLLUM. I do not have it off the top of my head, but I am sure it is more than your bill by quite a lot, or your amendment.

Mr. CARDIN. And the same thing with a medium security prison. We cannot build a prison for the amount of money that is in the amendment that I have brought forward, but yet in the absence of this amendment being made available, 11 communities will go without a program dealing with any antigang activities.

I think it is a clear choice.

Mr. MCCOLLUM. Well, reclaiming my time, I would like to say to the gentleman, I don't believe any community is going to go without a gang prevention program that wants it, and we're going to have a bill out here that provides to the cities and communities of this country over \$10 billion next week to use as they want to use. Surely those that want gang prevention programs and think they are important will be able to find a lot more than this gentleman's amendment would provide for that purpose next week.

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

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

Mr. WYNN. Mr. Chairman, I rise because I have to point out that just yesterday, after the gentleman tells us today that this money is for prisons and should only be used for prisons, just yesterday, when we were debating the question of unallocated funds, the gentleman hurriedly put together an amendment to send these unallocated funds back to the Federal Government, not to the local governments that he says ought to be the decisionmaking entities, but rather back to Federal Government to build Federal courthouses—

Mr. MCCOLLUM. First of all, reclaiming my time, we did not send the money back by that amendment to build Federal courthouses. We sent it back for very severe law enforcement purposes, including the FBI, the—

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

Mr. MCCOLLUM. I will not right now—to criminal investigators of the INS and for purposes of building more Federal prisons, if that is what is needed.

Second, what we are dealing with are apples and oranges here. We are dealing with are apples and oranges here. We are dealing with a question of prevention programs versus prisons. We are dealing with two different things here.

□ 1050

Yesterday we were dealing with a question of the unallocated funds if we do not use them all up. Today we are stripping money out altogether, not designating 36 or however many million dollars for some other purpose if it is not used in this bill. We are actually stripping money out of this bill altogether presumably so the gentleman from Maryland [Mr. CARDIN] can make an argument next week that he saved this money for another amendment that he can offer for a categorical grant program that this side of the aisle simply does not believe with in principle. Not that we do not believe there should be gang prevention programs, but we do not believe that the Federal Government should be dictating through categorical grants that you have got to have a gang prevention program to get *x* amount of money. That is the difference.

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

Mr. CARDIN. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Maryland [Mr. CARDIN] has 3 minutes remaining, and the gentleman from Florida [Mr. MCCOLLUM] has 3 minutes remaining.

Mr. CARDIN. Mr. Chairman, I am glad to yield 1 minute to the gentleman from Maryland [Mr. WYNN].

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

Mr. Chairman, I want to go back to this point, because I was on the floor when we had the debate about unallocated funds, and I want to really heighten the contradiction that has taken place here today.

In point of fact, the gentleman from Florida did allocate money to Federal courthouses and Federal prosecutors, and, by his own statement, INS, another Federal agency. I do not know how we got from local prison funds back to the INS and back to the FBI and back to the Alcohol, Firearms and Tobacco Bureau and back to Federal courthouses, because that was the testimony of the gentleman from Kentucky [Mr. ROGERS] on this floor when he said yes, we need more Federal courthouses and more Federal prosecutors and we need more Federal this and that.

The fact of the matter is the gentleman had no problem taking money out of the program, unallocated funds, and sending them back to the Federal Government, but yet now when we have the very legitimate program that deserves attention, he resists taking a very small amount of money for a very worthwhile cause.

It seems to me that gang prevention is a better use of our dollars than continuing to build these prisons or, as what happened yesterday, sending money back to Federal agencies.

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

Mr. Chairman, I just want to respond to the gentleman from Maryland [Mr. WYNN] who made the points he did. Yesterday's amendment that he keeps referring to, there was some confusion during the discussion, but there was absolutely no money and is no money being allocated or reserved or blocked off that is not used for the grant programs under the prison program here today for the possible use in constructing or operating a Federal courthouse.

There were several provisions being made though in case the money is not used up in this bill, in case the States do not use it all. I think they will use it all for building prisons or operating State prisons, but if they do not, then the appropriators may use the moneys left from these grant programs at the end of the periods of time out where they are not used, for the purpose of the Federal Bureau of Investigation, INS investigators, U.S. attorneys, as I recall, and the National Institute of Justice for Technology Development.

I believe that was the limit of what we did yesterday. The point is still the same, and that is that Mr. CARDIN's amendment is not designed to tell us where to put unallocated, unused funds in this bill. The gentleman is striking several million dollars from this bill altogether. That is quite a different matter.

I am strongly opposed to that, and I am strongly opposed to the principles being espoused to use that money, to hold it back somehow so it might support an argument on an amendment next week that we set up a new categorical grant program which will be in violation of the basic principles of the bill produced next week.

So I am very strongly opposed to this amendment.

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

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the gentleman from Florida [Mr. MCCOLLUM] is pretty direct in that there is no money left over, so this is the only opportunity we have to preserve the GREAT anti-gang program.

There are two parts to this program, if I could point out to my friend from Florida. One is yes, it preserves the money, which is absolutely essential if we are going to be able to have the programs continued. But it does a second thing. The GREAT Program is a partnership in more than just dollars with Federal law enforcement. It also is cooperation between Federal law enforcement and local law enforcement. The police officers locally are trained through the National Police Service, so we use the training facilities nationally. Without the Federal program existing, it is going to be much more dif-

ficult to be able to continue this type of partnership.

I would urge my colleague to think about what we are doing here today. We are here to make choices. We have passed many amendments that restrict what States can do, how they can receive moneys for prison construction. When it suits us, we have a Federal involvement in micro-managing and establishing national priorities, however you want to characterize it. When it is appropriate for us to say we cannot let people out on their own recognizance, to get Federal funds, we say that. If the locals must have certain guidelines on sentencing, we say that.

But I would hope that we would have a national policy that our law enforcement people would work with local law enforcement to stop juvenile gang activities, to work in our schools. The GREAT Program offers us that opportunity. This amendment preserves it, and I urge my colleagues to support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume, only to say in closing that this amendment would strike a sizable amount of money, several millions of dollars from the Prison Grant Program. The bottom line of what it does is try to lay a predicate for a debate next week over the whole premise of the local community Block Grant Program.

It would be an undermining amendment. It is a camel's nose under the tent. It is a bad amendment, and I urge a no vote.

Mr. CARDIN. Mr. Chairman, I urge my colleagues to support the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. CARDIN].

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 129, noes 295, not voting 10, as follows:

[Roll No. 113]

YEAS—129

Abercrombie	Clayton	Doggett
Ackerman	Clyburn	Dooley
Barrett (WI)	Coleman	Durbin
Bellenson	Collins (IL)	Edwards
Bentsen	Conyers	Ehlers
Berman	Coyne	Engel
Bishop	Cramer	Eshoo
Bonior	de la Garza	Evans
Borski	Deal	Fattah
Brown (CA)	DeFazio	Fazio
Brown (FL)	DeLauro	Fields (LA)
Brown (OH)	Dellums	Filner
Bryant (TX)	Dicks	Flake
Cardin	Dingell	Foglietta
Clay	Dixon	Frank (MA)

Gejdenson	McCarthy	Rivers
Gephardt	McDermott	Roybal-Allard
Gibbons	McKinney	Rush
Gonzalez	McNulty	Sabo
Green	Meehan	Sanders
Gutierrez	Meek	Sawyer
Hall (OH)	Mfume	Schroeder
Hastings (FL)	Miller (CA)	Scott
Hefner	Mineta	Serrano
Hilliard	Mink	Shays
Hinchey	Moakley	Skaggs
Hoyer	Mollohan	Slaughter
Jackson-Lee	Moran	Stokes
Jacobs	Nadler	Studds
Jefferson	Neal	Tejeda
Johnson (CT)	Oberstar	Thompson
Johnson, E.B.	Obey	Torres
Kennedy (MA)	Olver	Towns
Kennedy (RI)	Ortiz	Tucker
Kildee	Owens	Velázquez
Klecza	Pastor	Vento
LaFalce	Payne (NJ)	Waters
Lantos	Pelosi	Watt (NC)
Levin	Pomeroy	Waxman
Lewis (GA)	Porter	Williams
Luther	Rangel	Woolsey
Markey	Reynolds	Wynn
Matsui	Richardson	Yates

NAYS—295

Allard	DeLay	Hunter
Andrews	Deutsch	Hutchinson
Archer	Diaz-Balart	Hyde
Armey	Dickey	Inglis
Bachus	Doolittle	Istook
Baesler	Dornan	Johnson (SD)
Baker (CA)	Doyle	Johnson, Sam
Baker (LA)	Dreier	Jones
Baldacci	Duncan	Kanjorski
Ballenger	Dunn	Kaptur
Barcia	Ehrlich	Kasich
Barr	Emerson	Kelly
Barrett (NE)	English	Kennelly
Bartlett	Ensign	Kim
Barton	Everett	King
Bass	Ewing	Kingston
Bateman	Farr	Klink
Bereuter	Fawell	Klug
Bevill	Fields (TX)	Knollenberg
Bilbray	Flanagan	Kolbe
Bilirakis	Foley	LaHood
Bliley	Forbes	Largent
Blute	Fowler	Latham
Boehert	Fox	LaTourette
Boehner	Franks (CT)	Laughlin
Bonilla	Franks (NJ)	Lazio
Bono	Frelinghuysen	Leach
Boucher	Frisa	Lewis (CA)
Brewster	Funderburk	Lewis (KY)
Browder	Furse	Lightfoot
Brownback	Galleghy	Lincoln
Bryant (TN)	Ganske	Linder
Bunn	Gekas	Lipinski
Bunning	Geren	Livingston
Burr	Gilchrest	LoBlundo
Burton	Gillmor	Longley
Buyer	Gilman	Lowe
Callahan	Goodlatte	Lucas
Calvert	Goodling	Maloney
Camp	Gordon	Manton
Canady	Goss	Manzullo
Castle	Graham	Martinez
Chabot	Greenwood	Mascara
Chambless	Gunderson	McCollum
Chapman	Gutknecht	McCrery
Chenoweth	Hall (TX)	McDade
Christensen	Hamilton	McHale
Chrysler	Hancock	McHugh
Clement	Hansen	McInnis
Clinger	Harman	McIntosh
Coble	Hastert	McKeon
Coburn	Hastings (WA)	Menendez
Collins (GA)	Hayes	Metcalfe
Combest	Hayworth	Meyers
Condit	Hefley	Mica
Cooley	Heineman	Miller (FL)
Costello	Herger	Minge
Cox	Hillery	Molinari
Crane	Hobson	Montgomery
Crapo	Hoekstra	Moorhead
Creameans	Hoke	Morella
Cubin	Holden	Murtha
Cunningham	Horn	Myers
Danner	Hostettler	Myrick
Davis	Houghton	Nethercutt

Neumann	Roukema	Taylor (NC)
Ney	Royce	Thomas
Norwood	Salmon	Thornberry
Nussle	Sanford	Thornton
Orton	Saxton	Thurman
Oxley	Scarborough	Tiahrt
Packard	Schaefer	Torkildsen
Pallone	Scott	Torricelli
Parker	Schumer	Traficant
Paxon	Seastrand	Upton
Payne (VA)	Sensenbrenner	Visclosky
Peterson (FL)	Shadegg	Volkmer
Peterson (MN)	Shaw	Vucanovich
Petri	Shuster	Waldholtz
Pickett	Sisisky	Walker
Pombo	Skeen	Walsh
Portman	Skelton	Wamp
Poshard	Smith (MI)	Ward
Pryce	Smith (NJ)	Watts (OK)
Quillen	Smith (WA)	Weldon (FL)
Quinn	Solomon	Weldon (PA)
Radanovich	Souder	Weller
Rahall	Spence	White
Ramstad	Spratt	Whitfield
Reed	Stearns	Wicker
Regula	Stenholm	Wilson
Riggs	Stockman	Wise
Roberts	Stump	Wolf
Roemer	Stupak	Wyden
Rogers	Talent	Young (AK)
Rohrabacher	Tanner	Young (FL)
Ros-Lehtinen	Tate	Zimmer
Rose	Tauzin	
Roth	Taylor (MS)	

NOT VOTING—10

Becerra	Johnston	Stark
Collins (MI)	Lofgren	Zeliff
Ford (TN)	Martini	
Frost	Smith (TX)	

□ 1116

The Clerk announced the following pairs:

On this vote:

Miss Collins of Michigan for, with Mr. Martini against.

Mr. Johnston of Florida for, with Mr. Zeliff against.

Mrs. MALONEY and Mr. TALENT changed their vote from "aye" to "no."

Ms. RIVERS, Mr. MORAN, Mr. DOGGETT, Mrs. COLLINS of Illinois, Mrs. MEEK of Florida, and Mr. COLEMAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment, marked amendment "A."

The Clerk read as follows:

Amendment offered by Mr. MCCOLLUM: Add at the end, the following new title: Section 1. Administration of Federal Prison Commissaries.

Section 4043 of title 18, United States Code, is amended by striking the current language and inserting the following:

"(a) The Director of the Bureau of Prisons may establish, operate, and maintain commissaries in federal penal or correctional facilities, from and through which articles and services may be procured, sold, rendered, or otherwise provided or made available for the benefit of inmates confined within those facilities. Only those articles or services authorized by the Director of the Bureau of Prisons may be procured from or through prison commissaries for the use of inmates.

"(b) There is established in the Treasury of the United States a revolving fund to be called the Prison Commissary Fund which shall be available to the Federal Bureau of

Prisons without fiscal-year limitation to carry out the purposes, functions and powers authorized by this section. Funds currently on deposit in the "Commissary Funds, Federal Prisons" account of the Treasury shall be transferred to the Prison Commissary Fund.

"(c) The Director of the Federal Bureau of Prisons may accept gifts or bequests of money for credit to the Fund. The Director may also accept gifts or bequests of other property, real or personal, for use or other disposition by the Bureau of Prisons. A gift or bequest under this section is a gift or bequest to or for the use of the United States under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

"(d) Amounts in the Prison Commissary Fund which are not currently needed for operations shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Prison Commissary Fund.

"(e) There shall be deposited in the Fund, subject to withdrawal by the Federal Bureau of Prisons—

(1) revenues received from the sale of articles through prison commissaries;

(2) revenues received from services rendered by prison commissaries;

(3) a gift or bequest of money for credit to the Fund;

(4) proceeds from the sale or disposal of donated property, real or personal, for credit to the Fund;

(5) earnings or interest which may be derived from investments of the Fund;

"(f) The Fund shall be available for the payment of any expenses incurred by the Federal Bureau of Prisons in establishing, operating, and maintaining prison commissaries and the Prison Commissary Fund, including the employment of personnel, the purchase of equipment, security-related or otherwise, and those expenses incurred in the provision of articles or services procured, sold, rendered, or otherwise provided or made available to inmates.

"(g) The Director of the Bureau of Prisons is authorized to use monies from the Prison Commissary Fund for the general welfare of inmates. No inmate shall be entitled to any portion of the Fund.

"(h) Employees compensated by or through the Prison Commissary Fund may be assigned additional duties other than those directly related to commissary activities.

"(i) The provisions of sections 554 and 555 and 701 through 706 of title 5, United States Code, do not apply to the making of any determination, decision, or order under this section."

SECTION 2. TECHNICAL AMENDMENT.

Section 1321(b) of title 31, United States Code, is amended by striking "Commissary Funds, Federal Prisons".

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

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

There was no objection.

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 9, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

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

Mr. MCCOLLUM. Mr. Chairman, right now under the Federal law there is simply one sentence or two, I guess it is, under section 4043 of title XVIII of the United States Code dealing with prison commissaries.

It simply says: "The Attorney General may accept gifts or bequests of money for credit to the 'Commissary Funds, Federal Prisons.' A gift or bequest under this section is a gift or bequest to or for the use of the United States under the Internal Revenue Code of 1954," et cetera.

□ 1120

The problem has been expressed to me in the strongest of terms by the Federal Bureau of Prisons and its Director, Ms. Hawk, that we do need to have some clarification of the authority that they have to operate Federal prison commissaries, and this bill is a perfect bill to give that which should be a very noncontroversial opportunity for us to do it.

Right now the prison commissaries are being operated under DOJ circular No. 2126, under which a lot of questions have arisen about the authority of the department and the Director to operate these commissaries for the benefit of the prisoners and to collect funds and receive gifts and whether or not the prison inmates have some right to these funds and so on and so forth.

What this amendment does today is to provide express statutory authority for the Director of the Federal Bureau of Prisons to establish, operate and maintain commissaries within Federal prisons.

It also provides the Director has the exclusive authority to determine which articles or services will be provided by or through the commissaries.

We also have a provision that establishes in the U.S. Treasury a revolving fund which will be used to carry out the establishment, operation, and maintenance of a Federal prison commissary system. It authorizes the Director of the Bureau of Prisons to accept gifts or bequests of money as she can right now for a credit to the fund or gifts of real or personal property for the use or deposition by the Bureau of Prisons as can be done now but clearly clarifies where it goes.

It allows for the investment of these funds prudently and wisely where they are established in the Treasury. It provides for the authorization of departments to effect the revenues from the sale of commissary articles; it authorizes payment of expenses from the fund including the payment of expenses for the operation of prison commissaries and for the operation of a commissary fund and the expenses of commissary employees' salaries and the purchase of security equipment and nonsecurity equipment for the commissaries.

It authorizes the director to use the moneys from the fund for the benefit if

inmates, and it specifies that no inmate has any interest, property or otherwise, in the moneys deposited or withdrawn from the fund.

It recognizes that employees compensated through the fund have a responsibility to perform commissary-related duties as well as general institutional and security-related duties, and it provides that judicial review is not available for any decision or determination made by the Federal Bureau of Prisons regarding the maintenance, operation, et cetera of commissaries.

I believe that this is a very necessary thing to do. We are beginning to see through the Federal prison system great questions raised about the authority for commissaries that have existed for years and years, as a matter of fact, since 1930 in our Federal prisons, and they are operating with actually no statutory authority other than the fact that they can receive gifts. It does not make a lot of sense and people want to litigate this now, and quite frankly this is a very straightforward procedure. There are no hidden anything's in it, and this prison bill seems to me to be an excellent opportunity to clarify once and for all the question of prison commissaries.

I would hope the other side would accept this in the most noncontroversial intent that it is offered.

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

Mr. SCHUMER. Mr. Chairman, I yield myself such time as I may consume.

I have only had a brief chance to peruse this. Let me ask the gentleman a couple of questions.

First of all this has been sent over by the Bureau of Prisons and is supported by the administration?

Mr. MCCOLLUM. If the gentleman will yield, that is correct.

Mr. SCHUMER. Second of all, it would allow people to give gifts to prisoners?

Mr. MCCOLLUM. It would, but the gifts are already permitted under section 4043. That is all that they have, though. We do not have a formal framework for how they utilize it or set it up. This does not add anything new, but it does allow gifts. It does continue that practice.

Mr. SCHUMER. So present law allows gifts?

Mr. MCCOLLUM. That is correct. That is correct.

Mr. SCHUMER. What if these gifts were of a nature that conflicted with the amendment of the gentleman from New Jersey, an amendment I supported?

Mr. MCCOLLUM. We have restrictive language on gifts that are already going to prohibit them from taking anything that has been passed subsequent to the law that is already on the books, so I would presume the court would interpret the restrictions as ap-

plicable that we are passing here today.

Mr. SCHUMER. I take it the gentleman would not characterize this as soft on prisoners in any way?

Mr. MCCOLLUM. If the gentleman will yield, absolutely not. This is not in any way soft on prisoners. This is strictly giving the prisoner—in fact the prisoners may have restricted authority here because the Bureau of Prisons has it all. It has the authority over the commissaries.

Mr. SCHUMER. Mr. Chairman, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

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

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina; Page 5, line 21, strike the word "and"

Page 6, line 2, strike the period and add "and"

Page 6, after line 2, insert the following: "(4) The State has adopted procedures for the collection of reliable statistical data which compiles the rate of serious violent felonies after the receipt of grant funds under Section 502 or Section 503 in comparison to the rate of serious violent felonies before receipt of such funds and will report such statistical data to the Attorney General."

The CHAIRMAN pro tempore. The gentleman from North Carolina [Mr. WATT] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

This simply requires the States to have a process for collecting reliable statistical data regarding the impact of grants that are being made under sections 502 and 503 of this bill on the incidence of violent felonies and reporting that statistical information to the attorney general.

Mr. Chairman, on yesterday afternoon, the gentleman from Virginia [Mr. SCOTT] offered an amendment which would have taken a small amount of funds and allowed a process to be put into place at the Federal level to monitor the impact of these programs on crime. I offered and then withdrew a more aggressive amendment than this one which would have denied funds unless there was a showing that the increased sentencing and the truth-in-sentencing legislation was having some impact on crime, and I withdrew that amendment.

This simply asks the States to have a process for collecting data on the impact that these moneys are having on the incidence of violent crime.

I should point out that on the next bills that are coming, the prevention bills, I intend to offer the same kind of language.

One of the concerns that I really have is that because of the outcry of the public to do something about crime, we are trying to respond legislatively to that outcry, and I commend my colleagues for trying to do that, but in the haste of doing it, we are not providing any process for determining what things are having an impact on crime and what things are not having an impact on crime. So even if we end up reducing the incidence of crime, we are not going to know which programs we should continue to support and which programs we should be pulling back from and withdrawing our support from.

What we should be doing is trying to get some handle on what kind of programs, whether they are Federal programs, State programs or local programs, are in fact having an impact on crime, whether it is prevention, whether it is increased sentencing, whether it is building more prisons, I do not care. All of those things need to have an assessment process built into them and all of them need to have some process for assuring the collection of statistical data that at least allows the government, either State, local or Federal, to make an assessment of their impact. This begins in that direction with respect to the grants only that are made under sections 502 and 503 of this bill, but I would say I am not trying to attach this only to these programs.

□ 1130

I will be offering a similar amendment on the prevention programs, on the cops programs. We ought to be trying to assess what is working and what is not working.

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

The CHAIRMAN pro tempore. The Chair would remind the body that we still continue to operate under the 10 and 10 rule, 10 in favor, 10 opposed.

Mr. MCCOLLUM. Mr. Chairman, I rise in opposition to claim that 10 minutes in opposition.

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

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

I am reluctant to support this amendment even though I know what the gentleman wants is data which I think we should have.

The reason I am reluctant is because I believe that data, I say to the gentleman from North Carolina [Mr.

WATT], is already available under the uniform reporting acts, the statistical reporting acts, that come in. What you are doing here is conditioning receipt of the grant moneys in this bill on the States providing still a separate type of report.

My judgment is that we can gain this data. We should have this data already available to our subcommittee. I would be glad to work with the gentleman in order to make sure that we bring and highlight whatever data he wants. If we do not have this power or if for any reason we are wrong about it, then we will find a way to get that data and make sure it does come independent of this. Because I do believe our subcommittee ought to have this data. You should have it. I do not think we should add something that messes up, or potentially does, an already working reporting program or add another layer of bureaucracy or restriction on the grant program.

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

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

Mr. WATT of North Carolina. Just for the purpose of inquiring whether you might entertain a revision, this just simply says that if the information has already been checked under some other process, we would exempt that State from it.

Mr. MCCOLLUM. Reclaiming my time, the gentleman has been kind enough to furnish us the amendment this morning which we do have, but it is one of those things which, like some we furnished over there, we have not had time to digest. I would prefer not to put anything in the law right now. I would simply assure the gentleman this type of data is something the chairman of the Subcommittee on Crime wants, would like to have. If we do not have it, I believe we do have it, based on representations made to me in limited resources we have this morning, I would be happy to work with him to make sure we do get it in some other form, but not as a restriction or a caveat as a condition precedent to allowing these grants to flow.

If the gentleman would accept that, I would urge him to withdraw this amendment and let us proceed with the rest of them and we will go forward in the committee and make sure we get this data, but not through the use of this bill or through the restraints he is trying to impose today.

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

Mr. MCCOLLUM. I yield to the gentleman from North Carolina for a response.

Mr. WATT of North Carolina. I appreciate the gentleman yielding. I am not inclined to withdraw it, because if we are already checking the data, it seems to me that this amendment is harmless, because all the State would have

to do, and if the gentleman will look at the bill where I have put this, this is under an additional requirement, and all the State would have to do, if they are already providing the information, is to assure, and that is the bill's term, now, not my term, is assure that the information is being collected already, and so even if we do have a process already for doing this, all the State would be required to do is give the assurance that there is a process already in effect, and I do not know what harm that would do.

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

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

Mr. SCHUMER. Mr. Chairman, I probably have voted against more of the amendments offered by the gentleman from North Carolina than for, but this one seems to me to be so reasonable. All it is saying is let us measure it. I think we should measure every prevention program. I think we should measure every police program.

One of the reasons perhaps that your side gained the majority is because Government programs were passed without seeing their effect.

What is the harm of this language? It is done. I voted against the gentleman's amendment in committee, because what that did, it said if you measured it and it was negative, you stopped the money, and you would not build any prisons. He has taken that out. All he says is let us measure. How can you be against that? It is sort of Luddite. We ought to see the results of what we are doing.

I would ask the gentleman to reconsider his opposition or perhaps mute it when the vote is called.

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

Mr. MCCOLLUM. I yield to the gentleman from California.

Mr. CUNNINGHAM. I myself am not sure it is that bad of an amendment. Let me tell you what some of my heartburn might be, if I understand it right.

In education or law enforcement, one of the problems we have is too much paperwork. I know when I was in the service, during the war, all our paperwork went in the trash barrel. We went out on the carrier level and did what we had to do, and we were able to be much more effective.

After the war back in the squadrons at the bases, I spent 80 percent of my time filling out Federal reports on what we should be doing and what we should not, and I was not able to do the things I really needed to do to train the unit.

This Member's idea is I do not want the Federal Government, the bureaucracy back here, to have to receive reports. I want the State and local, I want us to have goals and let the State and local establish in their own particular area what they need to do and

what those standards should be. What might be good for Tommy Thompson in Wisconsin might not be good for Pete Wilson in California.

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

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

Mr. WATT of North Carolina. I just want to point out to the gentleman from California that this amendment, if the gentleman from Florida [Mr. MCCOLLUM] is right, that the States are already required to do it. We are not adding one iota of paperwork other than one page in the grant request that says, "We have a process for doing this," where one sentence in the grant request says that.

But if he is wrong, that we are not collecting it, I cannot believe we would take the position that we are setting up for program grants billions of dollars of money and will not require the States that are applying for the money to at least have in place some process for tracking the impacts on crime.

Mr. MCCOLLUM. Reclaiming my time, Mr. Chairman, I will ask a question of the author. The gentleman has a handwritten piece of my copy of the amendment. It says, "The state has adopted procedures for the collection of reliable statistical data," and is that "which compiles the rate of serious"?

Mr. WATT of North Carolina. Yes; yes.

Mr. MCCOLLUM. I just wanted to make sure the word was compiles, c-o-m-p-i-l-e-s.

If that is the case, if the gentleman would accept a unanimous-consent request, I am going to make it and see if he will agree to add this.

Mr. Chairman, I ask unanimous consent that the gentleman's amendment be modified at the end to add the words "if such data is not already provided," and I will send this down to the desk right now.

Mr. WATT of North Carolina. Mr. Chairman, reserving the right to object, I happily accept that proposed modification.

Mr. Chairman, I withdraw my reservation of objection.

Mr. MCCOLLUM. Mr. Chairman, I ask unanimous consent that that modification to the amendment be accepted.

The text of the modification is as follows:

Modification offered by Mr. MCCOLLUM to the amendment offered by Mr. WATT of North Carolina: At the end of the amendment offered by Mr. WATT of North Carolina, insert "if such data is not already provided."

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

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. WATT of North Carolina, as modified: Page 5, line 21, strike the word "and"

Page 6, line 2, strike the period and add "; and"

Page 6, after line 2, insert the following:
 "(4) The State has adopted procedures for the collection of reliable statistical data which compiles the rate of serious violent felonies after the receipt of grant funds under Section 502 or Section 503 in comparison to the rate of serious violent felonies before receipt of such funds and will report such statistical data to the Attorney General, if such data is not already provided.

Mr. MCCOLLUM. Mr. Chairman, with the modification, I would agree to concur in the amendment as the gentleman has drafted it. I think he has made a good argument. We want the data. I believe it is already here. If it is not, then we will get it. That is the end of that.

Mr. Chairman, I yield back the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I appreciate the gentleman making my amendment better and clarifying it, and I yield back the balance of my time.

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

The amendment, as modified, was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. CHAPMAN

Mr. CHAPMAN. Mr. Chairman, I offer an amendment printed in the RECORD, designated No. 20.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CHAPMAN: Page 2, lines 24 and 25, strike "either a general grant" and insert "general grants".

Page 2, line 25, strike "or" and insert "and".

Page 6, line 6, strike "title, if the State" and insert "title if."

Page 6, line 7, strike "title—" and all that follows down through "the" on line 9, and insert "title, the".

The CHAIRMAN. The gentleman from Texas [Mr. CHAPMAN] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, I yield myself such time as I may consume.

Once again, I want to take just a couple of minutes and an opportunity to lay the groundwork on where I think we are now in the bill, and I hope my colleagues will pay attention to what the underlying legislation requires and what the amending process to this point has done.

Because what my amendment does is broaden the eligibility of States to apply for grants under H.R. 667. I want to read from the bill as it is filed and as it currently exists, under section 501(b), and the caption of the section is "limitation." What this bill does is say an eligible State or States may receive

either, either a general grant under section 502, which is the general grant fund, or, either/or, a truth-in-sentencing incentive grant under 503. Under the section of "limitation," this law will prevent States from applying for both even if those States are meeting the requirements of both sections. That is clearly what the statute says.

What my amendment says it should not be an either/or situation. Those States that are doing the deal and getting the job done and increasing their sentencing in meeting an appropriate threshold ought to be able to apply for all the funds in both pots. That is the current law. That is current law. Even though the current crime bill authorizes slightly less money than this one does, this one divides \$10 billion into 2 pots and says the State can only apply for one or the other.

□ 1140

So under this law there is actually less prison money available to States, less prison money available to the States than under current law. Surely that cannot be the intended consequence of the author of the bill, who is wanting to expand prison construction and put more criminals in prison for longer periods of time all over this country. Yet that is the result.

My amendment will change that. It breaks down the wall between two grant funds and says a State doing the job can apply for both grant funds or funds from both pots.

It also says—and it makes a very important change, and I want all my colleagues to understand this change—under this bill the bar is set so high that every State, to be eligible, must meet an 85 percent truth-in-sentencing standard, and my colleague, the friend, the gentleman from Florida, said yesterday that to qualify for that, States may have to lower their penalties. Did I stand up in my chair? Lower their penalties for violent crime so they can qualify for the second pot of money? Is that what this is about, lessening the penalties for violent crime in America so we can meet an 85 percent standard? Surely that is not the intended result.

What my amendment will do, it will say, if you are meeting the criteria of increasing sentences, putting more violent prisoners in prison and doing it longer and you are doing it so good that the entire country moves toward tougher sentencing, you are still 10 percent better than the national average, then you can qualify for the second pot of money even if you have not quite reached the 85 percent standard. Surely, surely no question, no State in America, according to the Department of Justice—arguably, only three—but if you do not live in North Carolina, Arizona or Delaware, you cannot qualify. Your State cannot qualify for the second pot of money.

If you are doing the job, under my amendment, doing it right, moving toward increasing your sentences, and

beating the national average every year by 10 percent, then you can. It is a commonsense amendment. It makes sense, and it should be adopted.

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

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

Mr. SCHUMER. I thank the gentleman for yielding.

Mr. Chairman, this is a dramatic improvement on H.R. 3. If you want to build more prisons, that is. Yet maybe there was some who did not like the block grant approach because they did want to move the States along rather than give them the money and move along by themselves.

It is a compromise amendment. It is one of these rare instances where you can have your cake and eat it too, because we are encouraging the States, under the Chapman amendment, to have tougher sentences. I think we need that.

We are also saying they have a real chance, if they toughen up their sentences, to get their money. Let us face it, under H.R. 3, as we made the point yesterday, not only the 3 States be eligible, but for the other 47 to be eligible they would have to spend some \$60 billion on their own before being able to meet the 85 percent standard.

My colleagues, let us not wish something to be so. The public, the Congress, the legislatures, the mayors, we have been wishing crime to go down for decades. But it keeps going up. It does not go down to the levels where it should. This amendment is not a wishing amendment, this is an actuality amendment. It greatly improves H.R. 3, and I compliment the gentleman for offering it.

Mr. CHAPMAN. Reclaiming my time, let us not ignore what we did yesterday. We plucked the pocket, yesterday, of 47 States. This bill takes money passed by Congress, signed by the President, currently in the law for prison construction to fight violent crime, will rescind money already in the pipeline, it is going to rescind money already in the pipeline going to every State in America.

Surely, if we are serious about wanting to fight violent crime, we need to get the funds out there, and this amendment gets it to States that are doing the job.

If we are going to expand prison construction, let us not trick the American people, let us not trick the Members of Congress by saying we are going to put \$10 billion in prison construction funds but you cannot apply for both pots.

Under the statute, that is what this law will do. This is a commonsense amendment that ought to be adopted.

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

Mr. CHAPMAN. I yield to the gentleman from North Dakota.

Mr. POMEROY. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman [Mr. CHAPMAN] for his amendment.

You know, in the 104th Congress so far we have heard an awful lot about giving more flexibility to the States. I find it highly ironic that the bill before us takes flexibility away from North Dakota's prison plan to make people serve 85 percent or greater of their sentences. I might add, North Dakota has people serving a longer portion of their sentence than any other State in the country.

Under the bill passed last year, we were set to get eligible to receive \$8.8 million for prison construction, but under the language—this is a quote from the law—"to construct, develop, expand, modify, operate or improve correctional facilities to insure such space is available for violent offenders."

Let me read to you the language in the bill that is before us. It would allow us to take the money to build, expand, and operate. This is a critical distinction. They have taken from North Dakota the ability to advance plans that take prisoners out of the State penitentiary, the nonviolent ones, send them out to county jails, to make bed space for violent offenders in the State penitentiaries, just what we want to accomplish.

But because of a drafting error, they have taken from North Dakota this right to access money for bed space for violent offenders. We have done it because we have been overly prescriptive. We have taken from States flexibility. We have imposed a one-size-fits-all approach out of Washington, DC.

I just wonder how many Members, and goodness knows I will be watching when they vote for this, are going to actually be voting taking money away from their States, money their States would have been eligible for that would not be because they will be voting for language that simply does not work relative to the scheme of State flexibility as we approach the lengthening of time violent offenders serve.

That is why I commend the gentleman for his amendment and yield back to him in this discussion.

PARLIAMENTARY INQUIRY

Mr. CHAPMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The gentleman will state it.

Mr. CHAPMAN. Are we proceeding under the 5-minute rule today?

The CHAIRMAN pro tempore. We are proceeding under the 10-minute rule, 10 minutes for each side.

Mr. CHAPMAN. Then at this point I would like to ask if the gentleman from Florida [Mr. MCCOLLUM] will proceed. I would like to reserve the balance of my time at this time.

The CHAIRMAN pro tempore. A Member opposed to the amendment will be recognized for 10 minutes.

Mr. MCCOLLUM. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 10 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, what the gentleman is doing, make no mistake about it, is to strike the truth-in-sentencing incentive program that is in this bill. The \$5 billion setaside is set aside in order to encourage the States to move to the provision we would like for them to do in their laws, of abolishing parole for violent felons in their State, to make them serve at least 85 percent of their sentences.

If you are a serious violent felon, the objective of this whole exercise is to get you incarcerated, locked up, and have the key thrown away so that you are not out there going through this revolving door and preying on a lot of people again and again and again, as has been happening. We will, by passing this gentleman's amendment today, destroy that incentive altogether. The carrot will be gone. The offer of \$5 billion out there, if you are just changing your laws, will not be out there anymore. Sure, we know only a handful of States qualify today for that pot of money, but that is the idea, the whole idea behind having that pot of money reserved strictly for those States to change their laws to comply, to get them to change them, to get them to make that step that has been so difficult for them to do, by saying, "Look, we will give you the money to build the prison beds. We will give you 75 percent of the money it takes to build every single prison bed that is required for you to remove every single serious violent felon in your State off the streets and make them serve at least 85 percent of their sentences." It would make the States do this if they are to get the money.

They obviously do not have to do it today or will not have to do it not tomorrow if they do not want this money. But the idea is to build the political pressure in those States. I think once this bill passes, the public in every State in the Union will demand that their legislatures and Governors change their laws immediately to do it and spend whatever State resources are necessary to do that.

□ 1150

Mr. Chairman, it is my judgment, and most Republicans on this side of the aisle agree with me, that this is perhaps the most important thing we could do today in crime fighting at all in this country, is to provide this carrot out there to build the public pressure to get the resources necessary,

and we provide most of them probably the vast majority of what is necessary from the Federal end to take the repeat violent felons off the street and stop this revolving door. If the amendment offered by the gentleman from Texas prevails, he will simply have for the whole \$10.5 billion the easy requirements. Just making progress toward incarcerating people for longer sentences is good enough to get the entire amount of money, and I would submit that that is a wrong-headed approach, it is not what we should be doing out here today. It destroys completely the effort to control the violent criminal revolving door in this country, and this is, in my judgment, the most serious killer amendment of the day, and I would urge its defeat in no uncertain terms.

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

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. CHAPMAN] for 30 seconds.

Mr. CHAPMAN. Mr. Chairman, at this point I ask unanimous consent to have an additional 5 minutes of debate in addition to 30 seconds.

The CHAIRMAN. Would that be on each side?

Mr. CHAPMAN. Yes.

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

Mr. MCCOLLUM. Reserving the right to object, Mr. Chairman, is that 5 minutes on each side?

We are getting an additional 5 minutes? That, I believe, is the construct; is it not?

The CHAIRMAN. That is the request.

Mr. MCCOLLUM. All right Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. CHAPMAN]?

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. CHAPMAN] will be recognized for 5 minutes, and the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, let me just say the easy standards that the gentleman from Florida [Mr. MCCOLLUM] talks about, the law requires that to be eligible for even the easy money. States must put more violent criminals in prison every year than they did the year before, States must put them there for longer periods of time every year than they did before, and they must parole them less frequently every year than they did the year before. That is not an easy burden to meet, and to meet under this amendment the second pot of funds, not only do you have to do that, but you must out-reform the national average each and every year by 10 percent. If States are

doing that, the very idea that we would tell them they are not eligible for the funding.

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

Mr. CHAPMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Texas [Mr. CHAPMAN] and want to make a point about how strongly I am in favor of the Chapman amendment because it clarifies the two vital and fundamental weaknesses in the bill before us.

On February 1, 9 days ago, we passed H.R. 5 right here. It prohibited unfunded mandates. We passed this law 9 days ago prohibiting unfunded mandates.

On page 3 of H.R. 5 it says, to begin consideration of methods to relieve States, local governments, of unfunded mandates imposed by Federal court interpretation of Federal statutes and regulations. It says further, to end the imposition by Congress of Federal mandates. It goes on, and on, and on.

I voted for this. Many people on both sides voted for this. Yet in this bill we are providing exactly the kind of unfunded mandates that we just 9 days ago prohibited.

Let me read for my colleagues page 3 of this bill, H.R. 667, page 3. We not only are talking about tougher sentences, which I am for; I voted for the gentleman's tougher habeas corpus and exclusionary rules, but now we are telling the States, "You have to, in order to be eligible to receive funds under subsection A, one, increase the percentage of convicted violent offenders; two, increase the average prison time actually served; three, increase the percentage of sentence to be actually served.

We are mandating down the line not just tougher penalties, percentages, average time, percentage of convicted violent offenders. Are we not saying 9 days ago we are not going to do anything more like this? And we do it.

Second, the fundamental flaw in this bill, in addition to the unfunded mandates, is that this is the bailout bill. This is the bailout bill for States that have not made the tough decisions to build some of these prisons. We are going to funnel money to them. We are going to take the money away from States like Indiana, which will lose \$48 million, and States that have made tough decisions and sometimes said to their citizens, "You have to pay up to build these new prisons." Now we are saying with these unfunded mandates we are going to steer moneys to the States that have not made these tough decisions. We are going to provide Federal funds to do it, and we are going to bail these States out.

That is not right.

Mr. Chairman, the amendment offered by the gentleman from Texas

[Mr. CHAPMAN] tries to clean up the unfunded mandates and the fairness to different States that is terribly skewed in the formula in this bill. Forty Republicans voted for current law. The Chapman amendment tries to steer us back to current law, and I would encourage some bipartisan support for this amendment. If this does not pass, I would encourage defeat of this bill.

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

Mr. Chairman, first of all, I think everybody has to understand that this is a repeat of yesterday's debate. We have already had a couple of amendments to try to get at the truth in sentencing and knock it out. This is just another effort to do that. That needs to be clearly understood.

I know there are people who do not agree with truth in sentencing, and they obviously strongly do not agree because that is the reason why they are making a third try at this today.

There are over 6 million violent crimes every year in this Nation. Only 150,000 people are convicted of violent crime out of the million crimes that are committed. Now some of them obviously are being committed by the same people. Only 90,000 of the 150,000, that is 60 percent of those convicted, ever go to prison for committing a violent crime, and those who do go to prison of that 60 percent of the 100,000 that are convicted of the 6 million crimes that are committed every year that are violent, they only serve an average of 38 percent of their sentences.

So, what we are saying is here today, in this bill, we want to get these people to serve their time. We want to make sure that the carrot is out for them to do that and that we actually provide the resources to the States to make sure that they have their folks locked up. I doubt if very many States, if any in this Union today, are locking up near enough prisoners in their prisons to comply with this in any sense of the word that we would like for them to do, but what we have set forth, for the first pot of money, the \$5 billion that is out there in part A, that is not disturbed in our judgment in any way from last year's bill to amount to a hill of beans, and we are simply going to require three little things to be done by the States to qualify for that money, and virtually every State has already qualified.

Just look back at the statistics down at the Justice Department of the last 10 years that are submitted, published every 2 years, by the State, and my colleagues will see that every State is marching toward increasing the length of time somebody has to serve, increasing the actual sentence for some of these violent criminals, all these violent criminals, and increasing the percentage of time, and there are three separate things, but they are complying. It is not hard to comply with. I

would say 99 percent of the States, probably all the States, will receive money under part A without having to do anything more than assure the Federal Government of what they are already doing.

But what this amendment does that is mischievous about it is, first of all, it strikes all three of these requirements. It in essence says, notwithstanding anything else in this bill, all you got to do is show a 10 percent average increase in the time served over the entire course of whatever in your State, and, by God, you get the money for part A, and you get the money for part B because we are going to do away with any qualifications for part B that are different from part A. In other words, you strike truth in sentencing altogether, and you just say, "If you have increased the average times served by 10 percent of your violent felons in your prisons, you can get every penny in this bill," and I think that is absurd. That is precisely why we are having the debate out here today, and it is a very wrong-headed thing to do.

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

Mr. MCCOLLUM. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman from Florida [Mr. MCCOLLUM].

First of all, of all the amendments that I have had come forward, this one is the most obtrusive. The gentleman fails to see the solution to a very simple problem, that, if you let criminals out early, they are going to commit more crimes. Our intent is to keep them in there for the longest amount of time.

Governor Allen's idea of no parole at all; if you get a sentence, that is what you are going to stay in there for; that is what I would like to see. But, if you let, as James Cagney said, let these low-down, dirty rats back out, they are going to be low-down, dirty rats on our streets, and the gentleman is talking about an unfunded mandate. We are giving the States a positive incentive to do this. This is not an unfunded mandate.

□ 1200

What we want to do is make sure that if someone is sentenced to an amount of time that is a felon, that they are going to serve their time, and not get back out early and do the same thing. Because it is proven by statistics they get back out, and they have not been helped, we want to make sure that is done.

The gentleman says that the law requires that we put them in longer and that we parole fewer. But it is not working again. This again is another positive incentive for the States that are not living up to that to follow through and keep these critters in longer.

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

Mr. MCCOLLUM. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I would say to the distinguished gentleman from California that I serve with on the Committee on Economic and Educational Opportunities, that whether you call it a positive incentive or an unfunded mandate, you are stipulating in law three things: From percentage of convicted offenders, to average prison time, to percentage of sentence to be actually served. That is not a positive incentive for some States. That is a very specific mandate.

I am for truth in sentencing, as the gentleman from Florida [Mr. MCCOLLUM] knows. But I do not think we should prescribe down to three and four different criterion variables what these States have to do.

Mr. Chairman, if I could ask a question of the gentleman from Florida [Mr. MCCOLLUM], he said in his comments that some States will have to change laws, that the people will force the State legislatures to meet and change laws. That will take some time. The gentleman from Florida knows that some States are in short session this next meeting period. Indiana may only meet for a couple of months. Other States may not have the time to qualify for this.

Mr. MCCOLLUM. Reclaiming my time, there is no question that States will have to change their laws, most of them will. To get the second pot of \$5 billion for truth in sentencing, they will have to go to the 85-percent rule. There is no question about that. That is the idea.

But they will not have to change their laws to qualify for the first pot of money. I believe 99 percent, from what we have seen, already qualify for part A of the money.

I would also like to respond to the gentleman on the unfunded mandate. This is not an unfunded mandate in any way, shape or form. This is a grant program, clearly distinguished from the bills we had out here earlier that ban unfunded mandates.

If the States do not want this money, they do not have to do what we require them to do. We are not mandating they do these things. We simply say if you want to get this money, here is the carrot. You have got to come get it. Unfunded mandates do not yield carrots.

Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I think the gentleman just made the point. Illegal immigration in our State, we have a policy and the Government does not support it, they do not get the money. It is not an unfunded mandate. They do not have to participate if they do not want. We are not mandating that they do it. But if

they do not, they do not get the money.

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. CHAPMAN. Mr. Chairman, I yield myself such time as I may consume, to respond briefly.

Mr. Chairman, it is important that I think we understand that this bill picks the pockets of the States of hundreds of millions of dollars that are currently in the pipeline under current law.

The gentleman from California makes a good point. We want folks to put people in prison that are violent criminals and keep them there. That is what last year's crime bill did.

This takes the money back. This sets the bar so high that the progress that is being made cannot be met. I do not understand why the gentleman would want to set a standard that the Attorney General, you say 99 percent of the States meet it. Are you sure? The Attorney General has looked at it and says none of the States meet it.

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

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

Mr. MCCOLLUM. Mr. Chairman, first of all, I would just like to point out that there was no money appropriated for prison construction for this fiscal year, so we are not taking any money back in what we are doing.

Second, the statistics that the Attorney General has collected over several years that we have seen shows that progress is being made and States would qualify. So I beg to differ with the gentleman.

Mr. CHAPMAN. Mr. Chairman, reclaiming my time, progress may be being made, but the States do not qualify. They are not going to be eligible under the law, and the gentleman has set the standard so high that he is making it impossible to comply.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I have two quick points. Under the gentleman's own bill, the Attorney General would be the administrator. So even though the gentleman from Florida [Mr. MCCOLLUM] may say States qualify, unfortunately, if I were a Governor who wanted to build prisons, I would have to put more stock in what the Attorney General said, because she is giving out the money, not the gentleman from Florida.

Second point: The gentleman from California said we want a carrot to encourage the States to increase sentence time. Agreed. But when you put a carrot out there, you want them to be able to reach it, so they can jump. If you put the carrot up so high that they cannot even see it, they are not going to try to reach for it.

The CHAIRMAN. The time of the gentleman from Texas [Mr. CHAPMAN]

has expired, and the gentleman from Florida [Mr. McCOLLUM] has 5 minutes remaining.

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

Mr. Chairman, interestingly enough, I do not see how anyone can argue that under what the gentleman's amendment does, States would qualify who will not qualify for part A of the grant money under what is in the bill. Now, you can debate all you want on part B, the truth in sentencing, 85 percent rule, because I am willing to concede only three or four States, half a dozen States, currently qualify for that. That has never been in question, because the fact of the matter is States are being given this money as the carrot.

But under part A, what the gentleman would have after I read his amendment, what he is doing in striking indeterminate sentencing as an exception out of this, he is saying,

Notwithstanding the provisions in paragraphs 1 and 2 of section 502(b), a State shall be eligible for grants under this title if, not later than the date of enactment of this title, the offenses of murder, rape, robbery, and assault exceed by 10 percent or greater the national average of time served for such offenses.

Well, that is still going to be a requirement to qualify for part A. It will be the only requirement for parts A or B under your amendment.

What we are suggesting is you do not even have to have a 10-percent variation with regard to the national average. You just have to have some for ours. You have to show an increase since 1993 of the percentage of convicted violent offenders sentenced to prison of the percentage. Just any increase. Not 10 percent, but any increase. Your own State has to show that increase.

Second, you have to show an increase in the average prison time actually to be served, that you bumped up the time under the regulations for sentencing. If somebody got 6 years, the sentence they have been given, and they are serving only two now in your State, you have to show that your actual prison time is going to be 2 years and 1 day. But it does not require a big 10-percent increase.

Third, you have to show an increase in the percentage of the sentence to be actually served, the percentage of the 6 years, from whatever it was before. If it was 2 years, it is one-third, you have to bump up by whatever little fraction that would be; 2.1 years obviously shows an increase in the percentage of the sentence. That is not actually hard to comply with.

What the gentleman is doing by all of the debate and all of what he is saying out here today is simply arguing the same old point he argued yesterday and that we have heard argued on two major amendments out here before, and that is the gentleman does not like

the carrot. The gentleman does not like the second pot, which is what you destroy. There is nothing about the first pot that we are doing anything with. It is very easy to get the first pot.

But what we are all arguing about today is whether we set aside \$5 billion and say to the States we want you to get this money, to change your laws to make sure that serious violent felons serve at least 85 percent of their sentences. Truth in sentencing. Essentially abolish parole and only have good time.

That is what we want them to do with the 85-percent pot of money, \$5 billion. And what the gentleman from Texas [Mr. CHAPMAN] would do by his amendment, make no mistake about it, would absolutely strike that out of this bill. There would be no truth in sentencing requirement whatsoever to get any money in this bill at all. It would disappear, and the whole thrust of the whole truth in sentencing debate would be resolved in favor of those States and those groups that do not want any restrictions and do not want to go to that. And I think that would be absolutely the height of folly. It would be an undermining of a basic principle that the Republican side of the aisle believes deeply in our crime legislation, what we offered last year, and what is part of the Contract With America.

So this is a killer amendment. It strikes the guts out of this bill as we have written it, and I strongly urge a "no" vote.

Mr. Chairman, 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 Texas [Mr. CHAPMAN].

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

RECORDED VOTE

Mr. CHAPMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 247, not voting 11, as follows:

[Roll No. 114]

AYES—176

Abercrombie	Brown (OH)	Dicks
Ackerman	Bryant (TX)	Dingell
Baesler	Camp	Dixon
Baldacci	Cardin	Doggett
Barrett (WI)	Chapman	Dooley
Barton	Clay	Doyle
Beilenson	Clyburn	Durbin
Bentsen	Coleman	Edwards
Berman	Collins (IL)	Ehlers
Bevill	Conyers	Engel
Bishop	Coyne	Eshoo
Boniior	Cramer	Evans
Borski	Danner	Farr
Boucher	DeFazio	Fattah
Brewster	de la Garza	Fazio
Browder	DeLauro	Fields (LA)
Brown (FL)	Dellums	Filmer

Flake	Maloney	Richardson
Foglietta	Manton	Rivers
Ford (TN)	Markey	Roemer
Frank (MA)	Mascara	Rose
Furse	Matsui	Roybal-Allard
Gejdenson	McDermott	Rush
Gephardt	McHale	Sabo
Gibbons	McKinney	Sanders
Gillmor	McNulty	Sawyer
Gonzalez	Meehan	Schroeder
Gordon	Meek	Schumer
Green	Menendez	Scott
Gutierrez	Mfume	Serrano
Hall (TX)	Miller (CA)	Skaggs
Hamilton	Mineta	Skelton
Hastings (FL)	Minge	Slaughter
Hayes	Mink	Smith (MI)
Hefner	Moakley	Stokes
Hilliard	Mollohan	Studds
Hinchee	Moran	Stupak
Hoekstra	Murtha	Tanner
Holden	Nadler	Tejeda
Hoyer	Neal	Thompson
Inglis	Oberstar	Thornton
Jackson-Lee	Obey	Torres
Johnson, E.B.	Oliver	Towns
Kanjorski	Ortiz	Tucker
Kaptur	Orton	Upton
Kennedy (MA)	Owens	Velázquez
Kennedy (RI)	Pallone	Vento
Kennelly	Pastor	Visclosky
Kildee	Payne (NJ)	Volkmur
Kleccka	Pelosi	Ward
Klink	Peterson (FL)	Waters
LaFalce	Peterson (MN)	Waxman
Lantos	Pickett	Williams
Laughlin	Pomeroy	Wilson
Levin	Portman	Wise
Lewis (GA)	Rahall	Woolsey
Lincoln	Rangel	Wynn
Longley	Reed	Yates
Lowey	Reynolds	

NOES—248

Allard	Crapo	Hastings (WA)
Andrews	Creameans	Hayworth
Archer	Cubin	Hefley
Armey	Cunningham	Heineman
Bachus	Davis	Hergert
Baker (CA)	Deal	Hilleary
Baker (LA)	DeLay	Hobson
Ballenger	Deutsch	Hoke
Barcia	Diaz-Balart	Horn
Barr	Dickey	Hostettler
Barrett (NE)	Doolittle	Houghton
Bartlett	Dorman	Hunter
Bass	Dreier	Hutchinson
Bateman	Duncan	Hyde
Bereuter	Dunn	Istook
Bilbray	Ehrlich	Jacobs
Bilirakis	Emerson	Jefferson
Billey	English	Johnson (CT)
Blute	Ensign	Johnson, Sam
Boehert	Everett	Johnson (SD)
Boehner	Ewing	Jones
Bonilla	Fawell	Kasich
Bono	Fields (TX)	Kelly
Brownback	Flanagan	Kim
Bryant (TN)	Foley	King
Bunn	Forbes	Kingston
Bunning	Fowler	Klug
Burr	Fox	Knollenberg
Burton	Franks (CT)	Kolbe
Buyer	Franks (NJ)	LaHood
Callahan	Frelinghuysen	Largent
Calvert	Frisa	Latham
Canady	Funderburk	LaTourette
Castle	Gallely	Lazio
Chabot	Ganske	Leach
Chambliss	Gekas	Lewis (CA)
Chenoweth	Geren	Lewis (KY)
Christensen	Gilchrest	Lightfoot
Chrysler	Gilman	Linder
Clayton	Gingrich	Lipinski
Clement	Goodlatte	Livingston
Clinger	Goodling	LoBiondo
Coble	Goss	Lucas
Coburn	Graham	Luther
Collins (GA)	Greenwood	Manzullo
Combest	Gunderson	Martinez
Condit	Gutknecht	Martini
Cooley	Hancock	McCarthy
Costello	Hansen	McCollum
Cox	Harman	McCreery
Crane	Hastert	McDade

McHugh	Ramstad	Stump
McInnis	Regula	Talent
McIntosh	Riggs	Tate
McKeon	Roberts	Taylor (MS)
Metcalf	Rogers	Taylor (NC)
Meyers	Rohrabacher	Thomas
Mica	Ros-Lehtinen	Thornberry
Miller (FL)	Roth	Thurman
Molinari	Roukema	Tiahrt
Montgomery	Royce	Torkildsen
Moorhead	Salmon	Torricelli
Morella	Sanford	Trafficant
Myers	Saxton	Vucanovich
Myrick	Scarborough	Waldholtz
Nethercutt	Schaefer	Walker
Neumann	Schiff	Walsh
Ney	Seastrand	Wamp
Norwood	Sensenbrenner	Watt (NC)
Nussle	Shadegg	Watts (OK)
Oxley	Shaw	Weldon (FL)
Packard	Shays	Weldon (PA)
Parker	Shuster	Weiler
Paxon	Sisisky	White
Payne (VA)	Skeen	Whitfield
Petri	Smith (NJ)	Wicker
Pombo	Solomon	Wolf
Porter	Souder	Wyden
Poshard	Spence	Young (AK)
Pryce	Spratt	Young (FL)
Quillen	Stearns	Zeliff
Quinn	Stenholm	Zimmer
Radanovich	Stockman	

NOT VOTING—11

Becerra	Hall (OH)	Smith (WA)
Brown (CA)	Johnston	Stark
Collins (MI)	Lofgren	Tauzin
Frost	Smith (TX)	

□ 1228

The Clerk announced the following pairs:

On this vote:

Miss Collins of Michigan for, with Mr. Smith of Texas against.

Mr. Johnston for, with Mrs. Smith of Washington against.

Mrs. CLAYTON changed her vote from "aye" to "no."

Mr. EDWARDS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1230

PARLIAMENTARY INQUIRY

Mr. COLEMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The gentleman will state his inquiry.

Mr. COLEMAN. I would just inquire of the Chair in terms of statements that had been made earlier in respect to the length of time that we have for votes. I noted, just as a housekeeping matter, that the Chair in my view correctly permitted about 20 minutes, or I assume 20. When I came in, it said zero. We waited another 5 minutes to finish the vote. I think the Chair correctly did that, because of the crowding on the elevators and attempting to get here from committees by many of the Members.

I was just wondering whether or not the Chair would permit an expansion on the statement earlier made by the Speaker with respect to the amount of time we will be allowed to have for votes. We were told 17 minutes would be all we would get. I notice we just got 20, maybe more. I am wondering

whether or not we are going to continue to have that kind of leeway in the event crowds occur in coming to the House floor to cast our votes.

The CHAIRMAN pro tempore. The Speaker was very clear when he stated his position that he would not stop a Member from voting who is in the well.

Mr. COLEMAN. Actually that is not my inquiry. I was just wondering whether or not we were going to all be given some additional opportunity in the case of crowding to get here to cast our votes. I think that without any question, statements to the contrary notwithstanding, the Chair correctly handled this vote by allowing at least 20 minutes for us to cast this vote. I am just hoping that the Speaker will be advised of the amount of time it took today and perhaps we can relax the hard-and-fast rule we were told applied on the first day.

The CHAIRMAN pro tempore. The Chair would advise the gentleman that this vote did proceed in conformity with the Speaker's advisement.

Mr. COLEMAN. Well, Mr. Chairman, it was certainly in excess of 17 minutes, was it not?

The CHAIRMAN pro tempore. What the Speaker said about Members proceeding to the well and being allowed to vote still holds.

Mr. COLEMAN. But after 17 minutes they will not be allowed to vote from the well; is that my understanding?

The CHAIRMAN pro tempore. The 17-minute restriction still holds. Members should come to the Chamber and to the well as quickly as they possibly can.

Mr. COLEMAN. But the chair was correct in allowing extra time. I think all of the Members attempted to do that on both sides of the aisle. The attempts, I just advise the Chair, will continue to be made more difficult by having, as you know, more citizens inside the Capitol utilizing many of these same elevators.

I just suggest to the Chairman that he handled it correctly. I hope that we could get the Speaker to agree that the hard-and-fast rule of 17 minutes is going to be very difficult for some Members to make. Out of a mere courtesy to our colleagues, I would hope that we would not hold hard and fast to some of these stated rules that we started the first of the session with.

I thank the Chairman for his consideration.

The CHAIRMAN pro tempore. The Chair thanks the gentleman for his observation.

AMENDMENT OFFERED BY MR. SCOTT

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCOTT:
Page 2, strike line 4 and all that follows through the matter preceding line 1, page 12 and insert the following:

TITLE I—PRISON GRANT PROGRAM

SEC. 1. GRANT PROGRAM.

Title V of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"TITLE V—PRISON GRANTS

"SEC. 501. AUTHORIZATION OF GRANTS.

"The Attorney General is authorized to provide grants to eligible States and to eligible States organized as a regional compact to build, expand, and operate space in correctional facilities in order to increase the prison bed capacity in such facilities for the confinement of persons convicted of a serious violent felony and to build, expand, and operate temporary or permanent correctional facilities, including facilities on military bases, for the confinement of convicted non-violent offenders and criminal aliens for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a serious violent felony.

"SEC. 502. GENERAL GRANTS.

"In order to be eligible to receive funds under this title, a State or States organized as a regional compact shall submit an application to the Attorney General that provides assurances that such State since 1993 has—

"(1) increased the percentage of convicted violent offenders sentenced to prison.

"(2) increased the average prison time actually to be served in prison by convicted violent offenders sentenced to prison.

"SEC. 503. SPECIAL RULES.

"Notwithstanding the provisions of paragraphs (1) through (2) to section 502, a State shall be eligible for grants under this title, if the State, not later than the date of the enactment of this title—

"(1) practices indeterminate sentencing; and

"(2) the average times served in such State for the offenses of murder, rape, robbery, and assault exceed, by 10 percent or greater, the national average of times served for such offenses.

"SEC. 504. FORMULA FOR GRANTS.

"To determine the amount of funds that each eligible State or eligible States organized as a regional compact may receive to carry out programs under section 502, the Attorney General shall apply the following formula:

"(1) \$500,000 or 0.40 percent, whichever is greater shall be allocated to each participating State or compact, as the case may be; and

"(2) of the total amount of funds remaining after the allocation under paragraph (1), there shall be allocated to each State or compact, as the case may be, an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State or compact, as the case may be, bears to the population of all the States.

"SEC. 505. ACCOUNTABILITY.

"(a) FISCAL REQUIREMENT.—A State or States organized as a regional compact that receives funds under this title shall use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Attorney General.

"(b) REPORTING.—Each State that receives funds under this title shall submit an annual report, beginning on January 1, 1996, and each January 1 thereafter, to the Congress regarding compliance with the requirements of this title.

"(c) ADMINISTRATIVE PROVISIONS.—The administrative provisions of sections 801 and 802 of the Omnibus Crime Control and Safe

Streets Act of 1968 shall apply to the Attorney General in the same manner as such provisions apply to the officials listed in such sections.

"SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

- "(1) \$497,500,000 for fiscal year 1996;
- "(2) \$830,000,000 for fiscal year 1997;
- "(3) \$2,027,000,000 for fiscal year 1998;
- "(4) \$2,160,000,000 for fiscal year 1999; and
- "(5) \$2,253,100,000 for fiscal year 2000.

"(b) LIMITATIONS ON FUNDS.—

"(1) USES OF FUNDS.—Funds made available under this title may be used to carry out the purposes described in section 501(a).

"(2) NONSUPPLANTING REQUIREMENT.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

"(3) ADMINISTRATIVE COSTS.—Not more than three percent of the funds available under this section may be used for administrative costs.

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

"(5) CARRY OVER OF APPROPRIATIONS.—Any funds appropriated but not expended as provided by this section during any fiscal year shall remain available until expended.

"(c) EVALUATION.—From the amounts authorized to be appropriated under subsection (a) for each fiscal year, the Attorney General shall reserve 1 percent for use by the National Institute of Justice to evaluate the effectiveness of programs established under this title by units of local government and the benefits of such programs in relation to the cost of such programs.

"SEC. 507. DEFINITIONS.

"As used in this title—

"(1) the term 'indeterminate sentencing' means a system by which—

"(A) the court has discretion on imposing the actual length of the sentence imposed, up to the statutory maximum; and

"(B) an administrative agency, generally the parole board, controls release between court-ordered minimum and maximum sentence;

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

"(A) an offense that is a felony and has as an element the use, attempted use, or threatened use of physical force against the person or property of another and has a maximum term of imprisonment of 10 years or more.

"(B) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense and has a maximum term of imprisonment of 10 years or more, or

"(C) such crimes include murder, assault with intent to commit murder, arson, armed burglary, rape, assault with intent to commit rape, kidnapping, and armed robbery; and

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

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, February 9, the gentleman from Virginia [Mr. SCOTT] will be recognized

for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from Virginia [Mr. SCOTT].

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

Mr. Chairman, the series of crime bills we have now effectively block-grant the prevention and police money from the 1994 bill and then cut that block of money by \$2.5 billion and increase the prison construction money by \$2.5 billion.

This amendment restores the \$2.5 billion to the prevention and cops block grant.

We have already seen, Mr. Chairman, the good work in getting the police out on the street. Many of the police have already been funded. The bill has only been in effect a few months and police have been funded already. Those cops are on the street practicing community policing and effectively reducing crime.

Mr. Chairman, during the hearings on H.R. 3 and in the Committee on the Judiciary consideration of the bill, we also heard reams of testimony on crime reduction that can be effectuated by primary prevention programs.

Mr. Chairman, we heard testimony that the cost of drug courts was about one-twentieth of what it cost to put people in prison, and the recidivism rate was so low that you cut crime by approximately 80 percent. Head Start and Job Corps both save more money than they cost, Mr. Chairman.

We have testimony in the record showing drug treatment programs which are so effective, they save \$7 for every \$1 that you put into the program. We have seen recreational programs. Mr. Chairman, where for 60 cents per participant, the crime rate in Phoenix, AZ, was cut significantly. Fort Myers, FL, 28 percent reduction in crime for very minimal expenditures. Gang intervention programs, drug courts, early childhood development, vocational training. Those kind of programs, Mr. Chairman, will reduce crime.

The \$2.5 billion that is added to the prisons in this series of bills which we seek to transfer will be an insignificant portion of the money spent on prisons. Virginia has adopted a truth-in-sentencing or so-called truth-in-sentencing provision. The way we got to 85 percent, Mr. Chairman, was to reduce the sentence 50 percent, letting those who could not make parole, the most heinous of our criminals, let them out in 50 percent of the time so that the less risky prisoners could serve more time. That cost us \$7 billion.

Mr. Chairman, if we are going to spend that kind of money, we ought to put it in programs that will actually work.

Mr. Chairman, the \$30 billion crime bill from last year designated 75 percent of the money for law enforcement and prisons, despite all of the over-

whelming evidence that vastly more crime reduction can be accomplished through prevention programs. The present bill compounds the problem by increasing the prisons and decreasing the money that could go to police and prevention.

If our goal is to prevent crime, Mr. Chairman, we should take the politics out of crime, spend the money where it will actually do some good, and that is, on prevention and police officers.

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

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] is recognized for 10 minutes in opposition to the amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume, and I am not going to consume much on this amendment. I think it should be clear that if we voted, as many of us, in fact the clear majority did, a very large majority, against the amendment earlier offered by the gentleman from Maryland [Mr. CARDIN], to strike \$30 million, \$36 million from the prison grant program, we certainly would want to oppose an amendment that would strike \$2.5 billion from the program.

The gentleman obviously who is offering this amendment is offering it in sincere concern for the prevention programs which he liked in the last Congress, which this side of the aisle wants to do away with, did not agree with, and does not want to put more money into.

Next week we will have an opportunity to vote on a combination of local block grant programs that will combine the prevention and the cops on the street programs of the last Congress into a \$10 billion program to let the cities and the counties of this Nation, their local governments, decide how to best fight crime in their community, whether that be by hiring a new police officer or doing some kind of prevention program, whatever that they may choose to do. I think \$10 billion is plenty of money for that. I think most Americans believe that.

Some money has already been granted out this year under the existing law. So actually more than that would be eligible to be spent according to my calculations.

I see no reason whatsoever to take \$2.5 billion from the prison program, strike it altogether, to give the gentleman from Virginia an opportunity next week to argue that he has stricken this money, now that he has done that, he has saved it, he can now increase or add to or argue for more money under the \$10 billion program. I suspect next week he is going to be opposed based on his arguments in committee to the concept of block grants, anyway, as opposed to doing it under the categorical that are in current law.

I understand the opposition and the differences of opinion. I just want the Members to understand clearly that what the gentleman wants to do is to strike a very sizable proportion, \$2.5 billion, from this prison grant construction and operation program that is designed to take the violent felons off the streets and provide money to the States so that they can build the prison beds necessary to get an end to parole for these serious violent felons. He wants to strike the money that would allow the States to do this, a huge \$2.5 billion amount, and I am very strongly opposed and urge the rejection of this amendment.

□ 1240

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

Mr. SCOTT. Mr. Chairman, could the Chair advise how much time I have remaining?

The CHAIRMAN. The gentleman from Virginia [Mr. SCOTT] has 7 minutes remaining.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I would like to thank the gentleman from Virginia for yielding me this time.

Mr. Chairman, I rise today because although I support truth in sentencing, I do not support pork, and that is the problem with the bill as it is currently drafted.

We watched yesterday afternoon when the Republicans basically presented us with a porkfest. We had a lengthy debate, and in the course of that debate it was pointed out that there is a \$5 billion pot of money called truth in sentencing incentive grants, \$5 billion, but of that \$5 billion what we found out was only three States could qualify, and the gentleman suggested, "Oh, no, more States would want to do this." But I checked with my people in Maryland and they said even though we have already doubled our sentencing requirements, the time-served requirements, that even with this bill Maryland would probably not be able to get any money because it would not be cost-effective, it would cost the State too much money to build the prisons even with the grant that we could get from the Federal Government.

So the debate went on and finally the gentleman conceded that yes, there are probably going to be some States that would not be able to take advantage of this money, so the question became what do we do with the unallocated funds? To those of you who are deficit hawks, watch out. Unallocated funds, rather than have these funds go back to the Treasury for deficit reduction, these funds, which could be \$2 billion, \$3 billion, because remember only three States qualify, the funds would be suddenly given back to the Justice

Department for Federal courthouses and Federal magistrates and to the INS Service.

So I see a grave contradiction today, Mr. Chairman. While the Republican chairman suggests we ought to give all of this money to the local governments for prisons, not only is the money not going for prisons, it is not going to the local government, it is reverting back to the Federal Government, not for prisons but for courthouses and INS and other Federal investigatory bureaus.

I do not think that is what the American people want. I think yes, we can have truth in sentencing and yes, serious violators ought to serve more time, no disagreement there.

The issue becomes whether we take the unallocated funds and have a porkfest for Federal investigatory agencies or whether we use unallocated funds and spend it on deficit reduction. I believe we ought to spend it on deficit reduction, which is why I support the amendment of the gentleman from Virginia which suggests that this money ought to be cut.

Mr. MCCOLLUM. Mr. Chairman, I have no requests for speakers, and I reserve the right to close.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of the Scott amendment. The people of my district are as concerned about crime as any of my colleagues on the other side of the aisle. In fact, crime is a defining issue in urban centers like the one I represent. Every time I meet with constituents, crime is at or near the top of the agenda. In my district kids grow up on street corners because there are few healthy alternatives. There are no parks, no playgrounds, and no recreational centers, and overcrowded, ill-equipped schools neither prepare nor inspire the children for useful and productive careers.

Prisons alone are not the solution. Without prevention, we will never get control of the crime problem. Punishment and prevention are flip sides of the same coin.

Last year we struck a difficult balance between those two impulses. The Crime Control Act provided for more prisons and stiffer sentences. It also made an investment in proven crime prevention programs for education, recreation, and drug treatment. It offered the kids on the corners alternatives and hope for a better future.

This bill upsets the delicate balance between punishment and prevention. I support this amendment because it helps get us back to the middle ground that we found last year. This bill pledges \$12.5 billion for prison construction, \$2.5 billion more than was authorized in the 1994 act.

Where will this money come from? From prevention programs? That is

\$2.5 billion less for our kids. No after-school and summer programs for at-risk youth, no antigang initiatives, no sports leagues or recreational facilities, no drug treatment programs. With this bill we will be saying to your youth, "We don't care about you, we do not expect anything from you. Prison is okay."

Mr. Chairman, I understand that the American people are desperate for urgent action. I understand the temptation to adopt catchy phrases and simple solutions like lock them up and throw away the key. But forget it. It is not about catchy phrases, it is about solutions.

I urge the President and the leadership of this House to maintain the delicate balance that was reached last year. I cannot and I will not support a measure that slashes critical social programs in order to appease the critics on the right. I will not play politics with the future of America's youth.

I urge my colleagues and the American people to see through this Republican charade of deception.

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

Mr. Chairman, the gentleman from Florida has indicated that there will be a block grant of \$10 billion for localities to decide what they want to do in terms of prevention or police. Obviously they will have the discretion to do what they want, but they will have \$2.5 billion less to do it with if the bill is passed without this amendment.

Mr. Chairman, if we had a problem of people falling off a cliff, we could decide to build a fence on the cliff or we could decide to buy ambulances at the bottom of the cliff.

Mr. Chairman, this amendment allows us to build a fence, save money, prevent crime, and I would hope it would be the pleasure of the House to adopt the amendment.

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 simply want to make an observation on the comments made earlier by the gentleman from Maryland [Mr. WYNN] only to the extent of explaining once more that the unallocated funds in the prison construction program, if the States do not claim those moneys, which I think they will claim virtually all of them, that is a bone of contention I suppose with some of the others of the other side, but if they do not claim all of the money even under the \$10½ billion allocated here, then the moneys here are cordoned off and reserved for use by the appropriators for use in the expenses of the Immigration and Naturalization Service for investigators and for expenses of the Bureau of Prisons, the Federal Bureau of Investigation, and the U.S. attorneys for activities and operations related to the investigation, prosecution, and conviction of

persons accused of serious violent felony and incarceration of persons convicted of such offenses.

So it is not court houses and it has very direct preferences related to what we are doing here today in trying to get the kind of money necessary to the States that they can take this group of prisoners, these felons off the streets and lock them up for very extended periods of time. And the gentleman wants to take \$2½ billion out of this today so that he can urge you next week that he is going to put that money in prevention programs instead of into building more prisons.

It is just a difference of opinion. But make no mistake, this would take a huge amount, \$2½ billion, out of the prison program, \$2½ billion that are really needed if we are going to finally stop the revolving door involving serious violent felons who just commit crime after crime in this country.

I urge a "no" vote.

Mr. Chairman, I yield back the balance of my time.

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

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

RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 268, not voting 11, as follows:

[Roll No. 115]

YEAS—155

Abercrombie	Fields (LA)	Markey
Ackerman	Filner	Martinez
Baldacci	Flake	Martini
Barcia	Foglietta	Matsui
Barrett (WI)	Ford (TN)	McDermott
Bellenson	Frank (MA)	McKinney
Berman	Franks (NJ)	Meehan
Bishop	Funderburk	Meek
Boehert	Gejdenson	Menendez
Bonior	Gephardt	Mfume
Borski	Gilchrest	Miller (CA)
Brown (CA)	Green	Mineta
Brown (FL)	Greenwood	Minge
Brown (OH)	Gunderson	Mink
Burton	Gutierrez	Moakley
Camp	Hancock	Mollohan
Cardin	Hastings (FL)	Morella
Castle	Hefner	Nadler
Chapman	Hilliard	Neal
Clay	Hinchey	Oberstar
Clayton	Hoekstra	Obey
Clyburn	Hoyer	Olver
Collins (IL)	Hutchinson	Owens
Conyers	Inglis	Pastor
Coyne	Jackson-Lee	Payne (NJ)
DeFazio	Jacobs	Pelosi
DeLauro	Johnson (CT)	Peterson (FL)
Dellums	Johnson, E.B.	Porter
Dingell	Kaptur	Quinn
Dixon	Kennedy (MA)	Ramstad
Doggett	Kennedy (RI)	Rangel
Dooley	Kennelly	Reed
Duncan	Klecza	Reynolds
Durbin	Klug	Rivers
Ehlers	LaFalce	Rohrabacher
Ensign	Lantos	Rose
Eshoo	Lazio	Roth
Farr	Leach	Roybal-Allard
Fattah	Lewis (GA)	Royce
Fawell	LoBiondo	Rush
Fazio	Longley	Sabo

Sanders	Stokes	Visclosky
Sanford	Studds	Ward
Sawyer	Thompson	Waters
Schroeder	Tiahrt	Watt (NC)
Scott	Torkildsen	Waxman
Sensenbrenner	Torres	Williams
Serrano	Towns	Woolsey
Shays	Tucker	Wynn
Skaggs	Upton	Yates
Slaughter	Velázquez	Zimmer
Smith (MI)	Vento	

NAYS—268

Allard	Flanagan	McHugh
Andrews	Foley	McInnis
Archer	Forbes	McIntosh
Arney	Fowler	McKeon
Bachus	Fox	McNulty
Baesler	Franks (CT)	Metcalf
Baker (CA)	Frelinghuysen	Meyers
Baker (LA)	Frisa	Mica
Ballenger	Furse	Miller (FL)
Barr	Galleghy	Molinari
Barrett (NE)	Ganske	Montgomery
Bartlett	Gekas	Moorhead
Barton	Geren	Moran
Bass	Gillmor	Murtha
Bateman	Gilman	Myers
Bentsen	Gonzalez	Myrick
Bereuter	Goodlatte	Nethercutt
Bevill	Goodling	Neumann
Billbray	Gordon	Ney
Bilirakis	Goss	Norwood
Bliley	Graham	Nussle
Blute	Gutknecht	Ortiz
Boehner	Hall (TX)	Orton
Bonilla	Hamilton	Oxley
Bono	Hansen	Packard
Boucher	Harman	Pallone
Brewster	Hastert	Parker
Browder	Hastings (WA)	Paxon
Brownback	Hayes	Payne (VA)
Bryant (TN)	Hayworth	Peterson (MN)
Bryant (TX)	Hefley	Petri
Bunn	Heineman	Pickett
Bunning	Herger	Pombo
Burr	Hilleary	Pomeroy
Buyer	Hobson	Portman
Callahan	Hoke	Poshard
Calvert	Holden	Pryce
Canady	Horn	Quillen
Chabot	Hostettler	Radanovich
Chambliss	Houghton	Rahall
Chenoweth	Hunter	Regula
Christensen	Hyde	Richardson
Chrysler	Istook	Riggs
Clement	Jefferson	Roberts
Clinger	Johnson (SD)	Roemer
Coble	Johnson, Sam	Rogers
Coburn	Jones	Ros-Lehtinen
Coleman	Kanjorski	Roukema
Collins (GA)	Kasich	Salmon
Combest	Kelly	Saxton
Condit	Kildee	Scarborough
Cooley	Kim	Schaefer
Costello	King	Schiff
Cox	Kingston	Schumer
Cramer	Klink	Seastrand
Crane	Knollenberg	Shadegg
Crapo	Kolbe	Shaw
Creameans	LaHood	Shuster
Cubin	Largent	Sisisky
Cunningham	Latham	Skeen
Danner	LaTourette	Skelton
Davis	Laughlin	Smith (NJ)
de la Garza	Levin	Solomon
Deal	Lewis (CA)	Souder
DeLay	Lewis (KY)	Spence
Deutsch	Lightfoot	Spratt
Diaz-Balart	Lincoln	Stearns
Dickey	Linder	Stenholm
Dicks	Lipinski	Stockman
Doollittle	Livingston	Stump
Dornan	Lowey	Stupak
Doyle	Lucas	Talent
Dreier	Luther	Tanner
Edwards	Maloney	Tate
Ehrlich	Manton	Tauzin
Emerson	Manzullo	Taylor (MS)
Engel	Mascara	Taylor (NC)
English	McCarthy	Tejeda
Evans	McCollum	Thomas
Everett	McCrery	Thornberry
Ewing	McDade	Thornton
Fields (TX)	McHale	Thurman

Torricelli	Watts (OK)	Wise
Trafficant	Weldon (FL)	Wolf
Volkmer	Weldon (PA)	Wyden
Vucanovich	Weller	Young (AK)
Waldholtz	White	Young (FL)
Walker	Whitfield	Zeliff
Walsh	Wicker	
Wamp	Wilson	

NOT VOTING—11

Becerra	Gibbons	Smith (TX)
Collins (MI)	Hall (OH)	Smith (WA)
Dunn	Johnston	Stark
Frost	Lofgren	

□ 1306

The Clerk announced the following pairs:

On this vote:

Miss Collins of Michigan for, with Mr. Smith of Texas against.

Mr. Johnston for, with Mrs. Smith of Washington against.

Mr. PALLONE and Mr. SPRATT changed their vote from "aye" to "no."

Messrs. SANFORD, WARD, ENSIGN, GREENWOOD, and ROTH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the bill? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BLILEY) having assumed the chair, Mr. KOLBE, 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. 667) to control crime by incarcerating violent criminals, pursuant to House Resolution 63, he reported the bill back to the House with an amendment adopted by the Committee of the Whole House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute, as amended? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith, with the following amendment: Page 9, after line 6, insert the following:

"(7) UNALLOCATED FUNDS FOR PUBLIC SAFETY AND COMMUNITY POLICING.—Notwithstanding any other provision of this title, funds transferred under paragraph (6) may only be made available for the program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1965.

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

□ 1310

Mr. Speaker, I withdraw my reservation of a point of order.

The SPEAKER pro tempore. (Mr. BLILEY). The gentleman from Florida withdraws his reservation of a point of order.

The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes in support of his motion.

Mr. CONYERS. Mr. Chairman and my colleagues of the Congress, this recommit motion takes, perhaps, up to \$5 billion in unallocated funds and puts back into the cops on the beat program.

Now, yesterday the new majority whispered a secret about this prison funding proposal on the floor today. They finally admitted that the truth-in-sentencing scheme would probably be so burdensome on the States that most would never qualify for it, and then the gentleman from Florida offered what I call a "cover your back" amendment saying that unexpended funds would be used for Federal law enforcement. This motion to recommit would allow those unexpended funds, which we are all sure will happen, to be used for the most important program we have in the crime bill, the cops on the beat program.

Mr. Chairman, the President's police program is the single most desired crime-fighting response demanded by our citizens across the several States. The Republican majority is proposing to repeal the program and put in its place revenue sharing and a prison funding program that in the end will actually provide less money for prisons and not one guarantee for a single community policeman.

People are afraid to go out of their houses to the corner store. The average response time in our neighborhoods to violent crime is getting longer and longer, and people, are demanding change. We can build all the prisons we want, but without police officers on the beat we will never apprehend them.

So let us do what the police are asking us to do, to get them from behind their desks and on the beat, provide them more resources to fight crime. No one, no one can deny the effectiveness of this program, and this will be the far better place to put those unexpended funds.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from Michigan [Mr. CONYERS] for yielding this time to me. I rise in full support of the motion to recommit.

Let me just recollect to all of my colleagues our view, the attorney general's view, the Justice Department's view, which gives out this money. Under present law, every State qualifies. Under this law, no State qualifies.

Even the gentleman from Florida earlier this morning in the debate admitted that presently, in his views, only three States, three medium and little States, medium sized and little States, would qualify. So, let us assume that we are right. I ask, Shouldn't that money go to put officers on the beat instead of just sitting there? By all means.

I say to my colleagues, If you are right, the money will be spent on prisons, but if this amendment passes, if you're wrong, which most people will look at it and think at least the money will be spent on cops walking the beat.

I say to my colleagues, Don't, sell out your States. Don't for some nice ideological model way up in the sky that's unattainable, tell your States they can't get millions of dollars to build prisons. Don't sell out your police.

Please support the motion to recommit.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I thank the gentleman from Michigan [Mr. CONYERS] for yielding, and I just want to remind the Members of the House that the gentleman from Florida with his amendment last night has readily admitted that we are not going to spend all this money on prisons. Otherwise why would he have offered the amendment that leaves this money, after 2 years, to go to the Department of Justice to be used for their program? Well, if that is the case, and I agree with the gentleman from Florida; I said that before; there are not going to be very many prisons built with this bill. We have a present law that is a lot better than their program, that is a lot better, but if this is going to be the case, instead of putting it all in the FBI, or all in the Department of Justice, can we not use some for cops on the beat? I think that is where crime fighting actually begins, with the policemen on the beat, in our local communities.

I ask, What's wrong with saying that, if we don't spend it on prisons, let's use some of it to help our local law enforcement?

I strongly urge Members to vote for the motion to recommit.

Mr. MCCOLLUM. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I yield myself such time as I may consume, and I strongly oppose this motion to recommit. I have had some words that I have heard from the other side over there that have misstated at least what I said earlier in the debate and a lot of words that have gone through. I want to make it perfectly clear in my judgment, and the judgment of the vast majority of our side of the aisle, I believe that every State of the Union is going to qualify for part A, the pot that has \$5 billion in it with virtually no restrictions on it. Part B, the pot that has the truth in sentencing money in it for requiring the States in order to get it to change their laws to require serious violent felons to serve at least 85 percent of their time, is going to be a carrot where most States will not have, and that is our idea, have not qualified, though I think somewhere in the neighborhood of six or eight States already are in that posture as opposed to the three the gentleman from New York [Mr. SCHUMER] keep stating to us. I believe that virtually all of this money will be consumed, probably all of it, by the States by time the 5 years runs out in both pots, but yesterday we passed a particular amendment which is being proposed today by this motion to recommit with instructions to be changed of what would happen to any moneys that were not actually given out by the Attorney General in these grants because there were not requests for them or whatever, and we said yesterday, and we voted yesterday, to do this in this committee, that the funds, if there were any unused ones, would go for the purposes of Immigration and Naturalization Service investigators, and the expenses of the Bureau of Prisons, the Federal Bureau of Prisons, and Lord knows they need a lot of it, the Federal Bureau of Investigation and U.S. attorneys for activities and operations related to the investigation, prosecution, and conviction of persons accused of a serious violent felony, and the incarceration of persons convicted of such offenses.

It seems to me that that is an appropriate place to place the residual money, if there is any, which I do not think there will be from the prison grant program that is designed to try to get the serious violent felons off the street and solve the revolving door. We do not need to have a big debate out here tonight over cops on the street again.

What the gentleman's motion to recommit would do would be to say every single penny will go, not for the purposes I just enumerated, which is what we passed yesterday, but every single penny, if any is not spent in this bill, would go instead to the President's cops on the streets program which we will address next week.

□ 1320

We on this side of the aisle think that program needs to be merged into a community block grant program. We do not agree with that program. So consequently the purposes for which this is intended are not going to be served by the motion to recommit if it is passed today. So I urge in the strongest of terms a no vote to the motion to recommit.

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

The SPEAKER pro tempore (Mr. BILLEY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 193, nays 227, not voting 14, as follows:

[Roll No. 116]

AYES—193

Abercrombie	Filner	McKinney
Ackerman	Flake	McNulty
Baesler	Foglietta	Meehan
Baldacci	Ford (TN)	Meek
Barcia	Frank (MA)	Menendez
Barrett (WI)	Furse	Mfume
Bellenson	Gejdenson	Miller (CA)
Bentzen	Gephardt	Mineta
Bevill	Geren	Minge
Bishop	Gonzalez	Mink
Bonior	Gordon	Moakley
Borski	Green	Mollohan
Brewster	Gutierrez	Montgomery
Browder	Hall (TX)	Moran
Brown (CA)	Hamilton	Morella
Brown (FL)	Harman	Murtha
Brown (OH)	Hastings (FL)	Nadler
Bryant (TX)	Hayes	Neal
Camp	Hefner	Oberstar
Cardin	Hilliard	Obey
Chapman	Hinchee	Olver
Clay	Hoiden	Ortiz
Clayton	Hoyer	Orton
Clement	Jackson-Lee	Owens
Clyburn	Jacobs	Pallone
Coleman	Jefferson	Parker
Collins (IL)	Johnson, E.B.	Pastor
Condit	Kanjorski	Payne (NJ)
Conyers	Kaptur	Payne (VA)
Costello	Kennedy (MA)	Pelosi
Coyne	Kennedy (RI)	Peterson (FL)
Cramer	Kennelly	Peterson (MN)
Danner	Kildee	Pickett
de la Garza	Kliczka	Pomeroy
Deal	Klink	Poshard
DeFazio	LaFalce	Rahall
DeLauro	Lantos	Rangel
Dellums	Laughlin	Reed
Dicks	Levin	Reynolds
Dingell	Lewis (GA)	Richardson
Dixon	Lincoln	Rivers
Doggett	Lipinski	Roemer
Dooley	Rose	Roybal-Allard
Doyle	Luther	Rush
Durbin	Maloney	Sabo
Edwards	Manton	Sanders
Engel	Markey	Sawyer
Eshoo	Martinez	Schroeder
Evans	Mascara	Schumer
Farr	Matsui	Scott
Fattah	McCarthy	Serrano
Fazio	McDermott	Shays
Fields (LA)	McHale	

Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)

Allard
Andrews
Archer
Army
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Billrakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrystler
Clinger
Coble
Collins (GA)
Combest
Cooley
Crane
Crapo
Creameans
Cubin
Cunningham
Davis
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)

Becerra
Berman
Boucher

Tejeda
Thompson
Thornton
Thurman
Torres
Torrice
Towns
Tucker
Velázquez
Vento
Visclosky
Volkmer

NOES—227

Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Solomon
Sonder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Coburn
Collins (MI)
Frost

Johnston
Lofgren

Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

Smith (TX)
Smith (WA)

Stark
Thomas

□ 1336

The Clerk announced the following pairs:

On this vote:

Miss Collins of Michigan for, with Mr. Smith of Texas against.

Mr. Johnston of Florida for, with Mrs. Smith of Washington against.

Mr. LOBIONDO changed his vote from "aye" to "no."

Mr. HILLIARD and Mr. PETE GEREN of Texas changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BILLEY). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 265, noes 156, not voting 13, as follows:

[Roll No. 117]

YEAS—265

Allard	Cox	Hall (TX)
Andrews	Cramer	Hancock
Archer	Crane	Hansen
Army	Crapo	Harman
Bachus	Creameans	Hastert
Baesler	Cunningham	Hastings (WA)
Baker (CA)	Davis	Hayes
Baker (LA)	Deal	Hayworth
Ballenger	DeLay	Hefley
Barr	Diaz-Balart	Hefner
Barrett (NE)	Dickey	Heineman
Bartlett	Doggett	Herger
Barton	Dooley	Hilleary
Bass	Doolittle	Hobson
Bateman	Dornan	Hoke
Bereuter	Dreier	Horn
Bevill	Duncan	Hostettler
Bilbray	Dunn	Houghton
Bilirakis	Ehrlich	Hunter
Bliley	Emerson	Hutchinson
Boehner	Engel	Hyde
Bonilla	English	Inglis
Bono	Ensign	Istook
Borski	Everett	Jacobs
Boucher	Ewing	Jefferson
Brewster	Fawell	Johnson (CT)
Browder	Fields (TX)	Johnson, Sam
Brownback	Flanagan	Johnson (SD)
Bryant (TN)	Foley	Jones
Bunn	Forbes	Kasich
Bunning	Fowler	Kelly
Burr	Fox	Kennedy (RI)
Burton	Franks (CT)	Kim
Buyer	Franks (NJ)	King
Callahan	Frelinghuysen	Kingston
Calvert	Funderburk	Knollenberg
Canady	Gallegly	Kolbe
Chabot	Ganske	LaHood
Chambliss	Gekas	Largent
Chenoweth	Geren	Latham
Christensen	Gilchrest	LaTourette
Chrystler	Gillmor	Laughlin
Clement	Gilman	Lazio
Coble	Goodlatte	Leach
Coburn	Goodling	Lewis (CA)
Collins (GA)	Gordon	Lewis (KY)
Combest	Goss	Lightfoot
Condit	Graham	Lincoln
Cooley	Greenwood	Linder
Costello	Gutknecht	Lipinski

Livingston
LoBiondo
Lucas
Manton
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mollinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussie
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)

Peterson (MN)
Petri
Pickett
Pombo
Porter
Poshard
Pryce
Quillen
Radanovich
Reed
Regula
Reynolds
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Solomon
Souder
Spence

Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torricelli
Traficant
Viscosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

Becerra
Berman
Collins (MI)
Deutsch
Frisa

NOT VOTING—13
Frost
Gibbons
Hall (OH)
Johnston
Logren

Smith (TX)
Smith (WA)
Stark

□ 1354

The Clerk announced the following pairs:

On this vote:
Mr. Smith of Texas for, with Miss Collins of Michigan against.
Mrs. Smith of Washington for, with Mr. Johnston against.

Mr. Deutsch for, with Mr. Berman against.
Mrs. MALONEY, Mr. LUTHER, and Mr. FORD changed their vote from "aye" to "no."

So the bill was passed.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FRISA. Mr. Speaker, on rollcall 117, final passage of the prison construction legislation, I was unavoidably absent.

Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. STARK. Mr. Speaker, on Friday, February 10, 1995, I missed six recorded votes because of a bad case of the flu. Rather than infect the rest of the House, I stayed home.

If I had been present, I would have voted as follows:

On rollcall No. 112, the amendment by Mr. WATTS, to strike the automatic stay provisions relating to relief lawsuits brought by inmates, "aye."

On rollcall No. 113, the amendment by Mr. CARDIN to reduce by \$36 million over 5 years the authorization for prison grants, "aye."

On rollcall No. 114, the amendment by Mr. CHAPMAN to make States eligible for both general and "truth in sentencing" prison grants rather than either one or the other, "aye."

On rollcall No. 115, the amendment by Mr. SCOTT, to decrease by \$2.5 billion the total funding for State and regional prison grants, "aye."

On rollcall No. 116, the motion to recommit by Mr. CONYERS, to allocate any unallocated funds for public safety and community policing, "aye."

On rollcall No. 117, final passage, "no."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 667, VIOLENT CRIMINAL INCARCERATION ACT OF 1995

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 667, as amended, the Clerk be authorized to correct section numbers, cross-references, an punctuation, and to make such stylistic, clerical, technical, con-

forming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 667 and H.R. 668.

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

There was no objection.

DISCUSSION OF REGULATORY REFORM BILL IN GOVERNMENT OVERSIGHT COMMITTEE

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

Mr. FAZIO of California. Mr. Speaker, I know we have been able to reach agreement apparently on this rule and I know people would like to have no further votes so we can move on. It is after all Friday. But I am told by members of the Committee on Government Reform and Oversight that they have run into a rather difficult problem within their committee. They have been told by the gentleman from Pennsylvania [Mr. CLINGER], the chairman, that they have to put out the regulatory reform bill this afternoon or waive their rights to a 3-day layover if it were to be taken up on Monday.

I think on behalf of the minority, we find that a rather difficult choice to have to make, one that really truncates our ability to have full debate and full consideration of this very important legislation on regulatory relief.

I am wondering if we could hear from those on the majority side about how we could accommodate those concerns. We understand the schedule you are trying to keep, but this is one of the most important bills to come out of that committee in this session. Perhaps the majority leader may wish to respond or the majority whip. I am not sure. I know the majority whip has a great interest in this bill.

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

Mr. FAZIO of California. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I understand the gentleman's concern and as we have during this entire process ever since January 4, we have been diligently trying to, and have protected the rights of the minority. We are running into scheduling problems. We are trying to get this bill out. We do not want to limit any kind of opportunities

NAYS—156

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Bishop
Blute
Boehert
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Camp
Cardin
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Conyers
Coyne
Cubin
Danner
DeFazio
de la Garza
DeLauro
Dellums
Dicks
Dingell
Dixon
Doyle
Durbin
Edwards
Ehlers
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Fliner
Flake
Foglietta
Ford
Frank (MA)
Furse

Gejdenson
Gephardt
Gonzalez
Green
Gunderson
Gutierrez
Hamilton
Hastings (FL)
Hilliard
Hinchesy
Hoekstra
Holden
Hoyer
Jackson-Lee
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
Lantos
Levin
Lewis (GA)
Longley
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal

Oberstar
Obey
Oliver
Ortiz
Owens
Payne (NJ)
Pelosi
Pomeroy
Portman
Quinn
Rahall
Ramstad
Rangel
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Smith (MI)
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Torkildsen
Torres
Towns
Tucker
Upton
Velázquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates

for Members to offer amendments. But as we have seen on other bills and we feel that at least on this particular bill that there are an inordinate number of amendments to the moratorium bill, a moratorium bill that gives the President the right to actually exempt regulations.

Mr. FAZIO of California. If the gentleman would allow me to reclaim my time, the question of what is an inordinate amount is often in the eye of the beholder.

Mr. DELAY. That is true. And the majority beholder thinks that there are a lot of amendments that really have nothing to do with the bill and could be construed as being a little dilatory. We are just trying to accommodate the minority in trying to say, look, we will go through the whole process and allow you to offer all amendments and keep the process open, but we would appreciate you working with us and maybe, in order to accommodate the schedule and not be here late at night and through weekends, be able to ask the minority if laying the bill out for the 3 days could be accommodated.

Mr. FAZIO of California. If the gentleman would allow me to continue, the Members I think are already expecting to spend Saturdays here in March. That word is all over the institution, so we all know we are running up against deadlines. But we cannot let those deadlines get in the way of due deliberation. To say that that bill has to be put out today I think really stretches.

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

Mr. FAZIO of California. I yield to the gentleman from Texas.

Mr. DELAY. We want due deliberation, but as the gentleman knows, from the time a bill gets out of committee to the time it gets to the floor, it could be 10 days in order to protect the minority's right of allowing a bill to sit around for 3 days for comments before it gets to rules, and then after rules it lays for 3 days before it can come to the floor. We are just saying that maybe we could do a little negotiating here and the committee could deliberate and take all amendments if the minority would only allow it to lay out 2 days.

□ 1400

The SPEAKER pro tempore (Mr. BILEY). Perhaps the distinguished gentleman from California and the majority whip might retire and negotiate.

Mr. FAZIO of California. Mr. Speaker, if we could proceed for ½ minute, it would seem to me if the leadership would proceed to communicate with our leadership about how we are going to handle this bill in committee, to give our members adequate time to offer amendments that are in fundamental ways important to what is

one of the most significant bills we are going to deal with in the first 100 days, let alone this Congress, then I think perhaps we could continue in the comradious way we have been. I am sorry to say that we may have to have votes on this noncontroversial rule if we do not have that kind of a dialog.

Mr. DELAY. If the gentleman will yield briefly, I am looking forward to negotiating with the gentleman. We just thought, maybe wrongly, that the chairman of the committee and the ranking member could do that kind of negotiations for the committee, but if it takes the leadership level of negotiations we are happy to do it.

Mr. FAZIO of California. I think it may have been elevated.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 728, LAW ENFORCEMENT BLOCK GRANTS

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104-27) on the resolution (H. Res. 79) providing for consideration of the bill (H.R. 728) to control crime by providing law enforcement block grants, which was referred to the House Calendar and ordered to be printed.

CRIMINAL ALIEN DEPORTATION IMPROVEMENTS ACT OF 1995

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 69 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 69

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 668) to control crime by further streamlining deportation of criminal aliens. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302(f) or section 303(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in section 2 of this resolution. All points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. Each section of the committee amendment in the nature of a substitute, as modified, shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee

of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute, as modified. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill is modified by the following amendment: "Strike section 11 and redesignate the succeeding sections accordingly."

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BELLESON], pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, in keeping with our promise to have a more open process in the House, the Rules Committee is bringing to the floor today another open rule.

This one provides for the consideration of H.R. 668, the Criminal Alien Deportation Improvements Act with 1 hour of general debate.

While any Member of the House may offer an amendment under this rule, priority in recognition will be given to those Members who pre-print their amendments in the CONGRESSIONAL RECORD.

This procedure means that Members can be better informed about the issues they will have to vote on, and reduces the possibility of legislation by ambush.

During its consideration of this bill, the Judiciary Committee adopted an amendment by the gentleman from California [Mr. BERMAN] which would have provided a new entitlement which was not paid for.

The Rules Committee was faced with a situation where this bill could not even have been considered unless the Budget Act was waived, and if the original provision had been left in place, the total cost of the amendment would have been added to the deficit.

At the same time, many of us were sympathetic to what the gentleman from California was trying to do—namely reimburse State and local governments for the cost of incarcerating illegal aliens who commit serious crimes.

My State of New York, along with a number of others, has been saddled

with heavy financial burdens because the Federal Government has failed to control the Nation's borders effectively.

The compromise solution which was worked out involves two steps.

First, the House agreed to an amendment to the prisons bill, H.R. 667, which would authorize the funds necessary to reimburse States and localities for the cost of incarcerating illegal aliens who have committed serious crimes.

Next the Rules Committee put a provision in this rule which made in order as a new base text the Judiciary Committee amendment in the nature of a substitute minus the Berman amendment which violated the Budget Act.

This took out the budget busting provision from the text that the House will be amending.

However, since the bill reported from the Judiciary Committee still has the language in it which violates the Budget Act, it is necessary to waive two sections of the Budget Act in order to call up the bill. But these are in effect only technical waivers because the offending language is being deleted by the adoption of the rule.

The first technical waiver is included because the Judiciary Committee bill proposed new entitlement authority beyond the committee's allocation. The second technical waiver is necessary because the committee reported bill provides new entitlement authority prior to the adoption of the budget resolution.

I repeat—these Budget Act waivers are necessary only to allow the House to consider the alien deportation bill. The provision which violated the Budget Act is being eliminated by the rule.

There is one other provision adopted by the Judiciary Committee which requires a waiver of points of order.

This provision was offered by the gentleman from California [Mr. MOORHEAD]. It allows reimbursement for the cost of incarcerating illegal aliens to be paid to the localities as well as to the States.

This amendment was adopted by voice vote in the Judiciary Committee and is widely approved. It does not involve any additional cost, but it does require a waiver of the rule prohibiting appropriations on legislation, because technically it is possible that previously appropriated funds could be used for a new purpose.

Finally, the rule provides for one motion to recommit, with or without instructions.

This provides the minority one final chance to offer its best alternative to the bill.

Mr. Speaker, this rule provides a fair process.

It is important to keep in mind, that this is a completely open rule. Any member can offer any amendment that complies with House rules. While there

are three waivers that are largely technical, these waivers do not in any way limit a Member's ability to offer his or her ideas to improve the bill.

Mr. Speaker, it is long past time that this Congress started getting serious about the problem of illegal immigration in this country.

The Governor of California has noted, for example, that today in Los Angeles alone illegal immigrants and their children total nearly 1 million. That is more than any congressional district.

Governor Wilson has also noted that two-thirds of the babies born in Los Angeles public hospitals are born to parents who have illegally entered the United States. These are awesome numbers. And the problem is not limited to California, Texas, and Florida. In my own State of New York, the cost of providing services to illegal aliens is a burden on all the taxpayers of the State.

The bill before us now is a first step toward dealing with the larger problem. This bill will streamline the process of deporting illegal aliens who have committed serious crimes. For example, the bill adds a number of crimes for which illegal aliens can be deported.

Crimes such as trafficking in counterfeit immigration documents, serious bribery, and transporting persons for the purpose of prostitution can become a basis for deportation.

The Criminal Alien Identification System is given the mission of assisting Federal, State, and local law enforcement agencies in identifying and locating aliens who may be deportable because they have committed aggravated felonies.

The bill is a good beginning in dealing with a serious problem. There is much more that needs to be done to prevent the illegal immigration in the first place. I support this bill and the open rule which provides for its consideration.

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

Mr. SOLOMON. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I would simply like to rise and congratulate the chairman of the Committee on Rules for underscoring the fact that public-policy questions that in the past have only been dealt with by waiving the rules of the House can in fact be addressed by looking head-on at creative ways to comply with the standing rules of the House and actually solve those problems. That is exactly what we were able to do, and that is exactly what this rule does once again, so we can in fact meet the needs of the American people, the issues that the American people want us to address, and we can do it under the rules that the Founders put in place for this institution.

Again I thank my friend for yielding.

Mr. SOLOMON. The gentleman's points are so well taken. The truth of the matter is that the Committee on Rules has put their foot down on these so-called budget waivers that have gotten us into these problems over the years. We are not going to try to do that anymore, and that is one way that we have stopped a new entitlement program from going through, yet helped those States and municipalities that desperately need the help.

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

Mr. SOLOMON. I am glad to yield to the gentleman from Texas.

Mr. BENTSEN. Mr. Speaker, just so I understand what the gentleman is saying, this rule will effectively knock out the Berman language as it relates to reimbursement to the States?

Mr. SOLOMON. The gentleman is correct, because it has been taken care of in the previous bill.

Mr. BENTSEN. So everything we rely on is what was done in H.R. 667, in the previous bill, and there will be no Berman language in this bill?

Mr. SOLOMON. The gentleman is absolutely correct.

Mr. BENTSEN. I thank the gentleman.

Mr. SOLOMON. I hope we can move this rule through on a voice vote.

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

□ 1410

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

The gentleman has fully explained the terms of the rule before us. It is an open rule. We support the rule. We encourage our colleagues to do the same.

Among the waivers provided by the rule, all of which are technical in nature, is a waiver of clause 5(a) of rule XXI prohibiting appropriations in an authorization bill. That waiver was agreed to by the Committee on Rules without objection at the request of this gentleman from California and is needed to protect a provision in the bill as reported by the Committee on the Judiciary. That provision, offered by the gentleman from California [Mr. MOORHEAD], was approved by voice vote in that committee.

The Moorhead amendment seeks to insure funds appropriated for fiscal year 1995 for the purposes of reimbursing States and local governments for the cost of incarcerating illegal aliens convicted of felonies are available to local as well as to State governments. The Moorhead amendment is, in fact, merely a restatement of existing law as approved in last year's crime bill.

No new spending is involved, as the gentleman from New York [Mr. SOLOMON] explained, so the waiver of clause 5(a), rule XXI, is a technical one as well. This is an issue—this particular one of reimbursement to localities—is

an issue that this particular gentleman, along with several others, including especially the gentleman from California [Mr. BERMAN], has been working on for some time now.

In fact, my amendment to the 1994 crime bill not only required for the first time that these reimbursement payments be made to the States but also for the first time directed local governments be eligible to receive those funds as well.

Mr. Speaker, H.R. 668, the Criminal Alien Deportation Improvement Act, is intended to strengthen existing laws to ensure the swift deportation of aliens who commit crimes and to crack down on alien smuggling.

For example, the bill expands the number of aggravated felonies for which an alien can be deported and limits the review of deportation orders for criminal aliens.

The rule permits any germane amendments to be offered, so any concerns that our colleagues may have with specific provisions of the bill can be addressed under this rule.

Mr. Speaker, to repeat, we support this rule. It is, in fact, an open rule. We urge our colleagues to approve it so that we may commence consideration of this important legislation today.

Mr. Chairman, I yield such time as he may consume to our distinguished colleague, the gentleman from Massachusetts [Mr. MOAKLEY], the ranking member.

Mr. MOAKLEY. Mr. Speaker, I think the gentleman for yielding me this time.

Mr. Speaker, yesterday in the Committee on Rules a wonderful thing happened. In the interest of bipartisan cooperation, Democrats and Republicans worked out an agreement to allow the Moorhead amendment.

I thank Chairman SOLOMON for his wisdom and for his going beyond the call and also the Republican members on the Committee on Rules for working with us.

Mr. Speaker, I look forward to many, many more of these problems being worked out in the Committee on Rules, and maybe a new day is dawning.

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

Mr. GOSS. Mr. Speaker, once again I am delighted to rise in support of a wide open rule that offers all Members the chance to become involved in this important debate. The issue of crime as it relates to illegal immigration is one of great significance to many Americans, and especially to the people of Florida. The statistics tell the story of how illegal immigration and crime have joined together to wreak havoc in States like Florida. In Florida, we would need to build 4 to 5 more prisons just to house criminal aliens—at an estimated cost of \$80 to \$120 million. By strengthening the laws providing for prompt deportation of criminal aliens and making penalties more certain for deported aliens who return to this country

illegally, we take a big step in helping States—especially border States—cope with the complex challenges and of illegal immigration. Obviously Florida will benefit in the long run by a more efficient system for speeding deportations, but in the meantime, the costs continue to mount as we grapple with the fact that approximately 10 percent of our prison population is made up of illegal aliens.

For too long, illegal immigration has been a problem sloughed off onto the States. This is a Federal problem—caused by failures in Federal policies—and it is highly appropriate that the Federal Government step in with solutions. H.R. 668 is just such a step forward.

I am grateful for the bipartisan effort in the Rules Committee—led by Mr. BEILENSEN and Mr. DREIER—to come up with a creative way to solve a thorny Budget Act problem posed by language in this bill. In considering the preceding crime bill—the prison bill—yesterday, we demonstrated that the spirit of compromise can lead to a win-win situation. We included important language in the prison bill providing priority in securing crucial resources to States that have been straining to meet the demands of illegal immigration on their prison systems. Deliberative democracy has been working at its best in this House during the course of this debate and I commend all of those involved for their persistence. I urge support of this rule and H.R. 668.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 69 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 668.

□ 1414

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 668) to control crime by further streamlining deportation of criminal aliens, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes.

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

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

Mr. Chairman, H.R. 668 makes several amendments to the immigration laws to further address the problem of aliens who commit serious crimes while they are in the United States. While several bills in the last Congress

began to address this problem, they have not gone far enough.

Of particular concern is the recent increase in alien smuggling crime. Organized crime rings in this country, with ties to others abroad, have developed to prey upon illegal immigrants who want to come to the United States. These criminals extort large sums from these illegal immigrants in return for passage to the United States and for the fraudulent documents they need to obtain entry. In many cases, these illegal immigrants cannot pay these fees and, once they arrive here, are forced into involuntary servitude, prostitution, and other crimes in order to repay these fees. In some cases, such as the "Golden Venture" in New York City, the attempt to smuggle these illegals goes tragically wrong and people die.

H.R. 668 attempts to deal with this problem by designating a number of offenses common to organized immigration crime as "aggravated felonies." Aliens who commit aggravated felonies can be deported from the country following their incarceration. These changes will enable the Government to deport those aliens who commit alien smuggling crimes after they serve their incarceration.

The bill also strengthens the expedited deportation procedures of existing law. These procedures streamline the deportation process with respect to criminal aliens who are not legal permanent residents. Under H.R. 668, aliens who enter the country as permanent residents on a conditional basis and then commit serious crimes will also be placed into this expedited deportation process.

The bill also tightens one of the defenses to deportation. Under present law, persons who are legal permanent residents and have lived in the country for 7 years may assert their years of residence as a defense to deportation, but this defense does not apply if they have been convicted of an aggravated felony and served 5 years in prison. Unfortunately, for all practical purposes, the Government must wait 5 years to begin deportation proceedings against these criminals. Not only does this result in administrative inefficiency but, on occasion, allows criminal aliens to escape deportation when their incarceration ends before the deportation process is completed. H.R. 668 would remedy these problems by allowing the Government to bring deportation proceedings against the alien whenever the alien is sentenced to 5 or more years in prison, regardless of the time actually served.

H.R. 668 will also allow the Government to deport aliens who have resided in the country for less than 10 years and who are convicted of any felony crime involving moral turpitude. Under current law, persons convicted of crimes of moral turpitude can only be

deported if they have been sentenced to, or serve, at least 1 year in prison.

Finally, in order to help Federal law enforcement officials combat organized immigration crime, the bill adds a number of immigration-related offenses as predicate acts under the Rico statute, one of the principal tools that Federal law enforcement officials use to fight organized crime. And to complement this provision, the bill also gives Federal law enforcement officials the authority to utilize wiretaps to investigate certain immigration-related crime.

Mr. Chairman, this bill is modest in length but is a sizable step forward in the Government's effort to fight alien smuggling and to rid ourselves of those noncitizens who commit serious crimes in our country. By removing from our society those aliens who do not respect our laws, we make our streets safer for citizens and noncitizens alike. I urge my colleagues to vote for this bill.

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

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

Mr. Chairman, the subcommittee chairman, the distinguished gentleman from Florida, has very adequately described the bill. I agree with his interpretations.

H.R. 668 would amend the Immigration and Naturalization Act and other laws to make it easier to deport aliens who commit crimes in the United States and to provide law enforcement officials with additional tools to fight violations of immigration laws.

The bill would broaden the definition of "aggravated felony" established by the 1994 crime bill so as to expand the reach of the summary deportation procedures that were put into effect last year.

The 1994 act permits the INS to use an abbreviated administrative process with no right to an administrative hearing and with a limited right to judicial review to deport an alien—other than a lawful permanent resident—who commits an "aggravated felony." The Attorney General is specifically denied the ability to withhold deportation of such individual on other grounds; for example, asylum.

The list of offenses that would be considered to be "aggravated" felonies would be expanded to include certain crimes related to gambling, prostitution, document fraud, reentry of deported alien at improper time or place, commercial bribery, counterfeiting, forgery, trafficking in vehicles the identification numbers of which have been altered, perjury, bribery of a witness, and failure to appear to answer charges.

The procedures for removal of such aliens would be further streamlined and their reach extended to include aliens who are admitted to the United States as lawful permanent residents,

but on a "conditional bases." Such conditional status is conferred on the spouses—and spouses' children—of citizens and lawful permanent residents as a device to discourage fraudulent marriages and deny participants of such fraudulent marriages the benefits of lawful permanent resident status. The bill also adds a requirement that expedited proceedings be conducted, in or translated for the alien into, a language the alien understands.

In addition, H.R. 668 would amend the Immigration and Nationality Act to extend a restriction that exists on the Attorney General's discretion to provide relief from deportation—under INA section 212(c)—for lawful permanent residents who have committed an "aggravated" felony. Such relief is now limited to individuals who have lived in the United States for more than 7 years, but who have served sentences of less than 5 years. The bill amends the law to deny the availability of section 212(c) relief to lawful permanent residents who are sentenced, rather than serve 5 years.

Other significant provisions of H.R. 668:

Collateral attacks of a deportation order in a subsequent prosecution that is based on violation of the order would be limited;

Certain alien smuggling-related offenses would be added to the list of Rico-predicate offenses;

The Attorney General would be granted authority to seek wiretaps in connection with alien smuggling investigations; and

Aliens who are convicted of a felony crime involving moral turpitude within 5 years of entry—10 years in the case of legal permanent resident aliens—would be deportable, regardless of sentence actually imposed. Under current law, aliens who commit crimes of moral turpitude can only be deported if they are actually sentenced to or serve at least 1 year in prison.

Finally, the Violent Crime Control and Law Enforcement Act of 1994 would be amended to ensure that units of local government are eligible for reimbursement for the cost of incarcerating convicted criminal aliens.

□ 1420

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

Mr. MCCOLLUM. Mr. Chairman, I have no more requests for time, and I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today to support this legislation. New Jersey's 13th District is the home to many immigrants, immigrants who are proud to reside in this great land and immigrants who abide by her laws.

For most of these individuals, America is an opportunity, an opportunity to work, an opportunity to succeed, and an opportunity to provide a better life for their children.

However, I believe it is time we send the message that America is also a privilege and if you choose to violate her laws, your privileges will be revoked. You will be tried, you will be convicted, and you will be deported.

It is right to seek reimbursement to States for the incarceration of criminal aliens. The burden on the State for the incarceration of criminal aliens is overwhelming, and it is unfair to expect the American people to bear this expense. In June 1989, the GAO estimated that 22 percent of the Federal prison population were aliens and over half had been convicted of a crime for which they could be deported; at a cost of over \$15,000 per prisoner per year this is unacceptable. For New Jersey this means annual costs of \$6.6 million for the incarceration of criminal aliens. And in New York City, across the Hudson River from my district, in a 15-month period 12,300 aliens were arrested for felonies.

In the same way that we revoke the privilege of freedom from other criminals, we should revoke that which is most sacred to criminal aliens, their residence in the United States.

Mr. Chairman, I join in supporting the deportation of criminal aliens. The American people cannot afford to support the costs of criminal aliens and, more important, they should not have to.

Mrs. FOWLER. Mr. Chairman, I rise today in support of H.R. 668, the Criminal Alien Deportation Improvements Act. As a member of the Florida delegation, I am a strong supporter of legislation which effectively and fairly addresses immigration-related problems. H.R. 668 does just that, by making it easier to deport criminal aliens who have been convicted of a felony. Any Representative who values law and order should be proud to support this bill.

In the past, it has sometimes been difficult for the Government to deport even those aliens who have committed very serious crimes. It is time that we correct this problem. There is absolutely no reason that such people should enjoy the benefits of living in the United States after committing crimes.

H.R. 668 does more than just streamline deportation procedures for criminal aliens. It also establishes a criminal alien identification center which will help law enforcement authorities locate criminal aliens. It is an excellent commonsense bill, and I urge my colleagues to support it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, PETER KING of New York and I have been working hard on a provision of this bill for the past year. This particular provision would apply the RICO statute to alien smuggling crimes. This means that when a criminal act involves the trafficking of human beings, the Department of Justice can use the full scope of the law to prosecute the smugglers

by allowing higher fines, longer prison sentences, and seizing the assets of the organized enterprises committing these crimes, not just individuals.

In the past couple of years we have heard about boatloads of Chinese immigrants being brought to the United States under horrifying conditions—weeks with no clean water, minimal food, and unsanitary conditions beyond imagination. The gangs responsible for smuggling these people into the United States then force them into slave labor, working 12- to 14-hour days, 7 days a week in gruesome conditions just to pay off the \$30,000 to \$40,000 debt they incurred. These horrible abuses at the hands of people willing to profit from the trade of human beings must be stopped.

Mr. Chairman, I want to be perfectly clear. Some people are trying to flee their homelands for legitimate reasons. This country has a longstanding tradition of granting asylum to people who are fleeing their home because of political persecution. I believe very strongly in this policy. What we are talking about here today is very different. The purpose of this provision is to address the problem of slave trade, where traffickers use the dream of America and freedom to lure people into the bondage of slavery for their own profit.

Mr. PACKARD, Mr. Chairman, there are over 450,000 criminal aliens on probation, in prison, or on parole in the United States. Our Federal, State, and county criminal justice systems can no longer bear this awesome burden. The Republican crimefighting agenda seeks to ease this troublesome load by providing more effective crimefighting tools.

The Criminal Alien Deportation Act, H.R. 668, cracks down on criminal aliens by allowing swifter deportation procedures and stiffer smuggling penalties. Speeding up the deportation process frees up more of our scarce prison resource. Currently, criminal aliens constitute one-fourth of our prison population.

Our Republican crime bill recognizes the staggering costs that criminal aliens place on our judicial system. Criminal immigrants cost the State and county criminal justice systems more than \$500 million per year. These are costs we cannot sustain.

Mr. Chairman, the Criminal Alien Deportation Act affects every taxpayer in America. Speeding up the deportation process saves American taxpayer dollars and frees up jail space to allow us to keep more criminals off our streets.

Mr. SMITH of Texas. Mr. Chairman, I would like to enter into the RECORD my strong support of H.R. 668, the Criminal Alien Deportation Improvements Act of 1995.

The escalation of crime is robbing Americans of the freedom to walk their neighborhood streets, the right to feel secure in their homes, and the ability to feel confident that their children are safe in their schools.

An increasing amount of crime is being committed by noncitizens: both legal and illegal aliens. About 25 percent of all Federal prisoners are foreign-born. An astounding 42 percent of all Federal prisoners in my State of Texas are foreign-born. Recidivism rates for criminal aliens are high—a recent GAO study revealed that 77 percent of noncitizens convicted of felonies go on to be arrested at least one more time.

The Bureau of Prisons estimates that over 75 percent of noncitizen inmates are confined for drug law violations. Drug law violations are serious and these criminals should be required to serve their full sentences. Because of the porous nature of the border, drug traffickers who are deported before the completion of their sentences often come back across the border into the United States.

The Criminal Alien Improvements Act of 1995 further expedites the deportation of criminal aliens after they have served their sentences. The act contains many of the provisions I sought in an amendment to last year's crime bill and I thank the bill's authors for including those.

This bill increases the list of aggravated felonies for which an alien can be deported. Transportation for the purposes of prostitution, smuggling aliens, counterfeiting, trafficking in stolen vehicles, and bribery of a witness are all very serious crimes. Aliens who commit these offenses should be deported immediately upon the completion of their sentences. Under H.R. 668, the Attorney General will no longer have the ability to grant relief from deportation to aliens convicted of aggravated felonies.

The bill also expands the number of crimes for which failing to appear to serve a sentence qualifies as an aggravated felony. This sanction has only applied in the past to crimes that carry a sentence of 15 or more years. H.R. 668 lowers the floor to 5 years, and will send a strong message to criminal aliens who fail to show up for sentencing.

H.R. 668 allows the INS to exclude aliens who commit serious aggravated felonies, and are sentenced to at least 5 years, but are released in less than 5 years on parole or due to prison overcrowding. Noncitizen aggravated felons should not be admitted to the United States, and those who are here should be deported as soon as possible. This bill significantly strengthens the Government's ability to deport criminal aliens by eliminating the gap between the end of their sentences and the date of deportation.

H.R. 668 also ensures that an alien who illegally reenters the country after being deported, may only challenge the original deportation order after exhausting all administrative remedies, and only if the deportation order was unfair. It further provides that any alien convicted of an aggravated felony who is not a legal permanent resident is presumed to be deportable. Judicial review of a petition to stay the deportation order will be limited only to determining the identity of the alien and confirming that he or she was convicted of an aggravated felony.

Too few criminal aliens are being deported today. The deportation process can be years in length. H.R. 668 will streamline the process by eliminating frivolous challenges to deportation orders. The INS needs all the help they can get in speeding up deportations, and we can give them that help by passing this bill.

Americans should not have to tolerate the presence of those who abuse both our immigration and criminal laws. Criminal aliens should be on the fast track out of the country. This bill addresses the concerns of the American people by giving the INS and prosecutors tools they need to expedite the deportation of criminal aliens.

I am especially pleased that the bill includes provisions granting wiretap authority to assist INS in apprehending alien smugglers. Alien smuggling is a most despicable crime. It hurts Americans by facilitating illegal immigration, and places illegal aliens in human bondage. Those smuggled by organized rings are often required to work off the smuggling fees. Others must sell drugs or their bodies for the smugglers.

These organized smuggling rings are a grave threat to the welfare of all individuals—both Americans and aliens. For this reason, I am also pleased to see a provision that makes alien smuggling a predicate offense for the application of RICO laws. It is imperative that we send the strongest possible message to alien smugglers; a message that will be enforced to the full extent of the law.

Finally, H.R. 668 transfers control of the Criminal Alien Tracking Center created in last year's crime bill from the Attorney General to the INS Commissioner. I believe that this is a positive step toward removing bureaucracy and excessive redtape from the deportation process. I am also pleased that the tracking center, renamed the Criminal Alien Identification System, is directed to work closely with Federal, State, and local law enforcement agencies to identify criminal aliens for deportation.

This Nation can no longer tolerate an increasing population of noncitizen criminals. The American people made it very clear on November 8 that they expect us to eliminate the problem of criminal aliens, and this bill is a significant step toward doing that.

Mr. YOUNG of Florida. Mr. Chairman, I rise today in support of H.R. 668, the Criminal Alien Deportation Act. This legislation represents title VIII of the Taking Back Our Streets Act, one of the 10 points of the Republican Contract With America, and continues our efforts here in the House to address our Nation's crime problem.

The legislation we consider today makes several amendments to the Immigration and Nationality Act and other immigration laws to address the problem of aliens who commit serious crimes while they are in the United States, and gives federal law enforcement officials additional tools with which to combat organized immigration crime.

The most significant provisions of H.R. 668 are intended to accomplish one or both of two broad goals. First, the bill strengthens the Government's ability to efficiently deport aliens who are convicted of serious crimes. Second, the legislation adds immigration crimes to those crimes that the Federal Government may investigate under the Racketeering Influenced Corrupt Organization [RICO] law, and adds certain other crimes to the definition of "aggravated felonies," thereby expanding the number of criminal aliens who can be deported. The bill makes it clear that expedited deportation procedures that currently apply to nonresident aliens also apply to aliens who have been conditionally granted permanent residence.

Finally, in an effort to identify criminal aliens who may flee jurisdiction to avoid deportation, the bill directs the Criminal Alien Identification System, formerly the Criminal Alien Tracking Center created by the Violent Crime Control

and Law Enforcement Act, to assist Federal, State, and local law enforcement agencies in identifying and locating criminal aliens who may be deported.

Mr. Speaker, the passage of proposition 187 in California in 1994, was indicative of the frustration of the American people with the number of illegal aliens in this country. Ironically, under the California law, a 7- or 8-year-old child can be deported, yet the Federal Government still has difficulty deporting some criminal aliens. Under current law we may not deport aliens who have been convicted of crimes such as serious bribery, counterfeiting and forgery, perjury or bribery of a witness, or trafficking in stolen vehicles. In addition, aliens who have been sentenced to 5 or more years in prison, but have not served a full 5 years may not be deported. Sometimes they have been released early simply because of prison overcrowding. Furthermore, the INS may not initiate deportation proceedings against a criminal alien in prison until he has served 5 years, which means that sometimes, the criminal alien is released before the deportation order is ready and cannot be captured to be deported.

The costs to States for incarcerating these criminal aliens is a serious matter for our consideration as well. Yesterday, the House, with my strong support, approved an important amendment which would reimburse States with large immigration populations for these costs. The provision, approved as part of our crime legislation, sets aside a total of \$650 million annually for the next 5 years. My State of Florida houses over 5,500 criminal aliens within its correctional system. Consequently, criminal aliens are approximately 10 percent of the near 57,000 inmates in Florida's 50 correctional centers. Under this plan, Florida will be eligible to receive more than \$80 million to offset these costs.

Mr. Speaker, yesterday we took the first step in paying for the costs incurred by States to house criminal aliens. However, many aliens who commit serious crimes are released into American society before even serving out their sentences—where they continue to pose a threat to the American people. Today we provide our Nation with the means to remove these individuals from our society altogether, and I urge support for this legislation.

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

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

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill, as modified by the amendment printed in section 2 of House Resolution 69, shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered as having been read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering

an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 668

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Criminal Alien Deportation Improvements Act of 1995".

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Additional expansion of definition of aggravated felony.
- Sec. 3. Deportation procedures for certain criminal aliens who are not permanent residents.
- Sec. 4. Restricting the defense to exclusion based on 7 years permanent residence for certain criminal aliens.
- Sec. 5. Limitation on collateral attacks on underlying deportation order.
- Sec. 6. Criminal alien identification system.
- Sec. 7. Establishing certain alien smuggling-related crimes as RICO-predicate offenses.
- Sec. 8. Wiretap authority for alien smuggling investigations.
- Sec. 9. Expansion of criteria for deportation for crimes of moral turpitude.
- Sec. 10. Payments to political subdivisions for costs of incarcerating illegal aliens.
- Sec. 11. Compensation for incarceration of undocumented criminal aliens.
- Sec. 12. Miscellaneous provisions.
- Sec. 13. Construction of expedited deportation requirements.

Mr. MCCOLLUM. Mr. Chairman, I ask unanimous consent that debate on any amendment offered to this bill and any amendments thereto be limited to 10 minutes per side for the duration of the consideration of this bill today or should it continue to the following week.

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

There was no objection.

The CHAIRMAN. Are there any amendments to section 1? If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. ADDITIONAL EXPANSION OF DEFINITION OF AGGRAVATED FELONY.

(a) **IN GENERAL.**—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), as amended by section 222 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416), is amended—

(1) in subparagraph (J), by inserting "or an offense described in section 1084 (if it is a second or subsequent offense) or 1955 of that title (relating to gambling offenses)," after "corrupt organizations";

(2) in subparagraph (K)—

(A) by striking "or" at the end of clause (i).

(B) by redesignating clause (ii) as clause (iii), and

(C) by inserting after clause (i) the following new clause:

"(ii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) for commercial advantage; or";

(3) by amending subparagraph (N) to read as follows:

"(N) an offense described in paragraph (1)(A) or (2) of section 274(a) (relating to alien smuggling) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;";

(4) by amending subparagraph (O) to read as follows:

"(O) an offense (i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 18 months;";

(5) in subparagraph (P), by striking "15 years" and inserting "5 years", and by striking "and" at the end;

(6) by redesignating subparagraphs (O), (P), and (Q) as subparagraphs (P), (Q), and (U), respectively;

(7) by inserting after subparagraph (N) the following new subparagraph:

"(O) an offense described in section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph;"; and

(8) by inserting after subparagraph (Q), as so redesignated, the following new subparagraphs:

"(R) an offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered for which a sentence of 5 years' imprisonment or more may be imposed;

"(S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which a sentence of 5 years' imprisonment or more may be imposed;

"(T) an offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony for which a sentence of 2 years' imprisonment or more may be imposed; and";

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to convictions entered on or after the date of the enactment of this Act, except that the amendment made by subsection (a)(3) shall take effect as if included in the enactment of section 222 of the Immigration and Nationality Technical Corrections Act of 1994.

The CHAIRMAN. Are there amendments to section 2? If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) **ADMINISTRATIVE HEARINGS.**—Section 242A(b) of the Immigration and Nationality Act (8 U.S.C. 1252a(b)), as added by section 130004(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), is amended—

(1) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (A) and inserting "or", and

(B) by amending subparagraph (B) to read as follows:

"(B) had permanent resident status on a conditional basis (as described in section 216) at the time that proceedings under this section commenced.";

(2) in paragraph (3), by striking "30 calendar days" and inserting "14 calendar days";

(3) in paragraph (4)(B), by striking "proceedings" and inserting "proceedings";

(4) in paragraph (4)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively; and

(B) by adding after subparagraph (C) the following new subparagraphs:

"(D) such proceedings are conducted in, or translated for the alien into, a language the alien understands;

"(E) a determination is made for the record at such proceedings that the individual who appears to respond in such a proceeding is an alien subject to such an expedited proceeding under this section and is, in fact, the alien named in the notice for such proceeding;"

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

"(5) No alien described in this section shall be eligible for any relief from deportation that the Attorney General may grant in the Attorney General's discretion."

(b) **LIMIT ON JUDICIAL REVIEW.**—Subsection (d) of section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a), as added by section 130004(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), is amended to read as follows:

"(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue."

(c) **PRESUMPTION OF DEPORTABILITY.**—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by inserting after subsection (b) the following new subsection:

"(c) **PRESUMPTION OF DEPORTABILITY.**—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States."

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to all aliens against whom deportation proceedings are initiated after the date of the enactment of this Act.

The CHAIRMAN. Are there amendments to section 3? If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. RESTRICTING THE DEFENSE TO EXCLUSION BASED ON 7 YEARS PERMANENT RESIDENCE FOR CERTAIN CRIMINAL ALIENS.

The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking "has served for such felony or felonies" and all that follows through the period and inserting "has been sentenced for such felony or felonies to a term of imprisonment of at least 5 years, if the time for appealing such conviction or sentence has expired and the sentence has become final."

The CHAIRMAN. Are there amendments to section 4? If not, the Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. LIMITATION ON COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.

(a) **IN GENERAL.**—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding at the end the following new subsection:

"(c) In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

"(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

"(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to criminal proceedings initiated after the date of the enactment of this Act.

The CHAIRMAN. Are there amendments to section 5? If not, the Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. CRIMINAL ALIEN IDENTIFICATION SYSTEM.

Section 130002(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-312) is amended to read as follows:

"(a) **OPERATION AND PURPOSE.**—The Commissioner of Immigration and Naturalization shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien identification system. The criminal alien identification system shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to deportation by reason of their conviction of aggravated felonies."

The CHAIRMAN. Are there amendments to section 6? If not, the Clerk will designate section 7.

The text of section 7 is as follows:

SEC. 7. ESTABLISHING CERTAIN ALIEN SMUGGLING-RELATED CRIMES AS RICO-PREDICATE OFFENSES.

Section 1961(1) of title 18, United States Code, is amended

(1) by inserting "section 1028 (relating to fraud and related activity in connection with identification documents) is the act indictable under section 1028 was committed for the purpose of financial gain," before "section 1029";

(2) by inserting "section 1542 (relating to false statement in application and use of passport) if the act indictable under section 1542 was committed for the purpose of financial gain, section 1543 (relating to forgery or false use of passport) if the act indictable under section 1543 was committed for the purpose of financial gain, section 1544 (relating to misuse of passport) if the act indictable under section 1544 was committed for the purpose of financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) if the act indictable under section 1546 was committed for the purpose of financial gain, sections 1581-1588 (relating to peonage and slavery)," after "section 1513 (relating to retaliating against a witness, victim, or an informant)";

(3) by striking "or" before "(E)"; and

(4) by inserting before the period at the end the following: ", or (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain".

The CHAIRMAN. Are there amendments to section 7? If not, the Clerk will designate section 8.

The text of section 8 is as follows:

SEC. 8. WIRETAP AUTHORITY FOR ALIEN SMUGGLING INVESTIGATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (n),

(2) by redesignating paragraph (o) as paragraph (p), and

(3) by inserting after paragraph (n) the following new paragraph:

"(o) a felony violation of section 1028 (relating to production of false identification documents), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title or a violation of section 274, 277, or 278 of the Immigration and Nationality Act (relating to the smuggling of aliens); or"

The CHAIRMAN. Are there amendments to section 8? If not, the Clerk will designate section 9.

The text of section 9 is as follows:

SEC. 9. EXPANSION OF CRITERIA FOR DEPORTATION FOR CRIMES OF MORAL TURPITUDE.

(a) **IN GENERAL.**—Section 241(a)(2)(A)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)(i)(II)) is amended to read as follows:

"(II) is convicted of a crime for which a sentence of one year or longer may be imposed,"

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to aliens against whom deportation proceedings are initiated after the date of the enactment of this Act.

The CHAIRMAN. Are there amendments to section 9? If not, the Clerk will designate section 10.

The text of section 10 is as follows:

SEC. 10. PAYMENTS TO POLITICAL SUBDIVISIONS FOR COSTS OF INCARCERATING ILLEGAL ALIENS.

Amounts appropriated to carry out section 501 of the Immigration Reform and Control Act of 1986 for fiscal year 1995 shall be available to carry out section 242(j) of the Immigration and Nationality Act in that fiscal year with respect to undocumented criminal aliens incarcerated under the authority of political subdivisions of a State.

The CHAIRMAN. Are there amendments to section 10? If not, the Clerk will designate section 11.

The text of section 11 is as follows:

SEC. 11. MISCELLANEOUS PROVISIONS.

(a) **USE OF ELECTRONIC AND TELEPHONIC MEDIA IN DEPORTATION HEARINGS.**—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: "; except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media (with the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien".

(b) **CODIFICATION.**—

(1) Section 242(i) of such Act (8 U.S.C. 1252(i)) is amended by adding at the end the following: "Nothing in this subsection shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person."

(2) Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416) is amended by striking "and nothing in" and all that follows through "1252(i)".

(3) The amendments made by this subsection shall take effect as if included in the enactment of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416).

The CHAIRMAN. Are there amendments to section 11? If not, the Clerk will designate section 12.

The text of section 12 is as follows:

SEC. 12. CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.

No amendment made by this title shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

The CHAIRMAN. Are there amendments to section 12, the last section of the bill?

If not, are there amendments at the end of the bill?

AMENDMENT OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Chairman, I offer an amendment, amendment No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CUNNINGHAM:

At the end insert the following new section (and conform the table of contents accordingly):

SEC. 14. STUDY OF PRISONER TRANSFER TREATY WITH MEXICO.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the Prisoner Transfer Treaty with Mexico (in this section referred to as the "Treaty") to remove from the United States aliens who have been convicted of crimes in the United States.

(b) USE OF TREATY.—The report under subsection (a) shall include the following information:

(1) The number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the Treaty.

(2) The number of aliens described in paragraph (1) who have been transferred pursuant to the Treaty.

(3) The number of aliens described in paragraph (2) who have been incarcerated in full compliance with the Treaty.

(4) The number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the Treaty.

(5) The number of aliens described in paragraph (4) who are incarcerated in State and local penal institutions.

(c) EFFECTIVENESS OF TREATY.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the Treaty. In considering the recommendations under this subsection, the Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens

convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address the following areas:

(1) Changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(2) Changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(3) Changes in the Treaty that may be necessary to increase the number of aliens convicted of crimes who may be transferred pursuant to the Treaty.

(4) Methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the Treaty.

(5) Any recommendations or appropriate officials of the Mexican Government on programs to achieve the goals of, and ensure full compliance with the Treaty.

(6) An assessment of whether the recommendations under this subsection require the renegotiation of the Treaty.

(7) The additional funds required to implement each recommendation under this subsection.

The CHAIRMAN. Pursuant to the unanimous consent request, the gentleman from California [Mr. CUNNINGHAM] will be recognized for 10 minutes.

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

Mr. CUNNINGHAM. Mr. Chairman, this amendment directs the Secretary of State and the Attorney General to study and report to Congress within 6 months a report on the use and effectiveness of the Prisoner Transfer Treaty with Mexico. The report will be valuable to Congress as we begin a broader overhaul of immigration policy.

Specifically, the report is to outline the number of criminal aliens who have been or are eligible for transfer under the treaty.

□ 1430

Specifically, the report is to outline the number of criminal aliens who have been or are eligible for transfer under the treaty, the current treaty, and the number who actually have been transferred by Federal, State, and local institutions. The administration is directed to recommend to Congress changes in policy and consult with the Mexican Government to identify where the treaty can be improved. Indeed Attorney General Reno has discussed with her Mexican counterpart to begin looking at ways to improve this treaty. This amendment is in line with the recommendations of the Jordan Commission, sanctioned by President Clinton, who supports efforts to simplify the process for transferring criminal aliens to prisons in the country of their origin to serve out their terms.

One of the problems we have, Mr. Chairman, is that our system and the treaty has not been working. We are

looking for a faster method to transfer prisoners from country to country with the acceptance of both of those countries.

As of June 1994, there were some 8,000 Mexicans in Federal prisons eligible for transfer. There are also a large number serving in State prisons. According to the Urban Institute's 1994 report on the fiscal impact of illegal immigration, there were some 21,395 illegal aliens incarcerated in California, New York, Florida, Texas, Illinois, New Jersey, and Arizona. In California, the Urban Institute concluded the State bears an annual cost of \$368 million to incarcerate approximately 15,000 illegal aliens, and I will not go through the rest of it, Mr. Chairman.

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

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

Mr. CONYERS. Mr. Chairman, I have looked this amendment over, and there is no problem with directing a study to be completed, within 6 months back to us, about the prisoner transfer treaty with Mexico, and so on this side we would be delighted to accept the amendment.

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

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

Mr. MCCOLLUM. Mr. Chairman, we have examined the amendment as well, and the Crime Subcommittee and others who are involved in this bill and the management of it find it to be a good amendment, and we would urge its adoption.

Mr. CUNNINGHAM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CUNNINGHAM].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the last section?

AMENDMENT OFFERED BY MR. MORAN

Mr. MORAN. 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. MORAN: Page 14, line 6, insert the following new section (and conform the table of contents accordingly):

SEC. 14. JUSTICE DEPARTMENT ASSISTANCE IN BRINGING TO JUSTICE ALIENS WHO FLEE PROSECUTION FOR CRIMES IN THE UNITED STATES.

(a) ASSISTANCE TO STATES.—The Attorney General, in cooperation with the Commissioner of Immigration and Naturalization and the Secretary of State, shall designate an office within the Department of Justice to provide technical and prosecutorial assistance to State and political subdivisions of States in efforts to bring to justice aliens who flee prosecution for crimes in the United States.

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of

this Act, the Attorney General shall compile and submit to the Congress a report which assesses the nature and extent of the problem of bringing to justice aliens who flee prosecution for crimes in the United States.

Mr. MORAN. Mr. Chairman, the purpose of this amendment is simple. It establishes an office within the Department of Justice which would provide assistance to State and local governments seeking to try aliens who commit crimes in this country and then flee to their homeland in order to escape justice.

A classical example occurred in Arlington, VA, with an illegal immigrant from El Salvador:

John Douglas was an elderly man. He was walking home from a metro, and he was shot in cold blood. Attempted robbery; I do not think he even had any money on him. But the person who killed him, Mr. Eduardo Lazarios, was an illegal alien from El Salvador. He was indicted, but he could not be prosecuted because he fled to his homeland shortly after the murder. He is not the first to take advantage of the fact that a criminal from El Salvador can flee to El Salvador and escape punishment. The only recourse for the Douglas family was to attempt to try him in his homeland. This, however, is very complicated. The witnesses do not have to be transported necessarily, but all the documents have to be gathered, they have to be translated, they have to be submitted to the nation where the offender resides. Smaller police departments cannot do this.

In fact, I asked how often this occurs. Just in Arlington County alone, which is a relatively small county, there is another criminal who hit and killed a little 3-year-old girl. He was an illegal immigrant from El Salvador. He has escaped justice completely. We have another murderer who escaped justice in this way.

We have two other criminals in Alexandria. We have a similar situation, a list of people who have escaped to El Salvador.

Now these are just two counties that I happen to represent. There must be thousands of people across the country who have escaped prosecution by being able to go to a country that does not have a reciprocal agreement with the United States.

Mr. Chairman, all we are asking that we do is to have the resources within the Justice Department to enable State and local police departments and prosecutorial offices to be able to pursue these people. Ultimately I would like to do something with foreign aid that says that rather than the millions of dollars we are giving to El Salvador and asking for very little in return, that at the very least we ask for reciprocal agreements so they send these people, these criminals, back to this country so they can be prosecuted.

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

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

Mr. MCCOLLUM. I think the gentleman from Virginia [Mr. MORAN] is offering a very constructive amendment to this bill. I wholeheartedly concur in it, and I will join with him in voting for this amendment and encourage my colleagues to do so. It is perfectly acceptable on our side.

Mr. MORAN. Mr. Chairman, I thank the gentleman from Florida.

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

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. HORN

Mr. HORN. 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. HORN: At the end insert the following new section (and conform the table of contents accordingly):

SEC. 14. PRISONER TRANSFER TREATIES.

(a) NEGOTIATION.—Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of the enactment of this Act, bilateral prisoner transfer treaties. The focus of such negotiations shall be to expedite the transfer of aliens unlawfully in the United States who are incarcerated in United States prisons, to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts, and to eliminate any requirements of prisoner consent to such a transfer.

(b) CERTIFICATION.—The President shall submit to the Congress, annually, a certification as to whether each prisoner transfer treaty in force is effective in returning aliens unlawfully in the United States who have committed offenses for which they are incarcerated in the United States to their country of nationality for further incarceration.

Mr. HORN. Mr. Chairman, this proposal is bipartisan in origin. I have nine cosponsors: The gentleman from California [Mr. BEILENSEN], the gentleman from California [Mr. BILBRAY], the gentleman from California [Mr. CONDIT], the gentleman from California [Mr. GALLEGLEY], the gentleman from Michigan [Mr. KNOLLENBERG], the gentleman from California [Mr. MOORHEAD], the gentleman from New Jersey [Mr. SAXTON], the gentlewoman from Florida [Mrs. THURMAN], and the gentlewoman from California [Ms. WOOLSEY].

What this does is asks the President, advises him, to begin negotiations, renegotiations no later than 90 days after the date of enactment of this act of the bilateral prisoner transfer treaties, and the focus is on expediting the transfer of aliens unlawfully in the United States to ensure that the transferred prisoner goes back to the country from which he illegally came, and that he serves the balance of the sentence im-

posed by the U.S. courts, and to eliminate any requirement of prisoner consent to such transfer, and then we ask the President, after that negotiation, to submit to Congress annually a certification as to whether or not the prisoner transfer treaties in force are effective in returning aliens unlawfully in this country who have committed offenses for which they are incarcerated in the United States.

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

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

Mr. MCCOLLUM. This is a very good amendment, certainly acceptable on my side. I hope it is acceptable to the gentleman from New York and the gentleman from Michigan. We find this to be a noncontroversial amendment and agree to accept it.

Mr. HORN. Mr. Chairman, I am delighted to say that the gentleman from Michigan [Mr. CONYERS] did consent to this amendment.

Mr. Chairman, at this point in my remarks I submit for the RECORD the text of a statement concerning the amendment.

The statement referred to is as follows:

Mr. Chairman, today, I rise to offer an amendment to H.R. 668, the Criminal Alien Deportation Act. Bipartisan cosponsors include Mr. BEILENSEN, Mr. BILBRAY, Mr. CONDIT, Mr. GALLEGLEY, Mr. KNOLLENBERG, Mr. MOORHEAD, Mr. SKELTON, Mrs. THURMAN, and Ms. WOOLSEY.

The amendment urges the President to renegotiate the existing bilateral Prisoner Transfer treaties with Mexico and other countries which have large numbers of criminal aliens in United States prisons. Specifically, the President needs to ensure that a transferred prisoner serves out the balance of the sentence imposed by Federal and State courts, and to eliminate any requirement of prisoner consent to such a transfer.

Current treaty language stipulates that incarcerated aliens must consent to their transfer. This is an outrageous option to provide those who have not only crossed our borders illegally but who have also committed crimes while they have been here.

Many States, including California, will no longer release incarcerated aliens for deportation, prior to the completion of their sentence, because there are no guarantees that they will serve out the remainder of the sentence upon transfer. In many cases, these criminals have returned to the United States to commit additional crimes.

Currently, the American taxpayer is paying the toll twice—for the crimes committed here and for the cost of housing alien inmates in our already overcrowded prison system. The Federal Bureau of Prisons reports that approximately 24 percent of those in Federal prisons are non-U.S. citizens, at a cost per inmate of \$20,803 per year. Expenses associated with the arrest, prosecution, court proceedings, housing, and parole supervision of these criminal aliens are estimated to cost California approximately \$475 million for fiscal

year 1995. Last year the estimate was between \$350 and \$375 million.

Mr. Speaker, the House has debated, at length, the issue of reimbursement to States for the incarceration of criminal aliens. Last year's crime bill authorized a reimbursement plan of \$1.8 billion over the next 6 years to offset State costs. As we can see these costs will only continue to escalate. It is futile for Congress to simply react, rather than prevent, the problems resulting from criminal aliens. Without addressing the need to renegotiate the prisoner transfer treaties, all proposed remedies are nothing more than one bag of sand trying to stop the waters released by a ruptured dam.

These treaties have not been addressed since 1976, almost two decades ago. The language that currently exists is insufficient and has not yielded effective results. The treaties are outdated and it is time we change our approach.

I thank the majority and minority leadership for accepting this long overdue proposal.

□ 1440

The CHAIRMAN. Is the gentleman from New York [Mr. SCHUMER] seeking time in opposition to the amendment?

Mr. SCHUMER. Mr. Chairman, I am not opposed, but I wish to seek time.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. SCHUMER. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise in opposition to this legislation because it is written so broadly that our Government will inevitably use it to send political and religious refugees back to their oppressors. As such, it is at odds with our Nation's highest traditions and goes well beyond what is needed to protect the American people from criminals.

No reasonable person wants to see criminals go free. No citizen wants to see the United States become a haven for criminals from around the world. No taxpayer wants to get stuck with the tab for the upkeep of criminals who come here to prey on Americans.

If this bill provided simply for the detention of criminals, there would be no controversy.

If this bill provided simply for the deportation of violent felons, there would be no debate.

Existing law already provides for this. In fact, criminals are detained and deported every day.

But this bill provides near-summary deportation of people without so much as a hearing to determine whether the individual is a legitimate refugee, that is someone who has fled his or her homeland because of a well founded fear of persecution.

This is something that should be of profound concern to each of us. Many of our families came here fleeing persecution and extermination. As the representative of more holocaust survi-

vors and their children than any Member of this body, I can tell you that the memory of people being sent back to die in the Nazi concentration camps by our Government is still vivid and bitter in the communities I represent.

People should be punished for their crimes, but do we want to have the death penalty for car theft? That is what this bill would do. A person convicted of trafficking in stolen cars could be deported and could not even have a court hear evidence that he would be persecuted or murdered if deported.

Is that really what our constituents want? Send car thieves summarily back to the Nazis? Is that what America stands for?

Sure we want to be protected from criminals. I can tell you that I have to walk on the streets of New York and Washington just like my neighbors. I am not immune from crime. My family is not immune. But there is no need for us to behave in such a senselessly barbarous manner. Let us enforce the laws, but let us do it right and let us not lose sight of who we are or what this country is about.

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

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

The CHAIRMAN. The question is on the amendment of the gentleman from California [Mr. HORN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the last section?

AMENDMENT OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Chairman, I offer an amendment, designated No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CUNNINGHAM: At the end insert the following new section (and conform the table of contents accordingly):

SEC. 14. INTERIOR REPATRIATION PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Attorney General and the Commissioner of Immigration and Naturalization shall develop and implement a program in which aliens who previously have illegally entered the United States not less than 3 times and are deported or returned to a country contiguous to the United States will be returned to locations not less than 500 kilometers from that country's border with the United States.

The CHAIRMAN. The gentleman from California [Mr. CUNNINGHAM] is recognized for 10 minutes in support of his amendment.

Mr. CUNNINGHAM. Mr. Chairman, my amendment requires the Attorney General and the Commissioner of the INS to develop and implement a program for interior repatriation.

This amendment is in line with recommendations of the Jordan Commission which concluded,

In the case of Mexico, repatriation of deported criminal aliens to the area of Mexico from which they came, rather than simply to the border. Removals should be done in coordination with Mexican authorities who may then determine if there is a warrant for the arrest of the criminal alien for crimes committed in Mexico.

The Jordan Commission concluded that interior repatriation "increases the cost and logistical difficulty to criminal aliens who try to reenter the United States. Interior repatriation can be a deterrent * * *"

One of the biggest problems we face with illegal immigration is that we are fighting the same battle over and over again. Every night, the Border Patrol picks up many of the same aliens, processes them, and drives them to the border gate. Within hours, the same aliens are crossing the border again.

The INS announced this week their intention of establishing a pilot program in the area of interior repatriation. They are planning a limited trial of voluntary interior repatriation, for those involved in deportation hearings. While this is a step in the right direction, I believe we need to be bolder.

My amendment is straightforward. Within 6 months of enactment the Justice Department and the INS need to get a program in place. Aliens from Canada or Mexico who have entered this country illegally at least three times are to be returned to locations not less than 500 kilometers from the border.

In the midst of this larger debate over criminal aliens, we should not forget that illegal immigration is itself a crime. Each and every alien who enters this country illegally has broken our laws and is in fact a criminal alien.

I believe this amendment will help to stem the tide of illegal immigration and I urge its adoption by the Committee.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I rise in support of this amendment. Let me just say as an individual who lives on the Mexican border, or very close, I look out my front doorstep and I can see the bull ring by the sea in Tijuana, the northern side, the fact is that it is very frustrating for everyone, including the law enforcement agencies that have to enforce our laws, but especially the citizens that have chosen their home to happen to be in the corner of our Nation. But too often it is treated almost as if we are not part of this Nation.

Mr. Chairman, I strongly support the Cunningham amendment for the reason that the revolving door that we find on the border has to be stopped. Frankly, I think we could get a lot more attention from our neighbors to the south about this problem if we could make sure that those who are chronic crossers could be returned all the way to the

Federal District so that they would see in Mexico City exactly what we that live along the border have to confront.

Let me close by saying, Mr. Chairman, that this is not just a problem that impacts those of us who live on the north side of the frontier. The citizens of Baja California Norte and citizens of Mexico along the border suffer again and again from the crime and the smuggling activity that this bill is trying to address. I think for those of us that live on both sides of the border along our frontiers, we need to be represented with this amendment, and I strongly ask Members to adopt this amendment.

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

Mr. Chairman, the gentleman from California [Mr. BILBRAY] was not only a mayor in south San Diego, but also was a county commissioner, and has the expertise in this area and has seen it as well as we have in north San Diego County.

Mr. SCHUMER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Chairman, I was concerned. Let me first say I am in support of the bill in general, and I am in support of the provisions of having aliens who commit crimes be deported. But I am wondering now on the question of Mexico's sovereignty and how you impose this kind of a situation? Maybe I missed that part of the gentleman's statement. Is this an agreement that you hope will be signed in Mexico determining where the person must be deported to?

Mr. CUNNINGHAM. If the gentleman will yield, first of all, the Jordan Commission recommended that the 500 kilometers be adopted; second, that there would be a negotiation with the host country, whether it be Canada or Mexico, where that would be resolved. I will not restate the problem. All we are trying to do is have them repatriated deep into the interior so they do not turn around and come back the next night.

The CHAIRMAN. If there are no further requests for time, the question is on the amendment of the gentleman from California [Mr. CUNNINGHAM].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FOLEY

Mr. FOLEY. 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. FOLEY: At the end insert the following section (and conform the table of contents accordingly):

SECTION 14. DEPORTATION OF NONVIOLENT OFFENDERS PRIOR TO COMPLETION OF SENTENCE OF IMPRISONMENT.

(a) IN GENERAL.—Section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) is amended to read as follows:

"(h)(1) Except as provided in paragraph (2), an alien sentenced to imprisonment may not be deported until such imprisonment has been terminated by the release of the alien from confinement. Parole, supervised release, probation, or possibility of rearrest or further confinement in respect of the same offense shall not be a ground for deferral of deportation.

"(2) The Attorney General is authorized to deport an alien in accordance with applicable procedures under this Act prior to the completion of a sentence of imprisonment—

"(A) in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense and (ii) such deportation of the alien is appropriate and in the best interest of the United States; or

"(B) in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense, and (ii) such deportation is appropriate and in the best interest of the State, and (iii) submits a written request to the Attorney General that such alien be so deported.

"(3) Any alien deported pursuant to this subsection shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly and expanded penalties for aliens deported under paragraph (2)."

(b) REENTRY OF ALIEN DEPORTED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) amended by adding at the end the following new subsection:

"(c) Any alien deported pursuant to section 242(h)(2) who enters, attempts to enter, or is at any time found in, the United States (unless the Attorney General has expressly consented to such alien's reentry) shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release. Such alien shall be subject to such other penalties relating to the reentry of deported aliens as may be available under this section or any other provision of law."

The CHAIRMAN. The gentleman from Florida is recognized for 10 minutes in support of his amendment.

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

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

Mr. SCHUMER. Mr. Chairman, I will make the gentleman a deal here. If the gentleman will speak for less than 1 minute, we will not oppose the amendment and we will not call a vote, so we can get Members out of here. It is a bipartisan group asking for that.

Mr. FOLEY. Mr. Chairman, I rise in support of this amendment. I am being supported by my good colleague, the gentleman from North Carolina [Mr. BURR]. We hope to provide for early release and deportation of criminals within our prison system who have committed crimes of a nonviolent manner. Currently we have an overcrowding in all of our prisons, both State and Federal. This would provide the U.S. attorney and the Attorney General to

be able to release those and send them home prior to the completion of their sentence.

Mr. Chairman, I rise today to offer an amendment to H.R. 668 with my colleague from North Carolina, Congressman BURR.

The purpose of our amendment is to authorize the Attorney General to deport criminal aliens who have been convicted of nonviolent offenses before the completion of their prison sentence in Federal or State prisons.

This problem is especially pervasive at the State level. For example, the State of Florida has approximately 5,504 criminal aliens in State corrections facilities on any given day, annually costing Florida taxpayers on average more than \$14,000 per inmate. Therefore, the U.S. Attorney General will work in conjunction with the States to determine which nonviolent criminal aliens will be deported.

Our amendment also establishes stiff penalties for deported aliens who return to the United States. They will be forced to serve the remainder of their original sentence, plus expanded penalties for reentry under current law, with no possibility of parole or supervised release. Any alien who is deported pursuant to this provision will be notified of these penalties at the time of their deportation.

The reason we are offering this amendment is twofold: to keep violent criminals in jail and to save taxpayer dollars for the incarceration of nonviolent criminal aliens.

In the face of soaring crime rates and overcrowded prisons, law enforcement officials are releasing criminals, many of whom are violent offenders, before they have been justly punished. On average, State inmates who have been convicted of any offense only serve about 40 percent of their sentence. This sobering realization is a tragedy for America.

The question we are asked today is no longer "Do we have to release criminals early?" Rather, it has become, "Which criminals do we release early?" This is a sad commentary on our criminal justice system, but today we have the opportunity to change this mindset and ensure that violent criminals are kept where they belong: behind bars.

Our prison system is failing to adequately protect U.S. citizens from violent criminals.

Revolving door syndrome: releasing murderers, rapists, child molesters back into our neighborhoods before they have served their time, only to commit another crime.

How many times have we heard the consequences of their release on the evening news or in the local newspaper?

I call your attention to a newspaper headline about the senseless murder of a Florida State student and the rape of his sister in Ocala, FL. One of the men charged with the vicious attack was on early release from an overcrowded Florida prison where he was serving time for a grand theft conviction. He had an arrest record dating back to 1985, for charges ranging from contempt of court to burglary and grand theft.

The question we must ask ourselves today is how can we bring some order back to our criminal justice system?

The amendment Congressman BURR and I have offered addresses one aspect of this problem.

As many of my colleagues are aware, criminal aliens have flooded our prisons in recent

years. We provide them with clothes, food, and a bed—all at taxpayer expense.

One in four Federal inmates are not U.S. citizens, costing American taxpayers more than \$400 million annually. (Justice Department.)

The number of noncitizens in U.S. prisons has nearly tripled in the past 5 years. (U.S. Bureau of Prisons.)

Nonviolent criminal aliens are using scarce prison space which should be used for violent criminals. Under our amendment, approximately 15,774 criminal aliens would be eligible for deportation.

This problem is underscored by the inability of the Immigration and Naturalization Service [INS] to effectively deport criminal aliens after they serve their sentence; under current law, they must complete their sentence before deportation.

Most aliens are notified by mail about their deportation date. Not surprisingly, they rarely show up for scheduled deportation.

In fact, the INS has a list of more than 48,000 fugitives who failed to show up for their scheduled deportation.

Our amendment would expedite the deportation process while they are in prison by authorizing the Attorney General to deport nonviolent criminal aliens following their final conviction and before they have completed their sentence.

UNQUALIFIED SUCCESS OF PILOT PROGRAM IN FLORIDA

Approximately 225 alien inmates were deported from Florida prior to completing their sentence, saving State taxpayers more than \$6 million.

Texas comptroller estimates the State could save \$10 million over 5 years in prison costs and \$42.4 million in construction costs by deporting nonviolent criminal aliens.

In these days where priorities are a buzzword in Congress, I ask my colleagues, is the detention of nonviolent criminal aliens truly a priority when we are releasing violent criminals to continue their assault on society?

It is more sensible to deport nonviolent criminal aliens to their own countries, saving taxpayer dollars and reducing the burdens on our Federal and State prison system.

We have a valuable opportunity to calm the fears of Americans and keep violent criminals behind bars.

I want to thank my colleague from North Carolina. We had similar amendments to address the flood of criminal aliens in our prison system and I am glad we have joined together in this endeavor.

Urge colleagues to support the amendment. I yield back the balance of my time.

AMENDMENT OFFERED BY MR. BURR TO THE AMENDMENT OFFERED BY MR. FOLEY

Mr. BURR. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BURR to the amendment offered by Mr. FOLEY: Strike paragraph (2) of the quoted material in section 14(a) and insert the following:

"(2) The Attorney General is authorized to deport an alien in accordance with applicable procedures under this Act prior to the completion of a sentence of imprisonment—

"(A) in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (i) the alien is con-

fined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), and (ii) such deportation of the alien is appropriate and in the best interest of the United States; or

"(B) in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), (ii) such deportation is appropriate and in the best interest of the State, and (iii) submits a written request to the Attorney General that such alien be so deported.

The CHAIRMAN (during the reading). Without objection, the amendment is considered as read and will be printed in the RECORD.

There was no objection.

□ 1450

Mr. BURR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer a modification to the amendment offered by the gentleman from Florida and myself. In short, this amendment would include alien smuggling in the list of violent offenses that require a criminal alien to complete his sentence prior to execution of a final order of deportation.

I would like to provide you with some facts about criminal aliens you may or may not already know.

Approximately 27 percent of the Federal prison population is considered noncitizens.

The American taxpayer pays almost half a billion dollars per year to feed, clothe, and house these inmates.

Number of noncitizen Federal inmates, 22,326.

Cost per inmate per year, \$20,885.

Cost per year for all noncitizen inmates, \$466 million.

Number of criminal aliens eligible for early deportation under this amendment, 15,774.

Estimated maximum savings if Attorney General deports all eligible criminal aliens, \$329 million.

H.R. 668 is a good bill because it takes major strides toward quick and effective deportation of criminal aliens.

It shortens the Attorney General's time limit for obtaining deportation orders, expands the definition of aggravated felony, and severely limits the types of relief from deportation the Attorney General can provide.

However, it lacks the provisions necessary to deal with the unsettling realities I noted earlier.

Specifically, the Foley-Burr amendment would give the Attorney General the ability, at her discretion, to execute a deportation order of a criminal alien prior to completion of his sentence. However, the Attorney General cannot deport a criminal alien early if the criminal alien has been convicted of a violent offense or, as my modification stipulates, alien smuggling.

By making this distinction, we ensure that the worst of the criminal aliens receive their due punishment while alleviating a weighty financial burden on the taxpayer.

Mr. Chairman, I urge acceptance of this modification which the gentleman from Florida graciously accepts, acceptance of this amend-

ment to H.R. 668, and support for the bill itself.

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

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

Mr. SCHUMER. Mr. Chairman, we have seen the amendment and can accept it, without any speeches at all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. BURR] to the amendment offered by the gentleman from Florida [Mr. FOLEY].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. FOLEY] as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BILIRAKIS) having assumed the chair, Mr. DREIER, 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. 668) to control crime by further streamlining deportation of criminal aliens, pursuant to House Resolution 69, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 380, nays 20, not voting 34, as follows:

[Roll No. 118]

YEAS—380

Abercrombie	Dooley	Jones
Ackerman	Doolittle	Kanjorski
Allard	Dorman	Kaptur
Andrews	Doyle	Kasich
Archer	Dreier	Kelly
Army	Duncan	Kennedy (MA)
Bachus	Dunn	Kennedy (RI)
Baesler	Durbin	Kennelly
Baker (CA)	Ehlers	Kildee
Baker (LA)	Ehrlich	Kim
Baldacci	Emerson	King
Barcia	Engel	Kingston
Barr	English	Kieccka
Barrett (NE)	Ensign	Klink
Barrett (WI)	Eshoo	Klug
Bartlett	Evans	Knollenberg
Barton	Everett	Kolbe
Bass	Ewing	LaFalce
Bateman	Farr	LaHood
Bellenson	Fawell	Largent
Bentsen	Fazio	Latham
Bereuter	Fields (LA)	LaTourette
Bevill	Fields (TX)	Laughlin
Bilbray	Filner	Lazio
Billrakis	Flanagan	Leach
Bishop	Foglietta	Levin
Blute	Foley	Lewis (CA)
Boehlert	Forbes	Lewis (GA)
Boehner	Ford	Lewis (KY)
Bonilla	Fowler	Lightfoot
Bonior	Fox	Lincoln
Bono	Frank (MA)	Linder
Borski	Franks (CT)	Lipinski
Browder	Franks (NJ)	Livingston
Brown (CA)	Frelinghuysen	LoBiondo
Brown (OH)	Frisa	Longley
Brownback	Funderburk	Lowey
Bryant (TN)	Furse	Lucas
Bryant (TX)	Galleghy	Luther
Bunn	Ganske	Maloney
Bunning	Gekas	Manton
Burr	Gephardt	Manzullo
Burton	Geren	Markey
Buyer	Gilchrest	Martinez
Callahan	Gillmor	Martini
Calvert	Gilman	Mascara
Camp	Gonzalez	Matsui
Canady	Goodlatte	McCarthy
Cardin	Gordon	McCollum
Castle	Goss	McCrery
Chabot	Graham	McDade
Chambliss	Green	McHale
Chapman	Gunderson	McHugh
Chenoweth	Gutierrez	McInnis
Christensen	Gutknecht	McIntosh
Chrysler	Hall (TX)	McKeon
Clayton	Hamilton	McKinney
Clement	Hancock	Meek
Clinger	Hansen	Menendez
Coburn	Harman	Meyers
Coleman	Hastert	Mfume
Collins (GA)	Hastings (WA)	Mica
Collins (IL)	Hayes	Miller (CA)
Combest	Hayworth	Miller (FL)
Condit	Hefley	Mineta
Cooley	Hefner	Minge
Costello	Heineman	Mink
Cox	Heger	Moakley
Coyne	Hilleary	Molinari
Cramer	Hinchev	Mollohan
Crane	Hobson	Montgomery
Crapo	Hoekstra	Moorhead
Creameans	Hoke	Moran
Cubin	Holden	Morella
Cunningham	Horn	Murtha
Danner	Hostettler	Myers
Davis	Hoyer	Myrick
de la Garza	Hunter	Neal
Deal	Hutchinson	Nethercutt
DeFazio	Hyde	Neumann
DeLauro	Inglis	Ney
DeLay	Istook	Norwood
Diaz-Balart	Jackson-Lee	Nussle
Dickey	Jacobs	Oberstar
Dicks	Jefferson	Obey
Dingell	Johnson (CT)	Oliver
Dixon	Johnson (SD)	Ortiz
Doggett	Johnson, E. B.	Orton

Oxley	Sanford	Thornberry
Packard	Sawyer	Thornton
Pallone	Saxton	Thurman
Pastor	Scarborough	Tiahrt
Paxon	Schaefer	Torkildsen
Payne (VA)	Schiff	Torres
Pelosi	Schroeder	Torricelli
Peterson (FL)	Schumer	Trafciant
Peterson (MN)	Seastrand	Tucker
Petri	Sensenbrenner	Upton
Pickett	Serrano	Velazquez
Pombo	Shadegg	Vento
Pomeroy	Shays	Visclosky
Porter	Shuster	Volkmer
Portman	Skaggs	Vucanovich
Poshard	Skeen	Waldholtz
Pryce	Skelton	Walker
Quinn	Slaughter	Walsh
Radanovich	Smith (MI)	Wamp
Rahall	Smith (NJ)	Ward
Ramstad	Solomon	Waters
Reed	Souder	Waxman
Regula	Spence	Weldon (FL)
Richardson	Spratt	Weldon (PA)
Riggs	Stearns	Weller
Rivers	Stenholm	White
Roberts	Stockman	Whitfield
Roemer	Stokes	Wicker
Rogers	Studds	Wilson
Rohrabacher	Stump	Wise
Ros-Lehtinen	Stupak	Wolf
Roth	Talent	Wyden
Roukema	Tanner	Wynn
Roybal-Allard	Tate	Yates
Royce	Tauzin	Young (AK)
Rush	Taylor (MS)	Young (FL)
Sabo	Taylor (NC)	Zeliff
Salmon	Tejeda	Zimmer
Sanders	Thomas	

NAYS—20

Clay	Hastings (FL)	Reynolds
Clyburn	Hilliard	Scott
Conyers	McDermott	Thompson
Dellums	Nadler	Towns
Fattah	Owens	Watt (NC)
Flake	Payne (NJ)	Williams
Greenwood	Rangel	

NOT VOTING—34

Ballenger	Gejdenson	Parker
Becerra	Gibbons	Quillen
Berman	Goodling	Rose
Bliley	Hall (OH)	Shaw
Boucher	Houghton	Sisisky
Brewster	Johnson, Sam	Smith (TX)
Brown (FL)	Johnston	Smith (WA)
Coble	Lantos	Stark
Collins (MI)	Lofgren	Watts (OK)
Deutsch	McNulty	Woolsey
Edwards	Meehan	
Frost	Metcalf	

□ 1513

Messrs. SHADEGG, COLEMAN, and BARR and Mrs. MEEK of Florida changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. COBLE. Mr. Speaker, I was not present on the floor when the rollcall vote for H.R. 668 was taken, the Alien Deportation Act. Had I been present and on the floor, Mr. Speaker, I would have voted "aye."

PERSONAL EXPLANATION

Mr. SAM JOHNSON of Texas. Mr. Speaker, on rollcall vote 118 on passage of H.R. 668, the Criminal Alien Depor-

tation Improvements Act, I was unable to be here due to travel constraints.

Had I been able to vote, I would have voted "yea."

PERSONAL EXPLANATION

Mr. METCALF. Mr. Speaker, due to prior travel commitments I missed the final vote on H.R. 668. If I had been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, because it was necessary for me to be in Pennsylvania on Friday, February 10, 1995, I regret that I was not present to vote on final passage of H.R. 668, the Criminal Alien Deportation Improvements Act, (Roll No. 118). Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GREENWOOD. Mr. Speaker, on February 10, 1995, I inadvertently voted "nay" on rollcall vote 118, on passage of the Criminal Alien Deportation Act. I support the bill and intended to vote "yea."

PERSONAL EXPLANATION

Mr. McNULTY. Mr. Speaker, I was absent from the Chamber for rollcall No. 118 on H.R. 668. Had I been present and voting, I would have voted in the affirmative.

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, on February 10, 1995, I was absent for rollcall vote No. 118. Had I been present, I would have voted in favor of final passage of H.R. 668, the Criminal Alien Deportation Improvements Act.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 668, CRIMINAL ALIEN DEPORTATION IMPROVEMENTS ACT OF 1995

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical and conforming changes in the engrossment of H.R. 668.

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

There was no objection.

PERMISSION FOR MEMBERS TO FILE AMENDMENTS TO H.R. 728, LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that Members have until 7 p.m. today, February 10, 1995, to file amendments in the RECORD to H.R. 728.

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

There was no objection.

REPORT ON H.R. 889, DEPARTMENT OF DEFENSE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 1995

Mr. LIVINGSTON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104-29) on the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

LEGISLATIVE PROGRAM

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

Mr. GEPHARDT. Mr. Speaker, my request is for the purpose of inquiring about the schedule.

I yield to the distinguished majority leader to inquire about the schedule for the rest of this week and next week.

Mr. ARMEY. I thank the gentleman for yielding. Let me thank the gentleman again, another week, for your patience and for all the cooperation that we have on both sides of the aisle with moving this very difficult agenda.

With respect to next week, on Monday, February 13, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for the legislative business.

We will take up the rule for H.R. 728, the Local Government Law Enforcement Block Grants Act and then move into general debate. We expect no votes before 5 p.m. on Monday. However, Members should be advised that the House may work late on Monday night.

On Tuesday, February 14, the House will meet at 9:30 a.m. for morning hour and at 11 a.m. for legislative business. We expect to complete consideration of H.R. 728 on Tuesday, so Members should be advised that the House may also work late on Tuesday night. However, let me just say that Tuesday is a very special day for many of us and we have high hopes of being out at an early enough hour so that we can go to dinner with that person with respect to whom we hold the greatest affection.

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

Mr. GEPHARDT. I yield to the gentleman from Indiana.

Mr. ROEMER. The gentleman and I had an interesting conversation last week on the family friendly agenda, and he told me that he had a date last Friday with his lovely wife Susan. I hope the gentleman made that date and had a great time, and I hope that he can give the House assurances, concrete assurances on Tuesday night that

we will be out by a time certain, such as 7, so that he can enjoy some time with Susan once again and all of us can enjoy some time with our loved ones.

We have a resolution that we put forward:

Roses are red,

Violets are blue,

If we're not home by 7,

We're in deep stew.

We would encourage the gentleman to give us a more definite time on Tuesday night.

Mr. ARMEY. I appreciate the sentiment. Let me just say, I believe that we will probably work hard and late Monday night and I think with good cooperation we can all have a high confidence that we will be able to make what I am sure for all of us will be a lovely dinner on Tuesday night.

Mr. ROEMER. So we still do not have an assurance of 7 yet?

Mr. ARMEY. This gentleman just needs to see how deep it will be, that to which you earlier referred.

Mr. ROEMER. I do not want to be in any.

Mr. ARMEY. I assure the gentleman, I appreciate your point of view. To be as assertive as prudence would allow me to be, let me just say, I have high hopes and great expectations that we will accommodate to an early enough evening on Tuesday so that we can all have a lovely dinner with a lovely person.

Mr. ROEMER. If we do not, you are buying the roses for all of us to get us out of that deep stew?

Mr. ARMEY. I am sure I understand the point.

Mr. ROEMER. I thank the gentleman.

Mr. ARMEY. If the gentleman will continue to yield, now that we have all survived Tuesday, we can move on to Wednesday, February 15.

The House will meet at 11 a.m. and will begin consideration of H.R. 7, the National Security Restoration Act, subject to a rule. Once again Members should be advised that the House may work late on Wednesday night.

On Thursday, February 16, the House will meet at 10 a.m. to complete consideration of H.R. 7. We expect to have Members on their way home around 3 p.m. for the Presidents' Day district work period.

Mr. GEPHARDT. I thank the gentleman.

I have a couple of questions. First, I want to reiterate the 3 p.m. time on Thursday. I know a lot of Members on both sides have travel plans, and so you are really trying as we did today to get done by 3. Is that my understanding?

Mr. ARMEY. Yes, the gentleman is correct.

Mr. GEPHARDT. Could the gentleman give us some sense of what kind of rule? Would there be an open rule providing for consideration of the National Security Restoration Act?

Mr. ARMEY. The gentleman might address the question.

Mr. GEPHARDT. Mr. Speaker, I yield to the gentleman from New York, the chairman of the Committee on Rules.

Mr. SOLOMON. I would be glad to. As a matter of fact, I was just about to enter into consultation with the minority ranking member of the Committee on National Security, the very distinguished and respected gentleman, to talk about that. But we certainly want to consult with the minority. We would like to have an open rule. Because of time constraints, it is going to be necessary to follow the orders of the gentleman from Texas [Mr. ARMEY] over here and move these bills. So that I think you would be happy with the final result and we intend to talk about it and see if we can work out an agreement.

Mr. GEPHARDT. I thank the gentleman. Obviously we want as open a rule I think as can be put together. We would be happy to consult with you. The gentleman from California is well equipped to do that and we will hope for a good result.

Can I just make one other comment and perhaps pose a question. I want to say to the gentleman that we have encountered a continuation of serious problems with committees meeting at the same time that committees are on the floor. I want to commend the gentleman from Illinois [Mr. HYDE] for negotiating with the gentleman from Michigan [Mr. CONYERS] in trying to work out a hearing schedule in their committee that would accommodate both of them and many of their members being on the floor through the continuation of the consideration of these crime bills. But I would say to the gentleman that as you know, having this 100-day calendar requirement, which we do not necessarily share—we understand the majority's desire to meet this promise, but I do not think any of us should believe that meeting that promise should get in the way of what is a reasonable schedule for Members to be able to meet. It is not reasonable if we cannot work out accommodations so that Members can both make their assignments in committee and meet their responsibilities here on the floor.

In that regard, and in a spirit of trying to work this out, it would be very helpful to the minority if the majority when they are able to do it could give us a complete calendar schedule of how you are trying to meet this 100-day requirement so that we can make sensible suggestions to the extent we can for how all of this can work.

□ 1520

I am getting very spirited objections from my Members who are truly distraught because they are not able to meet their responsibilities to vote in the committee, and we all know we

banned proxy voting, and that is the regime we are operating under, and also meet the responsibilities on the floor. And the gentleman knows the tension is high on these matters, and we will do everything in our power to work this out. But we need as much advance information as we can get.

Mr. ARMEY. If the gentleman will yield, I thank the gentleman for that observation. Many Members from both sides of the aisle have again brought that to my attention.

Again I think the gentleman has made a good suggestion. We will try to share Monday morning as much information as we can and continue to try to work on that.

However, as I have said before, we are, of course, all of us engaged in hard work, very hard work in a short period of time, and we are trying to make a big change and keep our promises. And while I thank the Members on both sides of the aisle for their patience and their diligence, I agree with the gentleman from Missouri, we need to continue working on finding ways to relieve people of some of these pressures, and we will continue to do so.

Mr. GEPHARDT. Just one additional question. Could the gentleman tell us what time votes will begin on Tuesday, February 21, which is the first day back after the President's Day recess? The schedule says 5 p.m. I am wondering if that is something that we can rely on at this point.

Mr. ARMEY. If the gentleman will yield, yes, we can rely on that, 5 o'clock on Tuesday, the day we return.

If I might bet the indulgence of the gentleman from Missouri, I see Grandfather DELLUMS is with us here on the floor. I hope he did have an opportunity to see his new grandbaby last weekend, and that is in light of the remarks we made earlier here about the things that we hold most dear. And I am proud that the gentleman from California [Mr. DELLUMS] has a grandbaby, and can only wish I had one too.

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

Mr. GEPHARDT. I yield to the gentleman from Indiana.

Mr. ROEMER. Could the gentleman just whisper in my ear or tell me now if he has a reservation. What time that reservation is on Tuesday night so I can make that with my wife Tuesday night for a restaurant?

Mr. ARMEY. If the gentleman will yield, let me say I have just checked with Dan Cupid here, and he has assured me that by 7 o'clock on Tuesday, Valentine's Eve, we should be able to join our loved ones for dinner.

Mr. ROEMER. I thank the majority leader, and we all thank him.

ADJOURNMENT TO MONDAY, FEBRUARY 13, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the

House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. 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 Texas?

There was no objection.

REQUEST FOR PERMISSION TO DISPENSE WITH SPECIAL OR- DERS ON TUESDAY, FEBRUARY 14, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that on Tuesday next the House dispense with special orders out of consideration for the loyal staff that all too often have stayed here all too late for Members to have special orders, so on Tuesday next I ask unanimous consent that we dispense with the special orders so they too can join with their loved ones for an evening celebration of Valentine's Day.

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

Mr. HOYER. Mr. Speaker, reserving the right to object, I would say to the majority leader, as one who for years and years has had very friendly discussions with the gentleman's side of the aisle on consideration for our staff in evenings, particularly as it relates to special orders, I want to say that I certainly will not object to that request, and I admire and congratulate the majority leader for making it.

Mr. ARMEY. I thank the gentleman.

Mr. HOYER. Further reserving the right to object, I apologize, my Majority Leader. I was being somewhat facetious, but I am told that we have a number of Members signed up. Can we maybe wait just a couple of minutes or till Monday and do it on Monday?

Mr. ARMEY. I would be happy to. I was being impulsive, and I thought maybe the staff would have an opportunity to make their dates.

But let us go ahead and check on Monday.

Mr. HOYER. Reclaiming my time, I want to assure the majority leader that I will be lobbying for the staff, but we will check with the Members who have special orders.

Mr. ARMEY. I suppose with the Members we will check on that, but there are at least two Members that

will be fighting for the staff to have the night off early.

Mr. Speaker, I withdraw the request.

□ 1530

MANDATED SENTENCING: LISTEN TO THE GOVERNORS

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

Mr. HOYER. Mr. Speaker, unfortunately I did not have in my possession a letter which I now have from Governor Carnahan of Missouri and Governor Carson of Minnesota. It deals with H.R. 667, the Violent Criminal Incarceration Act of 1995.

We have just passed that act, and I voted for a couple of amendments that lost. But I would want the Members to have this brought to their attention.

Obviously a Democrat and a Republican Governor in speaking to it, they say, "This would make it difficult for many of our States to participate in the proposed requirements." What they were referring to were the sentencing requirements. The Governors go on to say, and I think this is important for us to note in consideration of the Federal mandate bill that we debated extensively, the governors say, "Federally mandated sentencing structure could disrupt the State efforts." The efforts to which they were referring was beefing up sentencing.

They conclude by saying, Mr. Speaker, "as Governors, we support maximum flexibility that recognizes the efforts currently in place or under way in many of our States. We urge you to strike the sentencing requirements in H.R. 667 and allow States to utilize Federal funds to establish truth-in-sentencing as it relates to the laws in our individual States."

Mr. Speaker, I believe as that legislation moves further through the process and comes back here, we ought to take into consideration the Governors' words.

LET FARMERS FARM

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

Mr. FUNDERBURK. Mr. Speaker, I am pleased to join with my colleague from Indiana, Mr. HOSTETTLER, the American Farm Bureau, the American soybean Association, and the National Pork Producers Council, in supporting the Agricultural Lands Protection Act.

Mr. Speaker, the Second District of North Carolina is the second largest producer of tobacco in America. We also have hundreds of soybean, peanut, and livestock farms. Farmers are the backbone of my district. Unfortunately, Washington treats these hard-

working Americans like criminals. Its agents invade their land. Federal bureaucrats tell them what they can and can't do on their own farms. Instead of spending their time in the fields and barns, our farmers are now spending their days filling our forms and applying for permits.

Mr. Speaker, the madness has to stop. The Agricultural Lands Protection Act is a first step in restoring some sanity to agricultural policy. It says that the Federal Government will no longer classify land historically used for farming and ranching as wetlands. No longer will farmers have to bend to the whim of some hard core environmentalist at the Department of Agriculture or the Corps of Engineers. This bill restores fundamental property rights to the men and women who put food on our table. It's long past time that this House put the interests of the farmer above bureaucrats and academics, lets pass the Agricultural Lands Protection Act.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. ZELIFF). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A TRIBUTE TO ORNA SIEGEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. TUCKER] is recognized for 5 minutes.

Mr. TUCKER. Mr. Speaker, in the past I have stood on the floor of this Chamber to pontificate on matters of local, State, and national importance. In the future, I will stand in this well and articulate the concerns of those in need of a voice to speak for them.

But today, Mr. Speaker, I rise for a different reason. I rise to pay tribute to a very special woman. A woman of substance, style, grace, and an inner beauty that would pale the brightest star. A committed leader in the struggle to enhance the pro-Israel cause; a heroine who speaks out while others remain silent; a wife to the man she calls her prince; a wonderful mother to her daughter Shana and her son Jonathan; a friend to those in need of friendship; she is my friend, the "red-hair," Orna Siegel.

Mr. Speaker, Orna Siegel was born Orna Tieb in Tunisia. She is the seventh of eight children that moved to a small town in Israel when she was four. At the age of 18 she served her country as a member of the Israeli Defense Forces as a sergeant in its' Air Force. She was educated at the Seminar Hakibutzim in Tel Aviv, Israel. There at the university she met her prince charming, American businessman, Saul Siegel. Cupid's arrow hit its' mark and

Saul proposed to the lovely red head on the very day the couple met.

A true servant to her homeland, Orna founded the Summit Club, an Israeli-American leadership organization. She was the chairwoman of the annual fundraising gala dinner for the Friends of the Israel Defense Forces, a support group for the Israeli counterpart to the USO. You can find the spirited red-head giving her time to the Jewish national fund as a hostess and fundraiser; the Jewish institute for National Security Affairs as a member and a participant in its national meetings; she is a member of the national executive committee, the Capitol Club and a local officer of the American Israel Public Affairs Committee [AIPAC], a pro-Israel lobby here in our Nation's Capitol. Orna is also a volunteer fundraiser, as well as, the chairwoman of government relations for Yad B'Yad, which means hand in hand, a human life saving fund that takes sick people from Israel to wherever in the world they can get the life saving medical attention they need. At a recent Yad B'Yad fundraising dinner for which Orna was the primary organizer, an eleven year old boy made a speech. He told how a bone marrow transplant paid for by Yad B'Yad had cured his leukemia—he told how this transplant has saved his life.

Mr. Speaker, all to often I hear people say that they wish that they could live a normal life. I have never heard those words uttered by Orna Siegel. Because I think more than anyone Orna knows that in this life there is no normal or abnormal, there is only life, and that we must live our lives to the fullest. More than anyone that I have had the opportunity to meet in recent years, Orna Siegel knows that we must seize each day and cherish the moments that life has to offer us. That we must wake up every morning and face each day unafraid, with a new faith—and the hope that somehow we can positively affect the lives of those we meet from one day to the next. For life has no meaning except for its impact on others. For all of the lives that she has touched, it would be hard to imagine a world without the one that so many affectionately call the "red hair."

Mr. Speaker, to talk about Orna Siegel is to speak in superlatives. She is a woman who has given her heart and soul to the support of her homeland and to affecting positive change in the lives of those that she meets. Her unwavering leadership and commitment goes well beyond the funds that she has raised for the numerous organizations to which she belongs. It goes to the very fiber of who she is, what she stands for, and the type of leadership she believes is important to demonstrate every day, no matter her physical state.

Mr. Speaker, I am honored to know Orna Siegel, she is a leader, a heroine,

a wife, a mother, and friend. She is my friend and I am honored to pay tribute to her.

TRIBUTE TO GREGORY CHIEDOZIE ACHOLONU

Mr. Speaker, I rise today to pay tribute to a man each and every one of us can look to as an example of discipline, of strength, of courage, of compassion and most importantly as an example of humility.

Mr. Speaker, I speak of Mr. Gregory Chiedozi Acholonu a native of Washington, DC.

In the world of chess Mr. Speaker, there are few peers to Mr. Acholonu. As a young child Greg was introduced to the world of chess by a family friend.

By 1972 Greg was reading Horowitz's chess theory and practice and Reti's modern ideas in chess.

By 1981 with the help of experts like Emory Tate and Stan Fink, Greg had achieved the rank of master.

In December 1992, Greg won the Maryland closed. In early 1993, at the age of 33, Greg achieved a rating over 2,400 and became a senior master.

In 1988, Greg was hired part-time by the U.S. Chess Center to, among other duties, teach, "the little players program."

With enthusiasm and love for the game Mr. Acholonu's instruction has inspired countless numbers of local kids and adults to strive for the top.

In the month of February, when the achievements and contributions of Americans of African decent are being highlighted to the world, I take pleasure in highlighting Mr. Acholonu's achievements and offer to our children and ourselves, a man worthy of emulating.

□ 1540

H.R. 7, THE NATIONAL SECURITY REVITALIZATION ACT

The SPEAKER pro tempore (Mr. ZELIFF). Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, I rise today, as a new member of the International Relations Committee, in support of H.R. 7, the National Security Revitalization Act.

Our committee has passed this legislation and it will be on the floor next week.

For too long the United States has been paying too large a share of the military tab for United Nations peacekeeping missions. This, at a time when this Nation faces its own peacekeeping concerns on our neighborhood streets with the continued increase in violent crime.

I believe it is time that we control in the wild spending of taxpayer dollars on questionable peacekeeping missions abroad.

It is unacceptable to ask the American people to settle for less—through

cuts in Federal programs—while at the same time giving disproportionate huge handouts to the United Nations.

Many Americans are being laid off by budget cuts and downsizing in both the public and private sectors while billions of dollars go to the U.N. bureaucracy.

They must stop.

That is why I am in full support of H.R. 7 which will bring an honest public accounting of actual U.S. contributions to U.N. peacekeeping activities.

Today the United Nations does not make a fair and full accounting of our in-kind contributions.

These millions of dollars of in-kind contributions that we have made are not credited against U.S. assessments.

Some 90 countries around the world pay less than one-tenth of 1 percent of U.N. peacekeeping costs while only 10 countries pay more than 1 percent of these costs.

The United States pays 32 percent of those peacekeeping costs—32 percent.

That is 2½ times more than the next largest contributor to the United Nations, which is Japan, second highest at 12.5 percent. Out of 186 nations, 160 of them pay less than a fraction of 1 percent. The United States pays 32 percent. And that's just what the United Nations gives us credit for.

In addition, the United States is also paying added Department of Defense in-kind costs of more than \$1.5 billion a year for related peacekeeping activities such as foreign troop transportation.

We get no credit for these extra expenditures.

H.R. 7 will require that the United States be credited for our own military expenditures as they relate to such peacekeeping operations. Every day the U.S. military is being called upon to support U.N. military operations.

Most recently, the United States has been called on in Somalia, Rwanda, Iraq, Cambodia, Haiti, and the former Yugoslavia.

Requests for U.N. involvement throughout the world continue to increase.

For example, just in the past couple of days the United States military has been sent again into Somalia to help protect and withdraw other U.N. peacekeepers.

Once again, Uncle Sam to the rescue.

But, if we were not there, most of these U.N. operations would collapse.

H.R. 7 will accomplish two important goals:

First, it will allow the U.S. Congress and the American people to understand how much the United States is actually contributing to support U.N. peacekeeping missions around the world.

Second, it will provide for a more equitable cost sharing of the real cost for such actions which is something that I believe the American people expect and deserve.

I would like to emphasize that this bill is not, an anti-United Nations, anti-peacekeeping measure.

It does not tie the hands of the President in pursuing multilateral U.N. solutions, nor end the United Nation's ability to conduct peace activities.

It does not cut off U.S. support for the United Nations.

All that H.R. 7 does is simply allow Congress to be involved in a comprehensive, rational, decisionmaking process related to the resources expended in the U.N. peacekeeping mission of the United Nations.

Let us see all the costs and determine what we can and cannot afford.

Congress has the constitutional power to control these costs and it should do so when it relates to using taxpayer dollars to finance foreign operations which have limited importance in relation to our own national security.

H.R. 7 does not preclude other members of the United Nations from paying their fair share of United Nations operations that they deem to be important.

What it does do is close the open-ended bank account the United Nations has at the U.S. Treasury.

U.N. peacekeeping has overdrawn.

The United States is the only superpower left, but it is not a nation with an unlimited budget.

There are other wealthy nations that also have direct national interests in global peace and stability.

Japan and Germany are two such nations.

We ought to be encouraging them—strongly encouraging them—to become permanent members of the U.N. Security Council.

That way, these two wealthy countries can justify carrying more of the U.N.'s financial burden.

UPDATE ON REPUBLICANS' CONTRACT WITH AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, in the first week of January the U.S. House of Representatives got rid of 3 standing committees, 25 subcommittees; we fired 682 congressional bureaucrats, and we totally reformed the procedures of the House of Representatives in addition to passing a bill that would make the Members of Congress live under the same laws and rules that we make everybody else in our society live under.

A couple of weeks ago we passed a balanced budget amendment. Week before last we passed legislation to keep the Federal Government from imposing unfunded mandates on the States.

Last Monday, on Ronald Reagan's birthday, we passed the line-item veto.

For conservatives across America, it is beginning to sink in: We won the election last November 8.

I think Republicans now have a great opportunity, but make no mistake, the

responsibilities that come with victory are much greater than the responsibilities that come with defeat.

It seems to me we are now at a crossroads where we can change from being a nation at risk to being a nation with a hopeful future. I do hope all Americans realize they are part of a historic group, they are in a historic time as we try to revolutionize the Federal Government's role in our lives.

Thirty-three years ago, when I got out of the Air Force and I bought my farm and I joined the local Hillsdale County Republican Party in Michigan, I was concerned because I was faced with a Federal Government that was telling me how many acres of different crops that I had to plant on my farm. It seemed important that I try to tell the Federal Government that if they want efficient farming, they cannot pass those kinds of mandates, not only on farmers but on all businesses of this country.

I think we all should be energized and excited to have this historic opportunity to bring about what many of us have been fighting for for many years, that is a leaner, more efficient Government, lower taxes, and stronger family values with more control and responsibility over our own lives.

But we can assume it is automatically going to happen. The forces of big government liberalism are stunned and in retreat, but they are not defeated. To make the spending cuts necessary to stop mortgaging our children's future will be very difficult. We are going to have to say "no" to the special interest groups and the lobbyists who fight for their pet projects.

It would seem to me that if we really wanted to look out for the future of this country and for future generations, we Republicans and Democrats and the President's people would get in a room and we would kick out the pollsters and the specialists of the special-interest lobbying groups and we would make the kind of tough decisions that we know must be made if we are going to cut down the overspending and overregulation of this Government.

By cutting some of the programs we can no longer afford, even some of the good ones, Americans will have to make tough sacrifices.

□ 1550

But one lesson we have learned over the last 40 years is that, if we do not have the energy, and ability and willingness to do it today, it is not going to be done. I, for one, am willing to say no to that additional spending.

The time for talking is over. I think the American people will no longer tolerate excuses from Government, and I am giving this speech today because I am already seeing some traditionally conservative Members of this Chamber, even some Republicans, that are talking about backing away from the tough

spending cuts. For this Chamber, for this Congress, to be successful, people all over America are going to have to do two things, I think. They are going to have to be willing for Government to do less for them, and they are going to have to be active in helping explain how serious this problem really is.

In conclusion let me challenge you, Mr. Speaker, and the Members of this body with a few statistics:

The interest on the Federal debt this year will be \$339 billion. That is more money than we take in, as my colleagues know, in total—one quarter, 25 percent of all the total revenues coming into this national Federal Government will be used, utilized, in paying the interest on the Federal debt. We are mortgaging our children's future, and I hope we will all be industrious and energetic in trying to make the tough spending cuts that we are going to be faced with.

DISCUSSION OF WELFARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Kentucky [Mr. BAESLER] is recognized for 60 minutes as the designee of the minority leader.

Mr. BAESLER. Mr. Speaker, today what I would like to take the opportunity to discuss is the proposed welfare programs that we have been talking about here in the Capitol and throughout the country over the last several months. The question, I think, is why are we discussing welfare reform today in the Capitol and throughout the country? I think there are four basic reasons.

Everybody in the country, from whatever community you might live in, has seen abuses. They follow people through the food lines and see food stamps being used for things they did not think they ought to be used for. They know circumstances where food stamps have been sold for cash, trafficking in different stores throughout the community. They know people who live in section 8 housing who are not supposed to have other people live with them, but they know they are there. They report them, and nothing has happened. They know there are folks who could work that are not working who could do something constructive and are not doing something constructive. They know there are folks that all their life in all the generations have been on food stamps, poverty, other type of welfare programs, and they are frustrated. The public generally is frustrated and angry.

The second reason we are discussing welfare is because most of us understand that a welfare system itself breeds a great deal of crime, a disproportionate amount of crime. People who commit crime are those who are on welfare, more than those who are not.

A third reason that we are discussing welfare today is because we know we have to stop this cycle of poverty, we have to stop this generation, or we are going to have more and more generations going through welfare and becoming dysfunctional in society.

A fourth reason we have talked about is to save money.

Now what are we talking about when we talk about welfare?

Welfare constitutes 13 percent of our Federal budget. Eighty-seven percent of the other spending does not constitute welfare. What makes up that 13 percent? Housing benefits are 11 percent of the 13 percent, food benefits, including food stamps, are 18 percent of the 13 percent, Medicaid is 44 percent, almost half, AFDC is about 1 percent of the total budget, and SSI is 39 percent.

Now why is this chart important? It is important because most all the discussion taking place here in Washington today, whether it, is through the President's program, or through the Republican plan or other plans, are talking about only AFDC.

Now why is that the case? I submit to you the reason we are talking about only AFDC is because that is the easiest group to attack, basically single mothers with children. I ask, Why shouldn't we include as part of our discussion food stamps wherein Kentucky alone we have 500,000 people on food stamps, we spend almost \$400 million a year? Why shouldn't that be a topic of our discussion when we are talking about reforming welfare?

Part of the Republican plan does talk about block grants for food programs like child nutrition, WIC programs and so forth. We will talk about that a little bit later, but that will be very difficult to impose on the States because how are we going to guarantee that the young person gets their only warm meal in the morning or at noon at school? A very difficult situation. Why are we not talking about the housing section 8 certificates? Why are we not talking about public housing when we talk about welfare reform? And why are we not talking about Medicaid, which is one-half? And why are we not talking about Social Security insurance, which is rising considerably faster than is AFDC?

I suggest to you all the discussion we are having here in Washington today just on AFDC I think is not—it is appropriate, but it is not complete, and it is only dealing with a very small portion of welfare, and for us to suggest, whether we are Republican or Democrat, that we are going to have welfare reform and deal only with AFDC is very misleading at the least and a travesty to the public, I think, at the most. We cannot just suggest to the public that the only people that are abusing and need to be looked at, the only people, the only system that needs to be reformed, are those that deal with

mothers with children, aid for dependent children.

Now what are the general principles when we talk about welfare? I think there are two or three that the public generally will agree upon.

No. 1 is responsibility, whose responsibility? Most everyone will agree that the individual has some responsibility for their family, and they should have responsibility to do something for any benefits they receive, whether it is work, whether it is education, or whether it is just to take care of their family proper.

But there is a second responsibility, the responsibility of government. I think also everyone agrees that government itself has responsibility to take care of those who cannot take care of themselves.

The second word that I think generally describes what people feel is accountability. Most people think, if you receive a cash payment, you should have some accountability on what that cash payment is used for, whether it is in SSI or whether it is in AFDC, and most people feel that the government should be able to hold you accountable, to be able to, if you do not want to participate in the programs available, then the government should have the ability to basically take you off that benefit.

Third, I think most people think work should pay more than welfare. What has frustrated the folks is that they look at people out there, and they are making money, but those on welfare are doing better than they are. Now I guess the working people would say,

I work every day hard, hard for 20-25 years, and I look over to the next house, and I know people who can work are not working, and they're living better than I do. They drive a better car. They eat better. Their children have better medical care than I do, and I'm trying.

It is that anger and that frustration that most people want to make sure that they can somehow understand it, and that is what welfare is directed at.

□ 1600

The fourth principle is whatever we do in welfare reform, whether it is in AFDC, Medicaid, food stamps or whatever, we have to do it with the intentions that we want to break the cycle.

If 5 years from now we have had all this great discussion and all this rhetoric, and from this hall and all these other halls we have welfare reform, and if it does not allow us to break the cycle of poverty, we have done nothing. Absolutely nothing. So what do we do? How do we reform it?

First of all, let's just talk about the administration of it. Today, without question, it is the most confusing process in the country to administer welfare, including all of these. The major welfare programs have different rules on income, deductions, resources, and

other eligibility criteria, and different application forms.

We should make the requirements for accessing Medicaid, AFDC, food stamps, and public housing all the same. The form that needs to be filled out and the information that needs to be verified should be the same for all these programs as well.

Finally, applicants should be able to go to one stop, one place, to fill out the forms.

You say why is this important? I am worried about the fraud. In food stamps alone, a major portion of the food stamps that go inadvertently and illegally to people is because of the confusion in the forms filled out by the individuals and the people processing them.

Administrative simplification will make it much easier for policymakers to turn the goals of the current welfare nonsystem into an integrated system. Is there any reason whatsoever that these systems should not be integrated? There is none. In certain instances, if you receive housing benefits section 8 has absolutely no influence on whether or not you receive food stamps or not. That is not correct. They are all separate. They should be integrated. The way we do it is basically bring the administration together.

Speaking of administration, I think we are going to have to work with the States in making sure we can share some of the savings. There is a great deal of discussion on food stamps about the electronic transfer. But the problem is basically it will cost the States more money, not less. We have got to make sure they share in any savings that we have.

Let's talk about the program specifically. AFDC. If you look at the short list put out by Personal Responsibility Act No. 4, by the President's program earlier, every entry, every entry, every line except one, deals with AFDC.

It is important that we reform AFDC, but it is equally important that we acknowledge honestly that AFDC does not even cover half the green part of this chart. But every line but one just deals with AFDC. It think that is unfair, and it is unfairly placing all the welfare situation upon single mothers. I think that is incorrect.

When we deal with AFDC, however, I think we need to step back one point. If you look at the proposals before us today, each one of them says you are going to work, you are going to work, you are going to work. It is not bad in its approach. But what we need to say is who would like to go to work today, and what is in your way?

Often it is not the attitude, but the physical circumstances that keep people from working. Let me pose a question. If I am a single mother, I have two kids, I want to go to work. I make \$5 an hour, maybe \$5.50. Immediately

when I do that, the first question that arises is, who is taking care of my children? How much does child care cost?

The second question arises, how am I going to get to work? I can't qualify if I have a car that is valued over \$1,500. I probably wouldn't have one.

The third question, if I go to work after a period of time I lose my Medicaid card. I don't have any coverage for my young children.

So how is that individual going to work? They are not. And I will come back to the child care issue and these other issues later in the discussion.

Before we start making rules today that say everybody is to work tomorrow when this program is imposed, why don't we step back and do what many of the States have done and pass legislation that would allow the States, without asking for waivers, to have longer transition periods before the individual would lose their Medicaid card; have longer periods before they would lose a portion of their food stamps, housing benefits, or whatever other benefits they are getting.

I would suggest to you if we did that, we will find there are many more people going onto the work rolls voluntarily tomorrow than there are today.

Now, after that group, we are going to have to address those folks who maybe do not want to go to work. The President's program and the Republican program talk a great deal about eligibility, eligibility of AFDC children.

Let's talk about some myths at AFDC just a little bit. Who are we talking about on AFDC? Most people think you are talking about the momma sitting on the porch that has got three or four kids and wants three or four more. That is not the case.

Most people think we are talking about young ladies, under 20 years old, who have got two kids or more. As a matter of fact, less than 8 percent of the women on AFDC are under 20 years old. Seventy-three percent of the women on AFDC have two kids or less. Most people think we are just talking about basically most people on AFDC are black, not white. In Kentucky, 73 percent of AFDC recipients are white. Nationwide, it is about split even-even.

Most people think they are on AFDC and they want to have more children so they can have more payments. In Kentucky alone, you can get \$200 more for the extra child. I will suggest to you not many people have the child just for \$200 more.

So all these myths we have about who we are talking about on AFDC, and I am emphasizing it because it is appalling to me that here in Congress that the President and the Republican plan basically initially are only dealing with AFDC.

So let's talk about the AFDC programs that are before us. In Kentucky, \$203 million is spent for the benefit of

211,000 people on AFDC. The Federal Government alone is spending 15.5 percent.

Here are some recommendations that I make, that I have, based basically on what both the President's program and the Republicans are talking about.

In order to receive AFDC payments, I believe an unwed parent who is under the age of 18 and has a child should be required to live in the home of the minor's parents under adult supervision. I do not believe, as suggested by the Republican program, if a child is born to a person under 18 that there be no benefits coming forth. Who are we penalizing? The mother? No, we are penalizing the child.

Also if new babies are born to AFDC recipients, States should have the option of saying they will not increase the benefits if they want to. Without question, AFDC recipients should have a requirement, I think, to finish the schooling. I think they should have a requirement if they are able to work, to work in a limited period of time. And there are several other recommendations of AFDC, and I would like to come back to a couple of them.

Recently, it was presented yesterday by the Contract on America plan for welfare reform that we were going to block grant the AFDC payments to the States, and we were going to try to reduce it from \$15 billion down to \$12 billion.

Let me tell you what we are forgetting here. We are assuming we are going to spend less money on this program by putting more people to work. Let me point out to you very clearly, let's assume there are some working now, they have their child care payments paid for, help with child care. Now we are going to put even another group on. Where is the child care coming from? Where is the transitional expenditure coming for transportation? Not that the program is not good, but if we try to sell to the American public that we are going to increase the rolls of AFDC recipients working, and we are not going to increase child care, we are selling the American public a bill of goods that will come back to haunt us.

□ 1610

It is not possible, it is not possible for this country or any State to increase the number of folks on AFDC working without having more money for child care. They say, let us block grant child care. What does that mean? If we are just talking about the same amount of money, it means that you could very well be, under the plan presented, taking child care from those who are the working poor presently. So somebody is going to lose. Any program that is passed in this Congress that does not acknowledge and provide for additional child care funding is a fraud to try to say you are going to

work and not have more child care. It is a fraud.

Mr. Speaker, when we deal with it, it is not necessarily bad, we do want them to go to work, but when we want them to go to work, let us be brave enough to acknowledge it is going to cost some money to do it. Transportation, child care, and other changes we are going to have to make.

That is what AFDC is, where most of our effort has been made. And I want to reemphasize, that is not welfare reform. That is a portion of welfare reform, but it is AFDC reform, Aid for Dependent Children, the most defenseless group we have in this country today, and we are going to say we are going to have all the welfare reform on their backs alone. Should they be required to do something? Yes. Should they be required to work if they can? Yes. Should they, if they do not want to cooperate, should they be put off the program? Yes.

We also have to acknowledge there are food stamps, housing benefits, Medicaid, all these others, all the people, anybody that abuses it should have the same requirement. You should have requirements for food stamps to work. You should have requirements for housing benefits to do something. And Medicaid, for certain people, to have copayments. But that is not what is proposed today. I think that is shortsighted, and I think it is selling the public short and, more importantly, I think calling it welfare reform, it is not what it is. It is sort of a sheep in wolf's clothing.

Let us talk about SSI—SSI, Social Security insurance. Why should it be talked about? First of all, up until last year, there was a great hue and cry in the country when people found that folks with alcoholic problems and drug addiction problems were receiving SSI payments. Last year there was a change where after the statute runs out, after 3 years you have to go off. Has some tightening up, but no more tightening up. If we are talking about reforming welfare on the backs of AFDC mothers, why should we not be talking about reforming welfare on folks who have alcoholic problems or drug addiction problems? Why should we be paying them a cash payment each month?

We should not. There is no accountability. There was no accountability on how that money was to be used. Now you can require that you have to have treatment. But unfortunately, in several States, Kentucky included, there are very few places that treatment can actually be purchased. So once again, the cash payment sets out, and once again there is no accountability.

Let us talk about SSI with other programs, like attention deficit disorders. Obviously, there are young people throughout this country who deserve Social Security Insurance, but obvi-

ously, there are others who do not. And if we just ignore that issue and the rising cost with the cash payment, then we are not doing justice to the other welfare discussions. What can we do with SSI?

First of all, I think it is suggested that we should have a cap on how many SSI payments can go to one family. Second, on the attention disorder, deficit disorder for young people, why should not the parent have to account for how the money is used? It is a cash payment today. You could do what you want to do with it. Nobody comes to check. Nobody cares. You send the cash payment, and that is it. There is no requirement that you even have to get treatment. There is no requirement that you try to turn the young person's situation around so they no longer suffer from that illness.

Should there be a requirement for job responsibility on SSI? I submit there is just as much requirement to be required of those individuals as AFDC. But somehow we want to step back from it. We want to say, no, we want welfare reform but we just want this little green portion, not the whole portion. I also suggest that we should change the cash payment to a voucher which says, particularly in the situation where you might have some treatment available to you, says, here is a voucher. Here is the situation. You go get the treatment, here, because we want to see you get better.

In Kentucky, \$45 million was spent on 153,000 beneficiaries for SSI. The Federal Government alone spend \$24.5 billion; \$10 billion—\$10 billion more than we spent on AFDC. Yet we are saying, welfare reform is just AFDC and not SSI, \$10 billion. And keep in mind, AFDC is the lowest among program which we spend, the lowest amount of any of these except the housing benefits.

Let us talk about the food programs. The Republican contract has suggested that we are going to block grant the food programs, which are the nutrition programs for, like I said earlier, the WIC Program, programs in the schools and food stamps. Let me tell you what happens in Kentucky under that scenario. We will lose 33 percent of the money we are presently getting, not new money but we are presently getting. Basically we are going to tell the State of Kentucky and also other States which also likewise will lose; fine, you have an option to make, after we block grant it, you can tell folks, you are out, even though you might qualify, you are out, that is tough. And even future ones come on, you cannot even come on, even though they were deserving and not folks who abuse the system.

In food stamps alone, in Kentucky we spent, as I said, \$41 million for 524,000 people. The Federal Government spends \$24.5 billion this year on food

stamps. Without question, the fraud and abuse sometimes runs rampant in the Food Stamp Program. In 1994, food stamps were issued to purchase food to over 207,000 retail stores. I do believe that the inspector general and others of oversight are making some good recommendations on how we should treat the retailers. Congress should authorize the forfeiture of proceeds for materials that facilitate the violation of food stamps. Those retailers who traffic in food stamps should be permanently disqualified from the program. Stores that are disqualified from participation in the WIC Program should also be disqualified from other programs. But that is just the people. What about the people that use them?

Obviously, we have got to have tougher sanctions. We have to stop the trafficking. All of you have seen television shows about the traffic in food stamps. But, again, I come back to my central theme. We have a lot of discussion on welfare reform up here. But the proposals that have been produced to date do not include food stamp reform. Why not? It constitutes a larger portion of the welfare budget than AFDC does, in fact, everything except Medicaid.

Let us talk about related issues. I am going to come back to AFDC one more time. It is easy to pick on the single Mommas and the children. It is easy. People know examples all over the country. Where are the Daddies? Where are the Daddies? Thirty-four billion dollars of uncollected child support today throughout this country—\$34 billion. Should not the child support issues be a factor in welfare reform? Should not the missing and absent parent have some responsibility to help us curb the cost of raising their children? Obviously, the answer is yes.

Again, when we talk about welfare. I suggest to you that child support issues need to be made an integral part of the whole package.

□ 1620

We will not just try to get past AFDC and say, "We are there." We are not there. It is my suggestion that all these issues have to be put together in one package to address, if we are going to have true welfare reform, because it is going to be too easy to say after one passes, "We have done our job; we have met our responsibility; we have hit our contract; let's go home." We should not do that.

Mr. Speaker, whatever reform we make—whatever reform we make, it will not work unless we curb the abuse that people experience every day. How do we do that? I suggest that we need to involve the local communities more and more in reporting the abuse and in prosecuting the cases. Some States do this already.

We have to involve the locals. The people next door know who is cheating.

The people next door know who is trying to beat the system. We need to bring them into the discussion. We have to give incentives back to the State to help us collect the money.

For instance, on Medicaid, in the State of Kentucky, the Federal pays 70 percent, the State pays 30 percent of Medicaid. I think it would be pursuant to law if the State of Kentucky increased their enforcement provisions on Medicaid fraud, and give them a larger portion back, so they could do other things with other programs.

We have to have tougher sanctions for the violators. It is not enough to get your hands slapped and say you cannot participate in a program for 6 months. It is not enough to say, "We caught you now. That is tough. We are going to let you go; don't do it anymore." People who violate the system, who do not cooperate with what we are trying to do with our work programs and everything else should be dealt with swiftly and, I think, firmly.

Last, we have to make sure that folks who are enforcing have the tools for enforcement. We talk about welfare and we talk about AFDC. What we really want to accomplish is self-sufficiency.

I submit to you that in every community we have what it takes to make self-sufficiency. We have United Ways, we have the community activities, whether it is tenant services or whatever. We have the housing corporation. We have section 8 certificates. We have hospitals. We have the local governments, State governments. We have colleges of dentistry, home economics, whatever.

The Federal Government, I submit, Mr. Speaker, when we are talking about money, when we decide we are going to spend some money on welfare reform, we need to provide the incentive to suggest to the communities, if you will work with these folks and try to get them toward self-sufficiency, and if you will integrate all the resources available to you in your community, and if you will have housing, child care, transitional help, and you will help provide it, we will help you do that, and it will work.

Our ultimate goal is to take people off of welfare to self-sufficiency. But I submit that ultimate goal has to apply not only to AFDC, it has to apply to SSI, it has to apply to food benefits, food stamps, housing benefits, and I think we have to have some responsibility tied to Medicaid.

In conclusion, Mr. Speaker, there is a lot that has been discussed up here on welfare about the Contract With America, and I understand it and appreciate it. But I would like to submit to you, there is another contract we have to be concerned with.

It is easy to talk about welfare reform, because we are going to have very few people up here talking on the

other side. Most of us agree what has to be done. However, we are going to do this and do that with contracts, let us not forget one of the contracts I think we have which is most important of all. That is a contract with our conscience.

THE MEXICAN BAILOUT

The SPEAKER pro tempore (Mr. ZELIFF). Under the Speaker's announced policy of January 4, 1995, the Chair recognizes the gentleman from Mississippi [Mr. TAYLOR] for 60 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield to the gentleman from California [Mr. BROWN], my distinguished colleague.

REMEMBERING CONGRESSMAN CHET HOLIFIELD

Mr. BROWN of California. Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, I would like to draw the attention of the Congress and the Nation for a few moments to the memory of former Congressman Chet Holifield of California, who passed away on February 6 from pneumonia at the age of 91.

Mr. Speaker, Chet Holifield devoted 32 years of his working life to this institution and to serving the American people. To review his accomplishments in Congress is to review some of the key developments in American Government and public policy in the years after World War II.

Chet Holifield was deeply involved in congressional policymaking about the peaceful and military applications of atomic power after the Second World War. He was a vigorous advocate for the peaceful use of atomic power and pushed hard to have the U.S. atomic energy program placed under civilian, rather than military, control.

In 1957, he headed the first full-scale congressional hearings on the implication of radioactive fallout from nuclear testing. At the same time, Chet believed strongly in—and was a strong advocate for—the development of the hydrogen bomb and he was a strong supporter of Adm. Hyman Rickover in his program to build a nuclear navy and submarine fleet. Congressman Holifield's decades of experience and detailed involvement in nuclear policymaking gained him the respect of colleagues in both political parties, the scientific and professional communities, and environmental groups.

During the last 4 years of his congressional service, from 1967 to 1971, Chet Holifield was the chairman of the House Government Operations Committee, the House committee primarily involved in promoting the efficient operation of Federal Government agencies. Chet authored the legislation establishing the General Services Administration, which does most of the purchasing for the civil departments of the Government and manages most Federal

buildings. And, during the growth of the Federal Government in the 1960's, Chet Holifield was personally involved in managing legislation that created two Cabinet-level departments: The Department of Housing and Urban Development and the Department of Transportation.

Chet was born in Mayfield, KY, grew up in Arkansas, and spent some of his teen years working in the wheat fields of Kansas and the oil fields of Oklahoma. He later hitchhiked to California where he found a job in a Pasadena cleaning and dyeing shop.

Ultimately, he worked his way up to his own small business: A men's clothing store. Chet was first elected to Congress in 1942 and was reelected 15 times by the people of eastern Los Angeles County, CA, finally becoming the dean of the California congressional delegation.

He voluntarily retired in 1971, and returned to California to run his clothing store in Montebello. After finally retiring from his business work, Chet moved to the beachside community of Balboa, CA.

Through his efforts in Congress and his involvement in the public affairs of our Nation, Chet Holifield's work helped shape modern America, and his life's accomplishments will live on for a long time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to begin by apologizing to the approximately 80 House employees who will be kept a little bit late this afternoon as a result of this. What the people in the gallery and many of the folks back home do not realize is that under the present system these employees have to stick around as long as we have special orders. There is a room right up there that has a television camera.

I have asked the previous Speaker, and I'm going to ask that the Speaker try to change that policy. There is really no reason to keep these people around late, but I would not keep them here if it was not worthwhile.

What we have to talk about today is of the utmost importance to our Nation. We are talking about \$20 billion for the single largest expenditure on the part of this country that has ever been made without the consent of Congress, and the potential for an additional \$15 billion to be spent at any moment by the President of the United States, again without the consent of Congress.

It is particularly frustrating as a Member of Congress that earlier in this week, when the gentlewoman from Ohio [Ms. KAPTUR], seven Republicans, an equal number of Democrats, and the body's only Independent Member offered a resolution to demand of the Comptroller General the information as to whether or not what President Clinton did last week, when he guaranteed the loan to bail out Wall Street,

to bail out the Mexican peso, whether or not that was even legal.

Second, we wanted to know how often this fund has been used, and what amounts of money have been appropriated over the past. We also wanted to know who knew that the bailout was going to take place. We know that Speaker GINGRICH knew; we know that President of the Senate, Senator DOLE, knew. We know that the President knew. Who else knew that this was going to take place?

The reason that this is so important is, they knew before the announcement that the value of the peso was going to jump dramatically. It has now been shown that it jumped 20 percent in less than 48 hours. For those who have a small savings account, for those who might own a stock, can they imagine having a guaranteed 20-percent return on their investment in only 48 hours?

That is why it is important, and that is why it was so wrong, that this deal was cut with the Speaker, with the President, with the President of the Senate, in secret, without the approval of Congress to bail out the peso, but most importantly, to bail out Wall Street, the same people who just 15 months ago said "We have to have NAFTA, even if it means that the garment workers down in rural communities like south Mississippi will be thrown out of work, even if it means that the fishermen and the shrimpers down in the Gulf Coast States will be put at a severe disadvantage," because they have to live by all of our laws, our minimum wage laws, our OSHA laws, the pollution laws. They have to pay our taxes.

□ 1630

And they will be competing with shrimp brought in from Communist China, for which there is no import fee at all. They said it was economic Darwinism and that we had to have NAFTA because the chips are just going to fall where they are.

It is kind of strange, then, that 15 months later when Wall Street is hurting, when Wall Street is losing a few bucks on their investments down in Mexico that they run to this body, that they run to the President and demand to be bailed out. It is not right. It is not fair. And it is your money.

I think the people of America need to realize that these are unsecured loans. Now, the President will tell you and Speaker GINGRICH will tell you that the Mexicans have pledged the oil revenues to pay these loans back. Who's kidding whom? If those oil revenues had not already been pledged in a dozen different places, do you think they would be having to borrow \$20 billion? That oil revenue has been pledged long ago and will not be available to repay those loans and \$20 billion of your tax dollars have already gone down the rathole.

Some of the older Members of this body tell me that this is much like the

S&L crisis where they came to Congress and said, "You know, for \$5 billion we can solve the problem," only a few months later to come back and say, "Well, you've now invested \$5 billion, you have to invest some more to get your money back." There is not a doubt in my mind that within a certain period of time, the President of the United States will be asking for the remaining \$15 billion. And it is your money. And it is the only money spent without the approval of Congress. It is the only money spent without the approval of the Senate. And if you take the time to read our Nation's Constitution, it is very clear in article I, section 9 which says the Congress shall have the power to coin money. No money shall be spent from the Treasury without an appropriation by the Congress. And yet what the President did was completely contrary to that.

He will point to an old law from 1934 that was meant to get us out of the depression, that was meant to prop up our currency, that has never been used for more than \$1 billion at a time and say that that \$20 billion somehow benefits us. Who's kidding whom?

Who is to bail out Wall Street? And again no one will ever really know if some phone calls were made to some people who happen to be Wall Street buddies and said, "Go out and buy a bunch of pesos because the value's going to go up very quickly and very soon," and your money was used to guarantee that.

It is wrong, and that is why what the gentlewoman from Ohio [Ms. KAPTUR], the gentleman from Vermont [Mr. SANDERS], a number of Republicans including the gentleman from California [Mr. ROHRBACHER], the gentleman from California [Mr. HUNTER], the gentleman from Kentucky [Mr. BUNNING], that is why we are trying to find out what happened and that is why equally importantly we have a bill in the Banking Committee to say that this cannot happen again, that from now on these moneys have to be appropriated by Congress.

At this time I would like to yield to my distinguished colleague, the gentlewoman from Ohio [Ms. KAPTUR], who has been most instrumental in doing the research on this matter.

Ms. KAPTUR. I want to thank Congressman TAYLOR for his extraordinary leadership on this effort and for gaining the special order time this evening. It is my privilege to join him and to thank him so very much for cosponsoring the special resolution of inquiry that was filed today here in the House of Representatives asking the President of the United States to submit information to this House within the next 2 weeks answering questions that we cannot answer for the American people simply because the executive branch chose to take a unilateral action without a vote of the Congress of

the United States. Congressman TAYLOR has outlined the amount of money that is on the line initially, money that is flowing out of our Treasury, not just in the form of loan guarantees, although we cannot get specifics on this, but we understand direct loans as well. We do not know for what duration, we do not know what the terms are. We do not know exactly what the purpose is. But we know that part of the money is being used to help Mexico refinance what are called pesobonos, the bonds that she holds, that creditors hold against her that she has to refinance. Approximately 10 billion to 16 billion dollars' worth of those are owed to U.S. investors.

I would just ask our colleagues and people around the country to be aware that this resolution of inquiry asks very specific questions of the administration asking them to give us the assured source of repayment to our country for any of the short, intermediate or long-term credit facilities that were designed by the administration and made available to Mexico, to give us any documents—we are just asking for facts here—concerning the net worth of Pemex, the state-owned oil company, the historical annual revenues of Pemex and as Congressman TAYLOR mentioned, to what other purposes those revenues have already been dedicated, which means that the collateral really is not worth anything.

As one of our colleagues over in the other body said, we may have to send in the 82d Airborne to collect on the oil collateral because it has been so overpledged.

We are asking for other information concerning what criteria the administration used in deciding to make loans from this fund to Mexico when in fact it has refused so many other countries around the world access to funds through that particular credit facility. So why should this situation be different and why should the Executive go around the Congress of the United States?

We are also very interested in knowing what additional replenishment of funds will be required in the International Monetary Fund and Bank of International Settlements, because they have now been drawn into this agreement and the United States does provide some of their working capital. What are the nature of those arrangements and what additional amounts of taxpayer dollars will be required to replenish those funds?

In any case, there are over seven pages of questions here, and this particular resolution was today referred to the Banking Committee. The Banking Committee under the rules of the House has 14 days in which to respond.

If I just might take 2 extra minutes here, I want to say something very important tonight that we did not talk about during the day today. That is, as

a result of press clips today in the Washington Post, the New York Times, and other newspapers, the President of Mexico evidently yesterday effectively declared an end to that Government's peace efforts in that country to try to keep the lid on the uprisings that are occurring, particularly in the southern part of Mexico, and I want to say something about this, because it cuts to the quick of what is happening in relations between our two nations.

It is not enough for just the President of the United States to be friends with the President of Mexico or the biggest banks in America to be friends with the biggest banks in Mexico. Good relations between our countries depend on the people of the United States being friends with the people of Mexico. As we watch the people of Mexico stream across our borders, stream across our borders because they are hungry, our response as a nation is, well, we have to close the borders, because the exodus is so huge.

But let me say this: That all the interests on Wall Street that are watching what we do here, and I will call some of them by name, Citibank, Chase Manhattan Bank, the Fidelity mutual funds. Over there in Illinois, Archer-Daniel-Midland, you sell a lot of grain down in Mexico, but I will say this tonight: There is not one share of your stock that is worth the life of one Mexican peasant fighting for enough to eat off their land that they are being divested of. And we have to speak out for those people here in the Congress of the United States. It is not reported in the press, it is not reported on television, it is hardly reported in the newspapers. In fact one of the newspapers says today, many investors in America here have said that continuing political instability in Mexico is the main reason that they are withdrawing their money from Mexico. They have been withdrawing their money from Mexico in recent months.

It is very interesting that they are worried about the political instability. Yet you do not hear one call for democracy building in Mexico.

□ 1640

We do not hear one call out of Wall Street for human rights. We do not hear one call of sympathy for the farmers in Chiapas who literally plant coffee with their hands on the hillsides, and as a result of this NAFTA agreement are being thrown off of their land, and they call it in the paper, they call them rebels, and call them insurrectionists, and make them seem like they are traitors. Well, they are not traitors to the ordinary people of that land, and frankly, I think they had the real true belief in democracy in their hearts.

I would hope that our country would listen to the Catholic prelates who spoke out this morning in the New

York Times, Bishop Samuel Ruiz Garcia, who said that this is a very, very serious situation. It is pointing to a solution of war, and it breaks the process of dialog.

This is not a situation that will be solved with guns or with the President of Mexico sending in the federal police. We can take a lot more lives, and I would hate to see the biggest financial interests in this country part and party to killing the common people of Mexico. That will not build friendships over the years.

But the biggest interests in this country, political and economic, ought to be for democracy-building south of our border, because only when the people there have a right to have a decent wage and to own a piece of property and have enough to eat will there be political stability and economic stability in that country and four our own country.

I felt compelled to speak out. I am very worried about what could happen over this weekend when Congress goes home with that cease-fire having been lifted, and at least I wanted to put something on record about my deep concerns, and also that those who have their monied interests at heart would also put to heart the interests of the people of Mexico and be a voice for them.

The SPEAKER pro tempore (Mr. ZELIFF). The Chair would remind Members to address the Chair and not those outside the Chamber.

Mr. TAYLOR of Mississippi. Mr. Speaker, reclaiming my time, I want to thank the gentlewoman from Ohio [Ms. KAPTUR] for her remarks. It is strange that she used the word "rebel." It reminded me of some other people who really need to be commended for what happened earlier here in the week. There was a vote on Tuesday, or at least we had hoped to get a vote on whether or not we could investigate this. If you happen to have been following the House proceedings you would know the majority leader, Mr. ARMEY, stood up and called for tabling of that motion, and what that means is that it cannot even be debated, that the American people would not even have 1 hour to hear what was the information we were looking for, why we were looking for it, and what we hope to do with it and how we hoped to change things. It is interesting that there were 14 Republicans who went out on a limb and opposed their leadership because they knew that what was going on was so wrong that they would not give their blessing to it. I really think those Members, there were about 150 Democrats, and I thank all of them for their help, but in particular I want to thank Congressman BILBRAY, Congressman COBLE, Congressman DUNCAN, Congressman ENGLISH, Congressman HUNTER, Congressman ISTOOK, Congressman KLUG, Congressman LARGENT,

Congressman MYERS, Congressman ROHRBACHER, Congressman STEARNS, and my friend but not relative, CHARLIE TAYLOR from North Carolina, Congressman WELDON, and Congressman WHITFIELD.

It was my understanding, as reported today in the Washington Times, that rather than being applauded by their colleagues in the Republican Conference for their brave stand in putting the American people before party politics, and I quote, "they were castigated by House Majority Whip TOM DELAY for opposing Mr. GINGRICH on the vote to bring this before the public."

I want to make it very clear to the Speaker, I want to make it very clear to the American public, this issue will not go away. They hope it will be forgotten. How can you forget \$20 billion and how can you forget the potential for this Nation to lose another \$15 billion? That is \$35 billion, and for those who want to know what that is the equivalent of, that is the equivalent of what this Nation spends on the entire budget for the Veterans' Administration for a whole year, and it is gone, and it is wrong.

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

Mr. TAYLOR of Mississippi. I yield to my colleague, the gentleman from Vermont, the only independent Member of this body, and the gentleman who has introduced legislation to make this fund subject to an annual appropriation process like every other dollar that is in the Treasury.

Mr. SANDERS. Mr. Speaker, I thank the gentleman very much for yielding and congratulate him on his leadership, as well as that of the gentlewoman from Ohio [Ms. KAPTUR]. It is nice to be here this evening with them. I share the concerns they have articulated.

It seems to me to be rather incredible that at a time when we spend huge amounts of time right here on the floor of the House debating the appropriation for the National Council for the Humanities and the National Council for the Arts, and \$100 million here and \$100 million there, that this institution presumably which represents the American people has not been able to debate and vote on a \$20 billion-plus package which puts taxpayers' money at risk. Maybe people agree with what the President and Mr. GINGRICH are doing, maybe they do not. But I cannot believe that many Americans think it proper that the U.S. Congress does not debate that issue and vote it up or vote it down right here on the floor of the House.

As the gentleman from Mississippi [Mr. TAYLOR] indicated, I have introduced H.R. 867. What H.R. 867 does is it says that the world has changed markedly since 1934 when the legislation that the President authorized was first enacted. A lot has changed. Under H.R.

867 loans from the Exchange Stabilization Fund would only be allowed, as the gentleman from Mississippi indicated, to the extent that Congress has previously authorized it in an annual appropriation bill. In other words, like all of the other appropriations in this Congress that come through this Congress, this fund also would have to be appropriated by Congress.

I would point out to my colleagues that this would mean that the fund would be treated in the exact same manner that we treat the funds held by the Export-Import Bank. Both funds are self-sufficient and do not require annual contributions in appropriation bills. However, loans made by the Export-Import Bank are subject to congressional approval given under authorization and appropriation bills. This bill would simply subject the Exchange Stabilization Fund to congressional approval.

We have just introduced this bill on Wednesday, and I am delighted that we have already received significant support for it of both the gentlewoman from Ohio [Ms. KAPTUR] and the gentleman from Mississippi [Mr. TAYLOR], but also on board are the gentleman from Oregon [Mr. DEFAZIO], the gentlewoman from Missouri [Ms. DANNER], the gentleman from Pennsylvania [Mr. KLINK], the gentleman from Ohio [Mr. TRAFICANT], the gentleman from California [Mr. ROHRBACHER], the gentleman from Illinois [Mr. EVANS], the gentleman from Indiana [Mr. VIS-CLOSKY], the gentlewoman from New York [Mrs. MALONEY], the gentleman from Illinois [Mr. LIPINSKI], and the gentleman from Washington [Mr. METCALF]. Included in those Members are some who consider themselves pretty conservative and some who consider themselves pretty progressive. But I think the bottom line for all of us and for the American people is that at a time when this country has a \$200 billion deficit, at a time in which Members of this Congress are talking about cuts in Medicare, Medicaid, veterans' programs, nutrition programs for hungry children, that before \$20 billion-plus of taxpayers' money is put at risk, that issue must be discussed and must be debated and must be voted upon on the floor of the House, or else we as Members of Congress are not doing our job.

I thank the gentleman for inviting me. I have to run, but I thank him.

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank the gentleman for being here today, and I want to again remind everyone that this was never brought before Congress. The reason it was not brought before Congress is because both sides, the Democrats and the Republicans, knew that had it been brought before Congress, Congress would have voted it down, and that is the greatest outrage of all, that the will of the majority as

expressed through their elected representatives was never heard. The gentleman from Vermont [Mr. SANDERS] is trying to correct that. It is a shame that a little-known provision of a law had to be used to thwart the will of the majority.

But I really do want to thank the gentleman for trying to correct that.

Mr. SANDERS. If the gentleman will yield, and not only are a majority of Republicans against this bailout and a majority of Democrats, polls indicate that the vast majority of the American people are in opposition, and as the gentlewoman from Ohio [Ms. KAPTUR] has pointed out on many occasions, a majority of the people in Mexico are in opposition to this bailout.

So who is for it? I think we know who is for it, and that is the people who have the money, and that is the people who have the power in this country, our friends in the large commercial banks and in the investment houses on Wall Street. But we all and many of our colleagues are going to demand that this issue be debated and voted upon here on the floor of the House. We do not intend to abdicate our responsibility.

Again I thank the gentleman for yielding.

Ms. KAPTUR. If the gentleman will yield, I just wanted to say it is rather interesting when you look at who will get the \$20 billion as it is drawn down from the Treasury, it will not be the people in the United States who have lost their jobs to Mexico. We have had over 18,000 Americans since January 1, 1994, lose their jobs to Mexico already because the wages down there are so cheap. Our plants, several thousand of them, have been relocating down there over the years, and after NAFTA that exodus accelerated. So our people will not be getting the money. In fact the money is being taken from our taxpayers to bail out the big financial institutions.

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We know the money will not go to feed the people of Mexico. The people of Mexico understand that their government will not help them, because it is in fact a one-party government and an authoritarian state that has been in power since before my grandmother was born. So they know that they will not get assistance from there. So it is interesting to think about who the money is really going to and at the same time as those dollars flow between the central bank of Mexico and its public treasury and Wall Street here in the United States and the central bank of Germany and Japan, when you think about that movement of money, and then you think about the fact that some of those very same institutions, especially the private creditors, have said very quietly to our government it is all right, let Mexico

clean up its problems in Chiapas, clean up its problems in Tabasco state, in other words, kill the people of Mexico who are fighting because they basically do not have enough money to survive for life, enough to eat.

I remember one woman said to me when I visited down there, "Well, Ms. KAPTUR, you do not understand. We work for hunger wages." I said, "I beg your pardon? I never heard that term." She said, "People get about 80 percent of the calories that it takes to keep a person's weight in balance," so in the part of the countryside that we were in, the people were very thin, and they were very hungry, and it was very hard to even get tortillas. The children were eating tortillas. They did not have fresh water. It is hard for Americans to imagine if they have not visited the inland area how people are actually living in that nation of nearly 100 million people, yet the dollars will not go to help those people. In fact, the people that are suffering most, the ones who are crying out for their own government, for their own government to help them, are being felled by the federal police.

And so we ask ourselves, what are we doing as a country; what are the major institutions of this country doing, political and economic? Are we standing up for the best ideals that are in the Constitution?

I think not.

And so it is my pleasure to join with the gentleman from Mississippi [Mr. TAYLOR] this evening and to be a voice for people on both sides of the border who feel that this money is being incorrectly used to support a government that does not represent the majority of people in that nation.

Mr. TAYLOR of Mississippi. I say to the gentlewoman from Ohio [Ms. KAPTUR], it has really become apparent to me in phone calls I have had, letters, faxes from around the country that the American people feel powerless against Wall Street. They feel powerless against the people who benefited from this.

You pointed out very well that is not the Mexican people. It is Wall Street. It is the people who reaped tremendous profits down there last year, because they took risky investments. When those risky investments went sour, then they called upon the taxpayers to bail them out, and that is wrong, that is not free enterprise.

Ms. KAPTUR. USA Today last week had a big page in the business section that showed all the different funds, the stock and bond funds, the mutual funds in the United States and what their earnings had been since 1991, and the emerging market fund under which this would fall, investments in Mexico had yielded a 66-percent return over the last 4 years.

So the companies that we are talking about are not poor little lambs. These

institutions have made incredible profits, and as they made those profits, why should they not eat their losses? And for the big banks, this has been a great time to be in banking in America. They put a fee on everything, right, if we go down here to the little checking machine and I try to get some money from my bank in Ohio, they charge \$2.50 or \$3.50 for the transfer. You pay for your checks. You pay for everything. You practically pay to go into the bank. They are making lots of money off of customers.

So this is true. Banking has been very profitable over the last 5 years. Why should they not eat their losses? Why have they come to the taxpayers?

Mr. TAYLOR of Mississippi. Reclaiming my time, I want to thank the gentlewoman for her help.

I would like to encourage those who are listening to get in touch with their elected Representatives. I think a few questions are fair to ask: Who agreed to the bailout? What were the names of the congressional leaders who met with the President and agreed to the bailout? When did they know? Who did they tell prior to the bailout so that people could call and buy millions of pesos and get a 20-percent return on their investment with your money that they get the profits? And above all, what can we do as a Nation to keep this from happening again?

And I hope that the American people will not let this slide. There are still \$15 billion in that account that could be spent, and we have already seen the President use it once. It should not be used again.

But until we can pass legislation which is going to take awhile and will only take place if the people of America demand it, then they have to be held accountable by the voice of the American people.

I again want to thank the approximately 80 House employees that we have kept late. It is almost 5 o'clock, Friday afternoon. I would like to let them go home. I thank the gentlewoman from Ohio [Ms. KAPTUR] very much.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Mississippi [Mr. TAYLOR] for this special order.

RULES OF PROCEDURE FOR THE COMMITTEE ON SMALL BUSINESS FOR THE 104TH CONGRESS

(Mrs. MEYERS of Kansas asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MEYERS of Kansas. Mr. Speaker, pursuant to rule XI, clause 2(a) of the House rules, I am submitting a copy of the rules of the Committee on Small Business to be printed in the RECORD.

RULES AND PROCEDURES OF THE COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, 104TH CONGRESS

1. GENERAL PROVISIONS

The Rules of the House of Representatives, and in particular the committee rules enumerated in Rule XI, are the rules of the Committee on Small Business to the extent applicable and by this reference are incorporated. Each subcommittee of the Committee on Small Business (hereinafter referred to as the "Committee") is a part of the Committee and is subject to the authority and direction of the Committee, and to its rules to the extent applicable.

2. REFERRAL OF BILLS BY CHAIR

Unless retained for consideration by the full Committee, all legislation and other matters referred to the Committee shall be referred by the Chair to the subcommittee of appropriate jurisdiction within two weeks. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdictions, the Chair shall refer the matter as she may deem advisable. Bills, resolutions and other matters referred to subcommittees may be reassigned by the Chair when, in her judgment, the subcommittee is not able to complete its work or cannot reach agreement thereon.

3. DATE OF MEETING

The regular meeting date of the Committee shall be the second Wednesday of every month when the House is in session. Additional meetings may be called by the Chair as she may deem necessary or at the request of a majority of the members of the Committee in accordance with clause 2(c) of Rule XI of the House.

At least three days' notice of such additional meeting shall be given unless the Chair determines that there is good cause to call the meeting on less notice.

The determination of the business to be considered at each meeting shall be made by the Chair subject to clause 2(c) of Rule XI of the House.

A regularly scheduled meeting need not be held if there is no business to be considered or, upon at least three days' notice, it may be set for a different date.

4. ANNOUNCEMENT OF HEARINGS

Unless the Chair, or the Committee by majority vote, determines that there is good cause to begin a hearing at an earlier date, public announcement shall be made of the date, place and subject matter of any hearing to be conducted by the Committee at least one week before the commencement of that hearing.

5. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(A) Meetings.—Each meeting for the transaction of business, including the markup of legislation, of the Committee or its subcommittees, shall be open to the public, including to radio, television and still photography coverage, except as provided by clause 3(f)(2) of Rule XI of the House, except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House: *Provided, however*, That no person other than members of the Commit-

tee, and such congressional staff and such executive branch representatives as they may authorize, shall be present in any business or markup session which has been closed to the public.

(B) Hearings.—Each hearing conducted by the Committee or its subcommittees shall be open to the public, including to radio, television and still photography coverage, except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security or would violate any law or rule of the House: *Provided, however*, That the Committee or subcommittee may by the same procedure vote to close one subsequent day of hearings. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, (i) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate clause 2(k)(5) of Rule XI of the House; or (ii) may vote to close the hearing, as provided in clause 2(k)(5) of Rule XI of the House.

No member of the House may be excluded from nonparticipatory attendance at any hearing of the Committee or any subcommittee, unless the House of Representatives shall by majority vote authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearing to members by the same procedures designated for closing hearings to the public.

6. WITNESSES

(A) Statement of witnesses.—Each witness shall file with the Committee, forty-eight hours in advance of his or her appearance, fifty copies of his or her proposed testimony and shall limit the oral presentation at such appearance to a brief summary of his or her views.

(B) Interrogation of witnesses.—The right to interrogate witnesses before the Committee or any of its subcommittees shall alternate between the majority members and the minority members. In recognizing members to question witnesses, the Chair may take into consideration the ratio of majority and minority members present. Each member shall be limited to five minutes in the interrogation of witnesses until such time as each member of the Committee who so desires has had an opportunity to question each witness.

7. SUBPOENAS

A subpoena may be authorized and issued by the Chair of the Committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as she deems necessary. The ranking minority member shall be promptly notified of the issuance of such a subpoena.

Such a subpoena may be authorized and issued by the chair of a subcommittee with the approval of a majority of the members of the subcommittee and the approval of the Chair of the Committee.

8. QUORUM

No measure of recommendation shall be reported unless a majority of the Committee

was actually present. For purposes of taking testimony or receiving evidence, two members shall constitute a quorum. For all other purposes, one-third of the members shall constitute a quorum.

9. AMENDMENTS DURING MARKUP

Any amendment offered by any pending legislation before the Committee must be made available in written form when requested by any member of the Committee. If such amendment is not available in written form when requested, the Chair shall allow an appropriate period for the provision thereof.

10. PROXIES

No vote by any member of the Committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

11. NUMBER AND JURISDICTION OF SUBCOMMITTEES

There will be four subcommittees as follows:

Government Programs (seven Republicans and five Democrats).

Procurement, Exports and Business Opportunities (eight Republicans and six Democrats).

Regulation and Paperwork (eight Republicans and six Democrats).

Taxation and Finance (eight Republicans and six Democrats).

During the 104th Congress, the Chair and ranking minority member shall be ex officio members of all subcommittees, without vote, and the full Committee shall conduct oversight of all areas of the Committee's jurisdiction.

In addition to conducting oversight in the area of their respective jurisdiction, each subcommittee shall have the following jurisdiction:

Government programs

Small Business Act, Small Business Investment Act, and related legislation.

Federal government programs that are designed to assist business generally.

Small Business Innovation and Research Program.

Opportunities for minority and women-owned businesses.

Procurement, exports and business opportunities

Participation of small business in Federal procurement.

Export opportunities.

General promotion of business opportunities.

General economic problems.

Regulation and paperwork

Responsibility for, and investigative authority over, the regulatory and paperwork policies of all Federal departments and agencies.

Regulatory Flexibility Act.

Paperwork Reduction Act.

Competition policy generally.

Taxation and finance

Tax policy and its impact on small business.

Access to capital.

Finance issues generally.

12. COMMITTEE STAFF

(A) Majority staff.—The employees of the Committee, except those assigned to the minority as provided below, shall be appointed and assigned, and may be removed, by the Chair. Their remuneration shall be fixed by the Chair, and they shall be under the general supervision and direction of the Chair.

(B) Minority staff.—The employees of the Committee assigned to the minority shall be

appointed and assigned, and their remuneration determined, as the ranking minority member of the Committee shall determine.

(C) Subcommittee staff.—The Chair and ranking minority member of the full Committee shall endeavor to ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the Rules of the Committee.

13. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairs shall set meeting and hearing dates after consultation with the Chair of the full Committee. Meetings and hearings of subcommittees shall not be scheduled to occur simultaneously with meetings of the full Committee.

14. SUBCOMMITTEE REPORTS

(A) Investigative hearings.—The report of any subcommittee on a matter which was the topic of a study or investigation shall include a statement concerning the subject of the study or investigation, the findings and conclusions, and recommendations for corrective action, if any, together with such other material as the subcommittee deems appropriate.

Such proposed report shall first be approved by a majority of the subcommittee members. After such approval has been secured, the proposed report shall be sent to each member of the full Committee for his or her supplemental, minority or additional views.

Any such views shall be in writing and signed by the member and filed with the clerk of the full Committee within five calendar days (excluding Saturdays, Sundays and legal holidays) from the date of the transmittal of the proposed report to the members. Transmittal of the proposed report to members shall be by hand delivery to the members' offices.

After the expiration of such five calendar days, the report may be filed as a House report.

(B) End of Congress.—Each subcommittee shall submit to the full Committee, not later than November 15th of each even-numbered year, a report on the activities of the subcommittee during the Congress.

15. RECORDS

The Committee shall keep a complete record of all actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each subcommittee rollcall vote, together with a description of the matter voted upon, shall promptly be made available to the full Committee. A record of such votes shall be made available for inspection by the public at reasonable times in the offices of the Committee.

The Committee shall keep a complete record of all Committee and subcommittee activity which, in the case of any meeting or hearing transcript, shall include a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

The records of the Committee at the National Archives and Records Administration shall be made available in accordance with Rule XXXVI of the Rules of the House. The Chair of the full Committee shall notify the ranking minority member of the full Committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of Rule XXXVI of the House, to withhold a record otherwise avail-

able, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

16. ACCESS TO CLASSIFIED OR SENSITIVE INFORMATION

Access to classified or sensitive information supplied to the Committee and attendance at closed sessions of the Committee or its subcommittees shall be limited to members and necessary Committee staff and stenographic reporters who have appropriate security clearance when the Chair determines that such access or attendance is essential to the functioning of the Committee.

The procedure to be followed in granting access to those hearings, records, data, charts, and files of the Committee which involve classified information or information deemed to be sensitive shall be as follows:

(A) Only Members of the House of Representatives and specifically designated Committee staff of the Committee on Small Business may have access to such information.

(B) Members who desire to read materials that are in the possession of the Committee should notify the clerk of the Committee or the subcommittee possession the materials.

(C) The clerk will maintain an accurate access log which identifies the circumstances surrounding access to the information, without revealing the material examined.

(D) If the material desired to be reviewed is material which the Committee or subcommittee deems to be sensitive enough to require special handling, before receiving access to such information, individuals will be required to sign an access information sheet acknowledging such access and that the individual has read and understands the procedures under which access is being granted.

(E) Material provided for review under this rule shall not be removed from a specified room within the Committee offices.

(F) Individuals reviewing materials under this rule shall make certain that the materials are returned to the proper custodian.

(G) No reproductions or recordings may be made of any portion of such material.

(H) The contents of such information shall not be divulged to any person in any way, form, shape or manner, and shall not be discussed with any person who has not received the information in an authorized manner.

(I) When not being examined in the manner described herein, such information will be kept in secure safes or locked file cabinets in the Committee offices.

(J) These procedures only address access to information the Committee or a subcommittee deems to be sensitive enough to require special treatment.

(K) If a Member of the House of Representatives believes that certain sensitive information should not be restricted as to dissemination or use, the Member may petition the Committee or subcommittee to so rule. With respect to information and materials provided to the Committee by the executive branch, the classification of information and materials as determined by the executive branch shall prevail unless affirmatively changed by the Committee or the subcommittee involved, after consultation with the appropriate executive agencies.

(L) Other materials in the possession of the Committee are to be handled in accordance with the normal practices and traditions of the Committee.

17. OTHER PROCEDURES

The Chair of the full Committee may establish such other procedures and take such

actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee.

The Committee may not be committed to any expense whatever without the prior approval of the Chair of the full Committee.

18. AMENDMENTS TO COMMITTEE RULES

The Rules of the Committee may be modified, amended or repealed by a majority vote of the members, at a meeting specifically called for such purpose, but only if written notice of the proposed change has been provided to each such member at least forty-eight hours before the time of the meeting.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McNULTY (at the request of Mr. GEPHARDT), for today after 2 p.m., on account of personal 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. TUCKER) to revise and extend their remarks and include extraneous material:)

Mr. TUCKER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

(The following Members (at the request of Mr. SMITH of Michigan) to revise and extend their remarks and include extraneous material:)

Mr. KIM, for 5 minutes, today.

Mr. SMITH of Michigan, 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. TUCKER) and to include extraneous matter:)

Mr. UNDERWOOD.

Mr. DEUTSCH.

Mr. McNULTY.

Mr. LUTHER.

Mr. JACOBS.

Mr. KENNEDY of Massachusetts.

Mr. MURTHA.

(The following Members (at the request of Mr. SMITH of Michigan) and to include extraneous matter:)

Mr. PACKARD.

Mr. CUNNINGHAM.

Mr. SMITH of New Jersey in two instances.

Mr. FIELD of Texas.

Mr. MCINTOSH.

Mr. QUINN.

(The following Members (at the request of Mr. TAYLOR of Mississippi) and to include extraneous matter:)

Mr. CLINGER.

Mr. DAVIS.

ADJOURNMENT

Mr. TAYLOR of Mississippi. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until Monday, February 13, 1995, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

361. A letter from the Director, Congressional Budget Office, transmitting a report entitled "The Economic and Budget Outlook: Fiscal Years 1996-2000"; jointly, to the Committees on Appropriations and the Budget.

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:

Ms. PRYCE: Committee on Rules. House Resolution 79. Resolution providing for the consideration of the bill (H.R. 728) to control crime by providing enforcement block grants (Rept. 104-27). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 256. A bill to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes (Rept. 104-28, Pt. 1). Ordered to be printed.

Mr. LIVINGSTON: Committee on Appropriations. H.R. 889. A bill making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes (Rept. 104-29). Referred to the Committee of the Whole House on the State of the Union.

Mr. LIVINGSTON: Committee on Appropriations. H.R. 845. A bill rescinding certain budget authority, and for other purposes (Rept. 104-30). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ (for himself, Mr. HINCHAY, Mr. MFUME, Mr. WYNN, Mr. TRAFICANT, Mr. FRANK of Massachusetts, and Mr. DEFazio):

H.R. 888. A bill to promote accountability and the public interest in the operation of the Federal Reserve System, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. LIVINGSTON:

H.R. 889. A bill making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations.

By Mr. ANDREWS:

H.R. 890. A bill to provide for economic growth by reducing income taxes for most Americans, by encouraging the purchase of

American-made products, and by extending transportation-related spending, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Banking and Financial Services, Government Reform and Oversight, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself and Mr. MINETA):

H.R. 891. A bill to acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to examine the institution of slavery, subsequent de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. DICKEY (for himself, Mr. SHAYS, Mr. INGLIS of South Carolina, and Mr. BONILLA):

H.R. 892. A bill to reauthorize the independent counsel statute, and for other purposes; to the Committee on the Judiciary.

By Mr. GILLMOR (for himself and Mr. BONIOR):

H.R. 893. A bill to require the Secretary of the Treasury to mint coins in commemoration of the sesquicentennial of the birth of Thomas Alva Edison, to redesign the half dollar circulating coin for 1997 to commemorate Thomas Edison, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. McNULTY:

H.R. 894. A bill to amend title 10, United States Code, to provide military reservists who are retained in active status after qualifying for reserve retired pay credit toward computation of retired pay for service performed after so qualifying; to the Committee on National Security.

By Mr. McNULTY (for himself, Mr. UNDERWOOD, Mr. ACKERMAN, Mr. SERRANO, Mr. KING, Mr. PASTOR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PALLONE, Mr. BURTON of Indiana, Mrs. CHENOWETH, Mr. STEARNS, Mr. RANGEL, Mr. EVANS, Mrs. SEASTRAND, Mr. MONTGOMERY, Ms. RIVERS, and Mr. ROYCE):

H.R. 895. A bill to provide for retroactive award of the Navy Combat Action Ribbon based upon participation in ground or surface combat as a member of the Navy or Marine Corps during the period between July 4, 1943, and March 1, 1961; to the Committee on National Security.

By Mr. SCHUMER (for himself and Mr. DICKS):

H.R. 896. A bill to improve the ability of the United States to respond to the international terrorist threat; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. PARKER, Mr. HALL of Texas, Mr. PETERSON of Minnesota, Mr. BREWSTER, Mr. CONDIT, and Mr. LAUGHLIN):

H.R. 897. A bill to terminate the Office of the Surgeon General of the Public Health Service; to the Committee on Commerce.

By Mr. YOUNG of Alaska:

H.R. 898. A bill to prohibit high seas fishing vessels from engaging in harvesting operations on the high seas without specific authorization from the Secretary of Commerce,

and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska (for himself, Mr. BOEHNER, Mr. BARCIA, Mr. FLANAGAN, Mr. PALLONE, Mr. KLUG, Mr. HUTCHINSON, Mr. COSTELLO, Mr. NEY, Mr. BROWN of Ohio, Mr. STUMP, Mr. RAMSTAD, Mr. ROHRBACHER, Mr. WELLER, Mr. HAMILTON, Mr. LIGHTFOOT, Mr. GOSS, Mr. HASTERT, Mr. MANZULLO, Mr. HANCOCK, Mr. ROEMER, Ms. DUNN of Washington, Mr. BREWSTER, Mr. TAYLOR of North Carolina, Mr. CUNNINGHAM, Mr. POMEROY, Mr. LATOURETTE, Mr. ORTON, Mr. ANDREWS, Mr. SENSENBRENNER, Mr. SOUDER, Mr. BILBRAY, Mr. LONGLEY, Mr. CRANE, Mr. ROTH, Mr. PETERSON of Minnesota, Mrs. WALDHOLTZ, Mr. HASTINGS of Washington, Mr. TRAFICANT, Mr. THORNBERRY, Mr. WALSH, Mr. CLINGER, Mr. HOYER, Mr. WELDON of Pennsylvania, Mr. JACOBS, Mr. KENNEDY of Rhode Island, Mr. EHRLICH, Mr. LINDER, Mr. LUCAS, Mr. POSHARD, Mr. SHAYS, Ms. DANNER, Mr. BARR, Mr. NORWOOD, Mr. SCHAEFER, Mr. LAHOOD, Mr. MCKEON, Mr. FILNER, Mr. GUNDERSON, and Mr. REGULA):

H.R. 899. A bill to amend title 23, United States Code, to eliminate the penalties for noncompliance by States with a program requiring the use of motorcycle helmets; to the Committee on Transportation and Infrastructure.

By Ms. KAPTUR (for herself, Mr. ABERCROMBIE, Mr. DEFAZIO, Mr. EVANS, Mr. HUNTER, Mr. KLINK, Mr. LIPINSKI, Mr. ROHRBACHER, Mr. SANDERS, Mr. TAYLOR of Mississippi, Mrs. THURMAN, Mr. VISCLOSKEY, and Ms. DANNER):

H. Res. 80. Resolution requesting the President to submit information to the House of Representatives concerning actions taken through the exchange stabilization fund to strengthen the Mexican peso and stabilize the economy of Mexico; to the Committee on Banking and Financial Services.

By Mr. WALKER:

H. Res. 81. Resolution providing amounts for the expenses of the Committee on Science in the 104th Congress; to the Committee on House Oversight.

By Mr. YOUNG of Alaska:

H. Res. 82. Resolution providing amounts for the expenses of the Committee on Resources in the 104th Congress; to the Committee on House Oversight.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. FOWLER:

H.R. 900. A bill to direct the Secretary of Transportation to issue certificates of documentation with appropriate endorsement for employment in coastwise trade for each of 2 vessels named *Gallant Lady*, subject to certain conditions, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS:

H.R. 901. A bill to renew patent numbered 3,387,268, relating to a quotation monitoring unit, for a period of 10 years; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. CAMP.
 H.R. 26: Mr. LUTHER and Mr. GREENWOOD.
 H.R. 29: Mrs. SCHROEDER.
 H.R. 46: Mr. KLINK, Mr. FLANAGAN, Mr. BASS, Mr. DOYLE, Mr. ZELIFF, Mr. KING, Mr. GENE GREEN of Texas, Mr. SMITH of Texas, Mr. FIELDS of Texas, and Mr. SISISKY.
 H.R. 52: Mr. CALVERT, Mr. KLINK, Mr. JOHNSON of South Dakota, and Ms. RIVERS.
 H.R. 70: Mr. MANTON, Mr. HUNTER, Mr. COMBEST, Mr. THORNBERRY, and Mrs. LINCOLN.
 H.R. 97: Mr. FOGLIETTA.
 H.R. 104: Ms. RIVERS.
 H.R. 122: Mr. TORKILDSEN and Mr. HALL of Texas.
 H.R. 217: Mr. FILNER.
 H.R. 219: Mr. FILNER.
 H.R. 246: Mr. BONO and Mr. PAXON.
 H.R. 260: Mr. ROYCE.
 H.R. 305: Mr. CASTLE and Mr. BEREUTER.
 H.R. 311: Mr. LEVIN.
 H.R. 325: Mr. FIELDS of Texas and Mr. TAUZIN.
 H.R. 326: Mr. FIELDS of Texas.
 H.R. 328: Mr. FIELDS of Texas.
 H.R. 354: Mr. LIVINGSTON and Mr. KIM.
 H.R. 370: Mr. OXLEY, Mrs. WALDHOLTZ, Mr. RIGGS, Mr. QUILLLEN, Mr. HASTINGS of Washington, Mr. THORNBERRY, Mrs. ROUKEMA, Mr. BARR, Mr. WHITFIELD, Mr. FRELINGHUYSEN, and Mr. WELDON of Pennsylvania.
 H.R. 377: Mr. TOWNS.
 H.R. 398: Mr. CONYERS, Mr. FRAZER, Mr. HILLIARD, and Mr. BARRETT of Wisconsin.
 H.R. 483: Mr. GUNDERSON, Mr. DREIER, Mr. ROTH, Mr. BURR, Mr. MCCREERY, Mr. EDWARDS, Mr. CALVERT, Mr. MCKEON, Mr. VENTO, Mr. BEVILL, Mr. DELAY, Mr. TRAFICANT, Mr. HASTINGS of Florida, Mr. BAESLER, Mr. JACOBS, Mr. FOGLIETTA, Mr. ENGEL, Mr. CANADY, Mr. FROST, and Mr. SKELTON.
 H.R. 499: Mr. DELLUMS, Mr. WILLIAMS, Mr. STARK, and Mrs. CHENOWETH.
 H.R. 514: Mr. PAXON.
 H.R. 553: Mr. DEUTSCH and Mr. OWENS.
 H.R. 560: Ms. HARMAN, Mr. PETE GEREN of Texas, Mr. FIELDS of Texas, Mr. CUNNINGHAM, Mr. SEXTON, Mr. WILSON, Mr. SOLOMON, Mr. LIVINGSTON, Mr. GORDON, Mr. MCKEON, Mr. SHAYS, Mr. GUTKNECHT, Mr. CALVERT, and Mrs. MEYERS of KANSAS.
 H.R. 593: Mr. FIELDS of Texas.
 H.R. 612: Ms. KAPTUR.
 H.R. 678: Mr. SMITH of Michigan.
 H.R. 682: Mr. RICHARDSON.
 H.R. 692: Mr. FALCOMA and Mr. BISHOP.
 H.R. 697: Mrs. VUCANOVICH, Mr. ORTON, and Mr. FIELDS of Texas.
 H.R. 698: Mr. Wise, Mr. STUMP, and Mr. BRYANT of Tennessee.
 H.R. 704: Ms. MOLINARI, Ms. RIVERS, Mr. SHAYS, Mr. MARKEY, Mr. UPTON, Mrs. SEASTRAND, Mr. CALVERT, and Mr. BOEHLERT.
 H.R. 705: Mr. STUMP and Mr. SHAYS.
 H.R. 708: Mrs. SEASTRAND, Mr. SENSENBRENNER, Ms. PRYCE, Mr. LIVINGSTON, Ms. LOFGREN, and Mr. FIELDS of Texas.
 H.R. 726: Mr. ACKERMAN, Mr. CANADY, Mr. DEUTSCH, Mr. DOOLITTLE, Mr. DORNAN, Mr. GEJDENSON, Mrs. MALONEY, Mr. PARKER, Mr. SMITH of Texas, Mr. TORRES, and Mr. TOWNS.
 H.R. 733: Ms. PRYCE, Mr. BEREUTER, and Mr. EHLERS.
 H.R. 734: Mr. EHLERS.
 H.R. 743: Mr. MCKEON, Mr. WELDON of Florida, Mr. FUNDERBURK, Mrs. MEYERS of Kansas, Mr. SAM JOHNSON, Mr. BATEMAN, Mr. UPTON, and Mr. KNOLLENBERG.

H.R. 768: Mr. MARTINEZ.
 H.R. 783: Mr. PASTOR, Mr. CLYBURN, Mr. SMITH of Michigan, and Mr. COLLINS of Georgia.

H.R. 789: Mr. KNOLLENBERG.
 H.R. 791: Mr. FOLEY, Mr. SENSENBRENNER, Mr. WALSH, Mr. COX, Mr. CHABOT, Mr. GRAHAM and Mrs. WALDHOLTZ.

H.R. 803: Mr. SENSENBRENNER, Mr. ENGLISH of Pennsylvania, Ms. ESHOO, Mr. GENE GREEN of Texas, Mr. FOX, Ms. PRYCE, and Mr. COX.
 H.R. 804: Mr. RADANOVICH.

H.R. 851: Mr. HILLIARD, Mr. FROST and Mrs. MINK of Hawaii.

H.J. Res. 8: Mr. FIELDS of Texas.
 H.J. Res. 64: Mr. STUMP, Mr. SHAYS, and Mr. BEREUTER.

H. Con. Res. 12: Mr. WALSH, Mr. THOMPSON, and Mr. SHAYS.

H. Con. Res. 22: Mr. TORRICELLI, Mr. ACKERMAN, Mrs. MALONEY, Mr. ABERCROMBIE, Mr. FRAZER, Mr. HILLIARD, Mr. BOUCHER, Mr. BUNN of Oregon, Ms. WOOLSEY, Mr. LIPINSKI, Mr. KLECZKA, Mr. MORAN, Mr. JOHNSTON of Florida, Mr. REED, Mr. SANDERS, Mr. FROST, Mr. SERRANO, Mr. KENNEDY of Massachusetts, Ms. ROYBAL-ALLARD, Mr. BEILSON, Mr. MARTINEZ, Mrs. MEEK of Florida, Mr. FOGLIETTA, Mr. STUDDS, Mr. MANTON, and Mr. RAHALL.

H. Con. Res. 23: Mr. RICHARDSON, Mr. FOGLIETTA, Mr. MANTON, Mr. MASCARA, Mr. FROST, Mr. UNDERWOOD, Mr. TRAFICANT, Mr. BROWN of California, Mr. LEACH, Mr. GEJDENSON, Mr. HALL of Ohio, Mr. BAESLER, and Mr. KENNEDY of Rhode Island.

H. Res. 24: Mrs. MEYERS of Kansas, Mr. CALVERT, Mr. COX, Ms. DUNN of Washington, Mr. HOEKSTRA, Mr. KNOLLENBERG, and Ms. MOLINARI.

H. Res. 40: Mr. JOHNSON of South Dakota.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 7

OFFERED BY: Ms. HARMAN

(Page and line references are to H.R. 872)

AMENDMENT No. 1: Strike title III (page 13, line 1, through page 21, line 22).

H.R. 7

OFFERED BY: Mr. MENENDEZ

(Page and line references are to H.R. 872)

AMENDMENT No. 2: Strike title III (page 13, line 1, through page 21, line 22).

H.R. 728

OFFERED BY: Mr. ACKERMAN

AMENDMENT No. 4: Page 9, after line 17, add the following new paragraph (and designate the preceding sentence as paragraph (1)):

"(2) PREFERENCE FOR FORMER MEMBERS OF THE ARMED FORCES.—As a condition on the provision of funds under section 101, the Director shall require each unit of local government qualifying for such funds to give members of the Armed Forces who, on or after October 1, 1990, were or are selected for involuntary separation (as described in section 1141 of title 10, United States Code), approved for separation under section 1174a or 1175 of such title, or retired pursuant to the authority provided under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 1293 note), a suitable preference in the employment of persons as additional law enforcement officers or support personnel using such funds. The nature and extent of such employment preference shall be jointly established by the Attorney General and the Secretary of Defense.

To the extent practicable, the Director shall endeavor to inform members who were separated between October 1, 1990, and the date of the enactment of this section of their eligibility for the employment preference.

H.R. 728

OFFERED BY: MS. FURSE

AMENDMENT NO. 5: Page 12, line 4, strike "and".

Page 12, line 7, strike "101(a)(2)." and insert "101(a)(2); and".

Page 12, after line 7, insert the following:

"(10) the unit of local government permits a health care provider who provides medical care in a health care facility immediately after a motor vehicle accident to a person in the accident to notify an officer investigating the accident who was present at the facility (or, if no such officer exists, the law enforcement agency that has jurisdiction over the accident site, if such site is known) that the person's blood alcohol level exceeds the maximum level permitted under State law for the operation of a motor vehicle where—

"(A) the health care facility is subject to regulation by the unit of local government;

"(B) the health care provider becomes aware of the person's blood alcohol level as a result of a blood test performed in the course or providing care to the person;

"(C) the health care provider has been informed by a provider of emergency services at the accident site that the person was the driver of the motor vehicle involved in the accident; and

"(D) the health care provider provides the notice as soon as is reasonably possible.

Page 13, after line 4, insert the following:

"(e) IMMUNITY FOR HEALTH CARE PROVIDERS MAKING CERTAIN REPORTS.—A health care provider who in good faith makes a report to a law enforcement officer or a law enforcement agency under the circumstances described in subsection (c)(10) shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed with respect to the making or the content of such report. Such a health care provider shall have the same immunity with respect to participating in any judicial proceeding resulting from such report.

H.R. 728

OFFERED BY: MR. HYDE

AMENDMENT NO. 6: On page 9, strike lines 3 through 8, and insert the following:

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

H.R. 728

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 7: Page 25, strike lines 11 through 13 and insert the following:

(j) COMMUNITY-BASED JUSTICE GRANTS FOR PROSECUTORS.—Section 31701 of the Violent Crime Control and Law Enforcement Act of 1994 is amended—

- (1) by string "(a) IN GENERAL.—"; and
- (2) by striking subsection (b).

H.R. 728

OFFERED BY: MR. MARTINI

AMENDMENT NO. 8: Page 10, after line 24, insert the following (and redesignate subsequent paragraphs accordingly):

"(4) the unit of local government—

"(A) will provide for each payment period non-Federal matching funds equal to not less than 10 percent of the amount paid to the unit under this title for the period;

"(B) will deposit the matching funds for a payment period in the trust fund established by the unit under paragraph (3) on the same day on which the unit deposits the amount paid under this title for the period; and

"(C) will spend the matching funds only for the purposes set forth in section 101(a)(2)

H.R. 728

OFFERED BY: MR. MCCOLLUM

AMENDMENT NO. 9: Page 8, after line 19, insert the following new subsection:

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

H.R. 728

OFFERED BY: MR. MENENDEZ

AMENDMENT NO. 10: Page 8, after line 19, insert the following:

"(h) SET-ASIDE FOR COMMUNITY-ORIENTED POLICING.—A unit of local government that receives funds under this title for a payment period shall allocate not less than 50 percent of such funds for the purpose of hiring (or rehiring), training, and employing on a continuing basis law enforcement officers who engage in community-oriented policing by carrying out with members of the community cooperative efforts to address crime and disorder problems or otherwise to enhance public safety.

H.R. 728

OFFERED BY: MR. MENENDEZ

AMENDMENT NO. 11: Page 13, after line 4, insert the following:

"(e) MAINTENANCE OF EFFORT REQUIREMENT.—A unit of local government qualifies for a payment under this title for a payment period only if the unit's expenditures on law enforcement services (as reported by the Bureau of the Census) for the fiscal year preceding the fiscal year in which the payment period occurs were not less than 90 percent of the unit's expenditures on such services for the second fiscal year preceding the fiscal year in which the payment period occurs.

H.R. 728

OFFERED BY: MRS. SCHROEDER

AMENDMENT NO. 12: Section 102. Authorization of Appropriations.

Add (c)

TECHNOLOGY ASSISTANCE

(1) The Attorney General shall reserve \$25 million in FY 1996 and \$40 million in FY 1997 authorized to be appropriated under subsection (a) for use by the National Institute of Justice to support local units in making fully informed decisions in identifying, selecting, modernizing and purchasing new technologies for use by law enforcement. This may include the development of less than lethal technologies; development of technologies to enhance officer safety; other research and development projects; the development of law enforcement technology standards; establishing test beds involving state or local law enforcement agencies; and development of a national communications infrastructure to disseminate information on law enforcement technologies to state and local law enforcement agencies.

The National Institute of Justice, Office of Science and Technology shall be responsible for providing grants for those projects supported by the Law Enforcement Technology Advisory Council of the National Institute of Justice and the Law Enforcement Advisory Boards of the Regional Law Enforcement Technology Centers of the National Law Enforcement Technology Center system.

H.R. 728

OFFERED BY: MRS. SCHROEDER

AMENDMENT NO. 13: Page 4, after line 5, insert the following:

"(D) Enhancing health care clinic security measures to protect against violence directed against the free exercise of constitutional rights, including—

"(i) overtime pay for law enforcement officers;

"(ii) security assessments by law enforcement officers;

"(iii) when recommended by law enforcement officials, purchases of materials to enhance the physical safety of clinics, including, bulletproof glass and security cameras."

H.R. 728

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 14: Page 2, beginning on line 21, strike "for reducing" and all that follows through page 4, line 5, and insert the following:

for—

"(A) programs, projects, and other activities to—

"(i) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

"(ii) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

"(iii) procure equipment, technology, or support systems, or pay overtime, if the applicant for such a grant demonstrates to the satisfaction of the Attorney General that expenditures for such purposes would result in an increase in the number of officers deployed in community-oriented policing equal to or greater than the increase in the number of officers that would result from a grant for a like amount for the purposes specified in clause (i) or (ii);

"(iv) hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

"(v) 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;

"(vi) 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; and

"(B) the establishment of crime prevention programs that involve the substantial participation of community-based groups, schools, and local educational agencies, relieve conditions that encourage crime, and provide meaningful and lasting alternatives to involvement of youth in crime, including—

"(i) supervised academic, sports, or extracurricular school, after school, summer and vacation period programs that provide children alternatives to involvement in gangs, drugs, and violent crime;

"(ii) programs for the prevention and treatment of substance abuse, especially among children and youth;

"(iii) programs that provide increased security in and around schools, parks, and other recreational areas that are the site of programs directed toward children and youth;

"(iv) programs to prevent and suppress violent youth gang activity and trafficking of firearms among youths;

"(v) neighborhood programs intended to discourage, disrupt, or interfere with crime, including neighborhood watch, community-based justice, and citizen patrol programs."

"(vi) establishing or supporting drug courts."

Page 6, after line 2, insert: "(c) 'Former member of the Armed Forces' means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of title 10, United States Code.

Page 8, strike line 21 and all that follows through page 9, line 2 and insert the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) LAW ENFORCEMENT PROGRAMS.—There are authorized to be appropriated to carry out subparagraph (A) of section 101(a)(2)—

"(A) \$1,500,000,000 for fiscal year 1996;

"(B) \$1,500,000,000 for fiscal year 1997;

"(C) \$1,500,000,000 for fiscal year 1998;

"(D) \$1,500,000,000 for fiscal year 1999; and

"(E) \$1,500,000,000 for fiscal year 2000.

"(2) PREVENTION PROGRAMS.—There are authorized to be appropriated to carry out subparagraphs (B) and (C) of section 101(a)(2)—

"(A) \$1,000,000,000 for fiscal year 1996;

"(B) \$1,000,000,000 for fiscal year 1997;

"(C) \$1,000,000,000 for fiscal year 1998;

"(D) \$1,000,000,000 for fiscal year 1999; and

"(E) \$1,000,000,000 for fiscal year 2000.

H.R. 728

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 15: Page 2, beginning on line 21, strike "for reducing" and all that follows through page 3, line 7, and insert the following:

for—
"(A) programs, projects, and other activities to—

"(i) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

"(ii) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

"(iii) procure equipment, technology, or support systems, or pay overtime, if the applicant for such a grant demonstrates to the satisfaction of the Attorney General that expenditures for such purposes would result in an increase in the number of officers deployed in community-oriented policing equal to or greater than the increase in the number of officers that would result from a grant for a like amount for the purposes specified in clause (i) or (ii);

"(iv) hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

"(v) 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;

"(vi) 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; and

Page 6, after line 2, insert the following:

"(c) 'Former member of the Armed Forces' means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of title 10, United States Code.

Page 8, strike line 21 and all that follows through page 9, line 2 and insert the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) LAW ENFORCEMENT PROGRAMS.—There are authorized to be appropriated to carry out subparagraph (A) of section 101(a)(2)—

"(A) \$1,500,000,000 for fiscal year 1996;

"(B) \$1,500,000,000 for fiscal year 1997;

"(C) \$1,500,000,000 for fiscal year 1998;

"(D) \$1,500,000,000 for fiscal year 1999; and

"(E) \$1,500,000,000 for fiscal year 2000.

"(2) PREVENTION PROGRAMS.—There are authorized to be appropriated to carry out subparagraphs (B) and (C) of section 101(a)(2)—

"(A) \$500,000,000 for fiscal year 1996;

"(B) \$500,000,000 for fiscal year 1997;

"(C) \$500,000,000 for fiscal year 1998;

"(D) \$500,000,000 for fiscal year 1999; and

"(E) \$500,000,000 for fiscal year 2000.

H.R. 728

OFFERED BY: MR. STUPAK

AMENDMENT NO. 16: Page 9, after line 2, insert the following (and redesignate any subsequent subsections accordingly):

"(b) RESERVATION FOR BYRNE PROGRAMS.—The Attorney General shall reserve \$450,000,000 of the amounts authorized under this section in each fiscal year to carry out the programs under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

H.R. 728

OFFERED BY: MR. STUPAK

AMENDMENT NO. 17: Page 16, after line 15, insert the following new paragraph (and redesignate succeeding paragraphs accordingly):

"(6) MINIMUM ALLOCATION TO RURAL AREAS.—

"(A) IN GENERAL.—If, but for this paragraph, the rural set-aside requirement of this paragraph would not be met by any State—

"(i) rural areas in such State shall receive an additional allocation of the reserved amount for such State in an amount necessary to satisfy such requirement, and

"(ii) the allocation of all other areas in such State shall be reduced to the extent necessary to accommodate the allocation under clause (i).

"(B) RURAL SET-ASIDE REQUIREMENT.—The rural set-aside requirement of this paragraph is met by a State if 30 percent of the amount reserved to such State under subsection (a) is allocated to rural areas.

"(C) INCREASES AND DECREASES IN ALLOCATIONS DONE ON PROPORTIONAL BASIS.—Any increase or decrease required by subparagraph (A) shall be allocated among the areas to which the increase or decrease applies in the same proportions as the reserved amount would have been allocated but for this paragraph.

"(D) RURAL AREAS.—For purposes of this paragraph, the term 'rural area' means any

local governmental unit having a population of less than 50,000.

H.R. 728

OFFERED BY: MR. WATT of North Carolina

AMENDMENT NO. 18: Page 4, after line 5, insert the following:

"(D) Establishing the programs described in the following subtitles of title III of the Violent Crime Control and Law Enforcement Act of 1994 (as such title and the amendments made by such title were in effect on the day preceding the date of the enactment of this Act):

"(i) Ounce of Prevention Council under subtitle A.

"(ii) Local Crime Prevention Block Grant Program under subtitle B.

"(iii) Model Intensive Grant Program under subtitle C.

"(iv) Family and Community Endeavor Schools Grant Program under subtitle D.

"(v) Assistance for Delinquent and At-Risk Youth under subtitle G.

"(vi) Police Retirement under subtitle H.

"(vii) Local Partnership Act under subtitle J which made amendments to chapter 67 of title 31, United States Code.

"(viii) National Community Economic Partnership under subtitle K.

"(ix) Urban Recreation and At-Risk Youth subtitle O which made amendments to the Urban Park and Recreation Recovery Act of 1978.

"(x) Community-Based Justice Grants under subtitle Q.

"(xi) Family Unity Demonstration Project under subtitle S.

"(xii) Gang Resistance and Education Training under subtitle X.

"(xiii) Any other Crime Prevention Program proposed by a unit of local government and approved by the Director of the Bureau of Justice Assistance which contains a process for assessing such program's impact on the incidence of crime; provided that not more than 25% funds approved under this Bill shall be available for grant under this section.

Page 6, after line 24, insert the following (and redesignate any subsequent subsections accordingly):

"(C) SET-ASIDE FOR PREVENTION.—Of the amounts authorized to be appropriated under subsection (a), the Attorney General shall allocate \$1,000,000,000 of such funds for each of fiscal years 1996 through 2000 to carry out the purposes of subparagraph (D) of section 101(a)(2). Any program funded under this Set Aside for Prevention shall contain a component which includes a process for assessing the impact of such program on the incidence of crime.

H.R. 728, AS REPORTED

OFFERED BY: MR. WISE

AMENDMENT NO. 19: At page 4, after line 19, insert:

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

H.R. 728

OFFERED BY: MR. WISE

AMENDMENT NO. 20: At page 20, after line 16, after "purposes" insert the following:

"Or the designated state agency or its equivalent of state enforcement"