divides many of us, not on the principle out on the details.

Roll Call has recently had a headline in which it talks about a civil war over term limits in which organizations that support certain numbers of years have actually had campaigns against those who support longer term limits. I have introduced House Resolution 66, which is a proposition that hopefully accommodates all of those who are interested in this issue. It would set a 12-year outer limit by this constitutional amendment, but would also recognize that States would not be preempted from setting lower limits by State statute if they chose to do so.

I would urge those who support the concept of term limits to examine House Resolution 66. It accommodates the principle of term limits, but recognizes the importance of States to set lower limits if they chose to do so.

ANNOUNCEMENT ON AMENDMENT PROCESS FOR THE CRIME BILLS
(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker. I wish to announce to Members that the Rules Committee will meet next Monday, February 6, at 2 p.m. to consider rules for the first two of the six crime bills ordered reported by the Judiciary Committee.

The first two bills are: H.R. 665, Victim Restitution Act, and H.R. 666, Exclusionary Rule Reform Act.

The chairman of the House Judiciary Committee has requested that each of these bills be considered under an open rule. He has further requested that the rule include a provision giving priority in recognition to Members who have caused their amendments to be printed in the amendment section of the CONGRESSIONAL RECORD prior to their consideration.

There is a strong possibility that the Rules Committee will report the rules requested, and Members may want to avail themselves of the option of pre-filing amendments in order to gain priority in recognition, though there is no requirement that they do so. Members will still be recognized whether their amendments are in the RECORD or not.

Later in the week it is anticipated that the Judiciary Committee will be coming to the Rules Committee with four additional crime bills. They are: H.R. 668, Criminal Alien Deportation Improvements Act; H.R. 667, Violent Crime Incarceration Act; H.R. 729, Effective Death Penalty Act, and H.R. 728, Local Government Law Enforcement Block Grants Act.

Of these, the Criminal Alien Deportation Improvements Act may also be considered under an open rule with an option to gain priority in recognition by pre-printing amendments in the CONGRESSIONAL RECORD.

The remaining three bills may be considered for amendment under the 5-minute rule, with a possible overall time limitation on the amending process. There would also be the option to gain priority in recognition by pre-printing amendments in the CONGRESSIONAL RECORD.

If Members choose to avail themselves of the pre-printing option, amendments should be titled, "Submitted for printing under clause 6 of Rule XXIII," signed by the Member, and submitted at the Speaker's table.

Members should use the Office of the Legislative Counsel to ensure that their amendments are properly drafted.

The amendments must still be consistent with House rules. It is not necessary to submit amendments to the Rules Committee to ensure that their amendments are properly drafted.

For the purpose of drafting amendments, the text to be amended will be available at the Judiciary Committee Office, 2138 Rayburn House Office Building, for the following bills on the following dates:


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

Mr. SOLOMON. I yield briefly to my friend, the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, under the three bills that we are talking about that would have a time limit, those are habeas corpus, and what are the three again?

Mr. SOLOMON. They are the Violent Criminal Incarceration Act, the Effective Death Penalty Act, and the Block Grants Act for Local Government Law Enforcement.

Mr. VOLKMER. Habeas corpus, the prison construction, and what was the third one?

Mr. SOLOMON. It is the block grants bill.

Mr. VOLKMER. The block grant. That is on the crime prevention program.

Mr. SOLOMON. Let me just explain. The first three bills will more than likely be considered under totally open rules, and that is the way it should be.

The only exceptions to open rules would be in the next three. In other words, we may have to shut down debate to be out of here by April 8 so Members can get back home for Easter and the district work period. That is terribly important.

And there is a possibility we might take the last three bills and limit debate to one full day. That could mean 12 hours from 10 a.m. to 10 p.m. on each of those last three. Hopefully we might not even have to do that. If we can just move along with these six crime bills, we will have gotten them out of the way so we can stay on schedule for our Easter break.

Mr. VOLKMER. Will the gentleman be able to determine whether or not that even would be necessary something by a number of amendments that may be prefilled?

Mr. SOLOMON. Could very well be. We are going to consult with the minority on all of these bills.

Mr. VOLKMER. All right. And the other thing, in other words, I would urge Members, like you have, for people to put them in the RECORD, and also to contact the Committee on Rules to give you a better idea of where you have to go.

Mr. SOLOMON. That is correct. And that can be very helpful to Members. I would point out that one Member on your side of the aisle prefilled an amendment for another bill. It turned out that it was a flawed amendment. The Parliamentarians caught it. The Member was able to correct it, and it benefited him. It would benefit all Members to prefille their amendments, although there is no requirement for that.

Mr. VOLKMER. Could I ask you one additional question?

Mr. SOLOMON. All right. We have to get on with it.

Mr. VOLKMER. I understand that. But I think this is very important. You are saying that you are talking about an overall time limit on the total bill, not on any one amendment. Therefore, if there are, let us say, you do that on one bill, let us take the habeas corpus bill, and let us say there are still 50 or 60 amendments that are offered, that means that at the end we would still have to vote on those amendments even though there may not be any debate time left?

Mr. SOLOMON. Not necessarily. If there were an overall time limitation on the amendment process, in other
words, the consideration of amendments might cease at a particular time. Let's say there is 1 hour on the rule, 1 hour on the general debate, and 6 hours on the amendment process.

With another 4 hours of walking time—voting time—we could consume altogether up to 12 hours on the clock. At the end of the 6-hour debate period for amendments, not counting the time consumed in voting, no further amendments could be considered at that point. It would benefit Members if they have significant amendments to decide which of those are truly significant and lay them down. When Members can be to hear on those amendments, that would be fair to your side.

Mr. VOLKMER. I thank the gentleman.

INTRODUCTION OF LEGISLATION ON MAKING GOVERNMENT MORE EFFICIENT

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

Mr. FOLEY. Mr. Speaker, since I spoke a week and a half ago about the outrageous amounts of money this body spends to provide Members of Congress with their own gold-embossed set of code books, I received a great deal of support from colleagues on both sides of the aisle.

Today I will introduce a resolution that will make a few simple changes in the way Members obtain the United States Code book. First of all, this resolution will not prevent Members from obtaining the laws of this land for their use as legislators.

Instead, the measure will actually expand options for obtaining the code. For instance, if they choose, Members can purchase the entire code for $37 on CD-ROM, or they can obtain the Government printed version of the code for a fraction of the cost. If they really want these gold books, buy them out of your own office account, not the Clerk's contingency fund.

Mr. Speaker, today is the 81st anniversary of the 16th amendment which gave the power of government to tax. Boy, have we taxed, and, boy, have we spent. To people inside the beltway, saving half a billion dollars may be small and minuscule. To me it is a lot of money. To the taxpayers it is a lot of money. I urge you to support my resolution on making Government more efficient.

SUPPORT AN INCREASE IN THE MINIMUM WAGE

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

Mr. KLINK. Mr. Speaker, today the President of the United States set forward a very bold plan that is overdue, and that is to raise the minimum wage for workers in this Nation who have steadily seen the erosion of their ability to support themselves and their families.

The actual minimum wage, when adjusted for inflation, has fallen 50 cents just since Citizenship Act's passage and is now 27 percent less than it was back in 1979.

I ask Members on both sides. Mr. Speaker, to support the President in this increase in the minimum wage, because it is needed. It is needed for people in my district, my community, my State. I can remember back when we were trying to push the earned income tax credit as a part of President's budget. We got no votes from the other side, yet 26,000 families in my area that has been devastated by unemployment were affected by that. It helped those families to help themselves in this day and age when everybody is talking about welfare reform.

We cannot say that we can make millions of dollars on book deals when we are in Congress but we cannot have 45 cents for the American worker. We cannot say Members of Congress can go play golf with lobbyists and have free dinners but we cannot have 45 cents for the American workers.

I laid the President, Mr. Speaker, and ask the support of both sides of the aisle.

A GREAT BIRTHDAY PRESENT FOR RONALD REAGAN

(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, we are going to give Ronald Reagan a great present for his birthday on Monday, and, in the process, we will also be giving a great gift to the American people, because we are finally going to pass a line-item veto, an idea that Ronald Reagan championed more than anyone else.

As usual, he was way ahead of his time. Say goodbye to studies on cow flatulence, say goodbye to Belgian en- dive research, say goodbye to research on the sex lives of certain insects. Say hello to responsible government and accountability.

If only the former majority had given Mr. Reagan, the line-item veto in the first place, we might not be in this deficit mess. He could have used it to cut out some of the $219 billion in additional spending that the guardians of the old order added to his budget requests.

But it is better late than never. Happy birthday, President Reagan, and this is your victory, it is a victory for us all.

WHERE ARE THE JOBS PROGRAMS?

(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 economists say that the economy is great. My question, Mr. Speaker, are these economists smoking dope or what? Orange County is bankrupt. The District of Columbia is bankrupt. The trade deficit hit a record of $133 billion, and Americans keep getting pink slips. Listen to this from the State of Washington to Kansas to Philadelphia, Boeing just laid off 7,000 workers.

In Congress, it is jobs, living-wage jobs, and there is not a job program on the Republican side and there is not a job program on the Democrat side.

If there is any consolation, Mr. Speaker, Burger King is hiring, and I never heard of anybody that committed suicide by jumping out of a basement window.

WE ARE KEEPING OUR WORD WITH THE AMERICAN PEOPLE

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

Mr. WHITFIELD. Mr. Speaker, since January 4 this House has taken important steps to restore the credibility of this Institution to the American people, and it is the American people who pay and provide the tax dollars for this Government to operate.

Here is what we have done in less than 1 month: We have enacted eight major reforms in the way Congress does business. We have passed a balanced budget amendment. We have passed legislation to end unfunded mandates to State and local governments. And today we move toward passage of a long-awaited line-item veto to eliminate waste and abuse in the Federal Government, and we are working hard, making important changes to continue this effort.

But more important, we are keeping our word with the American people, and that is what they expect.

THE MINIMUM WAGE: PUT WORKING PEOPLE FIRST

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

Mr. FAZIO of California. 'Mr. Speaker, we need to put working people first. The minimum wage increase proposed today will allow hard-working Americans the opportunity to take control of their future and secure for themselves and their families a place in America's middle class.

Too many Americans are struggling to make ends meet. They work longer hours for lower pay. The average minimum-wage worker brings home about half of his or her family's income. Sixty-five percent of them are adults.

Providing people who are playing by the rules with more take-home pay will benefit not just a select few. It will
For the purposes of House Rule XI, clause 2(g)(2), the task forces of the committee are considered to be the committee.

Rule 12—Quorum

For the purpose of hearing testimony, not less than two members of the committee shall constitute a quorum.

Rule 13—Calling of witnesses

Committee members shall not have to exceed 5 minutes to interrogate each witness until such time as each member who so desires has had an opportunity to interrogate such witness.

After all members have had an opportunity to ask questions, the round shall begin again under the same order.

In questioning witnesses under the 5-minute rule, the chairman and the ranking minority member may be recognized first, after which members may be recognized in the order of their arrival at the hearing. Among the members present at the time the hearing is called to order, seniority shall be recognized in calling members to question witnesses; the chairman may take into consideration the ratio of majority members to minority members, the number of majority and minority members present, and shall apportion the recognition for questioning in such a manner as not to disadvantage the membership of either party.

Rule 14—Subpoenas and oaths

In accordance with House Rule XI, clause 2(m), subpoenas authorized by a majority of the committee may be issued over the signature of the chairman or of any member of the committee designated by him, and may be served by any person designated by the chairman or such member.

The chairman, or any member of the committee designated by the chairman, may administer oaths to witnesses.

Rule 15—Witnesses’ statements

So far as practicable, any prepared statement to be presented by a witness shall be submitted to the committee at least 48 hours in advance of presentation, and shall be distributed to all members of the committee in advance of presentation.

Rule 16—Gibson prints

All committee prints and other materials prepared for public distribution shall be approved by the committee prior to any distribution, unless the chairman or any such member has authorized that a particular print or other material shall be printed at the committee’s discretion.

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Rule 17—Broadcasting of meeting and hearings

It shall be the policy of the committee to allow all media access to open hearings of the committee, subject to the requirements and limitations set forth in House Rule XI, clause 3. Whenever any committee business meeting is open to the public, that meeting may be covered, in whole or in part, by television, radio, broadcast, and still photography, unless any such method of coverage has been ordered in accordance with House Rule XI, clause 3.

Rule 18—Committee staff

(a) Subject to approval by the committee, and to the provisions of the following paragraphs, the professional and clerical staff of the committee shall be assigned, and may be removed, by the chairman.

Committee staff shall not be assigned any duties other than those pertaining to committee business; they may be assigned duties that do not engage them in personal contact with witnesses, or any other persons, or would involve any law or rule of the House of Representatives. The committee or task force may by the same proceeding vote to close one subsequent day of hearing.

For example, facilities, access to official committee records, leave, and hours of work.

In order to carry out its duties under section 311 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending and revenues as compared to the levels set forth in the latest agreed-upon concurrent resolution on the budget, the committee shall advise the Speaker of the House of Representatives of the estimate of spending and revenue. Such estimates shall be prepared by the staff of the committee, transmitted to the Speaker in the form of a Parliamentarian’s Status Report, and printed in the Congressional Record.

The committee authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Parliamentarian’s Status Report described above.

(b) In order to carry out its duty under section 311 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending and revenues as compared to the levels set forth in the latest agreed-upon concurrent resolution on the budget, the committee shall, as necessary, advise the Speaker as to its estimate of the current level of spending within the jurisdiction of appropriate committees. Such estimates shall be prepared by the staff of the committee and transmitted to the Speaker in the form of a Section 302 Status Report.

The committee has been authorized by the Speaker, in consultation with the ranking minority member, to transmit to the Speaker the Section 302 Status Report described above.

For the purpose of hearing testimony, not less than two members of the committee shall constitute a quorum.

In questioning witnesses under the 5-minute rule, the chairman and the ranking minority member may be recognized first, after which members may be recognized in the order of their arrival. Among the members present at the time the hearing is called to order, seniority shall be recognized in calling members to question witnesses; the chairman may take into consideration the ratio of majority members to minority members, the number of majority and minority members present, and shall apportion the recognition for questioning in such a manner as not to disadvantage the membership of either party.

In accordance with House Rule XI, clause 2(m), subpoenas authorized by a majority of the committee may be issued over the signature of the chairman or any member of the committee designated by him, and may be served by any person designated by the chairman or such member.

The chairman, or any member of the committee designated by the chairman, may administer oaths to witnesses.

So far as practicable, any prepared statement to be presented by a witness shall be submitted to the committee at least 48 hours in advance of presentation, and shall be distributed to all members of the committee in advance of presentation.

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The committee has been authorized by the Speaker, in consultation with the ranking minority member, to transmit to the Speaker the Section 302 Status Report described above.

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The committee authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Parliamentarian’s Status Report described above.

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The committee has been authorized by the Speaker, in consultation with the ranking minority member, to transmit to the Speaker the Section 302 Status Report described above.
The records of the committees at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXIV of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of Rule XXI, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

APPLICABILITY OF HOUSE RULES

Rule 22—Applicability of House Rules

Except as otherwise specified herein, the Rules of the House are the rules of the committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

CONFERENCES

Rule 23—Appointment of conferences

Majority party members recommended to the Speaker as conferences shall be recommended by the chairman subject to the approval of the majority party members of the committee. The chairman shall recommend such minority party members as conferences as shall be determined by the minority party, provided that the recommendations of the two parties shall be in substantially the same proportion as that in the committee.

MISCELLANEOUS

Rule 24—Waiver

When a reported bill or joint resolution, conference report, or anticipated floor amendment violates any provision of the Congressional Budget Act of 1974, the chairman may, if practical, consult with the committee members on whether the chairman should recommend, in writing, that the Committee on Rules report a special rule that enforces the act by not waiving the applicable points of order during the consideration of such measure.

Rule 25—Report on the budget resolution

The report of the committee to accompany a concurrent budget resolution shall include a comparison of the estimated or actual levels for the year preceding the budget year with the proposed spending and revenue levels for the budget year and each out year along with the appropriate percentage increase or decrease for each budget function and aggregate. The report shall include any rolloff vote on any motion to amend or report any measure.

Rule 26—Oversight

Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight in accordance with the provisions of clause 2(d) of House Rule X.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Mr. GERHARDT) for Monday, February 6, and Tuesday, February 7, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders hereof entered, was granted to:

(The following Members (at the request of Mr. STUPAK) to revise and extend their remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.
Mr. STUPAK, for 5 minutes, today.
Mr. FILNER, for 5 minutes, today.
Ms. JACKSON-LEE, for 5 minutes, today.
Mr. CHAPMAN, for 5 minutes, today.
Mr. ENGEL, for 5 minutes, today.
Mr. MEESON, for 5 minutes, today.
(The following Members (at the request of Mr. COBURN) to revise and extend their remarks and include extraneous material:)

Mr. COBURN, for 5 minutes, today.
Mr. WELDON of Florida, for 5 minutes, today.
(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MCINNIS, 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. STUPAK) and to include extraneous matter:)

Mr. BRYANT of Texas in three instances.
Mr. CARDIN.
Mr. ACKERMAN.
Mr. HINCHERY.
Mr. TRAFICANT.
Mr. TOWNS in two instances.
Mr. RIVERS.
Mr. HUNTER.
Mr. BARRETT of Wisconsin.
(The following Members (at the request of Mr. COBURN) and to include extraneous matter:)

Mr. FIELDS of Texas.
Mr. ENSIGN.
Mr. MCINNIS in four instances.
Mr. SEASTRAND.
Mr. WOLF.
Mr. PACKARD.
Mr. YOUNG of Florida.
(The following Members (at the request of Ms. KAPTUR) and to include extraneous matter:)

Ms. MORELLA.
Mr. FILNER.

ADJOURNMENT

Ms. KAPTUR, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 7, 1995, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

303. A communication from the President of the United States, transmitting his request to make available emergency appropriations totaling $450 million in budget authority for the Forest Service of the Department of Agriculture, and to designate these amounts as emergency requirements pursuant to section 251 (d) (3) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to H. Res. 217, to the Committee on Appropriations and ordered to be printed.


305. A letter from the Assistant Administrator for Legislative and Public Affairs, U.S. Agency for International Development, transmitting a report on human rights in countries receiving development assistance, pursuant to section 116(d)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

306. A letter from the Chairman, Federal Election Commission, transmitting 83 recommendations for legislative and administrative changes pursuant to 2 U.S.C. 34(a)(9); to the Committee on House Oversight.

307. A letter from the Chairman, Federal Election Commission, transmitting proposed regulations governing personal use of campaign funds, pursuant to 2 U.S.C. 34(b)(1); to the Committee on House Oversight.

308. A letter from the Administrator, Federal Railroad Administration, transmitting the Administration's entitled, "Train Dispatchers Followup Review," pursuant to Public Law 102-365, section 17 (106 Stat. 981); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE: Committee on National Security. H.R. 7. A bill to revitalize the national security of the United States; with an amendment (Rept. 104-18, Pt. 1). Ordered to be printed.

Mr. GILMAN: Committee on International Relations. H.R. 7. A bill to revitalize the national security of the United States; with an amendment (Rept. 104-18, Pt. 2). Ordered to be printed.

Mr. COMBEST: Permanent Select Committee on Intelligence. H.R. 7. A bill to revitalize the national security of the United States; with amendments (Rept. 104-18, Pt. 3). Ordered to be printed.

Mr. FRYE: Committee on Rules. House Resolution 60. Resolution providing for the consideration of the bill (H.R. 655) to control crime by mandatory victim restitution (Rept. 104-19). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 61. Resolution providing for the consideration of the bill (H.R. 656) to control crime by exclusionary rule reform (Rept. 104-20). Referred to the House Calendar.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 667. A bill to control crime by incarcerating violent criminals; with an amendment (Rept. 104-21). Referred to the
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Committees of the Whole House on the State of the Union.

Mr. MCCULLUM: Committee on the Judiciary. H.R. 663. A bill to control crime by further streamlining deportation of criminal aliens; which was 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. CLINGER (for himself, Mr. SENSES, Mr. McINTOSH, Mr. DAVIS, Mr. SOLOMON, and Mr. BLUTHE): H.R. 630. A bill to amend chapter 35 of title 5, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more reasonable and publicly accountable for reducing the burden on the public and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. TATE (for himself, Mr. METCALF, Mr. HASTINGS of Washington, Mr. DUNN of Washington, Mr. Smith of Washington, Mr. McINTOSH, Mr. BARTON of Texas, Mr. SCARBOROUGH, and Mr. FOX): H.R. 630. A bill to establish a moratorium for a discretionary regulatory review of small business; to the Committee on Government Reform and Oversight, and in addition to the Committee on Small Business, 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. TRAFICANT: H.R. 640. A bill to designate the Federal building and U.S. courthouse located at 215 South Franklin Street in Greenville, N.C., as the "Water B. Jones Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. GREENWOOD (for himself, Mr. PORTER, Mr. WAXMAN, and Mrs. LOWEY): H.R. 671. A bill to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes; to the Committee on Commerce.

By Mr. JACOBS: H.R. 634. A bill to nullify the 25 percent price increase that was afforded to Members of Congress and certain other Government officials by the Paper Act of 1989; to repeal section 225 of the Federal Salary Act of 1967, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on the Judiciary, Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MEEK of Florida: H.R. 635. A bill to amend the Public Health Service Act to provide for expanding and intensifying services of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus; to the Committee on Commerce.

By Mrs. MORELLA: H.R. 636. A bill to authorize the Metropolitan Washington Airports Authority of 1986 to provide for reorganization of the Metropolitan Washington Airports Authority and for local review of matters involving the Airports Authority affecting aircraft noise; to the Committee on Transportation and Infrastructure.

By Mr. OLVER: H.R. 637. A bill to promote quality environmental research by permitting the Administrator of the Executive Office of the President to enter into cooperative research and development agreements; to the Committee on Science.

By Mr. PETERSON of Minnesota: H.R. 638. A bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations to the Committee on Ways and Means.

By Mr. TATE (for himself, Mr. METCALF, Mr. HASTINGS of Washington, Mr. DUNN of Washington, Mr. Smith of Washington, Mr. McINTOSH, Mr. BARTON of Texas, Mr. SCARBOROUGH, and Mr. FOX): H.R. 639. A bill to establish a moratorium on discretionary regulatory review of small business; to the Committee on Government Reform and Oversight, and in addition to the Committee on Small Business, 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. TRAFICANT: H.R. 640. A bill to designate the Federal building and U.S. courthouse located at 215 South Franklin Street in Greenville, N.C., as the "Water B. Jones Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. WOLF (for himself, Mr. BARTON of Texas, Mr. ARNEY, Mr. DELAY, Mr. PACKARD, Mr. FOX, Mr. ENGLISH of Pennsylvania, and Mr. HORN): H.R. 641. A bill to provide an equitable process for strengthening the passenger rail service by providing service through the timely closure and realignment of routes with low economic performance; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. SQUIRES and Mr. SPEICHER.
H.R. 628: Mr. CHENOWETH, Mr. RADAVOCH, and Mr. NORWOOD.
H.R. 70: Mr. EDWARDS, Mr. CHAPMAN, Mr. STUMP, Mr. TAYLOR of North Carolina, and Mr. SMITH of Virginia.
H.R. 77: Mr. RADAVOCH, Mr. STURNEAS, Mr. RIVAS, and Mr. SMITH of Michigan.
H.R. 109: Mr. GLICKSCH, Mr. CALVET, Mr. COHEN of New York, and Mr. SAVAGE.
H.R. 139: Mr. MULHAN, Mr. ENGLISH of Pennsylvania, Mr. SMITH of Texas, Mr. ROWLAND of Florida, Mr. NEY, Mr. PARKER, and Mr. SENENBRENNER.
H.R. 218: Mr. RIGGS.
H.R. 218: Mrs. MYRICK and Mr. FORBES.
H.R. 219: Mr. BEISLHER and Mr. GALLEGLY.
H.R. 220: Mr. SMITH of California.
H.R. 229: Mr. ROYCE and Mr. DOOLITTLE.
H.R. 239: Mr. YOUNG of Alaska.
H.R. 255: Mr. BUNNING of Kentucky, Mr. GENTRY of Georgia, Mr. RODRIGUEZ of Florida, Mr. RICHARDSON, Mr. WICKER, Mr. BROWNBACK, Mr. POMBO, Mr. BOHNNEN, Mr. BAR, Mr. LAUGHLIN, and Mr. DUNCAN.
H.R. 256: Mr. LIVINGSTON and Mrs. BARSTRAND.
H.R. 293: Mr. FREEBORN, Mr. PETE GEORGE of Texas, Mr. LEWIS of Georgia, and Mr. VENTO.
H.R. 333: Ms. RIVERS, Mr. WAXMAN, Mr. MARKET, Mr. HORN, and Mr. VENTO.
H.R. 384: Mr. SOLOMON and Ms. DARNER.
H.R. 385: Mr. ROHR, Mr. RANGEL, Mr. OLIVER, and Mr. WATT of North Carolina.
H.R. 399: Ms. NORTON and Mr. ACKERMAN.
H.R. 450: Mr. BRADSHAW of Florida, Mr. ROBERTS, and Mr. BARRETT of Nebraska.
H.R. 511: Mr. GILMAN.
H.R. 559: Mr. UNDERWOOD, Mr. PELSON, and Mr. VENTO.
H.R. 657: Mr. CHENOWETH.
H.R. 683: Mr. GUTOWITZ, Mr. HALL of Ohio, Mr. PETE GEORGE of Texas, Mr. MONTGOMERY, Mr. CHENOWETH of Florida, Mr. MOLNARI, and Mr. PURSE.
H.R. 692: Mr. DANNER, Mr. EVING, Mr. McKEON, and Mr. DOOLITTLE.
H.R. 695: Mr. COLE.
H.R. 696: Mr. FOX, Mr. SHUSTER, Mr. SAXTON, Mrs. CHENOWETH, and Mr. HANCOCK.
H.R. 697: Mr. BURR.
H.R. 697: Mr. CRAMER, Mr. MCDADE, Mr. BOND, Mr. GUNDERSON, Mr. DANNER, Mr. JOHNSON of South Dakota, Mr. BALDWIN of Florida, Mr. GALLEGLY, and Mr. NORWOOD.
H.R. 698: Mr. CRANE, Mrs. CHENOWETH, Mr. GOODLATER, Mr. HUTCHINSON, Mr. SCHAFFER, Mr. BASS, Mr. NEY, Mr. EMERSON, Mr. CUNNINGHAM, Mr. BUN of Oregon, Mrs. VUCANOVA, Mr. MEEK, Mr. MIERS of Illinois, Mr. HUNTING, Mr. NORWOOD, Mr. WAMP, Mr. ROHRABACHER, Mr. CANADY, Mr. SCARBOROUGH, Mr. SOLOMON, Mr. COTE of Arizona, Mr. JOHNSTON of Florida, Mr. BROWN of Ohio, Mr. WYDE of Texas, Mr. EVANS, Mr. GILLUM, Mr. MILLER of Florida, and Mr. MCKEON.
H.R. 702: Mr. BRYANT of Tennessee and Mr. BURFORD.
H.R. 709: Mr. BRYANT of Tennessee, Mr. BURFORD, and Mr. ENGLISH of Pennsylvania.
H.R. 712: Mr. PRICE.
H.R. 795: Mr. NEUMANN, Mr. MCHUGH, Mr. SELFF, Mr. BARRETT of Nebraska, Mr. HORN, Mr. WOLF, and Mr. SMITH of New Jersey.
H.R. 795: Mr. COLE, Mr. ORR of Florida, Mr. NORWOOD, Mr. MILLER of Florida, and Mr. MCKEON.
H.R. 798: Mr. SENENBRENNER and Mr. HOLDEN.
H.R. 798: Mr. GIBBONS.
H.R. 810: Mr. MARKET.
H.R. 810: Mr. WILLIAMS.
H.R. 810: Mr. MINGE.
H.R. 810: Mr. TALENT.
H.R. 810: Mr. GEKAS, Mr. HORN, Mr. BARTLETT of Maryland, and Mr. SCHAFFER.
H.R. 810: Mr. KEENER.
H.R. 810: Mr. BUNNING of Kentucky, Mrs. CHENOWETH, Mr. BILIRAKIS, Mr. DELLUMS, and Mr. LIPINSKI.
AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H. R. 665
OFFERED BY: MR. SANDERS
AMENDMENT No. 1: Page 4, line 24, after the period insert: "A restitution order shall direct the offender to give appropriate notice to victims and other persons in cases where there are multiple victims or other persons who may receive restitution." 

H. R. 665
OFFERED BY: MR. SANDERS
AMENDMENT No. 2: Page 9, after line 24, add the following:

(a) JUSTICE DEPARTMENT GUIDELINES RELATING TO COMMUNITY SERVICE.—The Department of Justice shall establish minimum guidelines for seeking community service by offenders in cases where such service would provide restitution to members of a community harmed by the criminal conduct of such offender. Such minimum guidelines may include a requirement that a set percentage of the future profits of an organizational offender be used to educate the public about corporate crime and its control.

H. R. 666
OFFERED BY: MR. CONYERS
AMENDMENT No. 1: Page 3, line 12, strike "Rule" and insert "Rules" 
Page 3, line 21, after "proceeding" insert: "Nothing in this section shall be construed so as to violate the fourth article of amendment to the Constitution of the United States."

H. R. 666
OFFERED BY: MR. CONYERS
AMENDMENT No. 2: Page 2, strike line 1 and all that follows through the end of the bill and inserting the following:

SEC. 2. SEARCHES AND SEIZURES PERSUANT TO AN INVALID WARRANT.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

"(2237. Good faith exception for evidence obtained by invalid warrant.

Evidence which is obtained as a result of a search or seizure was carried out in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out objectively reasonably reliance on a warrant issued by a detached and neutral magistrate ultimately found to be invalid, unless—

(1) the judicial officer issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

(2) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

(3) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

(4) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

"2237. Evidence obtained by invalid warrant."

H. R. 666
OFFERED BY: MR. CONYERS
AMENDMENT No. 3: Page 2, strike line 1 and all that follows through the end of the bill and inserting the following:

SEC. 2. SEARCHES AND SEIZURES PERSUANT TO AN INVALID WARRANT OR STATUTE.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

"(2237. Good faith exception for evidence obtained by invalid warrant.

Evidence which is obtained as a result of a search or seizure was carried out in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out objectively reasonably reliance on a warrant issued by a detached and neutral magistrate ultimately found to be invalid, unless—

(1) the judicial officer issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

(2) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

(3) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

(4) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

"2237. Evidence obtained by invalid warrant."

H. R. 666
OFFERED BY: MR. CONYERS
AMENDMENT No. 4: Strike all after the enacting clause and insert therein:

"SECTION 1.

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following:

"§3510. Reaffirmation of the Bill of Rights.

(a) The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

H. R. 666
OFFERED BY: MR. DEFAZIO
AMENDMENT No. 5: Page 1, strike line 6 and all that follows through the end and inserting the following:

SEC. 2. SEARCHES AND SEIZURES PERSUANT TO AN INVALID WARRANT.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

"(2237. Evidence obtained by invalid warrant.

Evidence which is obtained as a result of a search or seizure was carried out in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out in reasonable reliance on a warrant issued by a detached and neutral magistrate ultimately found to be invalid, unless—

(1) the judicial officer issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

(2) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

(3) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

(4) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

"2237. Evidence obtained by invalid warrant."

H. R. 666
OFFERED BY: MR. SLACHTER
AMENDMENT No. 6: After paragraph (2) of section 503(b) of the bill, add the following:

"(3) laws which allow the court to impose a sentence of life in prison without parole on a defendant in a criminal case who is convicted of a State offense for conduct which—

(A) is an offense under section 2241 or 2242 of title 18, United States Code; or

(B) would have been an offense under either of such sections if the offense had occurred in the special maritime and territorial jurisdiction of the United States.

after having previously been convicted of another State or Federal offense for conduct that was described in subpart (A) or (B)."

H. R. 667
OFFERED BY: MR. WATT OF NORTH CAROLINA
AMENDMENT No. 7: Page 3, line 6, strike the word "assurances" and insert in lieu thereof the word "confirmation.

Page 3, line 12, strike the word "and"

Page 3, line 15, strike the period and add "and"

Page 3, after line 15, insert the following:

"(4) decrease the rate of violent offenses committed in the State, taking into account the population of such State, at a level at least equivalent to the lesser of the percentage increase confirmed in section (1), (2) or (4)."

Page 4, line 2, strike the word "assurances" and insert in lieu thereof the word "confirmation.

Page 4, line 17, strike the comma and replace it with a semicolon

Page 4, after line 17, insert the following:

"(4) decrease the rate of violent offenses committed in the State, taking into account the population of such State, at a level at least equivalent to the lesser of the percentage increase confirmed in section (1), (2) or (4)."

Page 5, line 4, strike the word "and"
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Page 5, line 8, strike the period and insert instead "; and (2) the rate of violent felony offenses committed in such State has decreased since such State commenced indeterminant sentencing for such offenses."

H.R. 667

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 3: Page 12, strike lines 5-16 and insert instead the following:

"Prospective relief in a civil action with respect to prison conditions that are causing the deprivation of Federal rights. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn and the least intrusive means to remedy the violation of the Federal right. In determining the appropriateness of the relief, the court shall give weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief."

Page 13, strike lines 1-17 and insert instead the following:

"In any civil action with respect to prison conditions, any prospective relief shall terminate upon a finding that the conditions against which prospective relief was ordered have been remedied."

H.R. 667

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 4: Page 14, strike lines 1-11.

H.R. 667

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 5: Page 15, strike lines 8-18.

Page 15, line 19, strike the letter "g" and insert instead the letter "f".

H.R. 729

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 1: Page 4, line 21, strike the period and insert the following:

"or a substantial showing that credible newly discovered evidence which, had it been presented at trial, would probably have resulted in an acquittal for the offense for which the sentence was imposed or in some sentence other than incarceration."

Page 4, lines 21-22. Strike the entire sentence beginning with the word "The" and ending with "standard."

Page 13, line 12, delete "and"

Page 13, line 17, delete the period, and insert instead "; or"

Page 13, after line 17, add:

"the facts underlying the claim consist of credible newly discovered evidence which, had it presented to the trier of fact or sentencing authority at trial, would probably have resulted in an acquittal of the offense for which the death sentence was imposed."
AMENDMENTS TO H.R. 667

AMENDMENT NO. 6: Page 8, strike lines 7 through 11, and insert the following:

AMENDMENT NO. 7: After subsection (b) of section 504, insert the following new subsection (and redesignate subsequent subsections accordingly):

AMENDMENT NO. 8: Strike subparagraph (B) of section 101(a)(2) of the Violent Crime Control and Safe Streets Act of 1994, as amended by section 2 of this bill, and insert the following:

AMENDMENT NO. 9: On page 6, line 14, after "General" insert "including a requirement that any funds used to carry out the programs under subsection (c) shall represent the best value for the government at the lowest possible cost and employ the best available technologies.

AMENDMENT NO. 1: At the end insert the following new section (and conform the table of contents accordingly):

SEC. 14. MANDATORY DETENTION OF ALIEN AGREEABLE TO FELONS PENDING DEPORTATION.

Section 242(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended—

(a) In General.—Strike subparagraph (B) and (C) of section 242(a)(2) of title 8, United States Code, and inserting in lieu thereof—

AMENDMENT NO. 2: At the end insert the following new section (and conform the table of contents accordingly):

SEC. 14. REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of State, and the Attorney General of Mexico 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 crime in the United States and deported to Mexico; and

(2) The number of aliens described in paragraph (1) who have been transferred pursuant to the Treaty.

PETITIONS, ETC.

Under clause 1 of rule XXII,

2. The SPEAKER presented a petition of the board of commissioners, Fulton County, GA, relative to unfunded Federal mandates, which was referred jointly to the Committees on Government Reform and Oversight and Rules.
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PERSONAL EXPLANATION
Mr. DIXON. Mr. Speaker, during roll-call vote 183 of H.R. 666, I was unavoidably detained. Had I been present, I would have voted "no."

NOTICE OF CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC NO. 104-29)
The SPEAKER pro tempore laid before the House the following message from October 21, 1990, of implementation of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:
I hereby report to the Congress on the developments since my last report of August 2, 1994, concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12722 of August 2, 1990. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

Executive Order No. 12722 ordered the immediate blocking of all property and interests in property of the Government of Iraq (including the Central Bank of Iraq), then or thereafter located in the United States, and with the possession or control of a United States person. That order also prohibited the importation into the United States of goods and services of Iraqi origin, as well as the exportation of goods, services, and technology from the United States to Iraq. The order prohibited travel-related transactions to or from Iraq and the performance of any contract in support of any industral, commercial, or governmental project in Iraq. United States persons were also prohibited from granting or extending credit or loans to the Government of Iraq. Further, the order also prohibited the use of United States persons or entities to provide assistance or services to the Iraqi military or other Iraqi governmental officials. By virtue of this order, there has been one action affecting the national emergency with respect to Iraq that was declared in Executive Order No. 12722 and matters relating to Executive Orders Nos. 12724 and 12817 (the "Executive Orders"). The report covers events from August 2, 1994, through February 1, 1995.

There has been one action affecting the Iraqi Sanctions Regulations, 31 C.F.R., Part 575 (the "Regulations"), administered by the Office of Foreign Assets Control (FAC) of the Department of the Treasury, since my last report on August 2, 1994. On February 1, 1995 (50 Fed. Reg. 6376), FAC amended the Regulations by adding to the list of Specially Designated Nationals (SDNs) of Iraq set forth in Appendices A ("entitles and individuals") and B ("merchants vessels"), the names of 24 cabinet ministers and 8 other senior officials of the Iraqi government, as well as 4 Iraqi state-owned banks, not previously identified as SDNs. Also added to the Appendices were the names of 15 entities, 11 individuals, and 1 vessel that were newly identified as Iraqi SDNs in the comprehensive list of SDNs for all sanctions programs administered by FAC. A notice of the amendments was published in the Federal Register (59 Fed. Reg. 58469) on November 17, 1994. In the same document, FAC also provided additional addresses and aliases for 6 previously identified Iraqi SDNs. This document also modifies the total number of listed Iraqi SDNs to 66 entities, 82 individuals, and 161 vessels.

Pursuant to paragraph 575.306 of the Regulations, FAC has determined that these entities and individuals designated as SDNs are owned or controlled by, or acting or purporting to act directly or indirectly on behalf of, the Government of Iraq, or are agents, instrumentalities or entities of that government. By virtue of this determination, all property and interests in property of these entities or persons that are in the United States or in the possession or control of United States persons are blocked. Further, United States persons are prohibited from engaging in transactions with these individuals or entities unless the transactions are licensed by FAC. The designations were made in consultation with the Department of State. A copy of the amendment is attached to this report.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 667, THE VIOLENT CRIMINAL INCARCERATION ACT
Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104-23) on the resolution (H. Res. 63) providing for the consideration of the bill (H.R. 667) to control crime by incarcerating violent criminals, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE
Mr. MCCULLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 666 and H.R. 729, the bills just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?
There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 667, THE VIOLENT CRIMINAL INCARCERATION ACT
Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104-23) on the resolution (H. Res. 63) providing for the consideration of the bill (H.R. 667) to control crime by incarcerating violent criminals, which was referred to the House Calendar and ordered to be printed.
Altman testified that in a phone call on February 25, Stephanopoulos and Ickeis complained about Stephens being hired by the RTC. Altman testified that he told Josh Steiner that he thought it was unwise for them to be complaining so vocally about Jay Stephens, because he was a Republican and he might get too deeply involved in the investigation.

Stephanopoulos was also contradicted by Hanlon.

Here are some questions:

1. Did George Stephanopoulos and Harold Ickeis lie to the Senate Banking Committee and possibly hire other people to conduct this investigation?

2. What motive could Josh Steiner, Roger Altman, and Jean Hanlon all have to falsely contradict their testimony? Why would they do that?

3. How many other people did George Stephanopoulos call to attempt to get Jay Stephens fired?

4. All of these questions need to be thoroughly investigated and answered by the independent counsel. There is so much that smells about what has gone on between the RTC, Mr. Altman, Treasury, and the White House that a full and thorough investigation needs to be conducted, not only by the independent counsel but by the committees of jurisdiction in this House and in the other body, and possibly hiring other people to conduct this investigation.

The House, the Senate, and the independent counsel need to thoroughly investigate this. If there is lying, if people have committed perjury before the House and Senate Banking Committee, they need to be brought to justice. We need to follow this all the way to its final conclusion. There are all kinds of questions about shredded documents involving Whitewater and Madison that go all the way to the top and to the bottom of it for the benefit of the American people. We are talking about $47 million of taxpayers' money that has been squandered or stolen. We need to get to the bottom of it, no matter where it leads us.

The SPEAKER pro tempore (Mr. QUINN). Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 60 minutes.

[Mr. WELDON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders herefore entered, was granted:

Mr. GUTIERREZ, today, for 5 minutes.
Ms. KAPTUR, today, for 5 minutes.
Mr. SKAGGS, today, for 5 minutes.
Mr. DIETZ, today, for 5 minutes.
Mr. LAFALCE, today, for 5 minutes.
Mr. HOYER, today, for 5 minutes.
Mr. GREEN of Texas, today, for 5 minutes.
Ms. CLAYTON, today, for 5 minutes.
Mr. CLE¥BURN, today, for 5 minutes.
(The following Members (at the request of Mr. WATT of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. MANTON.
Mr. HAMILTON in three instances.
Mr. DINGELL in two instances.
Mr. SKELETON.
Mr. WARD.
Mr. MENENDEZ in two instances.
Mr. TRAPICANT.
Ms. KAPTUR.
Mr. ENGEN.
Mr. RAHALL.
Mr. ORTON.
Mr. FAZIO.
(The following Members (at the request of Mr. FOX of Pennsylvania) to revise and extend his remarks and include extraneous material:)

Mr. PACKARD.
Mr. SMITH of New Jersey
Mr. HOUGHTON.
Mr. GINGRICH.
Mr. KOLBE.
Mr. DUNCAN.
Mr. CAMP.

(The following Members (at the request of Mr. BURTON of Indiana) to include extraneous matter:)

Mr. DE LA GARZA.
Mr. HOYER.
Mr. RICHARDSON.

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 41 minutes p.m.), the House adjourned until tomorrow, Thursday, February 9, 1995, at 10 a.m.
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Federal contracts from the FCC using appropriated funds, pursuant to Public Law 101-121, section 311(a)(1) (103 Stat. 753); to the Committee on Government Reform and Oversight.

351. A letter from the Secretary of Veterans Affairs, transmitting a report on contract care and services furnished to eligible veterans, Public Law 100-352, section 112(a); to the Committee on Veterans Affairs.

352. A letter from the Chairman, Advisory Council on Unemployment Compensation, transmitting their second annual report, pursuant to Public Law 102-154, section 303 (105 Stat. 1006); to the Committee on Ways and Means.

353. A letter from the Director, Office of Civilian Radioactive Waste Management, transmitting the 10th annual report on the activities and expenditures of the Office of Civilian Radioactive Waste Management, pursuant to 42 U.S.C. 10242; to the Committees on Commerce and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McCollum. Committee on the Judiciary. H.R. 728. A bill to control crime by providing law enforcement block grants; with an amendment (Rept. 104-22); to the Committee of the Whole on the State of the Union.

Mr. McCollum. Committee on the Judiciary. H.R. 860. A bill to terminate the Office of the Surgeon General of the Public Health Service; to the Committee on Commerce.

By Mr. Doran. H.R. 860. A bill to terminate the Office of the Surgeon General of the Public Health Service; to the Committee of the Whole.

By Mr. Cunningham (for himself and Mr. Doran). H.R. 861. A bill to amend title 10, United States Code, and title XVIII of the Social Security Act to permit the reimbursement of expenses incurred by medical facility of the uniformed services or the Department of Veterans Affairs in providing health care to persons who are personnel of the Committee on National Security, and in addition to the Committees on Commerce, and Ways and Means, 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. Dornan (for himself, Mr. Doolittle, Mr. Bartlett of Maryland, Mr. Benton of Indiana, and Mr. Mansueto). H.R. 862. A bill to prohibit the use of Federal funds to promote homosexuality; to the Committee on Government Reform and Oversight.

By Mr. Hamilton. H.R. 863. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit organizations which provide services to impoverished families and individuals; to the Committee on Reform and Oversight.

By Mr. Houghton (for himself, Mr. Payne of Virginia, Mrs. Johnson of Connecticut, Mr. McCrery, Mr. Coyle, Mr. Brezler, Mr. Weldon of Pennsylvania, and Mr. English of Pennsylvania). H.R. 864. A bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate of a decedent the value of certain land subject to a life estate in favor of the decedent's children; to the Committee on Ways and Means.

By Mr.orton. H.R. 865. A bill to amend part A of title XV of the Social Security Act to offer States the option of replacing the Job Opportunities and Basic Skills Program with a program that would assist all recipients of aid to families with dependent children in achieving self-sufficiency, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Commerce, and Economic and Educational Opportunities, 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.

PRIVATE 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. Dinkel (for himself, Mr. Condit, Mr. Moorehead, and Mr. Oxley). H.R. 857. A bill to require the disclosure of service and other charges on tickets, and for other purposes; to the Committee on Commerce.

By Mr. Hoyt (for himself, Mrs. Morella, Mr. Boehlert, Mr. Filner, Mr. Moran, Mr. Wynt, Mr. Fazio of California, Mr. Gilman, Mr. Christensen, Mr. Hunter, Mr. Hastings, and Mr. Lewis of California). H.R. 858. A bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. Gunderson. H.R. 859. A bill to amend title XVIII of the Social Security Act to provide coverage under part B of the Medicare Program of emergency care and related services furnished in acute hospital emergency access centers; to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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. Traficant. H.R. 860. A bill to terminate the Office of the Surgeon General of the Public Health Service; to the Committee on Commerce.

By Mr. Trancas (for himself and other Members). H.R. 861. A bill to amend title 10, United States Code, and title XVIII of the Social Security Act to permit the reimbursement of expenses incurred by medical facility of the uniformed services or the Department of Veterans Affairs in providing health care to persons who are personnel of the Committee on National Security, and in addition to the Committees on Commerce, and Ways and Means, 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. Williams (for himself and Mr. Burton). H.R. 870. A bill to resolve the current dispute involving major league baseball, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. Frank of Massachusetts. H.J. Res. 68. Joint resolution proposed an amendment to the Constitution of the United States to repeal the 22d amendment relating to Presidential term limitations; to the Committee on the Judiciary.

By Mr. Combest (for himself and Mr. Dicks). H.R. 864. Resolution providing amounts for the expenses of the Permanent Select Committee on Intelligence in the Congress; to the Committee on House Oversight.

By Mr. Gohman. H.R. 865. Resolution naming certain rooms in the House of Representatives wing of the Capitol in honor of former Representative Robert H. Michel, to the Committee on House Oversight.

By Mrs. Smith of Washington (for herself, Mr. Brownback, Mr. Fox, Mr. Chrysler, Mr. Weldon of Florida, Mr. Hostettler, and Mr. Metcalf). H.R. 866. Resolution to amend the Rules of the House of Representatives to ban gifts, and for other purposes; to the Committee on Standards of Official Conduct, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11. Mr. Souder. H.R. 36. Mr. Weldon of Pennsylvania. Mr. Barton of Texas, Mr. Hostettler, Mr. Hansen, Mr. Chrysler, Mr. Hefner, Mr. Clement, and Mr. Paxton.

H.R. 47. Mr. Calvert. H.R. 47. Mr. Calvert and Mr. Kim.

H.R. 10. Mr. Boehner, Mrs. Beastry, Mr. Kline, and Mr. Royce.

H.R. 95. Ms. Loften, Mr. Martinez, Mr. Moran, Mr. Ackerman, Mr. Hoyer, Mr. Jackson-Lee, and Mr. Fuglietta.

H.R. 104. Mr. Ballenger and Mr. Nethercutt.

H.R. 112. Mr. Cooley, Mr. Ackerman, Mr. Nyman, and Mr. Laughter.

H.R. 159. Mr. Rahall, Mr. Rohrabacher, Mr. Stump, Mr. King, Mr. Blute, Mr. Sensenbrenner, and Mr. Ackerman.

H.R. 201. Mr. Fox, Mr. Smith of New Jersey, Mr. Greene of Texas, Mr. Petri, Mr. Hunter, Mr. Benecic, and Ms. Price.
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H.R. 281: Mr. WALAH.
H.R. 259: Mr. Hastings of Washington.
H.R. 325: Mr. Lipinski, Mr. Schaffer, Mr. Everett, Mr. Ackerman, and Mr. Goodlatte.
H.R. 328: Ms. Mollinari.
H.R. 337: Mr. Hilliard, Mr. Vates, Mr. Meekman, Mr. Fattar, Mr. Gutierrez, Mr. Kennedy of Rhode Island, Mr. Beilenson, Mr. Waxman, Mr. Frank of Massachusetts. Mr. Slaughter, Mr. Markey, Mr. Horn, and Mr. Schumer.
H.R. 367: Mr. Frazier, Mr. LaFalce, Mr. Martinez, Mr. Mineta, Mr. Nadler, Mr. Sanders, Mr. Velazquez, Mr. Vento, and Ms. Woolsey.
H.R. 394: Mr. McDermott and Mr. Emerson.
H.R. 404: Mr. Calvert.
H.R. 436: Mr. Hastert, Mr. Hostettler, Mr. Posey, Mr. Latham, Mr. Flanagan, and Mr. Zeliff.
H.R. 450: Mr. Parker and Mr. Montgomery.
H.R. 452: Mr. Sanders.
H.R. 463: Mr. Tanner.
H.R. 488: Mr. Engel.
H.R. 530: Mr. Barrett of Nebraska.
H.R. 556: Mr. Frost, Mr. Bryant of Texas, Mr. Torres, Mrs. Schroeber, Mr. Green of Texas, Mr. Gonzalez, Mr. Eddie Bernice Johnson of Texas, and Mr. Chapman.
H.R. 557: Mr. Frost, Mr. Bryant of Texas, Mr. Torres, Mrs. Schroeber, Mr. Green of Texas, Mr. Gonzalez, Mr. Eddie Bernice Johnson of Texas, and Mr. Chapman.
H.R. 558: Mr. Stenholm.
H.R. 571: Mr. Thomas, Mr. Hayes, Mr. Underwood, Mr. Condit, Mr. Burton, Mrs. Seastad, Mr. Chysler, Mr. Torricelli, Mr. Emerson, Mr. Dogole, Mr. Coburn, Mr. Burch, Mr. Pardue, Mr. Lucas, Mr. Rogers, Mrs. Vucanovich, and Mr. Christiansen.
H.R. 579: Mr. Rohrabacher.
H.R. 612: Mr. Barreto of California, Ms. Eddie Bernice Johnson of Texas, and Mr. Green of Texas.
H.R. 645: Mr. Flake, Mr. Gene Green of Texas, Mr. Pete Geren of Texas, Mr. Torres, and Mr. Ward.
H.R. 656: Mr. Collins of Georgia.
H.R. 725: Mr. Barlow and Mr. Hastings of Washington.
H.R. 697: Mr. Hastings of Washington, Mr. Solomon, Mr. Boxer, Mr. Butter, Mr. Thornberry, Mr. Walsh, Mr. Smith of Texas, Mr. Nethercutt, Mr. Livingston, and Mr. Shadegg.
H.R. 707: Mr. Calvert and Mr. Fields of Texas.
H.R. 739: Mr. Sam Johnson.
H.R. 810: Mr. Meyers of Kansas.
H.J. Res. 3: Mrs. Myrick.
H.J. Res. 24: Mr. Goodlatte.
H.Con. Res. 12: Mr. Smith of New Jersey.
H.Res. 40: Mr. Vento, Mr. Nadler, Mr. Markey, and Mr. Posse.
H.Res. 34: Ms. Danner and Mrs. Thurman.
H.Res. 35: Mr. Rohrabacher and Mr. Burton of Indiana.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 667

Amendment No. 10: Page 9, after line 6, add the following:

(c) Availability of Funds.—Notwithstanding any other provision of this Act, the funds made available under subsection (a) the following amounts shall be available:

only to carry out section 232(j) of the Immigration and Nationality Act:

(1) $330,000,000 for fiscal year 1998;
(2) $350,000,000 for fiscal year 1999;
(3) $370,000,000 for fiscal year 1999;
(4) $350,000,000 for fiscal year 2000.

H.R. 667

OFFERED BY MR. BERMAN

Amendment No. 11: Page 8, strikes lines 7 through 11 and insert the following:

"(1) $677,500,000 for fiscal year 1998;
(2) $1,650,000,000 for fiscal year 1999;
(3) $2,877,000,000 for fiscal year 1999;
(4) $3,016,000,000 for fiscal year 1999; and
(5) $3,093,000,000 for fiscal year 2000.

H.R. 677

OFFERED BY MR. BERNARD

AMENDMENT NO. 11. Page 8, strike lines 7 through 11 and insert the following:

"(1) $677,500,000 for fiscal year 1998;
(2) $1,650,000,000 for fiscal year 1999;
(3) $2,877,000,000 for fiscal year 1999;
(4) $3,016,000,000 for fiscal year 1999; and
(5) $3,093,000,000 for fiscal year 2000.

H.R. 667

OFFERED BY MR. BERNARD

Amendment No. 11. Page 8, strike lines 7 through 11 and insert the following:

"(1) $677,500,000 for fiscal year 1998;
(2) $1,650,000,000 for fiscal year 1999;
(3) $2,877,000,000 for fiscal year 1999;
(4) $3,016,000,000 for fiscal year 1999; and
(5) $3,093,000,000 for fiscal year 2000.

H.R. 677

OFFERED BY MR. BERNARD

Amendment No. 13. Page 2, strike lines 8 and 9 and insert the following:

"TITLE V—TRUTH IN SENTENCING AND CRIMINAL ALIEN GRANTS

Page 8, strike line 5 and all that follows through line 5 on page 9 and insert the following:

(a) In General.—There are authorized to be appropriated to carry out this title and section 24(j) of the Immigration and Nationality Act:

(1) $677,500,000 for fiscal year 1998;
(2) $1,650,000,000 for fiscal year 1999;
(3) $2,877,000,000 for fiscal year 1999;
(4) $3,016,000,000 for fiscal year 1999; and
(5) $3,093,000,000 for fiscal year 2000.

(b) Limitation on Use.—No portion of the funds made available under this title shall be used to fund any other provision or rule of this title.

(c) Uses of Funds.—Subject to subsection (a) and subsection (b), the funds here made available may be used only for the purpose described in section 501(a).
"(2) ALLOCATION.—No funds made available under this title shall be used to carry out sections 502 and 503 until each State that has applied for funds under Section 2402(b) has received such funds.

H.R. 667
OFFERED BY: MR. BURTON OF INDIANA
AMENDMENT No. 15: Page 6, line 14, after "generally" insert "except a settlement agreement the breach of which is not subject to any court enforcement other than reinstatement of the juvenile proceeding which such agreement settled".

H.R. 667
OFFERED BY: MR. CANADY OF FLORIDA
AMENDMENT No. 16: Page 16, line 11, after "agreement" insert "except a settlement agreement the breach of which is not subject to any court enforcement other than reinstatement of the juvenile proceeding which such agreement settled".

H.R. 667
OFFERED BY: MR. CANADY OF FLORIDA
AMENDMENT No. 17: Page 1, after line 22, insert the following:

"(l) require that whenever a juvenile is adjudicated in a juvenile proceeding to have engaged in the conduct constituting an offense described in subparagraph (D) that:

(1) a record is kept relating to that adjudication which is:

(II) retained for a period of time that is equal to the period of time records are kept for adult convictions; and

(III) made available to law enforcement officials to the same extent that a record of an adult conviction would be made available;

(ii) the juvenile's records, once made available in the form of a record, are eligible for redisclosure for purposes of

(A) the juvenile's education; and

(B) the juvenile's reentry to the community; and

(iii) be in place or are putting in place systems to provide objective evaluations of State and local juvenile justice systems to determine the juvenile systems' effectiveness in protecting the community, reducing recidivism, and ensuring compliance with dispositions.

"(C) Section 1994, as amended by this Act.

"(2) report to the Congress not later than February 1 of each fiscal year regarding the number of States that have met the requirements of subparagraph (Bl) of the Violent Crime Control and Law Enforcement Act of 1994, as amended by this Act, title V of such Act shall become effective.

"(3) PRISONS.—Until the requirements of this section are met, title II of the Violent Crime Control and Law Enforcement Act of 1994 shall remain in effect as such title was in effect on the date preceding the date of the enactment of this Act.

H.R. 667
OFFERED BY: MR. CHAPMAN
AMENDMENT No. 18: Page 2, after line 3, insert the following:

"SEC. 2. CONDITION FOR GRANTS.

(a) STATE COMPLIANCE.—The provisions of title V of the Violent Crime Control and Law Enforcement Act of 1994, as amended by this Act, shall not take effect until 50 percent or more of the States have met the requirements of section 503(b) of such Act.

(b) REPORT.—Beginning in fiscal year 1996, the Attorney General shall submit a report to the Congress not later than February 1 of each fiscal year regarding the number of States that have met the requirements of section 503(b) of the Violent Crime Control and Law Enforcement Act of 1994, as amended by this Act, title V of such Act shall become effective.

(c) EFFECTIVE DATE.—Beginning on the first day of the first fiscal year after the Attorney General has filed a report that certifies that 50 percent or more of the States have met the requirements of section 503(b) of the Violent Crime Control and Law Enforcement Act of 1994, as amended by this Act, title V of such Act shall become effective.

"(D) GRANTS FOR THE CONFINEMENT OF YOUTH OFFENDERS.

(1) provides that the applicant has met the requirements of section 503(b) of the Violent Crime Control and Law Enforcement Act of 1994, as amended by this Act, title V of such Act shall become effective.

"(2) any other crime the State determines appropriate and

"(3) the fourteen or subsequent occasion on which such juveniles engage in an activity for which adults could be imprisoned for a term exceeding 1 year.

unless, on a case-by-case basis, the transfer of such juveniles for disposition in the juvenile justice system is determined under State law to be in the best interest of justice.

"(E) require that whenever a juvenile is adjudicated in a juvenile proceeding to have engaged in the conduct constituting an offense described in subparagraph (D) that:

(1) a record is kept relating to that adjudication which is:

(II) retained for a period of time that is equal to the period of time records are kept for adult convictions; and

(III) made available to law enforcement officials to the same extent that a record of an adult conviction would be made available;

(ii) the juvenile's records, once made available in the form of a record, are eligible for redisclosure for purposes of

(A) the juvenile's education; and

(B) the juvenile's reentry to the community; and

(iii) be in place or are putting in place systems to provide objective evaluations of State and local juvenile justice systems to determine the juvenile systems' effectiveness in protecting the community, reducing recidivism, and ensuring compliance with dispositions.

"(F) Section 1994, as amended by this Act.

"(2) report to the Congress not later than February 1 of each fiscal year regarding the number of States that have met the requirements of subparagraph (Bl) of the Violent Crime Control and Law Enforcement Act of 1994, as amended by this Act, title V of such Act shall become effective.

"(3) PRISONS.—Until the requirements of this section are met, title II of the Violent Crime Control and Law Enforcement Act of 1994 shall remain in effect as such title was in effect on the date preceding the date of the enactment of this Act.

H.R. 667
OFFERED BY: MR. CHAPMAN
AMENDMENT No. 20: Page 2, lines 24 and 25, strike "either a general grant" and insert "general grants".

H.R. 667
OFFERED BY: MR. CHAPMAN
AMENDMENT No. 21: Page 7, line 8, strike "or compact," and all that follows down through "States" on line 12, and insert the following: "in the ratio that the number of part I violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part I violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

H.R. 667
OFFERED BY: MR. DOUGETT
AMENDMENT No. 22: Page 3, line 1, after "such" add the following (and redesignate any subsequent sections accordingly):

"SEC. 5. GRANTS FOR THE CONFINEMENT OF YOUTH OFFENDERS.

(a) in general.—Notwithstanding the provisions of section 501(a) and 502(a), the Attorney General is authorized to provide grants to a State or States organized as a regional compact, and to a unit of local government or to a consortium of units of local government to build, expand, and operate temporary or permanent correctional facilities for youth offenders and violent youth offenders, including secure correctional facilities, boot camps, and detention centers. Funds received under this section may also be used to convert military bases to correctional facilities for youth offenders.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an applicant shall submit an application to the Attorney General that:

(1) provides assurances that funds received under this section will be used to supplement not supplant other Federal, State or local funds, as the case may be, that would otherwise be available in the absence of such Federal funds;

(2) provides documentation, if applicable, of a multi-State compact or local consortia agreement; and

(3) provides a statement regarding eligibility criteria for participation in alternative correctional facilities such as boot camps.

(c) DEFINITIONS.—For purposes of this section—

(1) "youthful offender" means an adjudicated juvenile delinquent and juveniles prosecuted as adults; and

(2) "unit of local government" has the same meaning given such term in section 501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

"ALLOCATION OF FUNDS.—25 percent of the funds made available to carry out section 502(a) for each of fiscal years 1996 through 2000 shall be made available to carry out the purposes of this section."
Page 2, line 26, insert, "or discretionary funds for youth offenders under section 504", before the period.

Page 7, line 13, insert, "a unit of local government or an intergovernmental or interagency compact", before "compact.

Page 7, line 19, insert, "or unit of local government or an intergovernmental or interagency compact", after "State.

Page 8, line 15, insert, "and 50(a)" before the period.

H. R. 607

OFFERED BY: Mr. SCHUMER

AMENDMENT NO. 23. Page 4, after line 22, insert the following:

(c) TRANSFER OF UNEXHAUSTED FUNDS—On September 30 of each of fiscal years 1996, 1997, 1998, 1999, and 2000, the Attorney General shall transfer and make available any unexpended funds under this section to carry out section 502.

Page 8, strike lines 1 through 4.

H. R. 607

OFFERED BY: Mr. SCHUMER

AMENDMENT NO. 24. Page 2, strike line 4 and all that follows through the matter preceding line 1, page 12, and insert the following:

TITLE I—PRISON BLOCK GRANT PROGRAM

SEC. 101. LOCAL CONTROL PRISON GRANT PROGRAM.

Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"Subchapter A—Prison Block Grant Programs

"SEC. 201. PAYMENTS TO STATE GOVERNMENTS.

"(a) PAYMENT AND USE—

"(1) PAYMENT.—The Attorney General shall pay to each State which qualifies for a payment under this title an amount equal to 0.25 percent of the amount of funds made available under this title to the State under this section for each payment period from amounts appropriated to carry out this title.

"(2) USE.—Amounts paid to a State under this section shall be used by the State for confinement of persons convicted of serious violent felonies, including but not limited to, one or more of the following purposes:

"(A) Building, expanding, operating, and maintaining space in correctional facilities in order to increase the prison bed capacity in such facility, in particular for persons convicted of serious violent felonies;

"(B) Building, expanding, operating, and maintaining space for the confinement of persons convicted of serious violent felonies;

"(C) Building, expanding, operating, and maintaining space in correctional facilities, including boot camps, and other alternative correctional facilities, including facilities on military bases, for the confinement of convicted nonviolent offenders and criminal aliens for the purpose of freeing suitable existing space for the confinement of persons convicted of a serious violent felony;

"(D) Contributing to funds administered by a regional compact organized by two or more States to carry out any of the foregoing purposes.

"(b) TIMING OF PAYMENTS.—The Attorney General shall pay to each State that has submitted an application under this title not later than—

"(1) 90 days after the date that the amount is available, or

"(2) the first day of the payment period if the State has provided the Attorney General with the assurances required by section 303(a).

"whichever is later.

"(c) ADJUSTMENTS.—

"(1) In GENERAL.—Subject to paragraph (3), the Attorney General shall adjust a payment under this title to a State to the extent that a prior payment to the State was more or less than the amount required to be paid.

"(2) Considerations.—The Attorney General may increase or decrease under this subsection a payment to a State only if the Attorney General determines the need for the increase or decrease on the basis of the change in the number of the number of persons convicted of a serious violent felony in the State.

"(3) The State shall have the right to inspect, audit, and as reasonable requires to review compliance with this title or that the Attorney General reasonably requires to review compliance and operation;

"(4) a designated official of the State shall make reports the Attorney General reasonably requires, in addition to the annual reports required under this title; and

"(5) the Attorney General shall take such action as is necessary to ensure the availability of the amount required under this title.

"SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

"(a) Authorization of Appropriations.—There are authorized to be appropriated for fiscal year 1996—

"(1) $2,320,000,000 for fiscal year 1995;

"(2) $2,370,000,000 for fiscal year 1996;

"(3) $2,380,000,000 for fiscal year 1997;

"(4) $2,250,000,000 for fiscal year 1998;

"(5) $2,050,000,000 for fiscal year 1999; and

"(6) $1,860,000,000 for fiscal year 2000.

"(b) ADMINISTRATIVE COSTS.—Not more than 2.5 percent of the amount authorized under this title to each State shall be deposited in a designated fund for administrative costs to carry out the purposes of this title.

"(c) Availability.—The amounts authorized to be appropriated under subsection (a) shall remain available until expended.

"SEC. 203. QUALIFICATION FOR PAYMENT.

"(a) In GENERAL.—The Attorney General shall promulgate regulations under which a State is required to give notice to the Attorney General regarding the proposed use of assistance under this title.

"(b) GENERAL REQUIREMENTS FOR QUALIFICATION.—A State qualifies for a payment under this title for a payment period only if the State submits to the Attorney General and establishes, to the satisfaction of the Attorney General, that—

"(1) the State will establish a trust fund in which the State will deposit all payments received under this title;

"(2) the State will use amounts in the trust fund (including interest earned during a period not to exceed 5 years from the date of the first grant payment made to the State;

"(3) the State will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the State;

"(4) the State will use accounting, audit, and fiscal procedures that conform to the Single Audit Act of 1981, 31 U.S.C. 1201 et seq., and regulations prescribed under the Act, if the State is a State or political subdivision of a State that is required to have a system of internal control, and applicable procedures for the examination of records and the safeguarding of assets and the performance of activities, that reasonably ensures that the State is maintaining adequate accounting and administrative controls under this title; and

"(5) after reasonable notice form the Attorney General or the Comptroller General of the United States, the State will establish a trust fund in which it will deposit any amounts not expended by the State under this title, if the State fails to meet the purposes authorized under this title.

"SEC. 204. ALLOCATION AND DISTRIBUTION OF FUND.

"(a) STATE DISTRIBUTION.—Except as provided in section 302(c), of the total amounts appropriated for this title for each payment period, the Attorney General shall allocate for States—

"(1) 0.25 percent to each State; and

"(2) of the amount of funds remaining after allocation under paragraph (1), an amount that is equal to the ratio that the number of part 1 violent crimes reported by the Federal Bureau of Investigation for 1990 bears to the number of part 1 violent crimes reported by the State for the current and future payment period unless the Attorney General determines the State is not maintaining adequate accounting and administrative controls under this title.

"SEC. 205. UTILIZATION OF PRIVATE SECTOR.

"(a) Funds made available under this title shall be used to provide funds to the private sector to carry out any of the purposes authorized under this title.

"(b) ADMINISTRATIVE COSTS.—Not more than 2.5 percent of the amount authorized to be used under this title shall be used for administrative costs to carry out the purposes of this title.

"SEC. 206. PUBLIC PARTICIPATION.

"(a) After making public expenditures under this title, the State shall hold at least one public hearing on the proposed use of the payment from the Attorney General.

"(b) Surprise inspections, including the use of unannounced inspections, and, including elected officials of units of local government within such State, shall be given an opportunity to provide the Attorney General with the data regarding the subject of each inspection and to ask questions about the internal control, the financial management, and other matters about the internal management of the State and to ask questions about the entire budget and the relation of the payment from the Attorney General to the entire budget.
H 1464

February 8, 1995

H. 667
OFFERED BY: MR. TRAFICANT

AMENDMENT No. 25: In the matter proposed to be added by section 101 of the bill by section 503(b)(2) of the Violent Crime Control and Law Enforcement Act of 1994, insert the following: "SEC. 505. GRANTS AUTHORIZED.

(a) GRANT AUTHORIZATION.-The Attorney General shall make grants to individuals States to construct, expand, and improve prisons and jails.

(b) AMOUNTS AUTHORIZED.-Grants totaling $3,000,000,000 shall be made to each State not later than October 30, 1996, and grants to each State totaling $3,000,000,000 shall be made annually in each of the years from fiscal year 1996 through fiscal year 1998.

(c) GRANT ALLOCATION.-All such grants shall be made without conditions imposed by the Federal Government, not withstanding any other provision of Federal law, except to comply with the provisions of this section and that the use of such funds shall be exclusively for the construction of prisons and jails. States shall be encouraged to allocate appropriate portions of their grants to local governments within their jurisdictions for the construction of jails.

(d) AUTHORIZATION OF APPROPRIATION.-There are authorized to be appropriated to carry out this title $3,000,000,000 for each of fiscal years 1996, 1997, and 1998. Such moneys shall be appropriated from the Violent Crime Reduction Trust Fund.

(e) DISTRIBUTION OF FUNDS IN FISCAL YEAR 1996.-Of the total amount of funds appropriated under this title in fiscal years 1996, 1997, and 1998 there shall be allocated to each State under this section a ratio to the amount of funds appropriated pursuant to this title as the number of part 1 violent crimes reported by the States to the Federal Bureau of Investigation in the preceding year which appropriated bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation in such preceding year.

SEC. 506. LIMITATIONS OF FUNDS.

(a) NONSUBPLANTING REQUIREMENT.—Funds made available under this title shall not be used to support 'State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available to any State for the construction and operation of prisons or jails.

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

(c) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this section shall be 75 percent of the total costs of the program as described in application.

(d) CARRY OVER OF APPROPRIATIONS.—Any funds appropriated but not expended as provided by this section shall be carried over and will be made available until expended.

SEC. 507. DEFINITIONS.

For purposes of this title—

(1) the term 'violent crime' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as defined in section 16 of title 18, United States Code, with the provisions of such section in effect at the time of the conviction of the defendant, or such offenses for disposition in the juvenile proceeding to which such offenses are reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

H. 667
OFFERED BY: MR. VOLKER

AMENDMENT No. 26: Page 2, line 10, Strike, and all that follows through Page 7, line 12.

Page 2, line 10, Insert the following: "SEC. 504. GRANTS AUTHORIZED.

(a) GRANT AUTHORIZATION.-The Attorney General shall make grants to individuals States to construct, expand, and improve prisons and jails.

(b) AMOUNTS AUTHORIZED.—Grants totaling $3,000,000,000 shall be made to each State not later than October 30, 1996, and grants to each State totaling $3,000,000,000 shall be made annually in each of the years from fiscal year 1996 through fiscal year 1998.

(c) GRANT ALLOCATION.—All such grants shall be made without conditions imposed by the Federal Government, not withstanding any other provision of Federal law, except to comply with the provisions of this title and that the use of such funds shall be exclusively for the construction of prisons and jails. States shall be encouraged to allocate appropriate portions of their grants to local governments within their jurisdictions for the construction of jails.

(d) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this title $3,000,000,000 for each of fiscal years 1996, 1997, and 1998. Such moneys shall be appropriated from the Violent Crime Reduction Trust Fund.

(e) DISTRIBUTION OF FUNDS IN FISCAL YEAR 1996.—Of the total amount of funds appropriated under this title in fiscal years 1996, 1997, and 1998 there shall be allocated to each State under this section a ratio to the amount of funds appropriated pursuant to this title as the number of part 1 violent crimes reported by the States to the Federal Bureau of Investigation in the preceding year which appropriated bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation in such preceding year.

SEC. 505. LIMITATIONS OF FUNDS.

(a) NONSUBPLANTING REQUIREMENT.—Funds made available under this title shall not be used to support 'State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available to any State for the construction and operation of prisons or jails.

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

(c) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this section shall be 75 percent of the total costs of the program as described in application.

(d) CARRY OVER OF APPROPRIATIONS.—Any funds appropriated but not expended as provided by this section shall be carried over and will be made available until expended.

SEC. 507. DEFINITIONS.

For purposes of this title—

(1) the term 'violent crime' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as defined in section 16 of title 18, United States Code, with the provisions of such section in effect at the time of the conviction of the defendant, or such offenses for disposition in the juvenile proceeding to which such offenses are reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

H. 667
OFFERED BY: MR. WELLER

AMENDMENT No. 27: On page 6, after line 20, insert the following new subsection (c):

(c) FUNDs FOR JUVENILE OFFENDERS.—If a State fails to meet the requirements of the section certifies to the Attorney General that exigent circumstances exist which require that the State expend any of its funds for the construction and operation of a State prison, the Attorney General may use funds received under this title to build, expand, and operate juvenile correctional facilities in the State on behalf of the State.

H. 667
OFFERED BY: MR. WYDEN

AMENDMENT No. 28: Page 1, after line 22, insert the following:

''(b) JUVENILE JUSTICE INCENTIVE.—Beginning in fiscal year 1998, 15 percent of the funds that would otherwise be available to a State under this section shall be withheld from any State which does not have an eligible system of consequential sanctions for juvenile delinquents.

Page 10, line 7, delete ''and'' at the end of the line.

Page 10, at the end of line 10, strike the period punctuation and add the following:

''(4) the term 'an eligible system of consequential sanctions for juvenile offenders' means that the State or States organized as a regional commission of juveniles use may be
AMENDMENT No. 2: Page 9, after line 6 insert the following:

[(g) APPORTIONMENT REQUIREMENT.—“Funds made available under this title to units of local government shall be equitably apportioned between the categories of programs set forth in sections (3) (A–C), above. Under no circumstance should 100% of any allocation be expended on only one category of programs listed above.”]

H.R. 667
OFFERED BY: MR. WYNN

AMENDMENT No. 3: Page 9, after line 6 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):

“(1) Assistance for Delinquent and At-Risk Youth under subtitle G.


“(iii) Gang Resistance and Education Training under subtitle X.”]

Page 6, after line 24, insert the following (and redesignate any subsequent subsections accordingly):

“(c) PREVENTION SET-ASIDE FOR YOUTH.—Of the amounts to be appropriated under subsection (a), the Attorney General shall allocate $100,000,000 of such funds for each of fiscal years 1996 through 2000 to carry out the purposes of subparagraph (D) of section 101(a)(2).

H.R. 729
OFFERED BY: MS. JACKSON LEE

AMENDMENT No. 4: Page 4, after line 5 insert the following:

“(D) Establishing the programs described in the following subtitles of title III of the
We believe that giving taxpayers the freedom to determine how their welfare dollars are spent will spur interest in anti-poverty efforts and enhance the role of private charities. Replacing traditional welfare programs with Government checks has failed.

Mr. Speaker, it is time for the Federal Government to step aside and tackling poverty in a meaningful way. It is a bold step to change the way the Government spends taxpayers' dollars, not merely a slap on the wrist. The Violent Criminal Incarceration Act does exactly this. It allows States to strengthen their sentencing policies by providing grants to expand prisons. Let's work together to put these violent criminals away and end the revolving door policy at our prisons.

RAISE THE MINIMUM WAGE TO A DECENT LEVEL

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

Mr. EVANS. Mr. Speaker, the same old story still applies: The harder working Americans work the farther they fall behind. That is why it is so important that we raise the minimum wage to a decent level.

The Republican response to this problem is to argue that trickle down proposals will create better paying jobs. But corporate welfare does not lift all boats equally.

Business Week has pointed this out in an article called "Plumper Profits, Skimpier Paychecks." According to this article, only 81 percent of corporate incomes go to salaries and benefits.

Corporate America needs to adopt a new social contract with its workers, and so does the Republican Party.

The first step is to support a fair and livable wage for all Americans.

SUPPORT THE VIOLENT CRIMINAL INCARCERATION ACT

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

Mr. JONES. Mr. Speaker, yesterday, I spoke about Kermit Smith, the individual who spent 14 years on death row for the brutal kidnaping, rape, and murder of a college cheerleader in North Carolina. However, I forgot to mention that he was on parole during the time of the murder. Two years prior, he was convicted of a violent crime and spent 1 year and 8 months in prison—less than 50 percent of his sentence.

According to the Justice Department, a violent criminal serves roughly 42 percent of his prison term which breaks down to an average of 24 months in jail. The solution to getting people are fed up with this. Congress needs to send a strong message to criminals. We must increase the amount of time spent in prison. Criminals must receive harsh punishments, not merely a slap on the wrist.

The BIPARTISAN APPROACH NEEDED FOR WELFARE REFORM

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

Mr. LEVIN. Mr. Speaker, the key to any welfare reform is how quickly and how effectively people on welfare move into work. The main objective must be not to penalize children but help put their custodial parent and both of their parents responsible for their welfare.

According to press reports, Republicans are unveiling their welfare reform plan this morning. I have two major concerns, among others. One is that it appears that the Republican proposal will be strong on punishing children and will be weak on getting their parents into work.

Washington, our responsibility is more than just to penalize this, punting, paying, and then praying.

I favor State flexibility, but this must be within a new partnership with the States.

A second concern I have is the lack of bipartisanship. The Republicans are making the same mistake as the Democrats did on health reform, going it alone, as we on the Human Resources Subcommittee begin to mark up the bill next week. I hope there will be a more bipartisan approach. Welfare reform deserves it.

THREE-FIFTHS MAJORITY PROTECTION AGAINST TAXATION

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

Mr. HOKE. Mr. Speaker, for the first time in a long time, Congress is setting records that it can be proud of, and record that apparently the people are proud of, too, by the result of a poll that was released last week indicating that the approval rating of Congress has doubled in the last month.

In only 36 days, the House, has gone from being a do-nothing Congress to being a can-do Congress. We are working hard to keep our promise to produce real changes, and we are moving forward at a record pace.

In the first 36 days, this Congress has spent more hours in session, taken more votes on the floor, held more committee meetings, and reported more legislation than any previous Congress in at least 15 years. We have passed seven major bills, and contrary to the sniping that you might hear from the other side and the impression that it might create, every single one is bipartisan, broad, bipartisan support including. in some cases, every single Democrat as well as every single Republican voting in favor of those bills.
Mr. McINNIS. Mr. Speaker, credibility, credibility, credibility. Here was the story yesterday: The nominee for the Surgeon General of the United States of America advised the White House, the U.S. Senate, that he had performed only one abortion. Within hours he changed his story, and gave a written statement that in fact it was less than 12 abortions. Then the pro-life group, some pro-life group came out and said it looked more, based on an excerpt from testimony of this gentleman from years back that it was 700 abortions. That was the story yesterday.

Today, last night or last night's news makes today's story. It was not 1, it was not 12, it is now 39.

The issue is not abortion. The issue is credibility. Where is the credibility of this nominee for Surgeon General? Can he devote the time necessary for rural health and other key issues? It sound like another story of, "I didn't inhale."

Do yourself a favor, do your country a favor. "Withdraw, your nomination, Dr. Foster."
with this Congress and with the American people. Should his nomination remain in place, the debate will only become more acrimonious. And, frankly, after the embarrassing reign of Surgeon General Joycelyn Elders, this country deserves better.

Mr. Speaker. Dr. Foster should do the right thing and withdraw his name from consideration immediately. And, if he chooses not to, President Clinton should do the right thing and withdraw it for him.

I WILL NOT BE SILENCED

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

Mr. LEWIS of Georgia. Mr. Speaker, I rise only to tell my Republican colleagues from Georgia that I will not be intimidated. I will not be cowed and I will not be silenced.

Yesterday's Constitution reported that Republican members of our delegation are threatening retribution against me and another member of our delegation because of our calls for an outside counsel to investigate Speaker Gingrich. According to the article the Atlanta Federal Center, the King Historic Site and even funding for the 1996 Olympic Games may be jeopardized because we have dared to speak out.

My Republican colleagues should have more courage. Do they really think they can silence me with their threats? If they want to confront me, they should take me head on, man to man. The nerve, the gall. Mr. Speaker, to hold the people of Atlanta, the citizens of Georgia, and the athletes of the world hostage in their attempt to silence the legitimate calls for an investigation of Speaker Gingrich.

Is there nothing this new Republican majority will not do to silence the voice of reason? Well, Mr. Speaker, I will not be silenced. I will not be intimidated. We need an outside counsel to investigate this Speaker and we need one right now.

WE NEED WELFARE REFORM NOW

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

Mr. FRANKS of Connecticut. Mr. Speaker. I would also like to wish the Speaker pro tempore (Mr. BARRETT of Nebraska) a happy birthday today.

Yesterday, every day there are dreadful examples of why it is so important to take cash out of our welfare system and replace it with a debit card.

In Chicago, 20 people were living in a 2-bedroom apartment. 5 families used the address to qualify for welfare. Thus, $1,500 in welfare benefits were going to the adults in the apartment.

2-bedroom apartment. 5 families used the address to qualify for welfare. Thus, $1,500 in welfare benefits were going to the adults in the apartment.

All five adults were alleged drug abusers. The adults were using the children to feed their drug habits. Their children were being abused, and we, the taxpayers, were inadvertently assisting.

Mr. Speaker, it is our welfare system that is creating this problem. A welfare debit card instead of cash payments will help prevent child abuse. help us with our war on drugs, and finally, give the taxpayers an accounting of their hard-earned tax dollars.

I encourage my colleagues to join the bipartisan supported welfare debit card bill.

MORE IMPORTANT NEWS THAN SHREDING THE FOURTH AMENDMENT

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

Mr. DeFAZIO. Mr. Speaker, yesterday the House of Representatives concluded a long and heated debate on the Civil Liberties Act of 1996. After the evening news. I mean who knows or cares about obscure legal arguments? There was more important news: The OJ trial. 10 minutes on the plentiful bookshelves, and the Republican sweep of the Senate. Well, after all, the actions taken here on the floor only shredded the fourth amendment to the Constitution.

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause supported by oath or affirmation particularly describing the place to be searched and the persons or things to be seized. America, bar your doors, they do not need warrants anymore.

INTRODUCTION OF THE CHILD CARE AVAILABILITY INCENTIVE ACT

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

Ms. PRYCE. Mr. Speaker, today, I join with my colleague, the gentleman from Indiana (Mr. ROEMER) to introduce the Child Care Availability Incentive Act, a bill that will increase access to affordable, quality child care for America's working families.

Today, few parents have the luxury of foregoing an income to stay at home with their children. There has been a dramatic rise in single-parent households, and dual-income families have become the norm. Unfortunately, the supply of child care has not kept up with the demand, and the care that is available is often inadequate.

Our bill addresses this crisis by offering tax incentives to businesses to provide licensed, on-site or site-adjacent care to their employees. Both the employer and the employee will benefit from this approach. Child care convenient to the workplace increases productivity, improves worker morale, and cuts down on absenteeism and provides for better overall employment relations.

The Child Care Availability Incentive Act does not create another Government program or offer a new Federal entitlement. Instead, it makes simple tax policies that give the Government can encourage business to address a growing societal need. I invite my colleagues to cosponsor this urgently needed legislation.

SUPPORT THE CHILD CARE AVAILABILITY INCENTIVE ACT

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

Mr. ROEMER. Mr. Speaker, I rise as a cosponsor with my colleague, the gentleman from Ohio (Ms. PAYCE) to address a serious concern facing single-parent households and dual-income families, finding affordable, safe, and educational child care. The Child Care Availability Incentive Act which we are introducing helps to solve this very problem.

We can all share stories of constituents who grapple with the problem of child care. With the high cost of care, many single mothers receive a higher income on welfare than from working. Our bill would provide tax credits to businesses which offer on-site child care services to their employees.

Studies have shown that onsite care increases worker productivity and combines high quality care. According to a study released last week, 40 percent of centers for infants and toddlers provide mediocre to poor care. Seventy-six percent of these studies showed that health and safety needs are met, but growth and developmental needs are not.

I encourage my colleagues to support in a bipartisan was this very constructive legislation.

INTRODUCTION OF H.R. 862

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

Mr. DORAN. Mr. Speaker, I introduced a piece of legislation yesterday, H. R. 862, that is really going to help Bill Clinton. Our distinguished colleague and leader of the minority, the gentleman from California (Mr. Fazio) is here. He may appreciate this. This may be a first, Mr. Speaker.

The show "Nightline" last night showed a very nice man and probably a very good doctor, Dr. Henry Foster, trying to get himself out of the position he described of the inside-the-beltway climate of speaking before really understanding something, and he tells us now that he has performed 89 abortions, not the 700, but it still has given him such a truthfulness problem that here is how we solve the problem.

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CONGRESSIONAL RECORD — HOUSE

February 9, 1995

It has become not a bully pulpit, but a pulpit of political correctness. He is on a hot seat. If President Clinton withdraws this nomination, then he is in trouble, and how is anybody going to get through the nomination process after this?

Put it back where it belongs, in the Assistant Secretary of Health. Solves problems for everybody.

SUPPORT THE INCREASE IN THE MINIMUM WAGE

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

Mr. FAZIO of California. Mr. Speaker, yesterday marked the fifth year in a row that the productivity of the American worker has increased. But despite this good news, most American workers have had no real increase in earnings in over 15 years.

In the last Congress, we gave a tax cut the help those Americans who were working hard but falling behind. Now, President Clinton has endorsed a small increase in the minimum wage to reward Americans who choose work, not welfare.

At the current minimum wage—just $4.25 an hour—someone working day-in and day-out would bring home just $8,500 a year. A family of four trying to live on this wage—just $500 a month—would find it nearly impossible to pay the rent, let alone purchase clothes for school. If the minimum wage is increased by just 90 cents over 2 years—we can provide working Americans with additional rewards for their work.

And while we are at it, let’s arbitrate an end to the baseball strike. Democrats are worried about minimum wage workers who can’t afford peanuts in the bleachers—not about multi-millionaire ballplayers and owners who can afford to sit out another season.

CONGRATULATIONS TO HARD-WORKING CONTRACT WITH AMERICA SUPPORTERS

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

Mr. DREIER. Mr. Speaker, I think it is 36 days ago the 104th Congress convened. I rise today to commend the nine major reforms. We turned around the way this place does business by eliminating committees and making this place more accountable and deliberative in many ways. We passed the Congressional Accountability Act. In the last 4 weeks we have passed legislation that makes it much tougher to impose unfunded mandates on States, the balanced budget amendment to the Constitution, line item veto authority for the President, which is what he has asked for, and we are now in the midst of working on a wide range of legislation which has been discussed for years that will finally focus a little more attention on the victim than the perpetrator.

It seems to me that, if we look at what is taking place over the past few weeks, we clearly have been able to proceed effectively in a bipartisan way, gaining support from Democrats for these Republican initiatives in the Contract With America, and I would simply like to extend congratulations to those who have worked so hard to make it happen.

THE SWEETHEART DEAL OF THE CENTURY

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

Mr. BONIOR. Mr. Speaker, today’s Washington Times has an article that provides a fascinating window on how the special interests and policy are intertwined in this Republican Congress.

Now the Speaker has mounted a consistent attack on the Corporation for Public Broadcasting, and at times he has even called for funding to be reduced to zero. Today we find out that the Speaker’s close friend and ally, Vin Weber, who has, according to the Times, and I quote, frequently been in the Speaker’s office the past 6 weeks, often working in his shirt sleeves, has signed a $250,000 contract with the Corporation for Public Broadcasting, and I guess what the contract was for? To plot out the future for the Corporation.

In other words, in one room Mr. Weber was engaged in discussions with the Speaker on how to do away with the Corporation, and in the other room he is telling the Corporation that for a cool quarter of a million dollars he can help salvage what the Speaker is trying to do away with.

□ 1040

Mr. Speaker, it is appropriate that we are away from Valentine’s Day because this is the sweetheart deal of the century.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). This will conclude the 1-minutes for the morning, and the Chair will take the liberty at this time of recognizing a gentleman from Arkansas (Mr. THORNTON) for the purpose of making an announcement.

THE LATE HONORABLE J. WILLIAM FULBRIGHT

Mr. THORNTON. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute in order to make an announcement of interest to the Members of this body.

THE SPEAKER pro tempore. Without objection, the gentleman is recognized.

There was no objection.

Mr. THORNTON. Mr. Speaker, I come before the House today to make an announcement that is sad, not only to the Members of this institution but to all those who care freedom throughout the world.

This morning, at 89 years of age, with his wife Harriet at his side, Senator J. William Fulbright died. Our condolences and thoughts are with his family.

Senator Fulbright came to this House in an election in 1942 and as a freshman Member of this House introduced and passed the bipartisan resolution, which was the foundation and the architecture for the postwar peace effort. Moving from this House to the Senate, he compiled an extraordinary career. Throughout the world Fulbright scholars will be in mourning today as the man who gave his name to the greatest exchange of students in the history of the world departs from the world.

He never lost confidence in America. He will be remembered as one of our Nation’s greatest statesmen, a leader, not a follower, who significantly influenced the course of human events.

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He never lost confidence in America. He will be remembered as one of our Nation’s greatest statesmen, a leader, not a follower, who significantly influenced the course of human events.

Mr. Speaker, there will be a service in Washington, DC, as well as at the University of Arkansas, whose College of Arts and Sciences bears the Senator’s name, and in due course there will be an opportunity for a special order in this body for all those who knew and revered Senator J. William Fulbright.

VIOLENT CRIMINAL INCARCERATION ACT OF 1995

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 63 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 63

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause (b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 867) to control crime by incarcerating violent criminals. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with clause 2(1)(B) or clause 2(1)(6) of rule XI 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 for a period not to exceed ten hours. It shall be in order to consider an amendment for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XCI or clause
Mr. Quillen. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. Quillen) for yielding which I yield myself such time as I may consume.

Mr. Quillen. Mr. Speaker, I thank the gentleman from Tennessee (Mr. Quillen) for yielding the customary half hour of debate time to me, and I yield myself such time as I may consume.

Mr. Belenon. Mr. Speaker, I thank the gentleman from Tennessee (Mr. Quillen) for yielding the customary half hour of debate time to me, and I yield myself such time as I may consume.

Mr. Speaker, I am disturbed about the dangerous waiver that is in this rule. In fact, we are beginning to detect the development of a pattern of the majority's attempts to deliver the open rules it has long advocated and promised, but rules that are open in name only. Our colleagues on the other side of the aisle cannot have this both ways—they cannot claim, as they have been doing, that the result is in actuality a process that closes down and restricts debate.

We saw this pattern in the debate on unfunded mandates and on the line-item veto. In each of those instances, the rule was in effect modified after the fact. The debate on each started under an unfettered rule, only to end with time restrictions on amendments. The majority's attempt to ensure that the process be straightforward from the start in describing the terms of debate and that they not make a habit of changing the rules in midcourse. Members have a right to know from the beginning how they will have to deal with the bills before us.

Unfortunately, H.R. 667 itself, which places greater restrictions on funding for the prison construction grant program while also increasing the funding level, begins the process of eliminating the newly enacted community policing program and crime prevention programs—including the acclaimed drug courts program which reduces the recidivism rate of participants dramatically. Given the proven level of success of this prevention program, which costs about $800 per participant as opposed to $20,000 or more for the cost of a year in prison, the cut in funding in this area will result in substantially higher costs and more crime victims.

Unfortunately, it appears that States would be eligible for more funding under the provisions of the 1994 crime
bill. We are told that as few as three States—North Carolina, Arizona, and Delaware—can currently qualify for funding under the provisions of funds that the bill establishes. In any case, it is clear that these funds will go to only a very small minority of the States in the foreseeable future. So, for those of us who support more prison cells for violent crime, this legislation is not the promised solution.

Mr. Speaker, the programs we enacted just last year have only begun to work—we should allow them to continue so that more police will be on the streets of our communities and more criminals are locked up.

If I might, I would like to discuss briefly one significant issue that we discussed in the Rules Committee. The gentleman from California [Mr. BERMAN] testified, requesting that he be allowed to offer an amendment to address another very significant problem—reimbursing States and localities for the costs of imprisoning criminal illegal aliens.

In today's Los Angeles Times, the Speaker was quoted as declaring that the cost of imprisoning illegal immigrants is a federal responsibility and calling on Congress to approve $630 million in reimbursement to States. I could not agree more with our distinguished Speaker, and I am glad the Speaker has finally decided to champion this issue which several of us from affected communities have been arguing for quite some time now. I am still concerned, however, that full funding for State reimbursement will not be forthcoming.

Congress recognized the unfairness of this situation and acknowledged the Federal Government's responsibility for the criminal alien population as far back as 1986, when we approved the Immigration Reform and Control Act. Section 501 of that act specifically authorizes the reimbursement of States of costs incurred in the imprisonment of illegal aliens. Unfortunately, no funds were appropriated for that purpose until just last year, under an amendment which this gentleman carried on the floor and which was supported by colleagues from both sides of the aisle. The amounts recently appropriated will not even cover one-third of the costs. In addition, no funds have been made available for local governments, which also incur huge costs in this regard.

During the current fiscal year, California alone will spend nearly $400 million to incarcerate illegal alien felons. With that $400 million, California could instead build and operate two prisons housing 4,400 criminals each; put more than 2,400 highway patrol officers on our streets; and provide drug rehabilitation programs for inmates.

In short, this is as members know, a serious problem for many States and one for which the Federal Government has the primary responsibility. We will have the gentleman from California, I think the gentleman told me that. The Democrats had twice as many alternate substitutes than we did. So I would just take exception to the question of it being disingenuous.

Also, the gentleman mentioned the fact that we did not have the normal 3-day layover. It was necessary to waive clause 2(1)(2)(B) of rule XI against consideration of the bill because the rule prohibits the consideration of a bill until the third day of which a report is available to House Members.

And again, I would call attention to the fact that although this report was filed on Monday, February 6, it did not become available to Members on Tuesday from the Government Printing Office, as we anticipated. Instead, it was not delivered to the House until early on Wednesday, meaning that the third day of availability under the rules would be Friday. So with consultation with the minority, they agreed to waive the extra day so that we only had availability for 2 days and so that we could bring the bill to the floor and have meaningful debate on it today.

I think when it comes to the question of how long we will spend on this bill, there is 1 hour available on the rule, which we are debating now. There is 1 hour on general debate, and then 10 hours of consideration for amendments.

That will take up 2 days in this body, and that is what was suggested by the minority. We acceded to their wishes and gave the 10 hours of debate. I just wanted to clear the air.

Mr. Speaker, I yield to the gentleman from Boston, MA [Mr. FRANK].

Mr. FRANK of Massachusetts. Not from Boston. That is a lesser inaccuracy. Under the circumstances, let us get to the more substantive ones. Mr. SOLOMON. Careful now. Mr. FRANK of Massachusetts. "Inaccuracies are a perfectly acceptable word under the rules.

The first point I would make is that the balanced budget constitutional amendment was not the only bill we considered under a restricted rule. We considered on the first day a statute relating to a continuing Congress with the laws which was considered under a totally closed rule.

Mr. SOLOMON. I am the chairman of the Committee on Rules, and the Committee on Rules did not put out a rule on that bill. That was not a rule.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman will continue to yield, the gentleman makes a distinction that is absolutely without any point or purpose whatsoever. The fact is, if the gentleman wants to take this personally as a commentator, he is free to do that on his own time. But the question is, how has the House considered things? And in fact,
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under the Republican leadership's direction, the Speaker considered an important piece of legislation, the compliance bill, under a total closed procedure.

Mr. SOLOMON. Reclaiming my own time, Mr. Speaker, so that the gentleman's concerns could be addressed, I welcomed the amendment, and I am sure that the gentleman would be glad to respond to him. The gentleman says if I would do it on my own time, he is on my time. I reclaim my time and would then ask the ranking member over there to yield to the gentleman, where we can have a meaningful discussion on his time.

Mr. BEILenson. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, the point I was making is that the gentleman's concern with his own personal reputation did not seem to me to be all that relevant to the debate.

The question is, what has the House been able to do? And the compliance bill was considered under a procedure which allowed no amendments whatsoever. Similar to the balanced budget amendment, which the gentleman talks about, some amendments were allowed and some were not.

I went to the Committee on Rules with an amendment which got the most votes of any amendment offered in the Committee on the Judiciary. It is the one that allowed a full debate on the question of separating out the receipts and outlays of Social Security from the balanced budget. And the Committee on Rules, under the gentleman's direction, refused to allow that amendment, a freestanding Social Security amendment, not linked with other things, to be voted on.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would just say to the gentleman, first of all, his amendment was offered, I think, in a motion to recommit. But we had given the minority the opportunity to select any of the amendments that they wanted to make in order. They did not select his amendment.

Mr. FRANK of Massachusetts. I have to disagree with the gentleman. First of all, Members should understand that, yes, there was a motion to recommit, which the minority has, which allowed for 10 minutes of debate rather than what would have been an hour. And the minority was not able to present that view.

Second, it has been my information, with the ranking minority member, that we did ask that my amendment be made in order. And the fact is that the Committee on Rules did not want it made in order. When we dealt with the compliance bill, which kept off the floor was the question of frequent flier miles, because the Speaker does not want us to be able to vote on preventing Members from using frequent flier miles for personal purposes when they are awarded as part of that fund.

On the balanced budget, the majority did everything it could to keep the minority from voting and fully debating the Social Security question. The amendment that got the most votes in the minority was the amendment that drew some Republican support, was given by the majority the shortest shift possible. We did choose to use the recommit for it, but that is, as I said, a 3-minute debate on each side as opposed to an hour.

So the record is very clear that when the majority anticipates that an issue will be troublesome, they do what they perfectly willing to have us debate issues that are not going to be troublesome to them politically.

Finally, I want to agree with what the gentleman from California said when he talked about the haste, and we have a majority operating under a self-imposed campaign promise of 100 days to bring out a large amount of legislation. People are pressed for the time to do than they had anticipated. They are running in straits. They are running into straits in the committee process. They are running into straits on the floor. Yesterday we had the House have a base corpus amended with the author of it, the chairman of the subcommittee, agreeing that he had made a major error in the bill he had brought forward and agreeing that it had to be corrected. We do not know what other major errors are there.

To meet a political pledge, the majority is doing violence to the procedures. In many cases, and committee meetings have been cut off without amendment process action, and the open rules have not been open. A 10-hour limitation on some of these major amendments may open rule and is intended, in fact, to cut down on the debate. And we have had more need for the majority itself to amend and correct its own legislation on the floor, and in virtually every committee, in the Committee on Government Reform and Oversight, in the Committee on Science, in the Committee on Judiciary, there have been these problems. So what Members should understand is that we have got a series of difficulties, procedural and substantive, because of this haste.

I want to repeat again, to my knowledge, there are two issues I wanted to see fully debated on this floor, separating out the Social Security receipts and outlays from the balanced budget, and the Committee on Rules would not allow that as a freestanding amendment, required us to do it only in the recommit because they could not stop that one. They would have liked to, and we only had, of course, a very limited time. And the compliance bill came out in a form in which the Speaker was able to keep us from debating the question of whether or not Members should be restricted from, with public funds, acquiring frequent flier plans and using them for their personal advantage.

And so, in fact, the pattern is this, where nothing turns on it, where there is no potential embarrassment, the majority will be for an open rule. But when there is something that might be politically troublesome, they are going to do what they can to try to restrict the debate.

Mr. SOLOMON. Mr. Speaker, if the gentleman from Newton, MA, will continue, I yield.

Mr. FRANK of Massachusetts. I just asked the gentleman if he wanted me to yield and I will.

Mr. SOLOMON. I am looking at the first 10 rules that were issued by the gentleman's majority Democrats 2 years ago, all restricted and closed. Here is the record. The gentleman never had it so good.

Mr. FRANK of Massachusetts. I agree. I had thought, just as the gentleman did with me, that the gentleman on the other side was talking about how much better they would be. The point is——

Mr. SOLOMON. Absolutely. Mr. FRANK of Massachusetts. That they are in fact using their power to restrict debate a little bit more technically than we did. We did tend to overuse it. The gentleman on the other side only shuts off debate if it is going to be embarrassing to them. I acknowledge that. Where in fact nothing turns on it and there is no problem, they will have debate. But where we talk about restricting frequent flier miles used with public funds for personal purposes, a pet project of the Speaker's, apparently then, no, we cannot debate that.

Where we talk about separating out Social Security in the balanced budget, no, we cannot debate that. Where the gentleman from California had an amendment that passed in the Committee on the Judiciary that would give us an opportunity to recommit a California and other States the relief the Speaker says he wants to give them, the Committee on Rules makes that impossible. So, in fact, we have a pattern.

Mr. SOLOMON. Wait a minute. We have rules of the House that we have to abide by. And I have great respect for my friend, the gentleman from California. [Mr. Berman], and for what he is trying to do. As a matter of fact, it affects my State of New York very much so. But the question—that was a budget waiver and creating a new entitlement program—the question was one of side only shuts off debate if it is going to have his opportunity on this bill today, and we better kind of take it easy and not get Members all shook up.

Mr. FRANK of Massachusetts. I understand that the gentleman does not want Members to shack up on certain issues. Fortunately, he does not have the power to stop that.

The amendment the gentleman offered in committee is not going to be
able to be offered because the Committee on Rules would not give them a waiving and there are other waivers in this bill. The notion that the rules cannot be waived is silly. There are four waivers in this bill. There are not five. Because the fifth would have been embarrassing. So four waivers they can give, but the fifth they cannot give because, as with the Social Security relevance to the balanced budget; as with frequent flier, it would be troublesome.

Mr. Speaker, I acknowledge that the gentlemen are very clever about it. They do not get caught restricting the rules when there is no political problem. But as soon as the issue gets relevance to the balanced budget: as with the practice of the former majority party in the Committee on Rules, I would just say that he does hold us to a higher standard, and he is right in so doing.

Mr. FRANK of Massachusetts. Mr. Speaker, that was debated on the floor last year.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I understand that the managers of the Judiciary Committee has come to the floor. I now yield the floor to the gentleman from Massachusetts [Mr. FRANK], about frequent fliers. I must say, it is an issue that has troubled me. I accumulate them, and there is a concern, because they are acquired by flying with Government-paid airfare. However, in 20 years here, I have noticed that this job, this work, creates an awful strain on the family. Sometimes Members like to have their spouses fly with them to see what they are doing and where they work. Sometimes the children like to fly with them. We are trying to establish a family-friendly place.

I must say, Mr. Speaker, I am torn about the uses of these frequent fliers miles. If it can keep a family sharing the work that is done, the issues, the responsibilities, I do not think it is all a bad thing. That is all I want to say.

Mr. FRANK of Massachusetts. Will the gentleman yield. Mr. Speaker, just to respond to the gentleman from Illinois?

Mr. SOLOMON. Since the gentleman yielded to me, I yield to the gentleman from Massachusetts briefly. Mr. Speaker, because we have to get on with this work.

Mr. FRANK of Massachusetts. Mr. Speaker, I will not engage the gentleman on the merits, because I think he has some points, although I disagree with him.

My point is that it is precisely this kind of thoughtful debate that we have not been able to have on the floor. I would like to have a chance to explore all the issues, but by the procedure that was used, the whole issue was kept off the floor, and it is that procedural objection to the substantive one, that I am making.

Mr. HYDE. Mr. Speaker, would the gentleman yield 15 seconds more?

Mr. SOLOMON. Mr. Speaker, I yield for 15 seconds, and then that is it. We are going to debate on this bill. Mr. HYDE. I understand. I am overly grateful, Mr. Speaker, to the gentleman for yielding to me.

I just want to say to my friend, the gentleman from Massachusetts, that recognizing the practice of the former majority party in the Committee on Rules, I would just say that he does hold us to a higher standard, and he is right in so doing.

Mr. FRANK of Massachusetts. Mr. Speaker, that was debated on the floor last year.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MOOKLEY], a distinguished ranking minority member of the Committee on Rules.

Mr. MOOKLEY. Mr. Speaker, I thank the gentleman from California for yielding the floor to me.

Mr. Speaker, this is not a wide open rule. There are four waivers of points and order. This is not even close. This is a backhanded gag rule that waives not one, not two, not three, but four points of order, something the Republicans used to say was a horrible thing to do.

I would like to quote this great man who made the statement on March 31, 1993: "Mr. Speaker, waiving the 3-day rule, the 3-day layover requirement, is never a good idea, never."

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

Mr. MOOKLEY. Mr. Speaker, I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would ask the gentleman from Massachusetts [Mr. MOOKLEY] a question. I want to hear the gentleman from New York talk about the gentleman from Massachusetts [Mr. MOOKLEY]. That great man was the gentleman from New York [Mr. SOLOMON]. I just want to show the Members, whatever side one is on, this thing cuts both ways.

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, I would ask, did the gentleman vote for this rule in committee?

Mr. MOOKLEY. Yes, Mr. Speaker.

Mr. SOLOMON. However, I am here showing the American people and the people here that the statements made by the gentleman from New York [Mr. SOLOMON] are not being carried out: "We are going to have wide open rules."

We had three open rules this year that we put through on suspension last year. We will have open rules when they figure it is noncontroversial. When many billions worse in the minority, they complained loud and long about what they called closed rules.
other areas, are shoulder the entire burden of the cost of incarcerating undocumented convicts. Each of these convicts is a convicted of felonies and who are housed, in State and local prisons as a result of those convictions, people who should not have been in this country or in those prisons. They are housed in violation of the Federal Government to enforce the laws that we are supposed to enforce, and we have pledged to enforce.

I proposed an amendment to provide a capped entitlement to guarantee to the State and local governments that they would be reimbursed for the properly expanded costs submitted to the Justice Department. After a review of the Justice Department, and within the terms of the amendment, I proposed for payment for capped entitlement, a capped entitlement of $500 million, by reducing proportionally the existing authorization, which everyone intends to fund, they claim, for reimbursement for the States under last year's crime bill, and by reducing the amount of the authorization in the prison reform bill. The Speaker himself referred to it, that goes on now is this shifting of costs to the States and local governments. Let me say to my colleagues, were the Federal Government to pick up the obligation we would then have an incentive, the same incentive that the chairman of the crime committee says is the justification for conditioning prison building grants to the States on their sentencing, we would have the incentive to do something.

The President of the United States, President Clinton, is the first President to actually propose trying to help the States in this area and we appropriated $130 million last year, but that is far short of what the actual costs are. The CBO suggests they are $500 million.

I am just going to take one moment here to read a little bit from the computer printout of the AP wire story it seems that last night on the floor, (March 11, 1995)


The issue to me is not whether this rule is open or not. I understand the need of the majority to try and manage the business of the House. The question is whether the rules process is used to fundamentally tilt the process one way or another. We have a situation with this whole issue. I listened to the Speaker this morning in his morning press conference, and he spoke eloquently about the propriety and the legitimacy of the claims of both States that are shoulder the costs of the incarceration of undocumented convicts and their rightful need to be reimbursed.

Two weeks ago we passed a balanced budget constitutional amendment. States and local governments raised a question. They said are you going to cut aid by shifting to the State, or are you going to cut Federal programs, and without exception the chief proponents of the constitutional amendment said we are not going to be doing it by shifting the cost to the States and local governments, we are going to do it by cutting Federal programs.

Let me tell my colleagues, the biggest cost shift of all is the cost shift that comes by forcing the State and local governments to pick up the cost the Federal Government fund not be in this country, except for the failure of the Federal Government to enforce its own laws.

A week ago we passed the unfunded mandate, the cost not going to do this anymore, we are not going to shift the costs to the State and local governments, we are not going to decide what is happening. The biggest unfunded cost, in effect a mandate as the Speaker himself referred to it, that goes on now is this shifting of costs to the States and local governments. Let me say to my colleagues, were the Federal Government to pick up the obligation we would then have an incentive, the same incentive that the chairman of the crime committee says is the justification for conditioning prison building grants to the States on their sentencing, we would have the incentive to do something.

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bill until that $650 million is given back to the States and local governments.

But the Appropriations Committee can say when they go through that process, notwithstanding this amendment would pass, notwithstanding this provision would not be here because we propose to appropriate the following moneys." Let me tell my colleagues, the Appropriations Committee I understand has all of these pressures, and I understand only certain States are affected. I understand it is not a national problem in one sense of the word. But the Appropriations Committee will be very tempted to include that language, and then they will be legislating on an appropriation bill. Then I suggest the Rules Committee may very well grant that waiver, and that will be the question that they will have to face then.

So I think the Rules Committee did me an injustice yesterday by not granting the waiver. But I think, and more important to me, I think they did a very legitimate cause that is consistent with their own rhetoric. I think the unfunded mandates bill and the balanced budget constitutional amendment by denying that kind of a capped entitlement program to be offered on the House floor and to be debated on the House floor.

I am not going crazy on the rule because we will offer this other amendment on the floor that will be in order. It is not as good. It does not work as well. It does not fit the terms of what the Speaker himself supports, and I believe him, because I know he cares. But I think he is getting a lot of pressure from inside the ranks, particularly from Members who are focused very narrowly on the Federal budget and not on the concept of State and local unfunded mandates and the legitimacy of specificity of states and local governments.

I want to add one last thing, and then I will yield back the time that the gentleman from California [Mr. Berman] has given me, and who led this cause and who has long language into the bill last year which allowed for the first money to be appropriated.

The Speaker appointed a task force on California and named very competent and distinguished colleagues of mine to lead that task force, indicating an understanding that the problems of California are not just isolated to California, that the country and the Congress should not turn its back on the problems of the largest State. At the same time that all of this is happening and that we are being kept from offering the kind of amendment which would deal with the problem most effectively, I find that the Speaker, the majority leader, the chairman of the Committee on Appropriations and the chairman of the Committee on the Budget should not turn its back on the problem.

I submitted a supplemental appropriation request to continue to finish the funding for the devastating earthquake we faced in southern California, to provide the budget funding for the floods that northern and southern California faced, as well as additional money for the floods in other parts of the country.

And they said for the first time, of any time I can remember in terms of Congressional leadership, "We are not going to take up a deal for these federally-declared natural disasters until you find offsets for each and every one of these expenditures." When I take that together with this, I wonder about the whole meaning of that task force.

These are positions that, if held onto, will work very much to the detriment of my State, and I think people should think twice about that.

So I would like to say to my friend, Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. Dreier], a distinguished member of the Committee on Rules.

Mr. DREIER asked and was given permission to revise and extend his remarks.

Mr. DREIER. Mr. Speaker, I feel compelled to rise not only wearing my hat as a member of the Committee on Rules, but also as chairman of the task force to which my good friend, the gentleman from California [Mr. Berman], referred.

The issue of unfunded mandates is one that I have pressed earlier. Quite frankly, I would say to my friend, with whom I am working very closely on this issue, along with our Governor, along with a wide range of Republicans and Democrats in this House, I have to say that this problem was created under the watch of the majority, the former majority, which had a pattern of saying to State and local government, you are going to take responsibility for the loss of life, the physical damage, and the psychological devastation that is caused by the earthquake what is clearly, clearly a Federal issue and should be a Federal responsibility.

Speaker GINGRICH, in appointing this task force earlier, quite frankly, said obviously the issue of illegal immigration is going to be one of the priority items we are going to address.

I would say to my friend, as we begin the second month of the 104th Congress, we have, in fact, Mr. Speaker, proceeded with dealing with this issue in a very responsible way. We are dealing with it in a responsible way, because that was asked of the Committee on Rules by a unanimous vote last night a rule which does not waive the Budget Act. One of the things that has been very frustrating for many has been this pattern of waiving the Budget Act, and it seems to me that as we look at our attempt to deal with this, there are going to be amendments offered which will address that responsibility.

I think we need to continue to work very closely with the Committee on Rules in an attempt to do that, and I think people should search on it, but I cannot imagine that the gentleman from New York [Mr. Solomon], or the gentleman from Pennsylvania [Mr. Walker], or the gentleman from Texas [Mr. Quiddle], or the gentleman from Florida [Mr. Goss], or any of our Members would have called a rule that allowed for the 5-minute rule would have been considered restrictive or closing.

What we are trying to do here is we are trying to work in a bipartisan way. What I was here in the chair last night was this rule was reported out, the gentleman from New York [Mr. Solomon] has told me it was handled unanniously upstairs, and what that means is that we worked in a bipartisan way, and maybe this is a step in a bipartisan way to come to some kind of consensus and as well as possible to comply with the standing rules of the House.

So it is a new day. There is a new Congress on Rules. We are going to be able to address the issue of reimbursement on the incarceration of illegals. We are going to be able to address a wide range of provisions as they come up in this appropriations bill, and I hope very much that we will be able to pass this rule, proceed with this legislation which has been discussed for years and years and years.

Mr. Speaker, will the gentleman yield?

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

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

Mr. DREIER. Mr. Speaker, I am happy to yield to my friend, the gentleman from Pennsylvania.

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

I just want to emphasize the point he is making about the 5-minute rule and the way in which the kinds of rules are being admitted here do, in fact, think, enhance debate of the House of Representatives.

In the past, the problem with the limitations that were put on many of these rules was they basically stifled all debate on the offering of amendments, and then time limitations which assured that what happened on the House floor was that Members would offer the amendment and then, because of the
time allocations, each Member would get allocated 1 minute or 2 minutes to get up and speak. As a result, the debate always went past each other. A Member would stand up and talk about elephants. The next Member would stand up and talk about dogs. The next guy would stand up and talk about elephants. No one could understand what we were doing as a result of that kind of debate.

Under the 5-minute rule, Members are permitted to yield to each other. They can get their time extended. The fact is you get real debate on the House floor.

I think what we have seen happening out here on the floor in the last couple of weeks has, in fact, been impressive. People have actually engaged each other in real debate. That is what the floor of the House of Representatives should be all about, and it seems to me that the rules that we are bringing forward that allow debate under the 5-minute rule that kind of participation in the House of Representatives.

I want to congratulate the gentleman and his colleagues for the kinds of things that they are doing to assure that we have real debate on real issues in the House of Representatives.

Mr. DREIER. I thank my friend for his contribution. I would very simply say that I am very pleased that there is a lot more focus on elephants today than has been the case in the past.

Mr. QUILL. 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 (Mr. COMBEST). 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 consideration of the bill, H.R. 667.

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

Mr. Chairman, we come now to the first of two bills that will address what we on this side of the aisle, as well as many on the other side, believe are some of the major deficiencies of last year’s crime bill. H.R. 667 deals directly with what America’s criminal justice system is not doing to make our violent criminals accountable. Criminals learn that a confrontation with the criminal justice system is not going to be meted as a result, a group of violent offenders keep cycling through the system. They get arrested, sometimes convicted, occasionally sent to prison, and then do their time extended. The fact is you get real debate on the House floor.

First, incarcerating a higher percentage of violent offenders:

Second, requiring that violent offenders serve a higher percentage of the sentences they receive, and:

Third, increasing the actual time violent offenders will be serving in prison.

Now you will hear the charge made today that these three assurances will drive the United States into some kind of national crisis. Or that it will be some kind of actuarial failure. Or that, in fact, a lot of violent offenders will be going to prison, and they know the averages for expected time served. This is all we are asking of them.

The suit is frivolous of the funds are available for States that enact truth-in-sentencing laws which require violent criminals to serve at least 85 percent of their sentences. Title I also requires States to enact laws requiring the notification of victims or families of victims concerning the release of offenders.

Title II—Stopping abusive prisoner lawsuits—places sensible limits on the ability of prisoners to challenge the legality of their confinement. Too many frivolous lawsuits are clogging the courts, seriously undermining the administration of justice.

Title II requires that all administrative remedies be exhausted before a prisoner can file any lawsuit in Federal court. The title also requires Federal courts to dismiss any prisoner lawsuit that fails to state a claim for which relief can be granted, or if the suit is frivolous or malicious.

Finally, Mr. Chairman, few problems have contributed more to the revolving door of justice than Federal court-imposed prison population caps. Cities are being forced to expand their prison capacity for incarcerating violent criminals, helping them to defray the costs of getting tough with dangerous criminals. Second, it provides additional support to States that take the bold but right step of enacting truth-in-sentencing and require violent criminals to serve at least 85 percent of their sentences.

This bill does not dictate sentencing policies; it rewards States that are doing the right thing—getting and keeping violent criminals off the streets.

My friends on the other side will say that last year’s crime bill already addressed this problem. They are mistaken. Last year’s crime bill is a clear example of misguided micro-management from Washington, and a lack of true State-to-State cooperation. What is called by some a tough-on-crime bill was in reality a missed opportunity to put accountability back into our system of justice.

It rewards States for maintaining the status quo:

It encourages States to enact programs for getting offenders out of prison; and it shifts funds away from truth-in-sentencing incentives and into a general fund available to States that do not make any special effort to incarcerate violent Criminals.

Mr. Chairman, we now have the chance to right those wrongs with H.R. 667, and to support sensible reforms that are long overdue. To be specific, Mr. Chairman, H.R. 667 includes the following:

Title I provides nearly $10.3 billion in funding to enable States to expand their prison capacity. Half the funds are available to States that are making progress in reducing violent criminals accountable. Such States can qualify for funds if they can assure, the Attorney General that, since 1993, they are:

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justice than anything this Congress has done in recent memory. I urge my colleagues to support this bill.

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

Mr. CONNELLY. Mr. Chairman. I yield myself such time as I may consume.

Mr. Chairman. The new majority has succeeded in turning a silk purse into a sow's ear. In terms of our crime bill efforts, I would like to take the few minutes to recall what the contract has been doing to us in the crime area.

First of all. we have just said, as of this week, that law enforcement officers can kick the doors down on our houses at any time for any reason without a warrant. Magistrate requirements? Oh. yes. you go to a magistrate afterward to determine if the officer was acting in good faith or not. Instead of going before a judge or a jury, we have let this be determined by an arbiter in the court.

They have also created a system so that a defendant, a criminal defendant, can be executed even though he may have an appeal pending before he ever knows whether the appeal has been disposed of or not.

Then the new majority. for partisan reasons. wants to eliminate one of the great features of the 1994 crime bill. namely the community policemen on the beat. and replace it with a wasteful revenue sharing program that lacks back to the eighties that has failed miserably. We have had so many horror stories that we understand why eventually the plug was pulled on that old program.

Now that the Republican majority has actually done all these things. they are going to be providing more. What? Because the cumbersome truth-in-sentencing requirements in which the state must prove that the crimes must exceed the national average by a certain percentage. Only one problem: No such average exists. State criminal statutes define crimes differently. and require that the defendant prove that they would have required sometimes dozens of criminal laws changes in each State to qualify for this madcap scheme that is before us.

But on the Democratic side. we have a different program. We want to codify what the Supreme Court has said when it comes to the fourth amendment. We want to put 100,000 community police on the streets. We want to tell the States that their judgment is the best on how to use their prisons and the scarce space that they need. and not tie them up with paternalistic dictates from Washington.

And we want to replace the new majority revenue sharing program with a crime prevention program that we know works.

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

Mr. MCCOLLUM. Mr. Chairman. I yield 4 minutes to the gentleman from Florida. Mr. CANADY. Thank you. Mr. Chairman. I reserve the balance of my time.

Mr. Chairman. I rise today in strong support of H.R. 667. the Violent Criminal Incarceration Act of 1995. This bill represents an important opportunity for us to help States keep violent offenders off the streets by providing them with prison grants.

The bill provides much needed relief for States dealing with the problem of frivolous litigation by prisoners and unreasonable Federal court intervention in the operation of jails and correctional facilities.

Title I of the bill provides that States that have enacted truth-in-sentencing laws in States that have significantly increased the time violent offenders spend behind bars will receive $10 billion over the next 5 years.

Title II of the bill will significantly curtail the ability of prisoners to bring frivolous and malicious lawsuits by forcing prisoners to exhaust all administrative remedies before bringing suit in Federal court. In doing so. it will save States and local governments millions of dollars in helping ensure that taxpayer money is not wasted. There is no reason that. as happened in an actual case. a prisoner should bring a lawsuit in Federal court because he requested chunky peanut butter for a sandwich and he was given creamy instead.

Title II also requires a Federal court to dismiss on its own motion claims which do not state a claim upon which relief may be granted or are frivolous or malicious. In such a situation. Federal courts will require prisoners who file lawsuits in Federal court to pay at least a nominal filing fee if the prisoner has sufficient assets. These reasonable requirements will not discourage claims by inmates but will greatly discourage claims that are without merit.

Mr. Chairman. I would also like to speak about title III of the bill.

Title III contains the provisions of H.R. 554. which I. along with the gentleman from Texas. Mr. PETE GERSH. introduced earlier this year. These provisions of the bill will substantially improve the provision contained in last year's crime bill to restrict judicial interference in the management of jail and correctional facilities. as well as to stop the release of dangerous criminals from prison. This provision will ensure that relief granted goes no further than necessary to remedy the deprivation of an individual's rights. and it will make clear that imposing a prison or jail population cap or other limitations that would interfere with the proper management of correctional facilities will be a last resort and that the court should take into account the imposition such caps will have on the public safety.

The bill also contains provisions which will prevent permanent court supervision of correctional facilities by placing a 2-year time limit on prospective relief provided by the court and providing for immediate termination of relief if there has been no prior finding that prison conditions violated a Federal right of an individual inmate.

The bill establishes additional requirements to ensure that prison condition litigation is conducted in a manner which is not unduly burdensome. These requirements include requiring the court to rule promptly on motions to modify provision of terms and placing common sense limitation on the recovery of attorney fees in prison litigation.

Finally. the bill gives standing in prisoner condition litigation to prosecutors and other elected officials. For too long the courts have attempted to
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Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Chairman, before I begin my comments in support of H.R. 697, I wish to commend my colleague, Mr. Hyde, and my colleague, the gentleman from Florida [Mr. McCOLLUM] for their leadership in bringing forward legislation which is long overdue.

This crime problem in our country is out of control. I believe we must do everything we can to protect our children and our communities, and I believe the combination of more police officers, more prison space, and longer sentences will send a clear message to criminals that they will be caught and that they will serve time. The middle class working families of my district have made it very clear to me that they want hard-core, violent criminals off the streets.

We need more prison space so we can begin to get rid of overcrowding. I believe 10 percent of the prison population should be given to the Board of Pardons and Parole on a paroled basis. But as a consequence, the pressure on time to build them, and until we have prisons, we are going to have a figure out where it's going to get all this money to go it alone, to go it alone to build more prisons so we can hold the number of people we need to hold to get to 65 percent of the prison sentence, and then the Federal Government, under this bill, will give them some money, and what will that be for? That will be to alleviate prison crowding at that point.

Mr. Chairman, that is not the people of Colorado's priority. We want to get on with this program now. There is a reason we cannot hold people that long, and that is, we do not have the space, and we need help with the space because there is no way we can have a stealth prison. We got to have money. It takes money. Mr. Chairman, and it takes time to build them, and until we have that, we are forced to try and figure out who to put out early.

Now we at least did one thing in committee to make this bill a little bit better, and that is to at least allow localities to try and do boot camps as an alternative way.

But I rise today to say, as my colleagues know, what I heard the main problem to be last year, fixed last year, and I never heard of anything taking something that was just fixed and proceed to break it, especially after we just said to the States, "We're going to allow the States to choose things to do for themselves," and then we turn right around, and do it to them, and do it to them big time.

I think Americans are so tired of people who want to outdo each other, and I understand what the outdoing is on this bill. What we are saying is the price tag on this bill is much higher than the one we did last year. Last year we committed $7.5 billion for immediate beginning of grants and prison building. Under this bill it will be over $10 billion.

So, last year was $7.5 billion, and we figure this year is supposed to be $10.5 billion. So we are supposed to say, "Great, we are going to spend more on prisons, we're going to do more." That sounds wonderful, but do not be fooled, Mr. and Mrs. America. The Federal Government could not put out one dollar. We may have put $10.5 billion in a pot, which is more than the almost $8 billion we did last year, but nobody can make a claim on that pot because that pot has been put on such a shelf that no one State meets the standard according to the Justice Department who will be monitoring.

Now that makes no sense. We ought to be helping the States get up so they meet that standard. We ought to be helping the States get their incredibly expensive problem of building prisons. That is what is there now. If we vote for this today, we will be robbing the prevention funds, robbing the funds for cops, and putting in prisons that no one is going to use.

Happily, I will vote No on this bill.

Mr. Chairman, I yield.

Mr. WELKER. Mr. Chairman, I yield.

Mr. WELLER. Mr. Chairman, I yield.
support that every crime initiative or every anticrime initiative in the
contract with America has received.
Mr. Chairman, I urge full support of
H.R. 667.
Mr. CONYERS. Mr. Chairman, I yield
3 minutes to the gentleman from Ohio
[Mr. TRAFICANT].
[Mr. TRAFICANT asked and was
given permission to revise and extend
his remarks.]
Mr. TRAFICANT. Mr. Chairman, in
this bill, in section 503(b)(2), it would
require that the sentencing and releas­
ing authorities notify and allow the
victims of the defendant or the fami­
lies of such victims the opportunity to
appear before those authorities and
give reasons why they should not be
released. I do not oppose that.
But I am offering an amendment that
was printed in the RECORD, although it
was not printed in the guide for the
Members. There are individuals who
get convicted, for example, on a
drug offense, and when they are
convicted, they look at the victim who
turned the evidence — it might have
been someone who helped get the con­
viction, somebody who got immunity —
and they say, "When I get out of here,
I'm going to hurt you." The Trafficant
amendment says that the releasing
authorities shall upon release notify
the families of the victims and the
victims and the convicting court that
that felon is going to be released. We
have many cases where indi­
viduals who have been convicted by the
testimony of witnesses say to those
witnesses, "I'm going to hurt you," and
they come back and they hurt those
witnesses or those individuals who
helped with that conviction.
So it is not necessarily an amend­
ment that is going to require a whole
lot of brain surgery, but it is a safe­
guard for the victims, the families of
victims, the courts, the officers of the
courts who are involved in the cases
and the policeman who may have been
involved in an undercover sting when
they made the arrest, and that person
looks at that police officer and says, "When
I get out of here, I'll deal with you."
This gives them notification. It gives
the courts such notification. It is
something we should do, and it is in
fact something that is remiss from this
bill. It makes this bill a better bill.
Mr. Chairman, I appreciate the time
given to me by the gentleman from
Michigan [Mr. CONYERS] and all the ef­
effort he has given to this bill and other
bills.
Mr. CONYERS. Mr. Chairman, will the
gentleman yield?
Mr. TRAFICANT. I yield to the dis­
tinguished gentleman from Michigan.
Mr. CONYERS. Mr. Chairman, I want
the gentleman to know that in very real
life, commonsense, practical amendment that I hope both sides can
agree to, because it is really important
to know that out there in the world
there are these kinds of threats of
"what will happen when I get out."
We have got to curb that. We have
got to curb jury intimidation, and we
have got to make the courts safe for
people to go in and give testimony
and believe that they truly are going to live a
safe, honorable, reasonable life after
they have done their duty.
Mr. TRAFICANT. Mr. Chairman, let
me say in response to the gentleman that
there are some leaders in this House
who has given over the years to help a
lot of brains in the Federal
Court that that felon
was convicted. And
they say, "When
I get out of here,
I'm going to hurt you."
and then live up to it.
So with that, Mr. Chairman, I thank
the gentleman, and I hope the majority
party will look at the amendment with
favor.
Mr. Mccollum. Mr. Chairman, I
yield 2 minutes to the gentleman from
New Jersey [Mr. ZIMMER].
Mr. ZIMMER. Mr. Chairman, I thank
the gentleman for yielding me this
time.
Mr. Chairman, I want to alert my
colleagues that later today I will be
introducing a prison amend­
ment to this legislation.
Simply put, this amendment will
provide that prisoners in Federal prisons
will be provided no more than the least
amount of amenities and personal com­
forts consistent with constitutional re­
quirements and good order and dis­
cipline in the Federal prison system.
Too often sight has been lost of the
facts that prisons should be places of
punishment, that prisons should be
places where you do not want to go and
to which you do not want to return.
The current system in our Federal
prison system. There are amenities in
many of our State and county prisons.
This amendment would deal only with
the Federal prisons, and there are some
real examples of Federal prisons which
do earn the nickname, "Club Fed."
For instance, in Lombrac, CA, the
Federal penitentiary there offers all­
channel cable TV, movies 7 days a
week, pool tables, handball, tennis, and
miniature golf.
The Federal prison in Estill, SC. has
dormitories with cathedral ceilings,
carpentry, skylights, checker and chess
tables, and it offers basketball and
handball courts.
Prison perks are wrong in two re­
pects: No. 1, they undermine the the­
ory of prisons as places of punishment,
and No. 2, they waste taxpayers' money.
Mr. Chairman, John DiFulio of
Princeton has estimated that roughly
40 percent of what we spend on prisons
nationwide is for expenses that are not
necessary to secure the prisoners and
not required by the Constitution.
Roughly speaking, he says, half the
money we spend on prisons is spent on
nonessentials. This is a huge amount of
money when we consider that nation­
wide we spend $30 billion per year on
prisons.
So, Mr. Chairman, I urge my col­
leagues to support the "no frills" pris­
on amendment when I offer it later
today.
Mr. CONYERS. Mr. Chairman, I yield
5 minutes to the gentleman from New
York [Mr. SCHUMER]. Mr. Chairman,
I want to make harder on the crime bill
than the former chairman of the Sub­
committee on Crime.
Mr. SCHUMER. Mr. Chairman, I
thank the gentleman for yielding and
for his guidance and leadership on this
proposal and last year's proposal
through the arduous days of working it
through.
Mr. Chairman, I would like to make
two points on this bill. The first is that
it sounds good, but will not do much. It
will not do hardly anything at all.
In the State legislature we had a
word for these kinds of bills. They were
called rain dance. You know, the rain
dance that the native Americans. They
made a lot of dancing, a lot of noise:
No rain. Same thing with this
bill. It sounds great: Make sure all
prisoners serve 85 percent of their
maximum sentence. or you will not
get the money. But the point has been
made. So if you are from Delaware, North
Carolina, or Arizona, you should wel­
come this bill, because you will get to
divide up all of this $10 billion in prison
money. But if you are from the other
States, forget it.
This bill is basically a false promise.
It is a hoax. It will not build any pris­
ons. And for the few States that are
very close, it may give them the
money. But the point has been made,
and this one really sticks with me, why
give it to the States that are already
doing a good job? Why not give it to
the States that are not incarcerating
the violent criminals? Because once a
State meets the very tough and high
standard in this bill, they do not need
the money. It is the States that have
not met that standard, such as my
own, that need the help.
So I would say to my colleagues, look
at the amount of money that will be
available to your State under present
law. And that amount of money is not
available 5 years from now or 9 years
from now, which it would be even
under the best of circumstances in the
Mr. Chairman, I feel the anger and anguish of my constituents, and I want to talk about the prevention of violent crimes.

I feel the real frustration of police officers who say they arrest people and then they are convicted of violent crimes and they are out much too quickly. I feel the anguish of families who see that those perpetrators of vicious crimes against a loved one is not prosecuted long enough. If you feel those things, then you cannot vote for the bill because the bill before us does nothing.

I must say, it seemed to me that H.R. 3 and its six components were not designed very carefully. Other parts of the contract, there is a real ideological difference. Now, is there a time when alternative sentencing is appropriate? I think so. Though I was a career prosecutor before having the privilege of serving in Congress, I never felt that every single criminal convicted of every offense should go to prison. I did not think that was always necessary as a punishment or always necessary as deterrence. But I think those who should not be in prison should not go to prison, and the prisoners need to be built to house them.

The representation was made, in my judgment, by the media when said over and over again, American people, you should support the crime bill, because the crime bill guarantees that money will go to prisons.

Mr. CONYERS, Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the minority member for yielding time to me. Mr. Chairman, I guess I should be happy to be able to come to the floor and not argue that a bill that we are considering is unconstitutional. I do not come to make that argument today, although there are some very serious constitutional questions that have to be answered in this legislation.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Florida [Mr. SCHIFF], a member of the committee.

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

Mr. Chairman, a great deal of discussion has already started with respect to the idea of truth in sentencing that is represented in H.R. 667. But I think there is another reason to support H.R. 667, and that is it represents the idea of truth in legislation.

During the consideration of the crime bill which was enacted last year, from the beginning all the way through to the time the President signed it last September, news report after news report in all aspects of the media said that the previous crime bill contained a certain amount of money for prisons. I saw that in newspapers, I heard that on the radio, I saw it on TV programs. Over and over and over again, the media reported that the previous crime bill contained a certain amount of money for prisons.

The only problem with that representation is, it is not true. The crime bill as written and enacted last year, does not guarantee that a dime of that money goes to prisons. The actual wording of the legislation says that the money can go for prisons or for alternatives to prisons, including keeping convicted criminals right there in the community.

Now, is there a time when alternative sentencing is appropriate? I think so. Though I was a career prosecutor before having the privilege of serving in Congress, I never felt that every single criminal convicted of every offense should go to prison. I did not think that was always necessary as a punishment or always necessary as deterrence. But I think those who should not be in prison should not go to prison, and the prisoners need to be built to house them.

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Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Texas [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, there are several problems that I have with the bill. I just want to point out a couple of them. The first, Mr. Chairman, is the fact that we are taking $2.5 billion out of the 1994 crime bill from the programs that actually work. That $2.5 billion added to prisons will be a drop in the bucket for the prison expenditures.

We already have an incarceration rate five times that of the rest of the industrialized world. Putting $2.5 more billion into it will do very little good at all. We have evidence that the city of Philadelphia could use almost $2.5 billion itself. Texas and California are going to spend tens of billions of dollars. Virginia, if they fund the present bill that was passed last August, will spend about $7 billion in the next 10 years on prisons.
Our share of this $2.5 billion will be about 1 percent of what we are already spending, so it will not make any difference, but it will take money away from what works. Drug courts have been studied. We can have, in lieu of an incarcerated treatment strategy, Mr. Chairman. We can have a drop in crime of 80 percent at a cost of one-twentieth of what it costs to lock people up. If you eliminate that program, and we have $1 billion in the crime bill that we eliminated in the crime bill that is before us, if we eliminate that, we will spend 20 times more money and end up with about 5 times more crime.

We can do better than that.

Mr. Chairman, I think there is another problem, and that is the so-called truth-in-sentencing. Eighty-five percent, there is no rational basis for 65 percent. We ought to focus on the time actually served, 85 percent of 5 years or half of 20 years. We want to spend twice the money on where we actually need the money to go.

We also need to research the expenditures we are making, and we will have amendments along those lines.

Mr. CONYERS, Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE], a member of the committee.

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE, Mr. Chairman, I thank my colleague, the gentleman from Michigan [Mr. CONYERS], I am grateful that we had a process in the Judiciary Committee that would allow us to speak for States and counties and cities that right now might be abandoned in this whole process of prison building. I am appreciative of the acceptance of the gentleman from Florida [Mr. McCOLLUM] of my amendment that allowed for those moneys to also go to boot camps which have proven to be successful all over the country in so many of our jurisdictions. But I am unhappy that we are facing a time now when States and counties are not requiring the States are working so very hard to ensure that those who do the crime pay the time, to now be penalized and not be subject to being able to receive these very important prison building funds.

Likewise, I raise another grave concern that rather than accept the acknowledgement by law enforcement officers across this country that crime prevention is also incarceration, it is prevention and it is supporting police on the street, this new bill now abolishes the opportunities for cops on the street and prevention dollars.

I clearly think that what we are doing in this particular legislation is penalizing law-abiding citizens and providing punishment to the States who are trying to be more effective in incarceration and not creating a violent crime. I still believe, as Attorney General Reno has joined in to say, that there is an opportunity to strike a chord of bipartisanship, not one that follows the political road but takes the best road to make sure that we ensure that we save the citizens of the United States of America, we save them from the burdens of not being able to build prisons, because we put such strict archetypes on top of which they cannot meet.

Why penalize a State who right now, like Texas, is striving to get 40 percent even 50 percent of those who are violent criminals to be incarcerated? Why penalize a State who could use the money dollars to build more to ensure that those violent criminals are in fact incarcerated? Now, as well, why tell them that they cannot use prevention dollars to save our children.

Mr. Chairman, I think it is time for a bipartisan accord to fight for the people of the United States of America.

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

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] has 2 minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding time to me.

As we begin this debate here on the prison and how we are going to fund it, I wish we would take into account a number of things that are going on. Having been a police officer for many years, it frustrated me to no end to find that after you do a thorough investigation, you get a conviction, you send them to prison, and there is no prison space and there are early release programs, we need more prisons. This is true. But every State, every geographic location in this country should be allowed to participate in such a program. It does us a disservice for officers no good to do our work, get them ready to go to prison, and there is nothing there.

The Republican alternative that we are dealing with here today simply says 3 States will get half of the money; the other 47 States, they will receive their money when their prison population serves 85 percent of its time, when the actual prison population serves it.

Michigan just passed a truth-in-sentencing law in the last few years. It is going to take probably 8 to 10 years for our current prison populations to reach that 85 percent level. What do we do for 8 to 10 years?

What do we do that it is going to take 2 or 3 years to build those prisons? What are we doing, in the Taking Back the Streets Program, is giving the streets back to the criminals. The money is not allocated appropriately. In the crime bill last year, every State is incarcerated. In the proposal from us today, three States will receive money. The other 47 States will have to wait their turn after their prison population actually serves their time to meet the magic numbers.

Mr. Chairman, this is nothing new. The Committee on the Judiciary pointed that out, but because Members are so focused on moving this bill forward, they are not giving us the flexibility that States and local governments need.

The CHAIRMAN. All time on the minority side has expired.

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

Mr. Chairman, I simply want to take this time to respond to a number of statements that have been made. I think quite erroneously, on the other side of the aisle with regard to who is eligible and who will not be eligible for money under this $10.3 billion bill.

Mr. Chairman, it is very clear if we read the language that for the half of the money involved for the first part of this bill, half of that, over $5 billion, virtually every State of the Union, and I would think every State in the Union, would be qualified, because all that is required is that they show some assurances to the Attorney General that since 1993, that the State has increased the percentage of convicted violent offenders sentenced to prison. No. 1, No. 2, has increased the average prison time served in prison by convicted violent offenders, that are to be served by convicted violent offenders; and, No. 3, increased the percentage of incarcerated violent offenders in the prison by violent offenders sentenced to prison.

None of that is hard to do. They keep the statistics on this. Virtually all States do. They only have to increase these things by 1 day. It is not difficult to do. We want to see, and what we are encouraging in this, we want to see States actually increase the people in prison and get them out of jail.

There is a substantial percentage, as shocking as it is, of violent felons out there every year who never receive a single day of jail time in their sentence that simply simpy walk free. However, we are not requiring the State actually put every single violent offender behind bars. We are not requiring that they do that, but we are requiring them to demonstrate, to get the money, that they show some increase in the percentage overall in their prison population of convicted violent offenders, that there is an increase in the percentage that are actually sentenced to some prison time.

Second, the increase in the average prison time actually to be served in prison by a convicted violent offender means, for example, if we give somebody a 6-year sentence and the average in that State is a 2-year sentence that they are serving, that they are really serving 2 years of the 6 years; that we want to see it increased by perhaps 3 years, or some increase in the amount of time that is to be served by the person who is receiving the sentence, who is a violent
offender. That is not hard to demonstrate, either.

Third, Mr. Chairman, we want to increase the sentence of the sentence to actually be served by the offender who is sentenced to prison, the percentage of that sentence to do. If you have a 6-year sentence, you can have a percentage of that sentence increased and demonstrated. None of that is difficult to do. I dare say that every State in the Union probably since 1993 has indeed done that, or it would be very, very simple to accomplish, to qualify for this pool of money.

I might add, Mr. Chairman, that these very requirements were in the bill that had passed into law in the last Congress as part of the qualifying materials that was drafted by the other side of the aisle. This is not language that we created, this is language that Democrats created, actually. It is supposed to be simple, I dare say that it is.

At a simple query, if this second procedure, once accomplished, will entitle any State to money in the first pool of $5 billion-plus for prison grants. Now, the second one is more controversial, and all grant. Only those States which pass laws that say that they are going to have violent felons actually serve 85 percent of their sentences are going to qualify to get that $5 billion, but that is the reason for it. We know there are a lot of States that have not qualified, the vast majority have not. It is an incentive grant program to encourage them to take those violent felons off the streets and lock them up and throw away the keys.

We want them to change their laws. This is a carrot approach. I might add, Mr. Chairman, that there is nothing about this that is an unfunded mandate. This is not an unfunded mandate under what we passed before. This is a carrot grant program that clearly is not put to describe or define as an unfunded mandate.

This simply says to the States:

Look, we have a reason to want you to go where we want you to go to get the violent felons off the streets through the revolving door. If you do that, then you can have a lot of money. Not only that, not only can you have a lot of money to build these prisons, we will give you a 3-year grace period. If you pass a law under this bill that says in your State that you will get to the 85 percent requirement for violent felons in your State 3 years hence, and it will not be effective for 3 years, you can get money under this grant program for the seed pool of money to build the prison beds necessary to complete the actual imprisonment of the people whom you have passed the law concerning.

It makes sense. It is a good incentive grant program.

North Carolina, Arizona, and Delaware are the three States the Justice Department said at the present time already qualify. I believe there is a clearly arguable case for California, Missouri, Virginia, and Kansas, and I believe they would qualify based on what we have examined of their laws, if they applied to the Justice Department, though the Justice Department has not precertified those particular States.

My State of Florida currently is a good example of what we want to see happen and what is happening around the country right now by the State legislatures. The State Senate and the State House are prepared to make a truth-in-sentencing provision at the 85 percent level for violent felons and others, as a matter of fact, the first order of business whenever their session of the legislature this year.

It is already out there. I talked to the Senate President today. It is his No. 1 priority, and his first bill. Mr. Chairman, I think lots of States will make this their first bill. That is the idea; not that they already have qualified, but that during the duration of the 5-year life of this legislation they will.

The purpose, again, is to get States to move to change their laws to qualify in order to get the repeat violent felon off the street and locked up, and keep him of the street for the entire time so that the revolving door stops, and we take that 6 percent of those criminals in the population that are committing about 70 percent of the violent crimes off the streets and put them in prison for 10 years. I urge that you go to prison. The Bureau of Justice Statistics has found that only 45.4 percent of court-ordered confinement is served on average, and 51 percent of violent offenders sent to prison are released from those confinement in 2 years or less.

These numbers are even more telling in light of the fact that at least 30 percent of the murders in this country are committed by people on probation, parole, or bail. Faced with prison overcrowding, 17 States have begun emergency release programs. Overall, the risk of punishment has declined in the past 40 years while the annual number of serious crimes committed in 2 years or less.

This has led to public calls for "truth in sentencing" laws which require criminals to serve a significant percentage of their sentences without chance of parole, and "three strikes and you're out" statutes allowing for prison for repeat offenders convicted of their third violent felony. Opponents of strict sentencing laws like these argue that locking people up does not address the problem of why crimes are committed in the first place. Evidence suggests, however, that there is a strong correlation between increased incarceration and lower crime rates. In fact, from 1990–91, States with the greatest increases in criminal incarceration rates experienced, on average, a 12.7 percent decrease in crime, while the 10 States with the weakest incarceration rates experienced an average 6.9 percent increase in crime.

Mr. Chairman, the time for coddling the criminal has passed. The American people are crying out for us to put away—and keep away—America's violent criminals. They have tasked us with putting an end to the frivolous inmate law suits and the seemingly pleasant and well-funded prison lawyers, and the like. We have made substantial efforts this week to help our police and prosecutors capture and prosecute these heinous individuals. Today we give them a place to put them
behind bars and the tools to keep them there. I urge the support of this important legislation.

Mr. PACKARD. Mr. Chairman, Republicans are keeping their promises and working to pass the Republican crime fighting agenda. Our message is clear. Criminal behavior will no longer be tolerated. Punishment must be certain, swift, and severe. Criminals are not victims of society; they victimize society and belong behind bars.

Today's criminal justice system distorts common sense and puts criminals' rights far out ahead of victim's rights. The result, criminals running rampant on our streets and law-abiding citizens afraid to go outside. The Republican crime fighting agenda seeks to turn this distortion around and make criminals afraid to break the law.

The best crime fighting tool is a criminal justice system which sends criminals the message that your chances of being caught are high. Once we catch you, you will be punished quickly and severely. The Violent Criminal Incarceration Act works to do just that. It breaks the revolving door of crime that our criminal justice system, which gives legal escape routes to repeat violent offenders.

Criminals will finally have to face the consequences of their actions. They will do the time for crimes that they commit. Violent criminals belong behind bars, not behind the coat tails of expensive lawyers clogging up our overburdened judicial system with endless baseless appeals.

Mr. COLLINS of Illinois. Here we go again, Mr. Speaker. For the second time in the last 6 months, I come to the floor of this body totally perplexed by the mistaken belief of my Republican colleagues that throwing billions more taxpayer dollars down the prison-building sinkhole will somehow miraculously solve the crime problems we face in this country. In the words of Bart Simpson, Mr. Speaker, "Aye Carumba!"

H.R. 667, the Violent Criminal Incarceration Act, strips $2.5 billion in already scarce and long-awaited police and prevention dollars from last year's Crime Control Act without a second thought. Our criminal justice system, which has historically rejected Federal grants for these particular initiatives, but doesn't even flinch in deciding to impose an overwhelming number of Federal conditions for prison building grants included in this bill.

What is even more confusing to me is the fact, that after the last few weeks of spirited rhetoric from the other side of the aisle about the inherently evil nature of unmandated mandates, we have a bill before us today which would impose just such mandates on many States.

Under H.R. 667, the awarding of prison grants is contingent upon States meeting extremely stringent and largely unworkable sentencing requirements. States would be required either to show that, since 1993, their correctional policies have increased the percentage of convicted violent offenders sentenced to prison, increased the average time actually served by prisoners, and increased the percentage of sentences actually served or they would have to mandate that those convicted of a violent felony serve at least 85 percent of the sentences ordered by the court.

Those States that could, like other Federal requirements, would then either have to spend millions of dollars simply to build the necessary additional prisons to handle the over-crowding that would result from having to house prisoners for a longer period of time—an unfunded mandate which my GOP friends all love to hate—or forgo prison grants altogether. In this second instance then, H.R. 667 would actually provide less funding for prison construction than there was under last year's crime bill that was derided as too soft on crime by my Republican colleagues.

Moreover, the prison construction grants under this legislation are targeted to States based on their population rather than on their rate of violent crime—in direct contradiction to the language included in last year's crime bill. This doesn't seem to jibe with rationality, Mr. Speaker.

Meanwhile, as precious Federal dollars are being wasted pouring concrete and forging steel bars, our communities which so vociferously called out for more cops, more control, more resources on the local level to provide greater social and economic opportunities for underserved youth and their families will be once more neglected, left holding the bag. Welcome back to the 1980's, Mr. Speaker.

I would, however, like to at least give credit to the leadership of this bill for articulating a policy that is in keeping with its Contract on America. Yesterday the GOP in this body passed legislation that would allow evidence illegally obtained by law enforcement officials to be admitted as evidence in Federal trial proceedings, thereby effectively gutting the Fourth Amendment's constitutional protections against improper searches and seizures. Today, they will more than likely pass this bill to increase prison construction to incarcerate those Americans convicted with the use of illegally obtained evidence. If anything the GOP has been consistent in its assault on the Constitution and all the ideals of equality and justice that this country has stood for over the years. You've got to respect that, Mr. Speaker—not.

I strongly urge my colleagues to rise up and reject this politically-motivated, ill-conceived, wrong-headed approach to the substantive crime problems that exist in our Nation and to continue with the more responsible and balanced program that both the President and my Democratic colleagues and I worked so tirelessly to enact last year.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 667

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violent Criminal Incarceration Act of 1995".

TITLE I—TRUE IN SENTENCING GRANTS.

TITLE 101. TRUE IN SENTENCING GRANT PROGRAM.

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

SEC. 501. AUTHORIZATION OF GRANTS.

(a) IN GENERAL.—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 to ensure the provision of 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 additional facilities including facilities on military bases and base camp facilities, for the confinement of convicted nonviolent offenders as the purpose of freeing existing prison space for the confinement of persons convicted of a serious violent felony.

"(b) LIMITATION.—An eligible State or eligible States organized as a regional compact may receive either a general grant under section 502 or a truth-in-sentencing incentive grant under section 503.

SEC. 502. GENERAL GRANTS.

(a) DISTRIBUTION OF GENERAL GRANTS.—50 percent of the total amount of funds made available for the first Fiscal years 1995 through 2000 shall be made available for general eligibility grants for each State or States organized as a regional compact shall submit an application to the Attorney General that provides assurances that such State has a "true in-sentencing" program that:

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

(2) increased the average prison time actually served by convicted violent offenders sentenced to prison, and

(3) increased the percentage of sentences to be actually served in prison by violent offenders sentenced to prison.

SEC. 503. TRUE-IN-SENTENCING GRANTS.

(a) TRUTH-IN-SENTENCING INCENTIVE GRANTS.—50 percent of the total amount of funds made available under this title for each of the fiscal years 1995 through 2000 shall be made available for truth-in-sentencing incentive grants to each State or States organized as a regional compact that meets the requirements of subsection (b).

(b) ELIGIBILITY FOR TRUTH-IN-SENTENCING INCENTIVE GRANTS.—In order to be eligible to receive funds under subsection (a), a State or States organized as a regional compact shall submit an application to the Attorney General that provides assurances that each State applying has enacted laws and regulations which include:

(1) truth-in-sentencing laws which require persons convicted of a serious violent felony serve not less than 85 percent of the sentence imposed or 85 percent of the court-ordered maximum sentence for States that practice indeterminate sentencing; or

(2) truth-in-sentencing laws which have been enacted, but not yet implemented, that require such State, not later than three years after this subchapter, to submit an application to the Attorney General, to provide that persons convicted of a serious violent felony serve not less than 85 percent of the sentence imposed or 85 percent of the court-ordered maximum sentence for States that practice indeterminate sentencing, and

(3) "true in-sentencing" laws requiring that the sentencing or releasing authorities notify and allow the victims of the defendant or the family of such victims the opportunity to be heard regarding the sentencing of offenders and in certain postconviction release.

SEC. 504. SPECIAL RULES.

(a) ADDITIONAL REQUIREMENTS.—To be eligible to receive a grant under section 502 or 503,
a State or States organized as a regional compact shall provide an assurance to the Attorney General that:

"(1) To the extent practicable, inmate labor will be used to build and expand correctional facili-
ties.

"(2) Each State will involve counties and other units of local government, when appropriate, in the construction, development, operation, modification, operation, or improvement of correctional facilities designed to ensure the incarceration of offenders, and that each State will share the cost of this title with any county or other unit of local government that is housing State prisoners, taking into account the burden placed on such county or unit of local government by prisoners sentenced to incor-
rectional facilities in furtherance of the purposes of this Act; and

"(3) The State has implemented or will implement, not later than 18 months after the date of the enactment of the Violent Criminal Incarceration Act of 1965, policies to determine the ven-
tera status of inmates and to ensure that incarcer-
ted inmates receive the services to which they are entitled.

3. Indeterminate Sentencing Exception.—Notwithstanding the provisions of paragraphs (1) through (3) of section 502(b), a State shall be eligible for grants under this title, if the State, at least 2 years before the date of the enactment of this title—

"(1) practices indeterminate sentencing; and

"(2) by action of the legislature or judicial board, or by action of the terms of sentence for the offenses of murder, rape, robbery, and assault exceed, by 10 percent or greater, the national average of times served for such offenses.

4. Other Requirements.—The requirements under sec-
tion 502(b) shall apply, except that a State may pro-
vide that the Governor of the State may allow for each regional compact a per capita prison budget, and a prison whose medical condition precludes the prisoner from posing a threat to the public after a public hearing in which representatives of the public and the prisoner's victims have the opportunity to be heard regarding a proposed release.

SEC. 504. FORMULA FOR GRANTS. — "(a) To determine the amount of funds that each eligible State or eligible States organized as a regional compact may receive to carry out pro-
grants under section 502 or 503, the Attorney General shall apply the following formula:

"(1) $500,000 or 0.4 percent, whichever is greater, shall be added to each grant to be used in carrying out State or compact, as the case may be.

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

"(b) FISCAL REQUIREMENTS.—A State or States organized as a regional compact that re-

"(1) receives funds under this title shall use account-

"(2) REPORTING.—Each State that receives funds under this title shall submit an annual re-

"(3) ADMINISTRATIVE PROVISIONS.—The ad-

"(4) AUTHORIZATION OF APPROPRIATIONS.—The funds to be used in accordance with such subtitle as such the Act in effect on the day preceding the date of enactment of this Act.

"(5) LIMITATIONS ON FUNDING.—Funds made available under this title shall be used to carry out the purposes described in section 502(a).

"(b) NONSUPPLEMENTING REQUIREMENT.—Funds made available under this title 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 funds for the purpose described in section 502(b).

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

"(3) MATCHING FUNDS.—The Federal share of a grant received under this title may not exceed 75 percent of the costs of a proposal as described in paragraph (1).

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

"(c) 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 maximum sentence prescribed by law; and

"(B) an administrative agency, generally the parole board, controls release between court-or-

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

"(A) an offense that is a felony and has as an element the use or threatened use of physical force against the person or prop-

"(B) any other offense that is a felony and

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


"(b) FUNDING.—(A) Section 1901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking paragraph (20).

"(c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A), any funds that remain available to an applicant under paragraph (20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be spent in accordance with part V of such Act as such Act was in effect on the date of enactment of this Act.

"(d) VIOLENT CRIME CONTROL AND LAW EN-

"(1) REPEAL.—Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

"(b) THE TABLE OF CONTENTS OF THE VIOLENT CRIME CONTROL AND LAW EN-

"(c) CONFORMING.—Notwithstanding the provi-

"(d) REQUIREMENTS FOR RELIEF.—"(1) LIMITATIONS ON PROSPECTIVE RELIEF.—Prospective relief in a civil action with respect to prison conditions shall extend no further

TITLE V—TRUE IN SENTENCING GRANTS

SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

SEC. 503. TRUTH-IN-SENTENCING GRANTS.

SEC. 504. SPECIAL RULES.

SEC. 505. FORMULA FOR GRANTS.

SEC. 506. ACCOUNTABILITY.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

"(1) TITLE V—TRUTH-IN-SENTENCING GRANTS


"(3) Sec. 502. Truth-in-sentencing grants.

"(4) Sec. 503. Special rules.

"(5) Sec. 505. Formula for grants.

"(6) Sec. 506. Accountability.

"(7) Sec. 507. Authorization of appropriations.

"(8) Sec. 508. Definitions.

TITLE II—STOPPING ABUSIVE PRISONER LAWSUITS

SEC. 201. EXHAUSTION REQUIREMENT.

"(a) Sec. 1915(a) of the Civil Rights of Institu-
tionalized Persons Act (42 U.S.C. 1997a) is amended by adding at the end the fol-
lowering:

"(b) FUNDING.—(A) Section 1901(a) of the Om-

"(c) CONFORMING.—Notwithstanding the provi-

"(d) REQUIREMENTS FOR RELIEF.—"(1) LIMITATIONS ON PROSPECTIVE RELIEF.—Prospective relief in a civil action with respect to prison conditions shall extend no further
Mr. CANADY of Florida. Mr. Chairman, this is a technical amendment, and is intended to clarify the definition of the term "relief" as used in title III of the bill, the provisions of the bill relating to prison conditions litigation.

The amendment makes clear that any prison conditions litigation may be settled between the parties without the involvement of the Federal courts. There should be no question that this bill allows parties to settle prison condition cases out of court.

Through this clarifying amendment, settlement agreements that do not require court enforcement are explicitly removed from the definition of the term "relief" contained in the bill.

Mr. Chairman, I urge the passage of the clarifying amendment, and I reserve the right to move to strike the last word.

Mr. Chairman, let me just engage my colleague in a colloquy to get a better understanding of what he is trying to do.

Mr. Chairman, the gentleman says that he is exempting from the act provisions for any private settlement. I guess the concern I have is that I am not aware of any prison litigation which is taking place which has been settled without either court approval or court involvement of some kind.

These cases simply do not resolve themselves in the way that an automobile accident resolves itself. In fact, every prison litigation involves a public issue which typically is brought as a class action and under the rules of civil procedure cannot be settled without court involvement.

I am trying to get a better understanding of what you think you are accomplishing. I do not think this amendment accomplishes anything based on my understanding of the way these kinds of litigation cases play themselves out.

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, let me say this. I think the gentleman is correct in stating that in most cases, court involvement is required to settle prison condition litigation. I do not think there is any dispute about that. There are circumstances, however, in which particular matters, particular cases can be settled without the involvement of the court.

In this amendment we are just trying to make absolutely certain that in those cases, none of the provisions of this bill would have to come into play.
have been a specific finding that an 
individual was deprived of his constitu-
tional rights, and I understand that 
you believe that that—
Mr. WATT of North Carolina. Mr. 
Chairman, just reclaiming my time, 
that is not the focus of my concern 
about this amendment. I think the 
focus of my concern is that the gen-
tleman is covering cases that do not 
exist. So the need for this amendment, 
I just do not understand.

Can the gentleman cite one case that he 
has in mind of litigation case or a 
prison condition case where the first day or 
the first fiscal 
case has been resolved by priva-
tee settlement that 
icumstances where there was a class ac-
tion and 
be 
play Potentially in these cir-
must approve 
and would allow the dismissal of such 
class actions with the court's approval 
without any specific finding of any par-
cular facts with respect to constitu-
tional deprivation.

Mr. WATT of North Carolina. I am 
not necessarily going to speak in oppo-
sition to the gentleman's amendment, 
but I think the gentleman is not going 
to be able to override the Federal Rules 
of Civil Procedure and the body of case 
law that has to do with the lawyers' 
and the courts' responsibility to mem-
bers of a class of people who are not 
even before the court by sticking this little amendment into the bill. 
I think while it may not do any harm. I hope the gentleman is not going 
to go out and tell anybody that this solves any kind of problem that 
exists.

Mr. CANADY of Florida. Mr. Chair-
man, will the gentleman yield? 
Mr. CHAPMAN of North Carolina. I yield 
to the gentleman from Florida.

Mr. CANADY of Florida. I understand 
the gentleman's concerns. I understand 
that the gentleman views our approach 
as fundamentally flawed. I believe that 
this does address some of the concerns that other people have raised, and I believe it so in a way that is effi-
cient.

The CHAIRMAN. The question is on 
the amendment offered by the gen-
tleman from Florida [Mr. CANADY]. 
The amendment was agreed to.

AMENDMENT OFFERED BY MR. CHAPMAN

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

The CHAIRMAN. The Clerk will desig-
nate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CHAPMAN: Page 
2, after line 3, insert the following:

SEC. 2. CONDITION FOR GRANTS. 
(a) STATE COMPLIANCE.—The provisions of 
title V of the Violent Crime Control and Law 
Enforcement Act of 1994, as amended by this 
Act, shall not be met if any States or more of 
the States have not met the require-
ments of section (c) of such Act.
(b) EFFECTIVE DATE.—Beginning on 
the first day of the first fiscal year after the 
Attorney General has filed a report that cer-
tifies that 50 percent or more of the States 
have met the requirements of section (c) of 
the Violent Crime Control and Law En-
forcement Act of 1994, as amended by this 
Act, title V of such Act shall become effect-
ive.

c) Effective Date. Beginning on the first day of the first fiscal year after the Attorney General has filed a report that certifies that 50 percent or more of the States have met the requirements of section (c) of the Violent Crime Control and Law Enforcement Act of 1994, as amended by this Act, title V of such Act shall become effective.

Mr. CHAPMAN. Mr. Chairman, I want to begin by thanking the major-
ity, the gentleman from Florida [Mr. 
McCULLOM], for all his hard work and the work we did last 
year on truth-in-sentencing.
I must take just a minute to remind 
my colleagues and remind the House of 
the议论 we have on this issue of prisons 
and how current law works.

The 1994 crime bill, clearly the 
toughest provision of it was the truth-
in-sentencing provisions. Those provi-
sions assume, one, that our prison sys-
tem is overcrowded and, two, that if 
we want violent criminals to go to pris-
on and stay there longer, we need to 
assist the States.

We created in that legislation two pools of money: One in which at the dis-
ccretion of the Attorney General based 
upon violent crime rates in the coun-
ty, and the other at the discretion of the 
Attorney General based on the fiscal 
resources to do the things that we ask them to do to lock 
violent criminals, if we pass this bill.

Mr. Chairman, this amendment sim-
ples says we should not do that until we 
know at least half of our States can 
qualify for this funding, and that we 
continue the present program until the 
Attorney General can certify.

With the notion here today or at 
least the belief that as many as 44 States 
cannot qualify under this bill, we 
will literally stop the good work of 
the last Congress, stop the good work 
of the gentleman from Florida, stop 
the work of getting violent criminals 
off our streets, stop the work of build-

ing new prisons, stop the work of incentivizing our States.

I will tell you, my State of Texas has 
said that there is no way that they can 
comply with a hard 85-percent rule, and 
that is from a State which is constructing or is under the largest 
prison construction period in the his-
tory of the country, Federal or State 
system.

We are building the prisons, 77,000 
new prison beds in Texas, and even 
with those new prison beds added to 
the 40,000-plus prison beds we already 
have, we cannot comply with a hard 
and fast 85-percent rule. We cannot do 
that. And we are spending $2 billion, with 
$2 billion of our taxpayers' money 
for these new prisons.

Mr. Chairman, why would we want to 
pass a bill in the House today when 
Texas is doing what we have asked 
States to do? Why would we lock 
violent criminals in prison and a carrot, 
the amount of money that is from a 
State which is currently constructing or is under the largest 
prison construction period in the his-
tory of the country, Federal or State 
system.

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for these new prisons.
better find out what this bill does to us. We ought to pass this amendment to keep current law in place until we know the States can qualify for the funding.

Mr. MCCOLLUM. Mr. Chairman. I rise in opposition to the amendment.

Mr. Chairman, I recognize that Texas does not qualify for the second pool of money, and I know quite a number of other States do not. We debated that and I concur.

What the gentleman wants to do wrecks the incentive program to get them to qualify. They could qualify any number of different ways, if they manage to lower the amount of sentence, if they want to qualify so that 85 percent of whatever it is if they need to do that, then just lower the maximum sentence down in those areas. The statutes can be changed in all kinds of ways to qualify, if that is what is needed.

Of course, I want to see them serve 85 percent of real sentences, so if we have truth-in-sentencing, whatever it is the States are saying out there, let us at least let them serve 85 percent of whatever sentence is in place.

The fact of the matter is the gentleman wants us to say we have to wait until 50 percent of all 50 States qualify to pass any money out. That destroys the incentive. That undermines the very premise of this pool of money that is out there, $5 billion, dangling as a carrot to get the States to make the changes, to get the revolving door, the repeat violent felons off the streets. So it really undermines the essence of the bill to make the change the gentleman wants.

I would add one other caveat. I think the gentleman from Texas, having worked with me in good faith for a long time on this matter over a period of several years, understands fully that this or virtually all of the States of the Union, qualifies for the first pool of money. There is another pot of $5 billion out there that Texas will be able to draw from to help it assist in building its prisons immediately and in each fiscal year, and I daresay that the Attorney General will grant Texas, who needs the assistance in this regard, money to do that until such time as it feels it can pass the laws to make it qualify for the second pool of money.

I would further remind the gentlemen that we have a 3-year grace period of once Texas gets to the point of saying look, within 3 years we get more money than we could get under the second pool of money, we can qualify to build the necessary beds that will get us to the 85 percent rule, at the level of the sentencing length that we want to be at for these serious, violent felons, then Texas can go ahead and get the money to be able to qualify as that point in time. They do not have to actually implement.

So there are all kinds of opportunities out there for the gentleman's State as well as others to meet the needs of Texas State in building prisons to take these violent felons off the streets.

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

Mr. VAUGHN. I am glad to yield to the gentleman from Texas.

Mr. CHAPMAN. Mr. Chairman, I appreciate the gentleman recognizing that our State has, which it has, and I appreciate the gentleman recognizing that our State has taken the initiative legislatively to qualify for the first pot of money, the $5 billion.

But I would say to the gentleman, and I suggest that not every State has taken those steps, and not every State can qualify for that first pot of money if this legislation as currently drafted passes. So while Texas has taken those initiatives, we still cannot qualify for the second pot, and I would suggest to the gentleman it is very likely, if not guaranteed, that not all States can qualify even under the bill.

Mr. MCCOLLUM. Reclaiming my time, it may be that not all States can qualify for the first pot, but I would guess that most do at this point, because if it is not, it may be the advent of 1 day in the averages that are there. But I would suggest what we are dealing with here now and in the gentleman's amendment of the very underlying premise of why truth-in-sentencing grants are out there, to offer the carrot that would get the job done in order to encourage States to make the motion to get to the 85-percent rule, to take those repeat felons off the streets.

If we do not keep those provisions in the bill the way they are there, we are not going to get States to take that step. They are never going to expend the money that is needed.

Do not forget that this is a 75-25 split of the States and if the States under the first pool of money they get 75-percent grants from the Federal Government and only have to put up 25 percent. Boy, that is a good deal for States like Texas that are in need of building more prisons and are going to do it anyway. So they are going to get Federal assistance in doing it. That will move them in the wrong way toward the golden rainbow they want to get to.

The other point we can make is our provision allows them to build not the most expensive type of prisons, but also those non-traditional boot camps even that might alleviate already existing hardened prison cells where they can put the violent felons, and that will again help them get there for the purposes of our bill. I believe that if we pass the truth-in-sentencing or all types of prisoners and criminals, only the most violent felons that are really the bad, bad apples that we are talking about in order to qualify.

So I am not in support of the gentleman's amendment. I must oppose it. I think that it is a gutting amendment for the purposes of the truth-in-sentencing bill.

Mr. CRAMER. Mr. Speaker, I move to strike the last word, and I want to speak in strong support of my colleague from Texas's amendment here. I want to say I represent the State of Alabama. They States that likely would not qualify under this current approach to building prisons.

In my former life I was the president of the Alabama District Attorneys Association. I spent 10 years prosecuting violent offenders, violent juvenile offenders, and just this week I was checking on three of those who are in prisons where they will have to be released because there simply is not enough bed space or places to incarcerate those prisoners.

I think the 1994 crime bill made sense. I think we started an effective partnership with the States, we gave the States a hand in building prisons, and we told them that we wanted to be part of the solution, not part of the problem.

I think it is only fair and this amendment seeks to address that, that we amend this incarceration provision so that we do allow States to begin gaining in this partnership with us, and I think it is only fair that we do this by saying that when 50 percent of them reach this level then we will provide prison grants for the States.

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and I do so with a certain degree of reluctance because the gentleman from Texas who has offered this amendment has been a leader in trying to establish truth-in-sentencing laws in his own State and throughout the country. Nevertheless, I must agree with the views of the gentleman from Florida, the subcommittee chairman, that what we are trying to do there is to penalize those States who are not coming out there.

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I think it is only fair and this amendment seeks to address that, that we amend this incarceration provision so that we do allow States to begin gaining in this partnership with us, and I think it is only fair that we do this by saying that when 50 percent of them reach this level then we will provide prison grants for the States.

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and I do so with a certain degree of reluctance because the gentleman from Texas who has offered this amendment has been a leader in trying to establish truth-in-sentencing laws in his own State and throughout the country. Nevertheless, I must agree with the views of the gentleman from Florida, the subcommittee chairman, that what we are trying to do there is to penalize those States who are not coming out there.

I think it is only fair and this amendment seeks to address that, that we amend this incarceration provision so that we do allow States to begin gaining in this partnership with us, and I think it is only fair that we do this by saying that when 50 percent of them reach this level then we will provide prison grants for the States.

I think the 1994 crime bill made sense. I think we started an effective partnership with the States, we gave the States a hand in building prisons, and we told them that we wanted to be part of the solution, not part of the problem.

I think it is only fair and this amendment seeks to address that, that we amend this incarceration provision so that we do allow States to begin gaining in this partnership with us, and I think it is only fair that we do this by saying that when 50 percent of them reach this level then we will provide prison grants for the States.
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I think we want to help those States move forward now. Several States obviously already have. I am convinced other States will if they get some further assistance on what everyone acknowledges is going to be an expensive to strike the requisite number of

Mr. CONYERS, Mr. Chairman. I move to strike the requisite number of words, and I rise in support of the amendment.

This is an amendment that truly goes halfway to the other side, and is one that I commend the gentleman from Texas [Mr. CHAPMAN] for and our colleagues on the committee, the gentleman from New York [Mr. SCHUMER].

The country has a violent offender program that is working at this minute, and it is in the 1994 crime bill prisoner grant program.

We know that this program works, we know that most of the States choose to take advantage of it and that can, do. But, H.R. 667 would totally disrupt the program and we will have to stay in Notre Dame of the 1994 crime bill being implemented as we speak and replace it with such different formulas and

The people at the Department of Justice and elsewhere believe that perhaps three States could qualify for one-half of the funds under the present funding scheme in H.R. 667.

But this amendment simply says let us keep the program that we have now, one that we know that works and is working until such time it is clear the new program will work. That is about all that we are doing here is forming a bridge to make sure that there is continuity and coordination until half the States would qualify under 667.

And the point that we are making is that if majority is right in 667 and 667 should kick in, but if they are not, with this 50 percent or more requirement that the States are meeting the so-called truth-in-sentencing, we will be able to have something during the time that we are waiting until more States are able to qualify under the very complex provisions of the proposals that are in 667.

So let us be smart and bipartisan and support Chapman-Schumer at the same time.

The CHAIRMAN. 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.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—eyes 169, noes 261, not voting 4, as follows:

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[Names of those voting yea are not provided in the document.]

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[Names of those voting nay are not provided in the document.]

**AMENDMENT OFFERED BY MR. TRAFFICANT**

Mr. TRAFFICANT. Mr. Chairman. I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFFICANT, page 4, line 21, strike 'yes,' and insert a semicolon.

Page 5, line 2, strike the period and insert a semicolon.

Page 5, after line 2, insert the following paragraph:

(4) laws requiring that the releasing authority notify the victims of serious violent felon or the family of such victims and the convicting court regarding the release of a defendant.

**NOT VOTING—4**

|Names of those not voting are not provided in the document.|

**Amendment Rejected**

The vote was announced as above recorded.
Amendment offered by Mr. SCHUMER. Page 2, strike line 4 and all that follows through the matter preceding line 1, page 12, and insert the following:

**TITLE I—PRISON BLOCK GRANT**

**SEC. 101. LOCAL CONTROL PRISON GRANT PROGRAM.**

Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is amended by adding at the end the following:

"Subtitle A—Prison Block Grants"

**SEC. 201. PAYMENTS TO STATE GOVERNMENTS.**

(a) PAYMENT AND USE.—

(1) PAYMENT.—The Attorney General shall pay to each State which qualifies for a payment under this title an amount equal to the sum of the amount allocated to such State under this title for each payment period from amounts appropriated to carry out this title.

(2) USE.—Amounts paid to a State under this section shall be used by the State for confinement of convicted persons convicted of a serious violent felony, including but not limited to, one or more of the following purposes:

(A) Building, expanding, operating, and maintaining temporary or permanent correctional facilities, including boot camps, and other alternative correctional facilities, including facilities on military bases, for the confinement of convicted nonviolent offenders and criminal aliens for the purpose of reducing crime, improving public safety, and reducing recidivism;

(B) Building, expanding, operating, and maintaining temporary or permanent correctional facilities, including boot camps, and other alternative correctional facilities, including facilities on military bases, for the confinement of persons convicted of a serious violent felony.

(C) Contributing to funds administered by a regional compact organized by two or more States to carry out any of the foregoing purposes.

(d) TIMING OF PAYMENTS.—The Attorney General shall pay to each State that has submitted an application under this title not later than:

(i) 90 days after the date that the amount is available, or

(ii) the first day of the payment period if the State has provided the Attorney General with the assurances required by section 303(j)(3) of the act, whichever is later.

(e) ADJUSTMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall adjust a payment under this title to a State to the extent that a prior payment to the State was more or less than the amount required to be paid.

(2) CONSIDERATIONS.—The Attorney General may increase or decrease under this subsection a payment to a State only if the Attorney General determines that the need for the increase or decrease, or if the State requests the increase or decrease, not later than one year after the end of the payment period for which a payment is made, whichever is later.

(f) RESERVATION FOR ADJUSTMENT.—The Attorney General may reserve a partnership of not more than 2 percent of the amount under this section for a payment period for all States, if the Attorney General considers the reserve is necessary to ensure the availability of funds to States that apply for an adjustment after the final allocation of amounts among the States.

(g) DEPARTMENT OF UNEXPENDED AMOUNTS.—

(1) REPAYMENT REQUIRED.—A State shall repay to the Attorney General, by not later than the end of the fiscal year following the fiscal year in which the amount was received under this title, any amount that is—

(A) paid to the State from amounts appropriated under the authority of this section; and

(B) not expended by the unit within 2 years after receipt of such funds from the Attorney General.

2. PENALTY FOR FAILURE TO REPAY. If the amount required to be repaid under paragraphs (1) and (2) is not paid, the Attorney General shall reduce payment in future payment periods accordingly.

3. DEPOSIT OF AMOUNTS REPAID. Any amount paid by the Attorney General pursuant to this section shall be deposited in a designated fund for future payments to States.

4. NONSUPPLANTING REQUIREMENT. Funds made available under this title to States shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of funds under this title, be available from State sources.

**SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title:

(1) $233,000,000 for fiscal year 1995.

(2) $897,500,000 for fiscal year 1996.

(3) $3,300,000,000 for fiscal year 1997.

(4) $4,000,000,000 for fiscal year 1998.

(5) $2,660,000,000 for fiscal year 1999; and

(6) $2,733,100,000 for fiscal year 2000.

**ADMINISTRATIVE COSTS.—**Not more than .25 percent of the amounts appropriated under section (a) shall be used to be appropriated under subsection (a) for each of the fiscal years 1996 through 2000 shall be available to the Attorney General for administrative costs to carry out the purposes of this title. Such sums are to remain available until expended.

(c) AUDITABILITY.—The amounts authorized to be appropriated under subsection (a) shall remain available until expended.

**SEC. 203. QUALIFICATION FOR PAYMENT.—**

(a) IN GENERAL.—The Attorney General shall issue regulations establishing procedures under which a State is required to give notice to the Attorney General regarding the proposed use of assistance under this title.

(b) GENERAL REQUIREMENTS FOR QUALIFICATION.—The Attorney General shall prescribe for a payment under this title for a payment period only if the State submits an application to the Attorney General and establishes, to the satisfaction of the Attorney General:

(1) the State will establish a trust fund in which the State will deposit all payments received under this title;

(2) the State will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the State.

(3) the State will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the State.

(4) the State will use accounting, audit, and fiscal procedures that are similar to procedures which shall be prescribed by the Attorney General for programs under which the State will receive grants from the Federal Government; and

(5) the State shall be audited in compliance with the Single Audit Act of 1984.

(b) WAIVER.—The reasonable notice from the Attorney General or the Comptroller General to the State, the State will make available to the Attorney General and the Comptroller General, if the Attorney General determines, based on the records that the Attorney General reasonably requires to review compliance with this title or the terms of the grant, the Comptroller General will promptly require to review compliance and operation.

(d) DESIGNATED OFFICIAL.—A State shall make reports the Attorney General reasonably requires, in addition to the annual reports required under this title, and
I hear the anguish of my constituents when they complain about crime. I hear the plight of the police officers who say they arrest criminals and they are back out on the streets. I care about that, and that is why I have proposed this amendment. I propose this amendment because instead of a lot of verbiage and a very complicated formula that at best is under dispute as to how much it gives to each State, give the money to the States.

What about the language for how the money is distributed under the block grant? It is the very same language proposed by the majority, the gentleman from Illinois (Mr. HYDE), the gentleman from Florida (Mr. MCCOLLUM), that distributes the money for police, that distributes the money for prevention.

So I say to my colleagues very simply, if you want to get tough on crime, put your money where your mouth is. A no vote on this amendment will deprive your State of millions of dollars of badly needed prison building dollars. So it is a simple yes to my friends. It is not complicated. It is not what you would say is the old way, which means lots of formulas, lots of Federal intervention. It simply says States, here is your money, go build the prisons.

The public will be watching. They will see if there is a debate that makes some States get more of the money than others. The public will want to see that there is no discrimination.

The gentleman from New York is essentially arguing is if our side has proposed a block grant approach to assist State and local law enforcement with police and prevention programs, why then would we propose grants that have certain conditions with respect to getting the money? The gentleman is essentially asking, is there not a contradiction somewhere?

Well, if there is a contradiction, Mr. Chairman, it is not at that point. If there is any contradiction at all with what the majority is proposing, it is the fact that we propose identifiable prison grants. Because it could be argued why not give the money to the States to choose whether or not to build prisons? Maybe some States do not want to build prisons.

Now, the problem with that hypothetical is it does not fit any realistic case. The gentleman from New York has recognized that, because his amendment to this bill is also a prison grant proposal.

...
Mr. HYDE. It is not enough to arrest violent criminals. It is not enough to convict them. It is not enough to lock them in jail. You have got to keep them in jail. If there is one thing that offends the public, it is knowing that you get a 10-year sentence and you are out in 3.

This bill provides the incentive necessary to have the States elevate their sentencing to 85 percent of the years granted. That is what the public wants. We would do just as well to build more prisons, if the same 5 to 7 percent of the hardened criminals that commit 70 percent of the crime go in and come out, so in and come out.

So we would just be foolish to give the gentleman the right thing. We are going to goggle them to do the right thing by providing this carrot, this incentive.

So I reject the amendment. However much I am warmed by the fact the gentleman from New York [Mr. SCHUMER], it will be business as usual in the prison systems throughout much of the United States. It will be the continuation of revolving door justice. It will be the continuation of as soon as the police complete a case and go on to the next case, they find in a relatively short period of time they have got the same violent offender back to deal with again.

What the bill says as written is that we recognize those States that are seeking to improve their system, which is to extend the time of incarceration of serious violent felons. And this is in two ways. One is the true sentencing approach, but that is half the money. The other half of the money is for simply an increase in the incarceration of serious violent criminals, without the specificity of serving 85 percent of the maximum.

We are saying that we understand that those States which are seeking to improve their system, which is to extend the time of incarceration of serious violent felons. And this is in two ways. One is the true sentencing approach, but that is half the money. The other half of the money is for simply an increase in the incarceration of serious violent criminals, without the specificity of serving 85 percent of the maximum.

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Where did the money come from? It did not grow on trees out here. It did not float from the sky. That money came from right back home, folks. It sure did, and what is that? I thought we had enough up here that believed in States rights.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for additional minutes.)

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

Mr. VOLKMER. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I remember the gentleman was a leader in resisting the 55-mile-an-hour speed limit that was imposed by the Federal Government on the States, and the gentleman was in violent opposition to the Highway Beautification Program. The gentleman is a crusader for States rights. He has some credibility. I just suggest that you do not need to be a nuclear physicist to understand that we ought to lock these people up and not kid the people that 10 years means 3 years. And the gentleman ought to help us do that.

Mr. VOLKMER. Mr. Chairman, what I am trying to tell the gentleman is that the States have some credibility that want to do it, like Missouri wants to do it. We are doing it. We have got to build new prisons. We are taking money away from higher education, from mental health, have everything to build those prisons, right now in this year's budget. We already have truth-in-sentencing. It just does not meet the little bit of criteria that the gentleman writes, so we do not get any of the Federal money. But we are going to do it on our own anyway.

Mr. HYDE. Mr. Chairman, if the gentleman will yield, he can meet it and get his share.

Mr. VOLKMER. No. We cannot get it. Under this bill, I get some money. It is going to help my State. And maybe under Mr. Schumer's legislation, the education will be able to get a little more of the budget because they will get a little bit of their money back from the Federal Government that they send here anyway. That is what the Schummer amendment does.

I strongly support it. If Members really believe in States rights, if they really believe in building prisons and letting the Federal Government have as good sense as the State of Missouri and a few other States that have truth-in-sentencing, because I believe in truth-in-sentencing. But I do not believe that I should dictate it to anybody, especially a State legislative body. I believe that that State legislative body and that Governor should be able to decide on its own what is good for their own State. I do not believe that I should make that decision for them.

I do not believe that I have all the answers, that I am smarter than they are. That is what the bill says. You are smarter than the State legislative bodies and governors.

I object to it. I feel strongly. I urge everybody to support the amendment of the gentleman from Massachusetts. Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for those who doubt that there is a flaw in the bill, they should have been at the Committee on the Judiciary markup on this bill. Because there is the most blatant, glaring, irreconcilable inconsistency in approach between this bill, which dictates to the States, which assumes that the State legislatures are not smart enough or courageous enough or courageous enough to deal with sentencing, and we have heard from the other side, in effect, we cannot trust the State legislatures to do this on their own so we have to tell them how to do it. That is a total inconsistency between the bill we will see on Monday, when in fact they say, we will give things to the States and we should not proscribe anything because that would be an interference with States by the Federal Government.

At the committee session, the best answer we got to that was the chairman citing Ralph Waldo Emerson that a foolish consistency is the hobgoblin of small minds. I pointed out is a remark everybody says when they get caught in an inconsistency and cannot come up with an answer. They have backdated a rationale to try to explain it. But it makes no sense.

Today they will be telling us that we cannot trust the State legislatures, the State courts, the States because they will dictate to them and dictate to them, it seems to me foolishly, as I will get into.

Then on Monday they will tell us that we must dictate everything to the States and make no Federal proposals.

What holds these two together, and I think it is very clear, what motivates the Republicans here is clearly no consistency and philosophy about deferring to the States, because they will dictate to the States today and denigrate their capacity for self-determination. And then on Monday they will defer to it. What they have in common is this.

Last year, over the opposition of most of the Republicans, the Democratic Congress and the Democratic President passed a good, tough crime bill with sizable prevention funds, that had money for prisons, that had money for police.

Now, when the Democrats do something that is wrong, my Republican friends are a little unhappy. But when the Democrats do something that is manifestly right, they are very, very unhappy. They cannot tolerate the notion that we would have been as successful as we were. And, therefore, they would have a legislation which would interrupt a process that is well along of getting crime fighting funds out to the States.

They are doing it today and they will do it on Monday. They will take absolutely inconsistent positions. They will be Federalists today and States rights people on Monday. And the only way that they can do that is to undo what we did last year. Having lost last year, they are not prepared to abide by that, and they will disrupt the processes. Police officers who are being hired and now face an uncertain future if their bill passes and becomes law, because they do not like the notion that the Democrats might have gotten credit for putting out more police.

The States will be told, and here is the degree of proscription. It says to a State, you get money if you have increased the extent to which you were sentencing violent criminals. So if you are less States than that in fact are sentencing violent criminals to long sentences, you will lose money to a State that still sentences them to less than you do because they have gotten some people out of prison. It seems to me foolishly, as I pointed out is this thing up. Because what they will measure is not how long you sentence people but whether or not you increased it.

Similarly, they will be told that they have to serve 65 percent of their sentence. If in fact people are sentenced to 15 years and serve 10 of those 15 years, that is only two thirds, they do not qualify. But if they were in fact sentenced to 8 years and served 7 of the 8, that will be more than 85 percent, and they will qualify. They use meaningless States that in fact have tougher sentencing will manifestly lose out under this bill to States that have less sentencing because the Republicans needed to come up with a way to undo what we had done.

H 1550

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

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding.

As I understand it today, Mr. Speaker, just to underscore the gentleman's points, the point we have been making, the Speaker, at his morning press conference said that his Members would not vote on this bill unless the States got money or not. I would suggest that is not a way for people to vote, particularly those of us who want to incarcerate more violent criminals.

Mr. FRANK of Massachusetts. Did I understand the Speaker did not want to get between the Speaker and his troops. Mr. Chairman, if the gentleman so instructed them or advised them, that is his prerogative. We should be very clear, though, that this bill is premised on the notion that, left to their own decision making processes, the States of this Union will not adequately deal with violent criminals.
Therefore, the Federal Government must prescribe, but not only prescribe, prescribe foolishly; tell them that they must have 85 percent of the sentence served, no matter what that length of time is.

I hope the Schumert amendment is adopted and sense prevails over partisanship.

Mr. GALLEGY. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. GALLEGY. I yield to the gentleman from New Mexico.

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

Mr. Chairman, I would like to respectfully take this from the top. First of all, Mr. Chairman, this amendment is being offered in a block grant approach, rather than the bill's provisions, with greater sentences for those who commit serious violent crimes.

I have to go back again and say I am at least not certain that that is correct, Mr. Chairman. It may well be, but the language that is in the amendment adds a word when it talks about funding correctional facilities; it adds the word "alternative," that under the amendment offer a block grant approach, rather than the bill's provisions, with greater sentences for those who commit serious violent crimes.

The fact of the matter is, Mr. Chairman, that is the reason why, although the media announced over and over again how much money in the last crime bill would go to prisons, not a dime has to go to prisons. It could go into community situations for those who have committed serious crimes, and there may be, for other individuals, a place for community corrections, but a confinement bill should be a confinement bill. A prison bill basically should be a prison bill.

Second of all, Mr. Chairman, I want to say, again, that the contradiction, if we are offering it, is not the one argued by the gentleman from Massachusetts, Mr. [FRANK]. The contradiction, if offered, is the fact that we would offer a prison grant. What right do we have to tell the States, "You should be interested in prisons"? But their amendment is a prison grant amendment, too, so that is not the difference. The difference is our encouraging and wanting to assist those States which have come to the realization that they want to do more to lock up violent criminals longer.

Mr. Chairman, I suggest that the amendment offered by the gentleman from New York [Mr. SCHUMER] is going to keep the same revolving door that has so disgusted the American people throughout this country.

Mr. FRANK of Massachusetts, Mr. Chairman, will the gentleman yield?

Mr. GALLEGY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentleman from New Mexico [Mr. SCHIFF] is trying too hard to reconcile the irreconcilable, but he is unsuccessful. He is inconsistent, just to even talk about prison sentences. What he is apparently arguing is that either you say that everything the Federal Government provides to States goes in the one pot, or else you have no difference between categorical programs and specificity in the categorical programs.

In other words, we have generally said there was general revenue-sharing, then there were categorical programs, which say "for health," which say "for prisons," et cetera. The question then becomes do you over prescribe in the category.

It is one thing to say, "We will give you money for prisons and we will give you money for crime fighting." It is another to say, "We will give you money for prisons if, in fact, you do 85 percent and if, in fact, you do all these specific things." The gentleman is wrong when he says this is meant to encourage the States. This does not encourage this, says to the State, "You will meet the rather contorted definitions we have or you get nothing." That is much more than encouragement. That is coercion, and it is a perfectly valid point.

However, to say, as has he said, "Well, under the amendment of the gentleman from New York [Mr. SCHUMER], we will go back to the revolving door" is to say that the State legislatures and Governors of this country cannot be trusted, because what the amendment of the gentleman from New York does is to leave it up to the States.

When we say that is going back to the revolving door, as the gentleman says about this amendment, as his amendment said, "You cannot trust the States, they will not do it right, we know better," that is a perfectly valid position, but take off your Thomas Jefferson costume when you are saying it and put on your Alexander Hamilton mask.

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

Mr. GALLEGY. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, I just want to come down to the central issue. Once we have decided it is all right to offer States prison grants, and that by offering that, it is not a violation of federalism, as long as we seem to be both on board on that, the major issue is what is the length of time served by those who have been committed to prisons.

Mr. Chairman, our bill offers to help those States which are trying to keep the serious violent criminals off of the streets longer.

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

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

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

Mr. Chairman, I would simply answer to my friend, the gentleman from New Mexico, if he surveyed the 50 States, probably every one of them wants to keep the criminal in jail longer. The States, probably on this issue probably more so than on the other issues that the gentleman is for a block grant on, agree.

The CHAIRMAN. The time of the gentleman from California [Mr. GALLEGY] has expired.

(By unanimous consent, Mr. GALLEGY was allowed to proceed for 2 additional minutes.)

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

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

Mr. SCHUMER. Mr. Chairman, every State wants to incarcerate more violent criminals. The question is simple on this; that is, do we give the States the money to do it.

Under the formula in the base bill, under the best of estimates, only three States, Delaware, North Carolina, and Arizona, would be eligible for the money.

Mr. Chairman, I have a Governor in my State who is very tough on crime, the newly elected Governor. He would not be getting a nickel of money to build the more prisons that he promised in his campaign under this formula. We know that for a fact.

I would say what he is going, Mr. Chairman, is, quite frankly, talking some people out of jail, but because the bar that the gentleman has set is so unrealistically high that the Governors of more States, after all, 30-some-of the Governors are Members of the gentleman's party, would not be able to use the money at all, so the issue, Mr. Chairman, is not as clear as the gentleman says. Just about every State does not do what he does, and I do.

The issue, Mr. Chairman, is will the formula in the bill or a block grant that automatically gives the money better serve the State in doing it?

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

Mr. GALLEGY. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, some States are, through their legislature showing the priority of passing laws which effectively incarcerate their serious violent criminals longer it is the purpose of this bill to assist those States.

There are two pots of money, and we believe that virtually every State, if not in fact every State, would qualify under the first. 

Mr. HYDE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if the States were doing everything right, we would not
have all this furor about truth-in-sentencing. The truth of the matter is, 10 years does not mean 10 years; 15 years does not mean 15 years. The public thinks it does, but they are learning that it does not.

We are trying to use a concept that is alien to some people in this Chamber. We want tougher sentences. We want to reduce the maximum sentence longer than truth-in-sentencing, important as that is, is having people serve violent criminals serve a long time in jail. Our proposal makes that happen much more than the gentleman's.

Mr. HYDE. Reclaiming my time. If someone is sentenced to a term of years, the public is entitled to know that term of years is pretty close to what he is going to serve. If it is too low a term of years, they will get new judges. But I welcome the gentleman's conversion to block grants.

Mr. HYDE. I yield to the gentleman from Massachusetts. Mr. CONYERS, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, when I hear the chairman of the Committee on the Judiciary tell me that midnight basketball is some Democratic prerogative, I would be otherwise proud of it, but the fact of the matter is in the block grant program combining prevention and police programs coming up Monday, midnight basketball is as permissible in their program as it would be and is in ours. In the 1994 crime bill, and we are proud of it.

But to come on the floor and continually deride it, and this being one of the most economical investments that we can make in prevention programs, I mean, how much cheaper can you get than a hoop and a basketball? So it seems to me very, very important when we recognize that it is in both of our programs and it was started in the former President Bush's 1,000 points of light.
Mr. HYDE. Mr. Chairman, will the gentleman yield?

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

Mr. HYDE. I do not criticize midnight basketball at all. I think it is a great way to spend your hours from when you get up and go to school. I do not think it keeps people from doing activity that might otherwise bring them in connection with the law.

Mr. CONYERS. I think that you are criticizing midnight basketball, if you think it keeps people from going to school. The people in the cities that are using it happen to think that it keeps people from doing activity that might otherwise bring them in connection with the law.

So I think that the gentleman cannot have it both ways. He cannot continually deride midnight basketball, and then tell me in the next breath that he really likes it, but he thinks they ought to be getting ready for school.

My larger consideration here today is that if we are going to relieve the number of people that are in prison so that you can keep the violent offenders, how about overcrowded State prisons that had releases that would not occur if we had boot camps, drug courts and prevention programs that were keeping minor offenders and young people from taking up all of this space?

We have the largest and most infamous local lockup rates in the world in this country. In the inner cities of the United States, it is 3,000 people per 100,000 that are in prison. So there are no circumstances that I will ever advocate building more prisons to lock up more people. I would advocate, however, building more prisons to contain violent offenders and support the block grant program as opposed to a program that the States clearly will never qualify for.

It is in that spirit and that limited spirit only that I support a block grant program. It is not that I have just converted to this position, but I feel credibly for the purposes of this debate.

The fact of the matter is there is flexibility in block grant programs in this bill and the one we consider next that allows for boot camps, allows for drug courts, allows for prevention programs, and, yes, allows for night basketball.

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

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

Mr. SCHUMER. I thank the gentleman for yielding.

Mr. Chairman, I would make one other point to my colleagues, particularly on the other side of the aisle.

If this amendment is voted down and H.R. 3 is passed and becomes law, the gentleman from Illinois will lose a year from now for how many prison spaces his State will be able to build. My guess is a year from now, the vast majority of us will find that our State has not gotten a nickel from the bill and has not built a single prison space, whereas under our proposal the States get anywhere from $10 million to $100 million to build prisons.

Mr. CONYERS. In addition, look what we have done just in today’s debate alone. We have rejected the only amendment that would give us a carry-over that would allow a few years for the States to get ready for your draconian proposal because you have rejected allowing a bridge in which until 50 percent of the States could qualify, we could at least use the 1994 crime bill distribution of prison construction funds.

What you have done is you have blown up any possibility of getting any money to the States, and now you are saying that the block grant program itself which you cited is now going to be ineffective.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CONYERS) has expired.

(At the request of Mr. SCHIFF and by unanimous consent, Mr. CONYERS was allowed to proceed for 2 additional minutes.)

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

Mr. CONYERS. I yield to the gentleman from New Mexico.

Mr. SCHIFF. I thank the gentleman from Michigan for yielding.

I just want to ask the gentleman from Michigan, I thought I heard the gentleman from Michigan say that he favored the block grant approach because it offered flexibility to the States in terms of whether to use funds for prisons or other kinds of programs.

Mr. CONYERS. It would allow boot camps, not prevention programs but at least boot camps for helping relieve those who would be coming in as non-violent offenders and youthful people.

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

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

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding. In my State the Governor, again, a tough-on-crime Governor, because the prisons are filled with low level drug offenders and the violent criminals get out more quickly, wants to build boot camps. Under the proposal on the other side he would not be allowed to. But in our proposal he would, and that would in effect incarcerate the violent criminals much longer.

This is a conservative Republican Governor who supported this, and that is what the gentleman from Michigan is talking about.

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

Mr. CONYERS. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, I appreciate the gentleman yielding. I want to say I think we are getting at a part of this amendment now that I raised and which has not been really developed by the other side until right now.

There is a difference here between a block grant approach and between our proposing to help those States that want to incarcerate violent criminals longer. We have debated that and I presume in a few minutes we are going to vote.

But the gentleman from Michigan’s reference to alternative confinement that might be allowed under the bill, that is the language that was used in the Ohio bill in the other side’s confinement such as community corrections. And I have suggested twice, and I am now suggesting a third time, that really may be the bigger difference in the amendment in this bill, that the amendment would allow block grants for nonconfinement alternatives.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when the Federal Government gave money to the States in the form of block grants to build prisons, I think the Federal Government should have something to say about how this money is used and what kind of prison we are going to build, what length people should be incarcerated for. I think this is an important issue. The lawyers here may argue the nuances of the legislation, but I would like to address this bill on people’s terms for a minute.

Last summer a man in Oklahoma raped a 3-year-old girl. The people were so outraged they did not give him 100 years, they did not give him 200 years, or a 1,000 years, or 5,000 years; they gave him a 30,000-year sentence.

But the outrage of it all is this: That he is eligible for parole in 15 years.

I, as a Member of this body, when I vote to give money to the States, I want to have something to say about these paroles and about these issues. And that is why this amendment, in my opinion, is not appropriate.

I want the people to come in from the other side. I want those Governors, if they are giving harsh sentences, I want those people to get additional block grants. I want to give them incentives to be hard. I do not want a person who gets 30,000 years, because the people of that State are so outraged, to be walking the streets in another 10 or 12 years. That is what the people of America are saying. And that is what I hope the amendment of my friend from New York is not a proper amendment.

If we have some liberal Governor or State legislature who makes us let him out in 5 years or 10 years, I do not want that State to get these block grants.

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

Mr. ROTH. I am happy to yield to the gentleman from New York.

Mr. SCHUMER. I very much sympathize with the case from Oklahoma, and I think someone who did something like that ought to serve his life
in jail. But under the gentleman's proposal, unless that gentleman served a minimum of 20 years, 85 percent of the 30-year sentence, they would not qualify under H.R. 3. And that is just the reason we would like to give the State of Oklahoma, a nice get-tough State, money with no strings attached so we could build prisons and build them quickly.

Mr. ROTH. Mr. Chairman, reclaiming my time, that is not the way I read this amendment. What the gentleman's amendment would do would be to gut the tough provisions of this bill. We would be going right back to again having a social welfare bill and not a real crime bill, and that is why we cannot accept the gentleman's amendment.

I want this person, I want this criminal, for example, who raped this 3-year-old girl, we cannot have it both ways. And I, as a Member of this Congress, want to have something to say about that, and I think the people in the States who are tough on those criminals should get most of the grant money and not less. And that is why I am opposed to the gentleman's amendment and why I am for this bill.

Mr. CRAMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman. I rise in support of this amendment and say we are making this issue unfortunately the way we do. We have issues, a lot tougher than it has to be.

I want us to build prisons right now; I do not want to see the prisoners in my State eligible to be released who are today being released. They are being released because we do not have enough room for them.

So, again, I think this amendment makes sense. We cannot have it both ways. We cannot say we are going to block grant this money which later we will say we are not going to block grant this money here today.

Our State is dealing with a lot of tough offenders. I was happy that the committee chose to accept the youthful offender issue in terms of a boot camp, the amendment offered by the gentlewoman from Texas [Ms. Jackson-Lee], which will allow States to build the youthful offender incarceration programs that we need, because I think we have to form a more effective partnership with the States and allow the States to build these facilities.

If we want to incarcerate these criminals and we want to do it now, vote for this amendment. This is a States rights amendment and it will allow the States to deal effectively today with those violent offenders that are out there that we want to put away.

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

Mr. CRAMER. I am happy to yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for his courtesy. I just want to point out that it is true that the majority accepted the amendment offered by the gentlewoman from Texas [Ms. Jackson-Lee], which allowed some funding for boot camps for certain individuals who were appropriate for it, because boot camps at least are still a type of confinement facility. I am familiar with them for a confinement facility, maybe a fence, not a wall. But we accepted that.

This amendment uses different language. This amendment differs by the gentleman from New York talks about boot camps, and I am quoting here: "Other alternative correctional facilities," and the key word here is "alternative." The key word here is that has come to mean in the crime bill we passed as nonconfinement alternatives.

So this amendment is more a philosophical difference about block grants. Confinement bill and the amendment is not.

Mr. CRAMER. Reclaiming my time, I would assert this amendment would allow the States flexibility to build other kinds of facilities. I have the other amendments to this bill that will allow other kinds of juvenile incarceration facilities to be built, but I think the block grant approach is the way to go.

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

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

Mr. SCHIFF. Mr. Chairman, it is just such an anomaly from the gentleman from New Mexico. We heard on the block grant proposal that the States know best from everyone on that side, except on this issue. There is no provision here for any prevention or social welfare. Everything that must be built must be a correctional facility. Confinement, nothing else.

What I would say is that the vast majority of money will be used, indeed, for building maximum security facilities. But boot camps, the gentleman suggests, and other kinds of facilities that the States may have in mind, that we do know that would be all right as well, and the real issue here, the gentleman, in all due respect, is throwing up a smoke screen because he knows darn well there is going to be far more dollars to build prisons, hard core, barbed wire prisons under this bill than under the bill there, that he is hooking on a word that is no mandate, that is no anything.

I have faith in my Governor, I do not know if the gentleman does in his. I know the purpose of the bill is. The statistics, the data we have, show that virtually everyone who is in jail went back the balance of my time.

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

Mr. MCCOLLUM. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I think we have had a very heated debate about something I have heard a lot about in the past, and it is very straightforward. What the gentleman from New York wants to do is gut and completely eliminate the truth in sentencing provisions in this bill, the whole purpose for creating the tough provisions of this bill in the first place.

The truth in sentencing is to provide incentives in Federal laws for grants to States to change their laws so that that is not the way we want to do it. It is not the way we want to have something to say about them, and that is what the purpose of the bill is. The purpose of the bill is in order to establish incentives for States to change their laws to make sure that we incarcerate long periods of time violent offenders, very serious violent offenders, who right now are going through the revolving door and serving only a fraction of their sentences, and they are creating most of the violent crimes out there in the country today, a comparatively, relatively small number of people.

We want to get them off the streets. We want States to take the steps necessary to do this, and yet we know there is an emergency in the States that a long period of time, and the resources to be able to build enough prison beds on their own to do it, and we are providing the supplement to get this to happen.

It is absolutely utterly foolish for us to put money out there on the table that does not provide this conditionality. This is a carrot. This is not an unfunded mandate that we have in this bill. This is a carrot. This is saying, 'Look, we would like to see this accomplished like we know you do.' Those good States, those States that are willing to take the steps necessary to make the matching grants in here, the 25 percent versus 75 percent, those that are willing to get out and do it, then we are going to provide you the money, and we are going to be so liberal in this that we are even going to set aside half the money. $5 billion. For States that all they have to do is just barely bump up the length of time someone serves, we set aside $5 billion. It assures that violent felons actually get increased time in their jail. They do not even have to go to the so-called 85 percent rule. They do not have to abolish parole to get half the money in this bill.

I have heard an awful lot from the gentleman from New York today and in debate. I am sure he is sincere about it, and then I heard about how no State can qualify for the first set of grants. I believe that is nonsense. I strongly disagree with his interpretation of this. The statistics, the data we have, show that virtually everyone who is in jail gets the first $5 billion. It is no big deal to demonstrate, since 1993, you have increased the length of time somebody who is a violent felon is serving the actual sentence in your State. This is essentially all that it does.

That is what the pattern is, the average person.

And as far as the second pot of money is concerned, the extra $5 billion, you destroy in this completely
the incentive grant program, because we want, the objective of this bill is that, to put the pot out there and say, "Look, change your laws and you get the money. You do not change your laws, the money is not there." It is as simple as that.

The gentleman's amendment guts that, and as I understand it, it also strikes out from the bill the Kennedy-Geren language. It is a substitute. I want the people to understand this, who are watching, Members who are paying attention and listening to the floor debate, this amendment is a complete striking substitute amendment for the underlying bill. It would put a block grant program in that has no strings attached to it whatsoever; no truth-in-sentencing would be provided by this proposal. We would give money out to States to spend that money as they wish, States that have not been doing the law changes that we would like to see them do, and the gentleman will probably say, well, heck, that is inconsistent with the position of the gentleman from Florida, that he takes on the bill in that language. I yield to the gentleman from Florida. He missed the point, I believe, and I would like to see him correct that, and I yield to him.

Second, I think you need to ask, after you get beyond that, under which of the two provisions before us today are your States going to get more money? And I submit to you it is under the block grant amendment offered by the gentleman from New York. Every State is going to receive dollars and more dollars than in this bill or even last year's bill for prison operation and construction, and that is the need. You can get esoteric about sentences and incentives, but the real question is for resource-starved States, under this proposal do they get the money, do they get it faster? It is under the amendment offered by the gentleman from New York.

I would like to engage the gentleman from New Mexico [Mr. SCHIFF] in a colloquy if he would accommodate me, please, because I really am not sure, under the general grant provisions there, any State is going to be eligible for resources under the gentleman's legislation, and I just read to you, and what does this mean, it says:

That a State or organization shall submit an application to the Attorney General that provides assurances that such States, since 1983, have more violent offender sentencing time, increased the sentences, and increased the percentage.

Which States have, since 1983, met those qualifications and would receive any funding under this provision? Could you tell me that the gentleman yield?

Mr. SCHIFF. Mr. Chairman, I would yield to the gentleman.

Mr. MOLLOHAN. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, I would just point out specifically the wording that if any State, in fact, has not made changes in their law, all a State has to do is to increase the average prison time actually to be served. In other words, any State that increases the time to be served for the violent criminals compared with 1993.

Mr. MCCOLLUM. Mr. Chairman, if the gentleman will yield to me, I will yield to him.

Mr. MOLLOHAN. My question is, which State right now would qualify for money under general grant provisions?

Mr. MCCOLLUM. Let me explain that every 2 years the Department of Justice issues a study on exactly these points. That is why these are in here this way. It is why it was in last year's bill, by the way. This is not new language.

Mr. MOLLOHAN. What language applies to the general grants program?

Mr. MCCOLLUM. If the gentleman will yield to me.

Mr. MOLLOHAN. Reclaiming my time a moment, every State was eligible under the general grants provisions for dollars.

Mr. MCCOLLUM. If the gentleman will yield, I would like to explain which States. You asked that question. All I wanted to say to you is that the trend, every time we have seen those statistics for the past 2 years, shows a lot of States qualify. Each year States increase their time, most of them do.

The CHAIRMAN. The time of the gentleman from Texas [Mr. MOLLOHAN] has expired.

(Reprinted agreement, Mr. MOLLOHAN was allowed to proceed for 2 additional minutes.)

Mr. CHAPMAN. Mr. Chairman, will the gentleman yield to me?

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

Mr. CHAPMAN. Mr. Chairman, I appreciate the gentleman's yielding.

I want to answer your question, because you asked the key question as it applies to my State, because you asked under the 1994 crime bill, what is at stake here, and you made the point correctly, so that all States were eligible to begin their prison construction programs or to apply for grants to operate those prisons that they are unable to operate now.

Let me tell you about Texas. In Texas we lose $215 million. That is what we lose. The gentleman from Florida loses, according to the Department of Justice, the gentleman from Florida loses $230 million. California loses $175 million.

So the gentleman asked the key question. The truth of the matter is, under current law, this program is in place, people have the ability to begin prison construction, and there is a
Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. BRYANT of Tennessee. Mr. Chairman, I yield. I thank the gentleman from Florida. Mr. McCOLLUM.

Mr. McCOLLUM. I thank the gentleman from Tennessee for yielding to me.

Mr. Chairman, I think the gentleman made absolutely the correct statement about why we need to keep the bill as it is instead of having this gutting amendment. What the gentleman who just spoke in the well, the gentleman from Texas, and I know he was sincere about what he was doing, but what he was saying, though, in my judgment, misses a couple of points.

One of the points is that absolutely no money was appropriated for fiscal year 1995. So that is the fiscal year we are in now. Nobody is going to lose anything, any money, no matter what, from the standpoint of anything that has been appropriated, because it is not out there.

Second, nobody is going to lose anything any way in the future if we change the law, the bill and so forth, like we have in the underlying law, because those States that he listed out there. I will guarantee you 95 percent of the probably 10 percent of them, will qualify for the first pool of money under the $5 billion simple grant program where you just have to show that since 1993 you have increased the percentage of violent offenders sentenced to prison. That is not hard to show. Almost every State has been doing that; reference to the Bureau of Justice statistics shows that fact. Most every State has had to change the law and complied and printed every 2 years. We have seen the records, you see a whole list of the history of that.

In addition to that, they have to show that increased the average prison time actually to be served. That is if they have increased the time they are going to require somebody to serve on the average who are serious violent felons in those States, and the bill not to do that because State after State is doing that. Again, the statistics show that the pressures
of the public are very, very great to do that.

They have increased the percentage of sentences actually served in prison, the percentage served in this case.

The statistics also bear out that every time these reports come out, virtually every time the Urban League has been on the march for a number of years doing that. This is a very simple matter of encouraging the States to be on the path they been doing for some time in increasing the time that people are actually incarcerated for really bad crimes. It is nothing more or less than that.

You do not have to increase it by one day. Nobody has to increase it by one day. Nobody has to increase it for a year or 6 years or anything else.

So it is a phony argument to say that the whole list of States reeling out here will lose money if the underlying bill passes. They will not lose any money. They will gain at least as much money, if not more, because we are adding more money to this prison bill, including more money to part A, by a couple of billion dollars than the present law has. So they are going to have a larger pool of money to get at then they had before.

In addition to that, of course, what we said before, the gentleman made such an eloquent point about the, the gentleman from Tennessee, this also destroys, in addition to the underlying incentive grant program, which he and I think this bill ought to be here in the first place, to get the States to change their laws.

So, I thank the gentleman from Tennessee [Mr. BRYANT] for yielding to me and giving me a chance to respond to that list of States that the gentleman. I am sure in good sincere conscience says is going to lose money, but they really are not.

Mr. FOGLIETTA. Mr. Chairman, I move to strike the requisite number of words.

I rise to speak in favor of the Schumer amendment. Yesterday, I spoke in favor of another Schumer amendment because it dealt with revolving door habeas motions in the most effective way, instead of the arbitrary means of the legislation passed by the committee.

I support this amendment for the same reason. It is smart and effective.

The bill we consider today dedicates $5 billion in prison spending to a program that only three States can use. How is that effective?

I am the chairman of the Urban Caucus, and it is no secret that I favor a balance when it comes to fighting crime. We have to spend Federal dollars to prevent crime so we can steer violent offenders, especially the young ones, away from prison. But, make no mistake, we must put the most violent criminals in prison, for good, long sentences. And, we must give States and cities the resources to build and operate new prisons.

The question is not, "Should we?" The question is "how.

Let us not squander $5 billion of the people's money on a program that will not work.

The Schumer amendment makes sense. It sends exactly the message that the contract is supposed to be spreading: Let us give States and cities flexibility to deal with their problems. The Schumer amendment is very similar to the requirement in the 25-year sentence in maximum flexibility. It also corrects a mistake I believe we made last year—It removes the match requirement which has caused many local governments to say no to Federal crime money because they just cannot afford it.

If we really want to move forward we would be continuing progress we made last year. Let us build more prisons—but let us do it in the right way.

Let us get the money right the way the budget and the voters said.

One of the things the voters said to us last November was, "Listen to us." Let us listen to our constituents, our cops and our taxpayers. Support the Schumer amendment.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for the money we are going to put money into prisons, the Schumer amendment will put the money into prisons. The underlying bill; we do not know what is going to happen or who qualifies. Furthermore, the 65 percent rule has been referred to as truth-in-sentencing. It is actually half truth in sentencing. It is true that people cannot be let out early, but under the whole truth in sentencing we have to acknowledge that we cannot hold people longer.

The gentleman that was described five times are going to put money into prisons, the Schumer amendment will put the money into prisons. The underlying bill; we do not know what is going to happen or who qualifies. Furthermore, the 65 percent rule has been referred to as truth-in-sentencing. It is actually half truth in sentencing. It is true that people cannot be let out early, but under the whole truth in sentencing we have to acknowledge that we cannot hold people longer.

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sary to go, but we had no money to operate, no correction officers, no one to prepare the food, no one to provide the services in those prisons. They sat empty, and the latest Department of Justice report shows bigwig, Connecticut, Connecticut, with the most heinous criminals. We need space: there is nothing there. We have places to hold them, but we cannot operate them. So the Schuman amendment not only allows us to build them, the Schuman amendment allows them to operate, it allows them to maintain their prison population.

There are no prevention programs in those prisons. They have nothing there. We have places to hold this. and this one I think is very important. that is the purpose of this amendment. The amendment allows them to operate, it that is the purpose of this amendment. The argument is not over who wants to do it. And I think for the other side to say oh, we do; you do not, is really an intolerable fit of arrogance. We look. That is why I derived it, and my record shows it since I have been here. But which amendment will do it better, I would submit ours does it better than the other side.

Mr. ZIMMER. Mr. Chairman, re-claiming my time, if a prisoner dies before he fulfills his sentence, it does not disqualify that sentence under truth-in-sentencing.

Mr. KLECKZA. Mr. Chairman, I move to strike the requisite number of words.

Mr. ZIMMER. Mr. Chairman, re-claiming my time, if a prisoner dies before he fulfills his sentence, it does not disqualify that sentence under truth-in-sentencing.

Mr. KLECKZA. Mr. Chairman, I move to strike the requisite number of words.

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Mr. KLECKZA. Mr. Chairman, I move to strike the requisite number of words.
Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

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

The CHAIRMAN. The gentleman will state it.

Mr. SCHUMER. Mr. Chairman, who gets the time to conclude?

The CHAIRMAN. We are operating under the five-minute rule.

Mr. SCHUMER. I would ask, if there are any speakers on the other side, for them to go because the gentleman from Texas has the floor.

Mr. CHABOT. Mr. Chairman. I move to strike the requisite number of words.

Mr. Chairman, we had some figures that were thrown out before that allegedly indicated that a number of States would lose money, would lose prison money under this particular bill.

Those figures are not accurate. Most of the States would actually gain a significant amount of money under this bill, and, therefore, we oppose the Schumer amendment.

I think we also have to look at what is happening right now. Rapient criminals are only serving one-third of their sentence, one-third. Murderers, what is happening with murderers in this country? Are most of them getting the death penalty? No. Are most of them putting their life on the line? No, they get the sentence but how much of the time do they actually serve? On average a little over 8 years, for murder in this country.

So what this bill will do will help the States and encourage the States to incarcerate prisoners for a longer period of time because when these criminals are behind bars, they are not out on our streets terrorizing our citizens and committing more and more crimes.

For that reason, I would strongly encourage that we vote down the Schumer amendment, that we pass this participating bill.

Mr. Chairman, I yield to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding to me.

I think we are to wrap up the debate that has been going on on this amendment. I would just like to reiterate before the closing argument, I would just like to say that we have heard a lot of rhetoric here and let the proponents have the last word on this, even though the rules do not say who has the last word.

I am quite sure that we will hear again in the closing comments that somehow States are going to lose under the underlying bill and that we are going to have to have this bill preserved through the current law in order for States to get the money for prison programs.

That, in my judgment, is just not so, as I have said before, and I will not go into a long discussion of it again, under the provisions of this bill, States are going to lose under the underlying bill and that we are going to have to have this bill preserved through the current law in order for States to get the money for prison programs.

Mr. SCHUMER. Mr. Chairman, who gets the time to conclude?

The CHAIRMAN. We are operating under the five-minute rule.

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Mr. Chair.

Mr. Chairman, if the gentleman will yield to me. I have a point I think is very important to make. Under last year's crime bill, as it applied to prisons, we authorized $10.5 billion. I ask the chairman of the committee to make sure that I am right about this. We authorized $10.5 billion, but that was not funded in the 1994 act. We only actually funded $7.9 billion from the standpoint of the 1994 act. But under the gentleman's bill, under H.R. 667, as I understand it, there is a $3 billion, in effect, pot A, a $5 billion pot B. States cannot under any circumstances apply for both. They apply for a grant either under pot A or pot B.

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

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juvenile correctional facilities or prereat detention facilities for such offenders.

Mr. WELLER (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 Illinois?

There was no objection.

Mr. WELLER. Mr. Chairman, I am here to offer an amendment by Mr. HASTERT and myself today, that would permit this living and some of the specific things that are not just a local problem. There has been a significant increase in juvenile crime across the Nation. According to the same U.S. Department of Justice study that shows that more than 75 percent of the confined juvenile population were housed in facilities that violated one or more standards for detention centers. So if the living conditions are not just a local problem, this is not just a local problem.

The result of the vote was announced as follows: the State-wherever a bed becomes necessary for one of their own, the gentleman from Illinois and I, and I have committed several types of offenders is.

Mr. WELLER. I would like to say that I am very pleased with H.R. 667. My amendment only seeks to improve on it. It is a positive step forward from last year's social spending bill. I believe that we can spend billions of dollars on stopping crime, we should spend the money wisely on prisons and police officers. By increasing police presence and adding prison space, we will send a message to criminals that violence and crime will not be tolerated.

Our country is facing a crisis. We do not have enough prison space before and after a year, including and especially in the last year's social spending bill. I believe that we can spend billions of dollars on stopping crime, we should spend the money wisely on prisons and police officers. By increasing police presence and adding prison space, we will send a message to criminals that violence and crime will not be tolerated.

Some of the key issues we are facing today that we are not paying attention to are the revolving door policy that places youth in and out of prison. It is a true crisis. We need to make sure that we have a better system for juveniles when there is no facility in which to put them. Kids are not dumb. They realize that there is nothing that we can do to them; they know that they can continue to get away with their actions. With the amount of crime committed by youth gangs today, it is imperative that we know that they will have to pay the price for their actions, or there is no reason for them to stop. The amount of crimes committed by juveniles is staggering.

The increase in recent years of crime committed by juveniles is astounding. Juveniles have committed several thousand murders a year. They are at risk of becoming products of the system; repeat violent offenders who are in and out of prison.

In my State of Illinois, as I have learned in the case in many States, we face a severe shortage of beds in the juvenile detention system. If you disregard Cook County, there are only 351 beds for the entire State. Because there are no beds to put these juvenile offenders, they are transported all over the State—wherever a bed becomes available. If the next night, the County needs the bed for one of their own, the youth will either be transferred somewhere else in the State or released. Police officers are playing chauffeur, driving these kids back and forth and not studying the youth in their time much more effectively patrolling the streets. Another problem we face is the mixing of severely violent youths in prereat detention, with nonviolent youths. It is in the best interest of kids if we separate kids with a bad attitude from violent murderers and rapists.

I have a letter from the sheriff of Will County, Brennan Ward, expressing great concern in the case overcrowding lack of appropriate juvenile detention space. A Department of Justice study shows that more than 75 percent of the confined juvenile population were housed in facilities that violated one or more standards for detention centers.

The result of the vote was announced as above recorded.

The Clerk announced the following pair:

On this vote:
Miss Collins of Michigan for, with Mr. Souder against.

Messrs. WHITFIELD, MANZULLO, and DUNCAN changed their vote from "aye" to "no."

Messrs. HAYES, SPRATT, and WILSON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The amendment offered by Mr. WELLER was: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WELLER: On page 6, after line 20, insert the following new subsection (c):

FUNDs FOR JUVENILE OFFENDERS.—Notwithstanding any other provision of this title, if a State which otherwise meets the requirements of this section certifies to the Attorney General that exigent circumstances exist which require that the State expend funds to confine juvenile offenders, the State may use funds received under this title to build, expand, and operate juvenile correctional facilities or prereat detention facilities for such offenders.

Mr. WELLER. I would like to say that I am very pleased with H.R. 667. My amendment only seeks to improve on it. It is a positive step forward from last year's social spending bill. I believe that we can spend billions of dollars on stopping crime, we should spend the money wisely on prisons and police officers. By increasing police presence and adding prison space, we will send a message to criminals that violence and crime will not be tolerated.

Mr. WELLER (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 Illinois?

There was no objection.

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The result of the vote was announced as above recorded.

The amendment offered by Mr. WELLER was: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Notwithstanding any other provision of this title, if a State which otherwise meets the requirements of this section certifies to the Attorney General that exigent circumstances exist which require that the State expend funds to confine juvenile offenders, the State may use funds received under this title to build, expand, and operate juvenile correctional facilities or prereat detention facilities for such offenders.
Amendment offered by Mr. DOGGETT to the amendment offered by Mr. WELLER: On line 3, insert "or unit of local government located in a State" after "State". On line 3, strike this section and insert "section 502 or 503".

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

The CHAIRMAN. Is there objection to the request of the gentleman from Texas? There was no objection.

Mr. DOGGETT. Mr. Chairman, I commend the gentleman from Illinois on his amendment, and I offer this further strengthening amendment, just as he attempts to strengthen the original legislation to strengthen, in our effort, what we are trying to do about the serious problem of juvenile offenders, because the problem that plagues Illinois plagues the State of Texas and my hometown of Austin, TX.

Mr. Chairman, I would much rather prevent an effective local crime prevention program than to confine a child. I would much rather deter a crime with 100,000 police on our streets added under the crime bill rather than try to halt it.

In truth and fact, whether it is in Illinois or Texas or any other part of his country, there are some young people who do need to be confined and that is what this amendment and this amendment to the amendment is really all about. There are young people out today who are terrorizing our neighborhood, and the only thing, after all else has failed, that we can do with them is to confine them and to prevent them from causing further destruction of the neighborhood.

The legislation that is now before us, as originally presented by the committee, dealt with the problem of adult corrections and adult offenders. It did not address this problem of juvenile offenders.

The gentleman from Illinois was thinking very much along the same lines as I was thinking in a similar amendment that I have offered. In lieu of that amendment, I am offering this amendment to the amendment. The amendment on which I worked also seeking to deal with the problem of juvenile offenders is one that was drafted with the bipartisan support of the distinguished gentleman from Michigan, [Mr. STUPAK], a former police officer and State trooper, and the distinguished gentleman from Alabama [Mr. CRAIG], a former prosecutor. All are front line officials in the fight on crime, and whether it is Alabama or Michigan or Illinois, we agree that there is a serious problem with juvenile offenders.

What this amendment to the amendment seeks to do, and I understand that it is acceptable to the sponsor, having worked with him and the distinguished chairman of the Committee on the Judiciary in this regard, is to provide adequate funding for the governments in this same group of funding.

Let me tell you why that is so important to those in the State of Texas. We have seen the effect of violence right there in the capital city of the State of Texas. In our county, there were 307 juveniles that had been certified to the juvenile court four or more times in just a single year. Now, that is a tremendous amount. But by last year, that amount had increased 538 percent, so that we have almost 2,000 juveniles being certified to the juvenile court four or more times. That means too often that the first time those property offenses, and rapes and murders and aggravated assaults, and without the amendment offered by the gentleman from Illinois, as we have modified it now to include local government units, we would not be addressing that problem at all in this piece of legislation.

I will tell the gentleman from Illinois also, that I have visited, in drafting my original amendment, with the officials at the Texas Youth Council who handle statewide, as you have in Illinois, all of our juvenile offenders, and they were quite concerned that this legislation, as originally proposed, did not deal with this problem of juvenile offenders.

I think by working together as we have with this amendment and the bipartisan amendment in a bipartisan fashion we have tried to address this problem of the fact that, frankly, there are good young people other than some who we missed on prevention and somehow we missed on education. I wish we could have taken care of that problem. Now it is time to see that they no longer continue to do damage within their neighborhoods. I threaten the millions of Americans who are hard-working, who are honest, and who are trying to make a go of it without this example of dangerous young offenders.

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

Mr. DOGGETT. I am happy to yield to the gentleman from Illinois.

Mr. WELLER. My colleague from Texas, I would like to just confirm that the language of the amendment that you are offering to our amendment is language that we discussed and that we agreed to.

The CHAIRMAN. The time of the gentleman from Texas [Mr. DOGGETT] has expired.

(No further action in response to a unanimous consent request)

Mr. WELDER. I would ask the gentleman from Texas if he would confirm the amendment to our amendment which he is offering is the language that we discussed and agreed to in consultation with the chairman of our committee.

Mr. DOGGETT. It is. I appreciate your agreement. I appreciate your initiative on this. Because the effect, as I understand everyone understands that is amended, is by the States or the localities within a State that is certified meeting the other requirements could apply directly to the Attorney General of the United States and indicate that there are exigent circumstances and heaven knows there are exigent circumstances right now in Illinois, in Austin, TX, and across this country with a large volume of juvenile offenders not being adequately housed.

Mr. WELLER. If the gentleman will yield further, I support and accept your amendment to our amendment. One of the reasons is I think of an example in the State of Illinois, in Will County, which is the largest county in my district, a county without a juvenile detention center. Of course, they are anxious to construct, because they are overcrowded, and they need a place to put bad kids and get them off the street and keep them off the street until they have the opportunity to go to trial, for a juvenile detention facility.

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

Mr. DOGGETT. I yield to the gentleman from Illinois.

Mr. HYDE. I just want to congratulate the gentleman from Texas [Mr. DOGGETT], the gentleman from Illinois [Mr. WELLER], and the gentleman from Illinois [Mr. HASTERT] for this initiative. I think it improves the bill. It is very useful, and I certainly is acceptable to our side.

Mr. DOGGETT. I thank the chairman.

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

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

Mr. CONYERS. On this side of the aisle, I think it very highly. The gentleman from Texas and the gentleman from Illinois have crafted together a smart and tough amendment that allows us to deal with boot camps and other facilities for youthful offenders. It is a very important part of the bill,
and it will not just help Texas and Illinois, believe me. We need this all over, and I congratulate you all, including the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Weller-Hastert amendment, as amended by the Doggett-Cramer-Stupak amendment.

Mr. Chairman, it is refreshing to see that ideas from both parties can be melded together here on the House floor to make a stronger amendment to achieve the purposes of what we all want to achieve, and that is to provide prisons for youthful offenders.

When I was a police officer, all too often most of the people I would arrest for crime, whether it be breaking and entering to murder, was usually young people.

What would we do in today's society is take these young people and put them in prisons with many members of our society who are there for heinous crimes, and they are not their senior, and they are treated the same in a judicial system which is insensitive to the needs of young people.

Juveniles go into these prisons, young people, and they will see these older people, and they will be a little bit older chronologically, but they were much, much wiser in the ways of the crime.

If we are ever going to help young people overcome their responsibilities to society, if we are going to help them be rehabilitated, we should try to isolate them in youthful offender prisons and not imprison them with hardened criminals.

So I am pleased to stand today to say that both sides of the aisle have been able to work together. I thank the gentleman from Illinois [Mr. WELLS], the gentleman from Illinois [Mr. HASTERT] and the gentleman from Illinois [Mr. HYDE] for their cooperation and guidance in putting together these two amendments, and my congratulations to the gentleman from Texas [Mr. DOGGETT] in his first amendment on this House floor, and hope there will be many more and the same to the gentleman from Illinois [Mr. WELLS].

Mr. HASTERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just very briefly, I want to congratulate the gentleman from Illinois [Mr. HYDE] in helping us come together, but the genesis amendment came a year ago after the crime bill was passed, very serious problems, especially in counties where there was simply not enough room to take care of youthful offenders in a pretial situation, and they are jockeying these young offenders across county lines, which is not how we need to find a way to solve the problem.

So again, with the gentleman from Illinois [Mr. WELLS] and myself and the gentleman from Texas across the aisle, this does solve the problem. It takes care of those juvenile offenders that by law cannot intermingle with hardened criminals and those adult criminals waiting for trial.

Mr. STUPAK. This is a good piece of legislation. Again, there is bipartisan cooperation, and I thank the gentleman from Illinois [Mr. HYDE] and the gentleman from Illinois [Mr. WELLS] for putting this together.

Mr. CRAMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to quickly congratulate the authors of these amendments, the amendment itself, and amendment to the amendment.

As I said earlier, I thought we would be making a mistake if we left the juvenile issue out of the incarceration debate. I think it is very important. One of the plagues on our local communities is the violent juvenile offenders. While we are talking about violent offenders, we should in fact be talking about violent juvenile offenders as well.

So I want to thank the Members for working in a bipartisan way together. I think this is a terrific improvement in this legislation, and I think it will help the local and State communities realize they have a more effective partnership with the Federal Government.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. Doggett] to the amendment offered by the gentleman from Illinois [Mr. WELLS].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment, as amended, offered by the gentleman from Illinois [Mr. WELLS].

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. CANADY OF FLORIDA

Mr. CANADY of Florida. Mr. Chairman, I offer amendment No. 47.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CANADY of Florida.

Page 1, after line 22, insert the following:

Such grants may also be used to build, expand, and operate secure youth correctional facilities.

Page 6, after line 2, insert the following (and redesignate any subsequent subsections accordingly):

"(b) Juvenile Justice Incentive.--Beginning in fiscal year 1998, 15 percent of the funds that would otherwise be available to a State under section 502 or 503 shall be withheld from any State which does not have an eligible system of consequential sanctions for juvenile delinquents.

Page 10, line 7, delete "and" at the end of the line.

Page 10, at the end of line 10, strike the period and insert ":", and add the following:

"(4) the term "an eligible system of consequential sanctions for juvenile offenders'
Mr. CANADY of Florida. Mr. Chairman, this amendment, which was crafted with my good friend, the gentleman from Oregon [Mr. WYDEN] who has, in the last year, worked with me on legislation on the same subject, a major portion of which is incorporated in this amendment.

This amendment is submitted to encourage the States to implement a serious system of consequential sanctions for juvenile offenders.

Mr. Chairman, we have heard very much in the last few minutes about the serious problem of juvenile crime.

The statistics, indeed, tell a chilling tale. The juvenile violent crime index rose 68 percent between 1988 and 1992, and since then it has been going up. In the past decade, the number of juveniles arrested for murder increased by 93 percent. In 1992 juveniles were responsible for nearly 13 percent of all crimes of violence, including 41 percent of all murders, 41 percent of all forcible rapes, 16 percent of all robberies, and 12 percent of all aggravated assaults.

Clearly, the States need resources to fight juvenile crime. I believe we need a major initiative to reform our juvenile justice system in this country. The juvenile justice system is failing in a monumental way. The amendment in question allows the States to address this problem and provides them with incentives to address this problem. Under the amendment, beginning in fiscal year 1998, 15 percent of the funds which would otherwise be available under the grant program will be withheld if a State does not have in place by that time a system of consequential sanctions for juvenile offenders. A system of consequential sanctions for juvenile offenders would include: a system of increasingly severe sanctions for juvenile offenders who commit repeat offenses; an effective system for prosecution of juveniles as adults for juveniles 14 years of age or older who have committed serious violent crimes; a requirement that parents participate in meeting the sentences imposed on juveniles; and a requirement that juveniles who commit serious violent felonies have their fingerprint and other identification records sent to the FBI to insure that we can track them on the Federal level.

Mr. Chairman, this amendment represents a commonsense, bipartisan approach to the spiraling problem of juvenile crime. I want to thank the gentleman from Oregon [Mr. WYDEN] and the gentleman from Texas [Mr. PETE Geren] for their vital contributions to this effort.

I also want to thank the gentleman from Illinois [Mr. HYDE] and the gentleman from Florida [Mr. McCOLLUM] for their assistance in this matter.

For too long we have only paid lip service to the problem of juvenile crime. It is time we do something serious about it. This amendment is a practical first step, and I urge my colleagues to vote in favor of this amendment.

Mr. WYDEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and colleagues, what the gentleman from Florida [Mr. CANADY] and I have been working on together to do is essentially promote a new philosophy with respect to juvenile justice in our country.

We are seeing in community after community that violent juvenile offenders commit one offense after another and face absolutely no consequences whatsoever.

For example, at home in Oregon it was recently reported that a violent juvenile committed 50 crimes, 32 of which were felonies, before the juvenile system took any action to protect the community. The problem has essentially led to the notion that the justice system has been built on the medical model, the notion that even though you are dealing with a repeat violent offender, somehow the offender could be rehabilitated.

I think a number of our leading criminologists—and I would refer specifically to the work of James Q. Wilson of Los Angeles—have indicated that the challenge with respect to juvenile justice is to replace this medical model, which is now in place, with a system of accountability.

And so what we seek to do in this amendment is to, through this Federal legislation, promote the philosophy wherein violent young offenders who commit crimes will face real consequences each time they commit an offense, and the consequences will increase each time they commit an additional offense.

Now, I would like to. in closing, particularly commend the Attorney General of my State, Ted Kulongoski. He has been an advocate within respect to juvenile justice is to replace this medical model, which is now in place, with a system of accountability.

I would also like to thank the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. CONYERS] for their help.

This amendment complements the earlier one, but our colleagues should not take about it, what we would like to do through this amendment is promote a new philosophy of accountability, a philosophy that insures there are consequences every time a young person commits a criminal act.

I particularly want to thank my friend, the gentleman from Florida [Mr. CANADY] who has been so patient in working with me.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, before we rush to judgment on this, I think we ought to at least let our colleagues and the American people know what we are doing here. In the spirit, whether it is bipartisan or not, of letting the American people deserve the right to know that we are saying, out of one side of our mouth, that we should be staying out of the States' business and we have the set upon a series of amendments that inject the Federal Government further and further and further into the business that has typically been the reserve of the State.

I will say to my colleagues that the Federal Government has no juvenile law. We do not deal with juveniles in the Federal system. We do not have laws in Federal system that deal with juvenile delinquents.

And while we gloss over what we are doing to our Federal legislative amendment. this amendment is a provision that requires, or at least says, "If you are going to have any of the benefits of these funds, you have got to have a system that will be recognized and maintained in the Federal system that requires the prosecution of at least those juveniles who are 14 years old or older as adults under certain circumstances.

Well, I would presume, if that is a good idea, the States in their infinite wisdom would have thought about it. and some of them have, but I do not know that we, as a Federal Government, ought to start moving into an area that we have never been involved in before in this way. Most States have a whole system that they have put in place over years and years and years to deal with juvenile delinquents.

I mean I am resigned, I think, that this will pass. as just about everything else that comes forward that I think is outrageous seems to be passing. but the American people need to understand that our colleagues here are trying to have it both ways. They are saying, "Look, we believe in States rights," out of one side of their mouth, and they are saying out of the other side of their mouth, "Let me tell you what Big Brother Federal Government would like for you to do, not only in areas that we have been involved in historically, but in areas that we have never ever had any Federal policy discussions about, involvement in or even any connection to.

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. Mr. Chairman, I would point out that the Federal Government has been involved in juvenile justice policy for a long time. We have been providing grants to the States with respect to the juvenile justice systems.

Mr. WATT of North Carolina. Reclaiming my time, let me just make sure: do we have any juvenile facilities at the Federal level?

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Mr. CANADY of Florida. No, that is not the point, that is not the point.

The Federal Government has been involved in the area of juvenile justice policy and in trying to encourage the States to do certain things in their juvenile justice systems.

Now a point that I think is important to understand about this amendment:

This compliance with these provisions is not a requirement for participation and receiving grant funds. All we are asking is involvement.

Mr. WATT of North Carolina. I take the gentleman to mean, claiming my time briefly, that this is not a Federal mandate.

I say to the gentleman, anytime it's good for all of you to call something a mandate, you call it a mandate, and it's not convenient this time to call this a mandate; OK, I understand that. I yield to the gentleman.

Mr. CANADY of Florida. As the gentleman from Illinois [Mr. HYNES] discussed earlier, this is an incentive. It is a modest, quite frankly, a very modest, incentive for States to set up systems in which they are going to be serious about dealing with violent juvenile offenders and creating--

Mr. WATT of North Carolina. Reclaiming my time, let me just suggest to the gentleman that, if he truly believes in States' rights, there is no requirement that we suggest to the States how they deal with juveniles and get ourselves involved in these issues.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WATT] has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for a additional minutes.)

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

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

Mr. CANADY of Florida. I appreciate that.

I think there is an important Federal interest. We have seen cases in which a juvenile who committed murder in one State and was slapped on the wrist has been let out on the streets and has moved to another State. Now let me tell the gentleman that implicates a Federal interest, and I think when we see, I additions, that is appropriate for the Congress to address it and provide a modest incentive, as we are doing in this bill.

Mr. WATT of North Carolina. Reclaiming my time, let me just be clear with the gentleman from Florida [Mr. CANADY] and say, there is not a law that you can come in here with that you can't point out some kind of abuse, some kind of anecdote, that would get the Federal Government involved. Last time, last session, it was carjacking because they were taking the cars across Federal—we never have been involved in that in our lives at the Federal level. There is always some kind of exception that will get the public outraged.

But this is a public policy debate. Should the Federal Government be involved in trying to tell the States when we are at the same time saying to the States to get further and further out of the States' way and yielding back to the States--

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WATT] has expired.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words because a number of concerns have arisen here as the debate goes on.

As my colleagues know, in most States, in most cities, juveniles are being waived over to be tried as adults. I do not see any place where that is not happening. So the violent crimes now are not being slapped on the wrist. They are being sent to the criminal courts to be tried as adults, and I do not know if my colleagues have taken that into account.

The second thing that is important to me is that there is a Federal involvement, what would it be to do?

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

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

Mr. WYDEN. Mr. Chairman, the view of the gentleman from Florida and myself is that the juvenile justice system does not work. We see these young people committing offenses after offense, after offense, and there are absolutely no consequences.

What we are seeking to do with a very small portion of Federal funds is try over the next few years to get States to adopt a new philosophy with respect to juvenile justice so that, when a young person commits their initial offense, the punishment will be specified, but it will not be the most severe--

Mr. CONYERS. Reclaiming my time.

Mr. WYDEN. Offense. They will face additional punishment.

Mr. CONYERS. Reclaiming my time, this puts us into the business of creating Federal law for juveniles in every city across America.

Mr. WYDEN. Will the gentleman yield further?

Mr. CONYERS. And the other thing that bothers me:

The see one, the name of Professor Wilson, who is a great scholar of criminal justice but whose ideas and mine occasionally comport, and just as often they probably do not.

So is that, I believe we all know what they are asking us to do is adopt a new philosophy, and I am sure when they say the juvenile system does not work, they mean some parts of it do not work, and there are in many instance for States that do not keep repeating crimes where the juvenile system has been very successful. But in some instances it has not been, but it is not a total failure, like other systems.

Mr. WYDEN. Mr. Chairman, would the gentleman yield further?

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

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. I just want to make the point that at least they could try to be consistent about this. I mean my colleagues say the juvenile laws are not working, therefore the Federal Government is going to get further involved in the process. Therefore we are working, therefore we are going to give all responsibility to the State.

Mr. WYDEN. Mr. Chairman, the view is that the amendment offered by the gentleman from Florida [Mr. CANADY].

The amendment was agreed to.

Mr. MCCOLLUM of New York. Mr. Chairman, I refer an amendment which is at the desk which has the words, "New A," marked on it.

The Clerk reads as follows:

Amendment offered by Mr. McCOLLUM: Page 1, line 7, strike "EB" and insert "SB". Page 2, after line 6, insert the following new section:

So what I am suggesting here respectfully is:

Should this matter be considered in the committee? It's an incredibly important event, but now the gentleman from Oregon is asking me to accept a new philosophy on the Judiciary Committee and that's supposed to do it. I don't know what that philosophy is. It's not clear to me exactly where we are going here.

Mr. WYDEN. Mr. Chairman, would the gentleman yield further?

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

Mr. WYDEN. All we are saying is over the next 3 years let us give an incentive to States. It is not a matter of changing the Federal criminal code. No criminal law at the Federal level will be changed, but because there are such serious problems with lack of accountability at the State level, let us encourage States in a modest way to try this out in.

Mr. CONYERS. Mr. Chairman, I have to reclaim my time because what we are doing again is that we at the Federal level are now telling local government how to treat juveniles. Juveniles are under the State and local criminal law, and so, if we do not create Federal law, we are telling the States and other localities how they have got to operate under this new theory that we have trotted out this afternoon with respect to juveniles.

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. I just want to make the point that at least they could try to be consistent about this. I mean my colleagues say the juvenile laws are not working, therefore the Federal Government is going to get further involved in the process. Therefore we are working, therefore we are going to give all responsibility to the State.

Mr. WATT of North Carolina. Mr. Chairman, the view is that the amendment offered by the gentleman from Florida [Mr. CANADY].

The amendment was agreed to.
C. 508. PAYMENTS TO STATES FOR INCARCERATION OF CRIMINAL ALIENS.

(a) RESERVATION OF FUNDS.—Notwithstanding any other provision of this title, for each of the fiscal years 1996, 1997, 1998, and 2000 from amounts appropriated under section 508, the Attorney General shall first reserve an amount equal to the amount appropriated under such section, which when added to amounts appropriated to carry out section 242(j) of the Immigration and Nationality Act for such fiscal year equals $500,000,000.

(b) PAYMENTS TO ELIGIBLE STATES.—Notwithstanding any other provision of this title, for each of the fiscal years 1996, 1997, 1998, and 2000 from amounts reserved under subsection (a), the Attorney General shall make a payment to each State which is eligible under section 242(j) of the Immigration and Nationality Act and which meets the requirements of section 503(b), in such amount as is determined under section 242(j) and for which payment is not made to such State for such fiscal year under such section.

(c) USE OF UNOBTAINED FUNDS.—For any fiscal year under section (a) which are not obligated by the end of such fiscal year, the Attorney General shall give preference in such amount as is determined under section 242(j) and for which payment is not made to such State, to States which are not eligible under section 242(j). In carrying out this section, the Attorney General shall give preference to States which have not been eligible under section 242(j) for any fiscal year.

(d) REPORT TO CONGRESS.—Not later than May 15, 1996, the Attorney General shall submit to the Congress a report on the status of States that have not been eligible under section 242(j) for any fiscal year.

(e) USE OF UNOBTAINED FUNDS.—For any fiscal year under section (a) which are not obligated by the end of such fiscal year under subsection (b) shall not be available for payments under this section, but shall be available, in equal amounts, to the Attorney General only for grants under section 503.

(f) REPORT TO CONGRESS.—Not later than May 15, 1996, the Attorney General shall submit to the Congress a report containing the recommendation of the Attorney General concerning the extension of the program under this section.

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.

Mr. MCCOLLUM. Mr. Chairman, this amendment is an amendment that has been a work product we have been doing for quite some time with the gentleman from California [Mr. BERMAN], the gentleman from California [Mr. GALLEGEY], and other people from around the country interested in the question of whether or not we as a nation can and should and in what manner reimburse the States for the cost of incarcerating criminal aliens. There are enormous expenses out there, varying, depending upon who is making the projections as to how much it costs States, particularly Florida, California, Texas, and also New York and Illi-
we want to call it that, that now exists in an unfair fashion. So I compliment the gentleman.

The CHAIRMAN. The time of the gentleman from Florida [Mr. McCollum] has expired.

At the request of Mr. Berman and by unanimous consent, Mr. McCollum was allowed to proceed for 2 additional minutes."

Mr. McCollum. Mr. Chairman, I continue to yield to the gentleman from California.

Mr. Berman. I want to ask a couple of questions to make sure we have full understanding.

In the underlying bill for Federal assistance for prison construction, you have three requirements, you have a non-supplanting requirement, a limit on administrative costs, and a requirement for matching funds.

Mr. McCollum. Yes, that is correct. Mr. Berman. My question is, to just make clear, my understanding is this amendment, if adopted, will not require or put any of those three limitations on. In other words, by definition this is supplanting money. The States are now spending money to operate their prisons.

Mr. McCollum. If the gentleman will allow, I will reclaim my time. The gentleman is correct, because the language that begins this provision says "not withstanding any other provision of this title," and it is obvious on the face of what we are doing today this is intended to be supplanting money. It is supplanting what the States are paying out today, which they should not be paying out, because this is a Federal responsibility.

Mr. Berman. If the gentleman will yield further, the same with respect to the 3 percent limit on administrative costs. That was for a new prison construction program. This provision is a reimbursement provision. By definition, 100 percent of these costs are for operating costs of existing State and local prisons and jails.

Mr. McCollum. Reclaiming my time, the gentleman is correct.

Mr. Berman. And there is no matching requirement for the States or local under this program.

Mr. McCollum. Reclaiming my time, the gentleman is 100 percent correct about that.

Mr. Berman. And we have had a problem this year with the prison inmates, the $130 million. I do have to point out that President Clinton was the first President ever to propose funding for this, and Congress appropriated $180 million, first time ever, last year.

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But we have had a problem in that even though we think the language of the existing crime bill is clear, no local governments have been eligible for that. It is our intention, under the underlying crime provisions that exist in existing State and local governments be eligible for that portion of the money, even though they are not eligible for the Truth-in-Sentencing Act money that is part of the gentleman's amendment; is that correct?

Mr. McCollum. The gentleman is correct. I think the gentleman has made excellent points about this particular provision today. It is very, very unique, as we are. We are the gentleman and I have worked very hard on it. Governor Wilson of California has worked on it with us. We have had a number of inputs from other State leaders. And Mr. Gallegly.

Mr. Berman. Mr. Chairman, if the gentleman will continue to yield, if I could just make two points. First of all, I think my colleague from California, who authorized the original program in last year's crime bill, the gentleman from California [Mr. Behlenson], through his amendment that program stays intact. It is very important for us to catch the appropriators and not to change the programs that exist and the States spend in the programs that do not qualify for the Truth-in-Sentencing Act.

I am told by the Governor of California, even though the Justice Department does not confirm that, but I am told without qualification by the Governor of California that California qualifies under the Truth-In-Sentencing Act and, therefore, will be eligible for this new prison money that is being reserved for this program. It is on that basis and on those assurances that I am supporting the gentleman's amendment.

The CHAIRMAN. The time of the gentleman from Florida [Mr. McCollum] has again expired.

(On request of Mr. De La Garza, and by unanimous consent, Mr. McCollum was allowed to proceed for 1 additional minute.)

Mr. McCollum. Mr. Chairman, I yield to the gentleman from Texas [Mr. De La Garza].

Mr. De La Garza. Mr. Chair, mention was made of State and local. I want to know the extent of the local? Did this cover our county jails, our city jail, Mr. McCollum?

Mr. McCollum. If there would be the opportunity to gain that through the States to cover these, yes. There is no restriction on that whatsoever in what we are offering. So the gentleman would be able to get that kind of pipeline.

Mr. De La Garza. Mr. Chairman, if the gentleman will continue to yield, but do we leave it then up to the option of the State? There is no guarantees here that my local county jail, who houses the same type of aliens, is getting any assistance.

Mr. McCollum. The gentleman is leaving it up to his Governor under this provision. But the State, the counties, and the cities would be eligible. We do not drive it up here and any amount of dollars, the 'intestine' General is deciding this and it is so each of the fiscal years, she shall first reserve the amount and then she shall make payments to each State which is eligible. So it goes to the State but the power and are not restrained in any way from providing this
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Mr. CONDIT. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, we do not change the law for last year at all. It stays the same. The year 2004 in Florida, the year 2004 in California. I yield to the gentleman from California [Mr. GALLEGLEY] is chairman of a new task force that was put together by the Speaker, charged with looking at this issue of illegal immigration. As he says, this is not the sole solution to the problem of illegal immigration.

Quite frankly, we believe very sincerely that if we take this step, it is one of several which will turn the corner. We support the passage of the Truth-In-Sentencing Act, only go to the States. But what this does clarify is that notwithstanding the Justice Department position, the Bellinson bill and the clarifications offered by this amendment to that make it clear that county jails that are housing undocumented criminal aliens who are convicted of felonies, and Los Angeles County is a prime example, are eligible to claim that money. So this improves it. But under the new money for those States and counties, we really agree with the gentleman that we have had as the magnet and our inability to provide this kind of policing on the border.

Governor Wilson has worked diligently on this, but he has joined with other Governors from throughout the country who recognize the need to have the Federal Government tackle this.

Mr. GALLEGLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment merely reimburses the States for the failure of the Federal Government to enforce its borders. The cost of this failure to California alone is well in excess of $100 million a year. Clearly, California and States that are impacted by this policy cannot afford to continue to pick up the tab. The borders are a federal issue. The Federal Government has shirked its responsibility to enforce its borders and the law.

Mr. Chairman, while I wholeheartedly support this amendment, I certainly do not want it, at least my position, to be construed that this should be an substitute for aggressively enforcing the issue of unchecked illegal immigration into our country. I think as the debate goes on in the days and weeks to come, Members are going to find that this Congress is going to very aggressively tackle that issue. But on this amendment, I would ask my colleagues to strongly approve this amendment.

Mr. CONDIT. Mr. Chairman, I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Chairman, I thank the gentleman for yielding to me. I would like to rise in strong support of the McCollum-Gallegly amendment and state that the gentleman from California is chairman [Mr. GALLEGLEY] of a new task force that was put together by the Speaker, charged with looking at this issue of illegal immigration. As he says, this is not the sole solution to the problem of illegal immigration.

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I think it is entirely appropriate that the Republican majority has decided that the contract is not perfect as it was written and that it ought to be adjusted whenever a good argument could be made. Before I reach Mr. BERMAN and his friends on the Committee on the Judiciary to get the credit for the addition they provided.

Mr. FAZIO of California. Mr. Chairman, if the gentleman will continue to yield, I think we are a democracy and that sort of leadership, we would not have been here today. I appreciate the gentleman yielding me this time.

Mr. Chairman, most of those who enter our country, legally or illegally, are law abiding. But the small number that commit serious crimes place an overwhelming burden on the seven States that must address this problem.

The plea for assistance with the costs of incarcerating felons who are in this country illegally comes from all of the States that are unfairly forced to share the disproportionate burden for this responsibility — the confinement of America's illegal immigrant population. For example, in 1993, the 16,000 illegal immigrants incarcerated in California's prisons accounted for less than 3 percent of our prison population. Our annual cost of incarcerating illegal immigrant felons is $368 million.

Mr. CONDIT. Reclaiming my time, Mr. Chairman, I would like to close, because I am in support of the amendment.

I think what this amendment is about, Mr. Chairman, and what this whole issue is about, and what the gentleman from California [Mr. BERMAN] has brought to the attention of the Nation is the fact that once again we on the Federal level have to be accountable.

This is one of those mandates on a group of States throughout the country that is burdensome. We need to find a way to resolve that in a bipartisan way. I think this is a way to do this.

We will have to revisit this again. Mr. Chairman, when that time period is over. However, I think this amendment is worthwhile. I think the efforts of the gentleman from California [Mr. BERMAN] ought to be acknowledged, and that we ought to pass the amendment and do the right thing.

The responsibility is ours. The Federal Government runs INS. We run Immigration. States have very little flexibility with immigration, so I support the amendment.

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

Mr. CONDIT. I yield to the gentleman from California. Mr. BILBRAY.

Mr. BILBRAY. Mr. Chairman, I think any reasonable person is going to recognize that the issue of giving grants out is quite appropriate, but that debts owed should be taken care of first. Any responsible society, and I always say that debts should be paid before you start giving out funds.

The CHAIRMAN. The time of the gentleman from California [Mr. CONDIT] has expired.

(By unanimous consent, Mr. CONDIT was allowed to proceed for 1 additional minute.)

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

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

Mr. BILBRAY. Mr. Chairman, any reasonable person would say you pay your debts before you start giving out loans. Any person would recognize that there has been an outstanding debt that is continuing to be placed across this country that the Federal Government has walked away from.

In fact, this body has talked last year very strongly about the issue of deadbeat dads, and making people live up to their responsibilities, and not allowing individuals to walk away from their responsibilities, not just to be punitive, but to bring people to face their responsibilities for everybody concerned.

Mr. Chairman, this is really addressing the biggest deadbeat dad in the country, and that is the Federal Government of the United States. It has walked away from the First Amendment, the Federal Government's baby, illegal immigration.

What this says is that now we must pay child support for the responsibilities that we have out there. It is not just for those of us that are in States that are impacted severely. Across the board, Mr. Chairman, that will help us address this issue.

The CHAIRMAN. The time of the gentleman from California [Mr. CONDIT] has expired.

(By unanimous consent, Mr. CONDIT was allowed to proceed for 30 additional seconds.)

Mr. CONDIT. Mr. Chairman, I yield to the gentleman from California.

Mr. BILBRAY. In closing, Mr. Chairman, as somebody who has had to fulfill these obligations, I think all of us will recognize that this will help us fulfill one of the items in the contract, and that is for the Federal Government to address this issue comprehensively.

Until we address the responsibilities that we are placing on other people, but with the irresponsibility of the Federal Government, we are not going
Mr. BERMAN has explained an additional comment correctly, but it does make the immigration comment. There is no inconsistency with what he stated. He is correct that we could cordon off money to give it priority in the spending, but it is all authorizing language.

Money must be appropriated under the traditional methods to get the funding out there that is asked for, so there is no entitlement. I would say to the gentleman from New York, Mr. MCCOLLUM, that is correct.

Mr. SOLOMON. One last question which is of great concern to many of us. Many of the new Members do not understand, and the viewing audience, I am sure, the truth-in-sentencing provision.

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

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

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

Mr. DREIER. Mr. Chairman, am I correct in assuming that Mr. SOLOMON. And the vice chair.

Mr. DREIER. Because as we look at the issue of dealing with this problem, we are doing it under the standing rules of the House. We are not establishing a new entitlement program as was just said in a colloquy between the author of the amendment and the chairman of the Committee on Rules.

What we are doing is coming together with funds that are appropriated and we are simply saying that it is a priority responsibility of the Federal Government regardless of what States do from time to time to meet that Federal obligation.

I know we have a wide range of support that has come from the Speaker of the House and others to deal with this in a responsible way. I would like to congratulate the chairman of the Committee on Rules for realizing that we can, in fact, deal with serious issues like this without impinging waivers of the budget act and other provisions.

I believe that the McCollum-Gallegly amendment will go a long way toward addressing the CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The time of the gentleman from New York [Mr. SOLOMON] has expired.

At the request of Mr. DREIER and by unanimous consent, Mr. SOLOMON was allowed to proceed for 2 additional minutes.

Mr. SOLOMON. Let me just say, "I was glad to see the gentleman rise with some time and I look forward to this matter."

Mr. BEILENSON asked unanimous consent to refer the amendment to the Committee on Rules and the chairman of the Committee on Rules.

Mr. SOLOMON. Thank you, Mr. Chairman. I move to strike the requisite number of words.

Mr. BEILENSON asked and was given permission to revise and extend his remarks.

Mr. BEILENSON. Mr. Chairman, I rise in strong support of this McCollum-Berman amendment which does address the serious burden placed on States and localities by the Federal Government's failure thus far to adequately meet its responsibility to fully pay the costs of incarcerating illegal aliens.

I also want to take this opportunity to thank my colleagues, the gentleman from California [Mr. BERMAN] for such a strong and forthright conclusion, I want to thank the gentleman from Florida [Mr. MCCOLLUM] for his enormously helpful work. Without his help obviously this could not be done.

I want to thank a good many other colleagues, most especially if I may, two friends, the gentleman from California [Mr. CONDR] and the gentlewoman from Florida [Mrs. THURMAN] for their help in years past as well as this year, and the gentleman from California [Mr. GALLEGLY] and a number of others. I do not want to leave people out.

But many of us as Members know who have been working on this for some time, this does, in fact, build success. We are on the verge of virtually total success in this matter.

I thank our colleagues for their support on this very important matter.

The McCollum-Berman amendment simply provides that before the Department of Justice can spend any funds appropriated under the authority of this bill for prison construction, the Attorney General must reimburse States for at least $50 million of the cost of incarcerating illegal aliens convicted of crimes. In other words, it makes reimbursement of States, for the cost of imprisoning criminal aliens a priority over spending for new prison construction.

This amendment follows on action Congress took last year at the behest of several of us from States with large populations of criminal aliens. Our amendment to last year's omnibus
billion a year, a 310 percent increase. The cumulative cost during this 7-year period is in excess of $2.5 billion.

In Los Angeles County alone, the overall cost of deportable criminal aliens to the county’s criminal justice system is $175 million per year, out of a $683 million budget.

Although this amendment does not actually make Federal reimbursement for these costs mandatory, as many of us would like, it goes a long way toward guaranteeing these payments. If Congress wants to fund new prison construction, then, under this amendment, we will have to first ensure that there is sufficient funding for criminal alien reimbursement.

I would only add that this amendment is a responsible measure that pays for State reimbursement with appropriate funds, and is not a violation of our budget rules. Its cost—$560 million per year—is, relatively speaking, a modest amount for the Federal Government. On the other hand, for States and local governments, this is quite a large, significant amount, and relieving them of this expense will free up revenues for other necessary public purposes.

Mr. Chairman, because Congress has been unwilling to provide the States with full responsibility for the criminal alien population in the 1986 Immigration Reform and Control Act (IRCRA), Section 501 of the act specifically authorizes the reimbursement to States, of costs incurred in the imprisonment of illegal aliens. Unfortunately, no funds were appropriated for this purpose until last year, and the amount appropriated was not nearly enough to come close.

Mr. Chairman, as I understand it, this amendment will relieve the States of the unfair burden they are currently bearing with respect to criminal aliens, and freeing up their limited resources for other essential purposes, including, of course, prison construction, the very purpose of this bill.

I urge my colleagues to support this amendment.

Mr. BENTSEN. Mr. Chairman, I move to strike the requisite number of words. I do so to enter into a colloquy with the chairman, the manager of the bill.

It is my understanding, I apologize for not being down here, but I was in a Banking Committee hearing where we were discussing the Mexico peso devaluation crisis, the gentleman is a member of the committee, but I have a question.

As I understand your amendment, it would provide for half the funding, half of the authorization of the funding to come from last year’s bill and the other half pursuant to the truth-in-sentencing act; is that correct?

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield on that one point?

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

Mr. MCCOLLUM. What we do is we simply do not disturb the funding that is already in the law from last year’s bill. It will be unfunded. People will have it available easily. There will be no conditions to getting it. Except that there will be a preference then given to the States that do not qualify for the new pool of money we are creating today to get that money. So a State that qualifies for money under truth-in-sentencing will not have the same rights to that existing pool of money. So that States that are not eligible for that new pool will have full sway with the underlying monies.

Thereby, we thought this was being extremely fair to everybody. Since California, which is the largest State affected by the criminal alien situation, your State and mine being not far behind, would have early on full sway on the new money.

My State is moving to Truth-in-Sentencing very rapidly. It is supposed to pass this year, and I believe will become law. And so States that do not qualify for it will be the ones to get preference for the existing money under the existing law.

Mr. BENTSEN. Reclaiming my time.

I would ask, is it conceivable or is it possible that a State that does not meet the test as provided under the truth-in-sentencing, that they somehow can get sufficient monies for a full reimbursement?

Mr. MCCOLLUM. If the gentleman will yield, I do not believe so. What has been represented to us in the studies we have looked at, what the CBO has presented and so forth, I truly believe and honestly represent to you that I do not think that any State would come up short. There will be a very large pool of money for States to draw on in the $560 million a year roughly that is there for each of the next several years under the existing law for States that do not qualify for truth-in-sentencing, and since California has $500 million or so a year, maybe larger, that it itself says that it is concerning right now, it is going to eat up most of the truth-in-sentencing money, anyway, and I would say that the total amount, which is $560 million, is an estimate for the entire Nation, is covered by us today. So everybody should be able to get money.

Mr. Berman. Mr. Chairman, will the gentleman yield just on that one point?

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

Mr. Berman. I think we should be very careful not to overpromise here. Assuming, for example, Texas does not meet the truth-in-sentencing law requirements. They would not be eligible for the money appropriated out of the prison funds, the first portion of which is reserved for this program. It then will depend, for Texas, on there being an adequate appropriation in the Bellenson program that was enacted last year as part of the crime bill so that you can go there where, as the gentleman from Florida pointed out, you have preference.

So it is just very important to watch the appropriation process and make sure. The $560 million total is what the gentleman is getting out of the pool for States and local governments for the costs.
The potential for everybody to be covered is there. But it very much depends on the balance of appropriations between Federal funds.

Mr. McCOLLUM. If the gentleman will yield to me further on that— all of this is subject to appropriations. What is underlying and the new money, all of it is. But we on our side are committed to fully appropriating the money for this.

Our Speaker has said in his words just in the past day that he wants to have this his top priority. This in his judgment and in ours I am an unfunded mandate that is intolerable to the States right now and the sooner we recognize the illegal alien problem and the criminal alien problem and resolve it federally and nationally, the better off.

I think the gentleman has a great deal of assurance that our side, who now has the majority in the appropriations process, will make this top priority.

Mr. BENTSEN. Reclaiming my time. I will tell the gentleman my concern. My State, as other States very much believing in States rights and feeling that since most crime and criminals are under their jurisdiction, and as the gentleman knows, immigration is the sole jurisdiction of the Federal Government, and my State does house a large number of alien, undocumented criminals. So I think what I foresaw for some reason, for instance, in Texas we have 4,000 beds that are taken up as a result of that. That may bring us under the requirements under the Truth in Sentencing Act, so we are sort of in a double jeopardy situation where we may not be able to get at that funding because of the problem that already existed in the past to be fought with. I would want the gentleman’s assurances that that would be something that would be looked at.

Mr. McCOLLUM. If the gentleman will yield to me further on that, we will be better off in Texas if they do not qualify initially for the truth-in-sentencing money as far as the criminal alien dollars are concerned.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The time of the gentleman from Texas has again expired.

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

Mr. McCOLLUM. Because there will be States like California and my State of Florida that are in the process of qualifying for the truth in sentencing this year, and within a year will be qualified, because I spoke to our State Senate president today. I know it is a top priority in our legislature to qualify for the truth in sentencing. Once that happens for any State that qualifies for the truth in sentencing grant program for Federal prison money, that State is going to dip into that money and then under that bill they will have an additional and so those States that are qualified for the truth in sentencing will not be able to get it, but the gentleman’s State will be fighting with fewer States after that point in time for the money.

Mr. BENTSEN of California. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding. I think he makes a very important point. This is a burden that these States are saddled with through no actions of their own or fault of their own, and now what we are doing is when they had access to money under the Berman amendment, what we are now suggesting is that the States have to jump over an unrelated hurdle to get access to that money. This is a problem that the States have had is that they are saddled with the burden day and day out through no choice of their own. They do not change their laws they cannot get access to the money. I appreciate the gentleman has a theoretical formula worked out about what pool of money would go do and yet if they do anything to change the requirements under the Truth in Sentencing Act, so we are sort of in a double jeopardy situation where we may not be able to get at that funding because of the problem that already existed in the past to be fought with.

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

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

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

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

Mr. BENTSEN. I am glad to yield to my colleague from Texas.

Mr. McCOLLUM. If the gentleman would yield, absolutely. We are committed to full funding for both of them, for the whole $550 million to reimburse everybody. That is the commitment, and there is no problem making that commitment. The House will make this a top priority in our legislature to qualify for the truth in sentencing money.

Mr. BENTSEN. I thank the gentleman for his answer, and thank the gentleman for yielding.

Mr. CHAIRMAN pro tempore. Let me just say I think this is an unfunded mandate on the States.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. BENTSEN) has again expired.

Mr. BENTSEN. It is not inconsistent with what this Congress has done in the past. In 1985 we passed the Emergency Immigrant Education Act to deal with the 1981 Supreme Court ruling that affected our school districts, so we have taken action in the past to have the Federal Government step in and make reimbursements for costs which should be borne by the Federal Government.

Here today we are talking about taxpayer money from the States, and turning around and saying how we are going to allocate it back to the States under certain sorts of mandates. I understand what the bill is trying to achieve, but we have to remember those are the same taxpayers who are shelling out millions of dollars in order to build prison after prison, as we have in Texas probably more that just about any State in the Union. So at the same time we are coming back, and I am a little concerned we may be penalizing States that are trying to solve this problem, and at the same time this is a problem that is beyond their control. It is the responsibility of the Federal Government.

Mr. COLEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all let me thank the Members of this debate, because last year I know it was the Berman amendment which started this debate, which is what we are going to see coming out in the appropriation. I also want to thank the gentleman from Florida.
Mr. MCCOLLUM. for the work he has done in the deportation, which is also an extremely big issue for our State, making sure we can send them back so that we do not have to have all of those costs all of the time.

However, I do need some clarification, because I do rise to support this amendment but want to make sure that I understand it, and since we are colleagues from Florida and it is a big issue for us.

When the gentleman talks about the 85 percent truth in sentencing, do the States just have to pass a piece of legislation, or do they have to meet the requirements under that?

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

Mrs. THURMAN. I yield to my colleague from Florida.

Mr. MCCOLLUM. Mr. Chairman, to me they have to meet the requirements ultimately, but they have to have it, and they have to have an implementation time to begin no later than 3 years after they pass that act.

Mr. THURMAN. If the gentleman will yield, I will ask the answer is yes, because they would be eligible for these dollars under the existing $330 million, because there are going to be many people, fewer States, if you will, fighting over that money. Therefore, there is no money all together and they will have a preference.

So whether Florida passes a truth in sentencing provision or not, it is going to be better off after we get this amendment in law than it is today.

But I, of course, share your wishes that we pass truth-in-sentencing. As I said earlier, our Senate president, Jim Scott, today assured me that is his No. 1 priority. I understand it is the number one priority in the State house to get a bill out this year that goes to truth-in-sentencing.

Mrs. THURMAN. Reclaiming my time, I just want to ask my colleagues to support this, because I like many who have spoken before me, recognize that we’re in an era of major change in the criminal justice system. We’re going to have to move on issues of overcrowded prisons and have a preference for a non-partisan State in the other pool of money, they would have a preference in the non-truth in sentencing money.

Mrs. THURMAN. Reclaiming my time, the question then that occurs to me, and the gentleman and I know that we have numbers from the State of Florida talking about I think it is $1.37 million that we have spent just in Florida since 1988 in incarceration of illegal criminals, I guess the concern is because of that has been our burden which we have not lived up to at the Federal level, and because they have had to implement and construct and operate prisons in the State of Florida, that we can at some language. I mean I understand where the gentleman is coming from on the 85 percent truth in sentencing. That is a big issue for all of us, and we all want that to happen, and all of our State legislatures want that to happen.
Mr. Chairman, I will not use the 5 minutes, because I know many of my colleagues from Florida and other affected States have spoken on this. I wanted to get up and also join the applause for those who have worked out this very complicated and difficult situation to what is a very important problem, obviously the chairman, the gentleman from Florida [Mr. McCOLLUM], and the gentleman from California [Mr. BERMA] who does the work he has done. The amendment to come would ensure that prison construction will yield further, I will certainly do my best to make sure that prison construction grants wind up in the areas that have the greatest need for them.
As currently written, the legislation distributes these grants based solely on population and not on the violent crime rate. This amendment would change that, and allocate these funds to the areas that are facing the greatest challenge in keeping violent offenders incarcerated and in keeping violent criminals behind bars.

H.R. 857 is designed to reduce crime in our communities by ensuring that we have enough room in our prisons to house the violent felons who belong there. Surely, it makes sense to base the level of funding to any one area on the level of violent crime occurring there.

I think we all share the desire to make the most of these grants and to make the streets as safe as we possibly can through the prison construction they will support. It only makes sense to add prison capacity where the need has been established rather than simply as a virtue of how many live in any one State.

Mr. Chairman, these grants are intended to help fight violent crime by unlocking up violent criminals. They are not just another feel-good Government entitlement to be blindly doled out.

When we are confronting an issue of such tremendous importance to the American people, an extremely challenging issue that poses such a serious threat to our very way of life—we have to be a little smarter with our resources than we sometimes have been.

This is not the time for us to indiscriminately hang a sign on the government trough reading, “Open for business.” It is time for us to do the work necessary to insure that these precious funds wind up in the hands of those who have the greatest need for them. It is in that spirit I urge support of this simple, common sense amendment.

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

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. CHAPMAN. I yield 3 minutes to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. I thank the gentleman for yielding.

Mr. Chairman, I join in support of the gentleman’s amendment. I did not find his amendment printed in the RECORD. It is identical to an amendment we filed yesterday and had printed in the RECORD, and I would, therefore, say that we think it is a good one. I compliment the gentleman on his offering the amendment and tell him I think it does target—and I tell my colleagues—I think what is does make a small, but very significant, change in how the grant funds are allocated. It does that by targeting the funds to the areas where the problem is the greatest and it bases the allocation upon the incidence of violent crime, not on population.

Mr. Chairman, the Department of Justice, in analyzing the Republican bill under the contract, made the following analysis, and I read from their analysis:

The approach in the original bill of disbursing funds for violent offender incarceration in proportion to general population without regard to the incidence of violent crime in each area will produce gross misallocations of resources in relation to actual need.

This amendment, Mr. Chairman, will reinstate the law as it currently exists, will place the allocation of the funds, and in keeping violent criminals behind bars.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. Berman].

Mr. BERMAN. I thank the gentleman for yielding this time to me.

Very quickly, I do not think this takes a lot of time. We have an assistance program for low-income people to get subsidies on energy. We do not apportion that based on population. We focus on those States where cold weather requires people to have extraordinary high heating bills. We have crop subsidy programs and we do not base that on population, but we do base that on areas where the crops are growing.

The whole logic of this program is to deal with the—try to assist the States with the costs of dealing, particularly, with the high rates of violent crime. This amendment makes perfect sense. I do not know why the formula would be on any other basis, and I urge its adoption.

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

I commend both gentlemen, particularly my colleague from Texas [Mr. CHAPMAN], who, although he is not a member of the committee, had his amendment printed in the RECORD. We are in accord.

I like the idea of revisiting the 1994 crime bill. I think this is a good formula to take out of it and put in here. We have no further requests for time.

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

Mr. GALLEGLY. Mr. Chairman, we have no other Members seeking time. I would urge support and yield back the balance of my time.

The CHAIRMAN. All time has expired.

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

The amendment was agreed to.

Mr. BURTON of Indiana, Mr. Chairman. I offer amendment No. 2.

The CHAIRMAN. Is the gentleman’s amendment No. 2?

Mr. BURTON of Indiana. It has a No. 2 at the top of my amendment. We had to make a clerical change.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana [Mr. Burton].

The Clerk reads as follows:

Amendment offered by Mr. Burton of Indiana

Mr. BURTON of Indiana, Mr. Chairman, the gentleman from New Jersey [Mr. Torricelli] and I are co-sponsors of this amendment. It is a very simple and straightforward amendment designed to make sure that the latest and best technology is used in building prisons and prison cells. It mandates that the States look into this to make sure they are using taxpayer dollars as wisely as possible in the construction of new prisons. That is basically all the amendment does.

I think it is an important amendment. It will help control costs of new prison construction. I think the people of this country want that kind of scrutiny of the construction of new prison facilities in this country.

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

Mr. TORRICELLI. I thank the gentleman from Indiana for yielding to me.

Mr. Chairman, I am very proud to join with the gentleman from Indiana in offering this amendment. It is not, Mr. Chairman, simply a question of how much we spend for prison construction, but what value we receive: whether indeed we get the added capacity that is required to prevent the early release of felons onto our streets and assure that there is just and fair punishment.

Much has been learned about prison construction and we are trying to reduce those costs and the time that is required for construction. Many States and localities have learned that by prefabrication, indeed in the very manufacturing of prison cells, of prison equipment, these costs can be dramatically reduced. Indeed in a soon to
be released independent national report by the Kittrell Consulting & Engineering Co. of California, it is believed that both the quality can be increased and the costs can be reduced by a significant percentage by these modular steel cells. They are prefabricated, they can be brought to the site and then put together. Indeed at times in the future when prison populations might change, they can even be disassembled and moved.

Our hope is that the experience of some States in using this technology can be duplicated around the country. All we ask is that the States and the Federal Government, as they look at prison construction, break out of their own methods, be creative about it, use their best judgment to get the best value for their dollars.

With that I want to thank the gentleman for yielding. I also want to thank the gentleman from the subcommittee, the gentleman from Florida, for his support for the amendment.

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

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

Mr. Chairman, I am impressed that we want to be as efficient as possible, and I do, because we will do money. I want to make a couple of points.

The first is that this is probably the fastest growing industry in our economy; building prisons. We now have enormous needs for a fast growing industry because we are putting literally billions of dollars in the 1994 crime bill and now billions of dollars additionally, at least two and a half, into this one. So I rise in order to join with every efficiency that we can obtain.

But I think we want to keep in mind that we want to also ensure that there is an effectiveness coming out of this. It will do a great deal for us in building prisons in the United States, namely building prisons which does not make the happiest commentary in the world in what direction we are going since we incarcerate more people than any other industrial country that I know of.

So, I would urge all of my colleagues and those who have spoken in favor of this to support the Scott amendment that will be coming up that will ask that we also set aside a fraction of the amount of money merely to determine and study the effectiveness of this enormous new industry that we have spawned at the Federal level. It will be a fraction of an amount of money, be immeasurably tiny. It is so small it is almost beyond calculation. We would urge that we would consider both these amendments as both moving in a very important direction.

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

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

Mr. CUNNINGHAM. Mr. Chairman, I ask, "By reducing the costs, does that also enable you to go in and reduce the requirements for Davis-Bacon?"

Mr. BURTON of Indiana. I yield to the gentleman from California.

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

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

Mr. BURTON of Indiana. I yield to the gentleman from Michigan.

Mr. TERRICELLI. Mr. Chairman, I think an answer to the gentleman's question might be, "First, because you're reducing construction time, there is an impact on construction costs. Second, while obviously the fabrication at the site continues Davis-Bacon protection because it is construction, the cells themselves are manufactured off the site. Therefore they would probably not be included under construction at prevailing wage. They would be manufactured."

Mr. BURTON of Indiana. Mr. Chairman, the gentleman from New Jersey pointed out, and I think the gentleman did that, and that is, if they are constructed off site, it is going to cut down construction costs.

Mr. TERRICELLI. If the gentleman would yield, I think that is the savings, reducing time, that these are coming off an assembly line and only to be put together at the site.

Mr. BURTON of Indiana. As I yield back, let me say this in conclusion, Mr. Chairman:

This modular cell construction we are talking about is one new technolo...
Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding as it is my turn. Mr. Chairman, I am not sure I have strong objections to this. Could I just address another question to the gentleman from Florida [Mr. MCCOLLUM]?

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

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

Mr. MCCOLLUM. Mr. Chairman, I do not think the prevention type programs would fit under it, but it would be up to the appropriators to decide. The way it is cordon off, it would be up to the Federal Bureau of Prisons, the Federal Bureau of Investigation, the United States attorneys, and for the limited purposes of Immigration and Naturalization Service investigations purposes it is a very narrow law enforcement area.

It is not inconceivable that somebody could come up with a prevention program the FBI would want to run. But hearing that, that is the area.

The reason why is because we just simply are worried about adequate resources for our own Federal purposes here. Prevention programs would normally be the kind of programs we are going to deal with on Monday and Tuesday for money going to the States.

None of this money would go to the States. It would be recaptured, and it would be recaptured in any event by the Federal Government. It would simply go into some big hole that we would not have any control over. But in the Federal Bureau of Prisons, the Federal Bureau of Investigation, we force it into the workings that this Committee on the Judiciary would want it to be, and for Federal purposes, Federal purposes.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I do not know if this will make my colleague from North Carolina more comfortable or less, but it is our prediction that this will be a large amount of money that will be reserved, because I do not believe the States are going to qualify for it. So we are talking about billions, maybe billions, if the Administration wants to have it. I think that number is up to $5 billion. So I just want to make sure that not only the Members on the committee, but all the Members in the House understand that this little document of 10 lines contains quite a bit of money.

Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I make two comments in response to the gentleman's statement,
Mr. CONGERS. Mr. Chairman, I recognize the balance of my time.
Mr. McCOLLUM. Mr. Chairman, I yield 3 1/2 minutes to the gentleman from Kentucky (Mr. ROGERS), the chairman of the Subcommittee on State, Justice, and those things that concern the states.
Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding, and I appreciate the chairman from Florida for offering this amendment.
Mr. Chairman, I hope this is the beginning of a cooperative relationship between the Committee on the Judiciary and the Committee on Appropriations, both of which are under new management. I originally suggested a version of this amendment that the chairman is offering back when the bill was marked up in committee, and we have been working together on it since that time.
This is a very broad and careful assurance that in the event States cannot use these resources within a reasonable period of time, that those unallocated resources can be appropriated for unmet Federal law enforcement needs. Resources are just too tight to allow pools of money to accumulate unused.
We have a challenge this year and the years ahead. As criminals are increasingly using, on line, and sophisticated, Federal law enforcement agencies must grow. New cases mean new FBI agents, new U.S. attorneys, new judges, new marshals, new courthouses, new prisons, new probation officers, and on and on and on.
For instance, in the new 1996 budget—proposed by the budget, there are three new Federal prisons, seven completed prisons that will come on line, and five prison expansions.

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Just for the annual cost of the seven prisons coming on line this year, the $10 billion of prison construction that will be operating by private contractors, we will need to find $200 million to operate those on an annualized basis.

Next year there will be 31 new courthouses coming on line, 150 new courthouses planned over the next decade. Each new courthouse requires rent payments, furnishings, new personnel, and so forth that add substantially to the funding we need to provide just to keep up with the country. These are examples of the resource requirements that are coming due on the Federal level while overall we are trying to reduce the size of the Federal budget.

I appreciate the gentleman working with us on this amendment and in offering it in his name. I hope to continue to work with him on it to perfect it, and I hope to work with him when he goes to conference on the crime bill to assure that the conference report will adequately reflect the intent of the Federal law enforcement agencies.

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

Let me point out to the gentleman that has just spoken that this is a heck of a way to run a railroad. We allocate $10 billion for prisons and then we say, well, if there is any left over, let us use it for courthouses and other expenses that we need. Those have to stand on their own merits, sir. We cannot authorize a courthouse or a prison, it has got to have money coming for it to be built. It cannot be money left over in case it is not used. So I am quite unimpressed about why we need this. I do not think that is good policy.

Mr. HASTINGS of Florida. Mr. Chairman, if I can engage the gentleman from Kentucky for just a moment, I heard the gentleman say that the unused funds were because of the fact that we may very well have the court- house, that we may use that. Can the funds be used for that purpose?

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

Mr. HASTINGS of Florida. I yield to the gentleman from Kentucky (Mr. ROGERS), if I can engage the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, they cannot be used for courthouses. That comes, of course, under another part of the Government.

Mr. HASTINGS of Florida. Mr. Chairman, let me put two or three additional questions. Is there any provision, perhaps the gentleman from Florida (Mr. McCOLLUM) might join in, that would allow for the addition of Federal judges? And I notice in the litany that was offered of things that it could be used for, absent from that were Federal public defenders and provisions for attorneys for that indigent. Can it be used for that purpose?

Mr. ROGERS. Mr. Chairman, if the gentleman will continue to yield, the amendment specifies what the additional unallocated moneys can be used for.

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

What I would like to find out from the gentleman from Florida (Mr. McCOLLUM) would be permissible by unanimous consent and it would read at the end of the last sentence, "of such offense" we would put a comma "or to the Department of Health and Human Services for programs to prevent crime."

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

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

Mr. McCOLLUM. Mr. Chairman, unfortunately, that would not be germane to yield to the money here. We had to draft this very technically. That is why it all related to serious violent felons, incarceration, investigators, this sort of thing.

I would suggest to the gentleman that would be too broad. If the gentleman wanted to specify something that fits into the area, we did not want to get too much spreading this out.
Mr. CONYERS. I yield to the gentleman from Kentucky [Mr. ROGERS] to explain why this is drawn as narrowly as it is.

Mr. ROGERS. Mr. Chairman, mentioning courthouses was a mistake. It does not fund courthouses. It mentioned the personnel that use courthouses. That is what I intended to try to say. Another section of the appropriations bill deals with money for public defenders and the Legal Services Corporation. It is not in the bill. We can deal with that on another day, and we can debate that all day long.

The problem here is, we do not have enough money, as it is, to fund the existing Federal law enforcement agencies that I think we all want to fund, the FBI and the Drug Enforcement Administration, the war on drugs and all of that. I want to try, if we run short here, to have access to the Crime Trust Fund in case it is not all used up under its State prison construction uses. And that is the reason I would like to have this amendment as it is.

I asked for more, frankly. We have to wait 2 years under this amendment for this unallocated money to show itself. I would like to have had it this year, because we are going to run short this year, for the Federal law enforcement agencies. And this is the only reason that I wanted to have that kind of an access to this unallocated money.

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

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

Mr. WATT of North Carolina. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. CONYERS] be granted 3 additional minutes.

Mr. MCCOLLUM. Mr. Chairman, I yield to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, if the gentleman says that he is amenable and he talks in terms of areas of responsibility, then would not the Federal courts and public defenders and moneys for attorneys for indigent defendants, then would not the Federal courts and public defenders and moneys for attorneys for indigent defendants, then would not the Federal courts and public defenders and moneys for attorneys for indigent defendants, then would not be a contempt the area of law enforcement, all still in the area of Federal domain dealing with that, the Justice Department matters, all of the Justice Department.

The gentleman is asking me to unanimously consent to putting in a narrower amendment itself and was not raised. And so I would ask the gentleman if that is his only problem, that he would use the same comity with us that we used with him.

Mr. MCCOLLUM. Mr. Chairman, if the gentleman will continue to yield, it is not my only problem, because obviously, if there is a germaneness could have lain narrowly. The gentleman from Kentucky wanted to know where it is. I do not know where it is. I used with him.

Mr. CONYERS. I yield to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. CONYERS] be granted 3 additional minutes.

Mr. CONYERS. Mr. Chairman, I yield to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I yield to my friend, the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, if the gentleman will continue to yield, yes, I do. We can talk about that on another bill. The gentleman from Kentucky wanted to...
Mr. Rogers. If the gentleman will continue to yield, Mr. Chairman, frankly, I do not like specifying anything in the amendment. When we start specifying some items, then we say "Why not do so-and-so and so-and-so." There are 10,000 things we could specify in the amendment.

The CHAIRMAN. The time for the body, including the gentleman's interests, if we leave that unspoken so we can deal with it in the appropriations process. The gentleman will have a chance at that time, if he is unhappy with it.

Mr. McCollum. If I could reclaim my time, Mr. Chairman. I think it would probably be in everyone's interest not to keep having a worry over this title of Mr. Justice for the agencies go rushing to the Appropriations Committee to see the name that the gentleman will come to other is

Mr. Rogers. Mr. Chairman, if the gentleman will yield, I will defer to the chairman on this bill. This is his bill. that each side be granted 2 additional the amendment, as modified, offered by

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Mr. Rogers. Mr. Chairman, in relation to the cost of such programs. of money that they can spend on any

Mr. McCollum. The NATIONAL INSTITUTE OF JUSTICE, and it is for

The CHAIRMAN. The time of the gentleman has expired.

Mr. WATT of North Carolina. Mr. Chairman, I ask unanimous consent that each side be granted 2 additional minutes.

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

There was no objection.

The CHAIRMAN. Each side will be granted 2 additional minutes.

The Chair recognizes the gentleman from Florida (Mr. McCollum).

Mr. McCollum. Mr. Chairman, I believe this has been written incorrectly. If I am not mistaken, what the gentleman intends is the National Institute of Justice for law enforcement technology programs, but "law enforcement technology programs," should not be capitalized. I think the gentleman is talking about those types of programs that the National Institute of Justice has, is that not correct?

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

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

Mr. Conyers. Mr. Chairman, the gentleman is correct, absolutely correct.

Mr. McCollum. Would the gentleman from Michigan agree to amend his amendment to put the word "of" in between the "Institute" and "Justice," instead of "and"?

Mr. Conyers. Mr. Chairman, that is exactly what we intended.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Michigan (Mr. Conyers) to the amendment offered by the gentleman from Florida (Mr. McCollum) shall be modified as suggested.

There was no objection.

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

Amendment, as modified offered by Mr.

Mr. Conyers. Mr. Chairman, I have no further desire to debate this. I think we have it correct technically now.

Mr. Conyers. Mr. Chairman, I yield

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Rogers. Mr. Chairman, I am not going to ask for a vote on this, but I will say I am deeply troubled by this. Of all the complaints that I get in my district, the one that I hear more than any other is that at the end of every fiscal year Federal agencies go rushing to the Appropriations Committee to see the name that the gentleman from Michigan includes in the bill. I think it is probably in the best interest of everybody here today. It is not going to make much difference from the gentleman's standpoint. He does not like any of it.

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We need to know whether or not the States to use a minuscule the amendment will encourage the provision to legislate, as well as truth in sentencing. We do not need to spend one time of research to determine that. I cannot imagine the value of it, and I cannot, as much as I respect the gentleman from Virginia, and know he is in good conscience offering this, I cannot for the life of me see why we should do it.

With all due respect, I am going to oppose the amendment. It just does not make any sense to me and I do not think there is much more I need to debate about it. I just do not have any reason to support it and I cannot.

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

The CHAIRMAN: The Committee will rise informally in order that the House may receive a message.

SUNDAY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

VIOLENT CRIMINAL INCARCERATION ACT OF 1995

The Committee resumed its sitting.

The CHAIRMAN: Does the gentleman from Virginia seek recognition?

Mr. SCOTT. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Virginia has 7 minutes remaining.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the ranking member of the committee, the gentleman from Michigan [Mr. CONVYERS].

Mr. CONVYERS. Mr. Chairman, if we are not willing to spend one-tenth of 1 percent to find out where $10 billion is going in terms of programs, construction, and effectiveness, I do not know how anybody could support this program without having this one safety corrective.

We just passed slightly earlier an amendment that would allow for evaluating and mandating the efficiency of the construction of prisons, and prison construction. Now we are saying to look at the efficacy of this entire program, the construction and the prisons and the programs contained within this bill is unnecessary because we already know, it is the height of arrogance on our part. If we already knew this we would have built prisons a long time ago. As a matter of fact, the debate is over how much police spending is as to how much effectiveness building prisons really is.

So I urge the support of the Scott amendment as being very vital to this bill.

Mr. McCOLLUM. Mr. Chairman, I do not seek recognition. I have no other speakers that I know of except me as a closing speaker.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I support the Scott amendment. I support the Scott amendment basically because it questions the blind drive toward incarceration over prevention. Why should we not spend a small amount of money to determine the effectiveness of incarceration?

The bill assumes a government block grant, H.R. 728, will pass next week, and so therefore if it passes it will have an opportunity to eliminate many of the programs that we will help policing and community prevention.

I support community policing and prevention programs and therefore I certainly intend to vote against that bill. But at least we need a responsibility would say we should set aside a small amount to determine if we are spending all of this money in the right way and to what extent it is being effective.

Therefore, State and local governments that have been very supportive with community policing and having resources to prevent crime, and therefore they will be far more vulnerable if the block grants pass and assuming they will be most vulnerable, the likely community policing and technology that should there will not be available. This simply gives an opportunity to study the effectiveness of incarceration.

I urge my colleagues to support this amendment.

Mr. Chairman, I support the Scott amendment. The amendment requires that point 1 percent of all prison funding be used for studying the effectiveness of prisons as a crime control device; in other words Mr. Speaker, the Scott amendment questions the blind drive toward incarceration over prevention as an approach to law enforcement in America.

This bill assumes that the Local Government Block Grants Act, H.R. 728, will pass next week. That act will eliminate community policing and the crime prevention programs that we passed last year. I support community policing and prevention and I therefore intend to vote against this bill.

When we passed the crime bill last year, we were confronted by the prospect of putting another 100,000 on the streets. Those police were expected to help stem the rising tide of crime and to make our streets safe again. State and local governments have responded enthusiastically to community policing.

More than 8,000 applications have been made for grants to put more police on the streets. Last year's crime bill made sure that...
the resources would be used for more police and police related activities, such as new technology and overtime pay. The language of H.R. 728, which allows for block grants, would broaden the use of the funds. That broader use will effectively dilute resources for community policing and the critical prevention programs we have been working so hard for such things as street lights and disaster preparation. Those are important uses, but those uses are not as important as more police.

There is absolutely no requirement in this bill or in H.R. 728 that the funds authorized must be used for police. Last year’s bill gave sufficient flexibility to the State and local governments while ensuring that the police would be hired. Under block grant funding, the critical prevention programs we passed last year are at risk.

Over the next 5 years, under last year’s bill, my State of North Carolina would receive millions of dollars in funds to help prevent violence. If those millions of dollars would have gone for police, prosecutors, and victims services. And $9 million would have gone to grants for shelters for battered women and their children. There is no doubt that those funds would be available under these bills.

Under last year’s bill, North Carolina would have received $6 million to treat some 5,400 drug-addicted prisoners, housed in our prisons. We would have received $21 million over the next 5 years, for afterschool and in-school safe havens for our children. All of those funds will be in doubt, with passage of these bills. We would have received $99 million in direct grants for a variety of local programs for education and jobs programs. And, we would have been eligible for millions more in discretionary grants, money for boys and girls clubs, and antigang grants. Those funds are now in doubt.

Mr. Chairman, it is by now well established that it is far more costly to incarcerate an individual than it is to train or educate him. Prisons are warehouses and training grounds for further criminal activity. If we are serious about crime prevention, we should put more police on the streets and provide resources for programs that discourage crime. The Scott amendment keeps us moving in that direction. I urge support for the Scott amendment.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman from Virginia for yielding me this time. I rise in support of this amendment.

One of the concerns I had about last year’s crime bill and about every crime bill that we have considered since we have been here is that we seem to be in a posture where we are just throwing money out there at crime without any real regard to what would happen if we actually had some money at anything without having some reasonable evaluation of whether it is working, whether it is crime or any other thing. This is the people’s money that we are using and it is our responsibility as responsible legislators to do what is right and to do it in a responsible way.

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

Mr. TRAVIS. Mr. Chairman, I yield myself such time as I may consume. I assure you, I will not consume much.

I now want to reiterate the opposition that we on this side have to this amendment. It is not that the gentleman wants to do anything all that egregious. It is the expenditure of money on proving something that I think is self-evident, already known to us, and that is, by golly, with the high rate of recidivism we have got out there, if you keep people in prison longer, you are at least 35 percent better crime statistic. You are going to have fewer crimes committed. We are having this revolving door and the repeat of violent offenders going through this process and that is the reason why we are here having the money and trying to build the prisons we have to build to keep them off the streets and lock them up.

Mr. SCOTT. I may be some merit to the fact that there are some root causes of crime out there, some need-to-address poverty or causes that are perhaps in the communities around the country, but that does not mean that we address tonight. That is not something that is our province to do in this crime legislation.

What we are about tonight is to try to produce a bill that provides enough resources to the States through grant programs so they can build sufficient prison beds to take off the streets and that is not something we have done.

I just think it is self-evident we do not need to spend any of this bill to find out if it is true or if it is not true if that would help the problem.

I, again, reiterate my opposition.

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 amendment was rejected.

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

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

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina: Page 3, line 7, strike the word "assurances" and insert in lieu thereof the word "confirmation".

Page 3, line 9, strike the word "and" and Page 3, line 11, strike the period and add "and".

Page 3, after line 20, insert the following: [Redacted.]

Page 4, line 7, strike the word "assurances" and insert in lieu thereof the word "confirmation".

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

Mr. MCCLAIN. Mr. Chairman, I yield myself such time as I may consume. I assure you, I will not consume much.

I now want to reiterate the opposition that we on this side have to this amendment. It is not that the gentleman wants to do anything all that egregious. It is the expenditure of money on proving something that I think is self-evident, already known to us, and that is, by golly, with the high rate of recidivism we have got out there, if you keep people in prison longer, you are at least 35 percent better crime statistic. You are going to have fewer crimes committed. We are having this revolving door and the repeat of violent offenders going through this process and that is the reason why we are here having the money and trying to build the prisons we have to build to keep them off the streets and lock them up.

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I just think it is self-evident we do not need to spend any of this bill to find out if it is true or if it is not true if that would help the problem.

I, again, reiterate my opposition.

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 amendment was rejected.
Mr. Chairman, I reserve the balance of my time.

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

Mr. Chairman, this amendment is totally unnecessary, because, frankly, what it does is it makes it next to impossible, I would suggest impossible, for some States to ever get any money under this bill. It makes the standard the conditions for getting it increased. If somebody on the other side of the aisle was complaining about never getting any money under the bill as it exists now, you sure as heck would not get it after it is amended by this amendment.

You have got to prove as a State your crime rate will actually drop as a result of getting money under here, and the crime rate will actually have to go down. And I yield to the Attorney General it is going down as a result of getting money and building more prisons.

The truth of the matter is States like Florida and other growth States may very well have their crime rate go up no matter what they do simply because there is an influx of people, because we do not have barriers from people moving from one State to another, and while per capita or whatever, maybe the crime rate is going down, but if you kept it the same and did not have more criminals moving in, but it presents an impossible situation, a condition that a State has got to show its crime rate in fact is dropping.

It is something the gentleman offered an amendment, I opposed it, and we defeated it there. I have to oppose it again here today.

I hope the gentleman does not seek a recorded vote on this if he loses, but if the does, and you wish to have somebody here we will rise at that time. I will move to rise, and we will not have any more recorded votes out here tonight.

If the gentleman's amendment does not have a recorded vote ordered on it, then at that point, in time we might proceed to a couple of other amendments that are not likely to have recorded votes, but there will be no more recorded votes here tonight. So no one has to worry about it.

But, again, I want to reiterate my opposition to this amendment.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. McCOLLUM] for the purpose of offering some information and I would like to ask the Attorney General if he can tell us what impact this amendment had on violent crime in this State when it was in effect in this State.

Mr. Chairman, I ask unanimous consent that the language I have spoken be made a part of the record.

Mr. Chairman, I ask unanimous consent I am permitted to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?
The Manchester, KY, Federal prison, in which some former State legislators reside, has a jogging track, several basketball courts, and multiple TV rooms.

Mr. Chairman, prisons should be places of detention and punishment, not vacation spas. Prison perks undermine the concept of jail as deterrence, and they also waste taxpayer money.

My amendment would end the taxpayer abuse by requiring the Attorney General to set specific standards governing Federal prisoners that do not exceed what is necessary for prison order, discipline, and constitutional requirements.

The amendment also requires the Bureau of Prisons to submit an annual audit to Congress listing exactly how much is spent at each Federal prison for basics and how much is spent for extra perks and amenities.

Mr. CONYERS. Mr. Chairman, will the gentleman yield to me.

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

Mr. CONYERS. I thank the gentleman for yielding to me.

Mr. ZIMMER. I thank all my colleagues who are waiting patiently to speak on behalf of this amendment, and I yield back the balance of my time.

Mr. CONYERS. I rise today in support of the No Frills Prison Act as an amendment to the Violent Criminal Incarceration Act of 1995. This legislation would deny Federal taxpayer dollars to States who give inmates special privileges.

I believe that we've lost our perspective in this Nation when prisoners eat better than our children, and inmates enjoy air conditioning while some citizens suffer in houses of sweat.

Removing such luxuries as Stairmaster's premium cable TV, and weight rooms is essential to ensuring that our prisons are not country clubs, but are instead true place of punishment for the public.

I commend Mr. Zimmer for his good work in creating a bill that is truly tough on crime, and I encourage my colleagues to support this worthwhile amendment.

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since they keep those records, along with the other reports they submit.

We would be prepared to accept this amendment.

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

Mr. SCOTT. Mr. Chairman, I yield such time as he may consume to the ranking member of the committee, the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. I commend the gentleman from Virginia for his amendment and support it with strong support.

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

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Virginia [Mr. SCOTT].

The amendment was agreed to.

Mr. McCOLLUM. I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. CUNNINGHAM) having assumed the chair, Mr. KOLBE, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 697) to control crime by incarcerating violent criminals, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that the name of Mr. GORDON be removed as a cosponsor of H.R. 3, a piece of legislation which I sponsored.

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

There was no objection.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF HOUSE JOINT RESOLUTION 3

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that the names of Mr. HANCOCK, Mr. COBURN, and Mr. RIGGS be removed as cosponsors of House Joint Resolution 3, a piece of legislation that I also sponsored.

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

There was no objection.

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Economic and Educational Opportunities:

To the Congress of the United States:

I am pleased to present to you the Twenty-ninth Annual Report of the National Endowment for the Humanities [NEH], the Federal agency charged with fostering scholarship and imparting knowledge in the humanities. Its work supports an impressive range of humanities projects.

These projects can reach an audience as general as the 28 million who watched the documentary Baseball, or as specialized as the 50 scholars who this past fall examined current research on Dante. Small local historical societies have received NEH support, as have some of the Nation's largest cultural institutions. Students from kindergarten through graduate school, professors and teachers, and the general public in all parts of the Nation have been touched by the Endowment's activities.

As we approach the 21st century, the world is growing smaller and its problems seemingly bigger. Societies are becoming more complex and fractious. The knowledge and wisdom, the insight and perspective, imparted by history, philosophy, literature, and other humanities disciplines enable us to meet the challenges of contemporary life.

William J. Clinton.


OMNIBUS COUNTERTERRORISM ACT OF 1995—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-31)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, referred to the Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

I am pleased to present the Omnibus Counterterrorism Act of 1995. Also transmitted is a section-by-section analysis. This legislative proposal is part of my Administration's comprehensive effort to strengthen the ability of the United States to deter terrorist acts and punish those who aid or abet any international terrorism in the United States. It corrects deficiencies and gaps in current law.

Some of the most significant provisions of the bill will:

—Provide clear Federal criminal jurisdiction for any international terrorist attack that might occur in the United States;
—Provide Federal criminal jurisdiction over terrorists who use the United States as the place from which to plan terrorist attacks overseas;
—Provide a workable mechanism, utilizing U.S. District Court Judges appointed by the Chief Justice, to deport expeditiously alien terrorists without risking the disclosure of national security information or techniques;
—Provide a new mechanism for preventing fund-raising in the United States that supports international terrorist activities overseas; and
—Implement an international treaty requiring the insertion of a chemical agent into plastic explosives when manufactured to make them detectable.

The fund-raising provision includes a licensing mechanism under which funds can only be transferred based on a strict showing that the money will be used exclusively for religious, charitable, literary, or educational purposes and will not be diverted for terrorist activity. The bill also includes numerous relatively technical, but highly important, provisions that will facilitate investigations and prosecutions of terrorist crimes.

It is the Administration's intent that section 101 of the bill confer Federal jurisdiction only over international terrorism offenses. The Administration will work with Members of Congress to ensure that the language in the bill is consistent with that intent.

I urge the prompt and favorable consideration of this legislative proposal by the Congress.

William J. Clinton.

H. R. 873. A bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes; to the Committee on Resources.

By Mr. DANNER:  
H. R. 874. A bill to amend the Internal Revenue Code of 1986 to impose a tax on commercial aviation fuel which is scheduled to take effect on October 1, 1986, to the Committee on Ways and Means.

By Mr. PETE GOREN of Texas:  
H. R. 875. A bill to amend title XVIII of the Social Security Act to provide for waiver of the Medicare enrollment process for certain military retirees and dependents who live near closed military bases and to establish a program of enrollment assistance for such persons under Medicare part b, to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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. GUTIERREZ:  
H. R. 876. A bill to provide that the pay of members of Congress shall be reduced until the minimum wage is raised to at least $5.15 an hour, and that such a reduction shall be equal to an adjustment in the Employment Cost Index, to the Committee on House Oversight, and in addition to the Committee on Economic and Educational Opportunities, 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. JOHNSON of South Dakota (for himself, Mr. WILLIAMS, Mr. UNDERWOOD, Ms. FALEMAVARKA, and Mr. MILLER of California):  
H. R. 877. A bill to establish a Wounded Knee National Tribal Park, and for other purposes; to the Committee on Resources.

By Mr. LIGHTFOOT (for himself and Mr. STUPAK):  
H. R. 878. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, to encourage States to enact a Law Enforcement Officers’ Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes; to the Committee on the Judiciary.

By Mr. OLIVER (for himself and Mr. PAYNE):  
H. R. 879. A bill to amend the Federal Water Pollution Control Act to provide grants for projects that demonstrate technologies and methods for reducing and controlling combined sewer overflows into navigable waters of interstate significance; to the Committee on Transportation and Infrastructure.

By Mr. PARKER:  
H. R. 880. A bill to require the Secretary of the Army to carry out such activities as are necessary to stabilize the bluffs along the Mississippi River in the vicinity of Natchez, MS, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. PRYCE (for herself, Mr. ROZIER, Mr. ACKERMAN, Mr. BARRETT of Nebraska, Mr. BURKETT, Mr. BILTMORE, Mr. BOGOFF, Mr. EMERSON, Mr. FURRER, Mr. POFOLETTA, Mrs. FOWLER, Mr. METZ, Mr. ROSS, Mr. SCHIFF, Mr. SMEAD, Mr. SMITH of Missouri, Mr. SOLOMON, Mr. TRAFICANT, Mr. UNDERWOOD, and Mr. DEUTSCH):  
H. R. 881. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit for a portion of the expenses of providing dependent care services to employees; to the Committee on Ways and Means.

By Mr. QUINN:  
H. R. 882. A bill to amend title 38, United States Code, to establish a program of mammography quality standards to be applicable to the performance of mammograms by the Department of Veterans Affairs; to the Committee on Veterans’ Affairs.

By Mr. RANGEL:  
H. R. 883. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Foreign Affairs, in addition to the Committees on Ways and Means, Commerce, and Government Reform and Oversight, 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. RICHARDSON:  
H. R. 884. A bill to authorize appropriations for a program to encourage employees of National Laboratories; to the Committee on National Security, and in addition to the Committee on Science, 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. SERRANO (for himself and Mr. Rangel):  
H. R. 885. A bill to designate the U.S. Post Office Building located at 153 East 11th Street, New York, NY, as the “Oscar Garcia Rivers Post Office Building”; to the Committee on Government Reform and Oversight.

By Mr. WISE:  
H. R. 886. A bill to reform the program of aid to families with dependent children; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ZIMMER (for himself and Mr. KLEOPA):  
H. R. 887. A bill to amend title 10, United States Code, to require the Secretary of Energy to sell the naval petroleum reserves since such reserves are no longer necessary for the national security of the United States; to the Committee on National Security, and in addition to the Committee on Science, 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. ARCHER:  
H. Res. 67. Resolution providing amounts for the expenses of the Committee on Ways and Means, and in addition to the Committee on House Oversight.
HEALTHERY

CONGRESSIONAL RECORD — HOUSE
February 9, 1995

H.R. 76: Mr. Moran.
H.R. 96: Mr. Giedeon, Ms. Lowey, Mr. Serrano, Mrs. Mink of Hawaii, Mr. Owens, Mr. Frost, Mr. Filner, Mr. Gonzalez, Mr. Fattah, Mr. Evans, Mr. Hinchey, Ms. Norton, Mr. Engel, Mr. Foglietta, and Mr. Nadler.
H.R. 102: Mr. Deutsch, Mr. Davis, and Mr. Flake.
H.R. 104: Mr. Underwood.
H.R. 107: Mr. Gillmor.
H.R. 108: Mr. Geach.
H.R. 139: Mr. Sanders.
H.R. 215: Mr. McHugh, Mr. Shaw, Mr. Smith of Texas, Mr. Bartlett of Maryland, Mr. Paxton, Mr. Zimmer, and Mr. Linder.
H.R. 218: Mr. Ransom and Mr. Ensio.
H.R. 303: Mr. Flanagan, Mr. Rahall, Mr. Fazio of California, Mr. Winn, Ms. Lowey, Mr. Boucher, Mr. Young of Alaska, Mr. Coleman, Mr. Fields of Texas, and Mr. Taylor of North Carolina.
H.R. 345: Mr. Engel, Ms. McKinney, Mr. Klineczka, Ms. Furse, Mr. Sissisky, and Mr. Shays.
H.R. 409: Mr. Laughrin, Mr. Sanford, Mr. Bucsh, Mr. Stockman, Mr. Sanders, and Mr. Shays.
H.R. 426: Mr. Sweeney, Mr. Bishop, and Ms. Danner.
H.R. 450: Mr. Cramer, Mr. Hall of Texas, Mr. Hayes, Mr. Minge, Mr. Pickett, Mr. Rose, Mr. Skelton, Mr. Stenholm, Mr. Tanner, Mr. Tatzen, Mrs. Thurman, and Mr. Sissisky.
H.R. 469: Mr. Hall of Texas.
H.R. 490: Mr. Huffington, Mr. Fields of Texas, and Mr. Sweeney.
H.R. 512: Mr. Ackerman.
H.R. 571: Ms. Dunn of Washington, Mr. Doolittle, and Mr. Thomas.
H.R. 587: Mr. Fox, Mr. Royce, and Mr. Forbes.
H.R. 592: Ms. Meyers of Kansas.
H.R. 656: Mr. Forbes.
H.R. 668: Mr. Hilleary, Mr. Thornberry, Mr. Hostettler, and Mr. Schiff.
H.R. 725: Mr. Hors, Mr. Hayworth, Mr. England of Pennsylvania, Mr. Calvert, Mr. Upson, and Mr. Linde.
H.R. 766: Ms. Eddie Bernice Johnson of Texas.
H.R. 788: Mr. Bartlett of Maryland, Mr. Andrews, Mr. McKinney, Mr. Baker of Californa, and Mr. Livingston.
H.R. 789: Ms. Pryce, Mr. Lightfoot, Mr. Calvert, and Mr. Durb.
J.J. Res. 48: Mr. Andrews and Mrs. Waldholz.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of February 7, 1995]
H.J. Res. 2: Mr. Allard.
[Submitted February 9, 1995]
H. J. Res. 3: Mr. Gordon.
H.R. 76: Mr. Bercutu.
H.J. Res. 3: Mr. Rigos and Mr. Coburn.

AMENDMENTS

Under clause 6 of rule XXII, proposed amendments were submitted as follows:

H.R. 667 Offered by: Mr. Burton of Indiana

AMENDMENT No. 31: Page 7, line 18, after "general" insert: "including a requirement that any funds used to carry out the programs under section 501(a) shall represent the best value for the State governments at the lowest possible cost and employ the best available technology.

H.R. 667 Offered by: Mr. Latourette

AMENDMENT No. 52: Page 2, line 20, after "aliens" insert: "and for the establishment of community-based correction programs."

Page 10, after line 10, insert the following (and redesignate any subsequent paragraphs accordingly):

"(3) community-based correction programs means electronic monitoring of nonviolent offenders and their enhanced probation supervision for nonviolent felons."

H.R. 667 Offered by: Mr. Scott

AMENDMENT No. 33: Add at the end the following:

TITLe V—REPORTING OF DEATHS OF PERSONS IN CUSTODY IN JAILS

SEC. 501. REPORTING OF DEATHS OF PERSONS IN CUSTODY IN JAILS

(A) IN GENERAL.—In order to provide information needed to determine whether possible Federal civil rights violations have occurred, the Attorney General shall prescribe, require in the form and manner as the Attorney General determines, and under such regulations as the Attorney General shall prescribe, require that the appropriate person report promptly to the Attorney General the death of each individual who dies in custody while in a municipal or county jail, State prison, or other similar place of confinement. Each such report shall include the cause of death and all other facts relevant to the death reported, which the person so reporting shall have the duty to make a good faith effort to ascertain.

(B) ANNUAL REPORT.—The Attorney General shall annually publish a report containing—

(1) the number of deaths in each institution for which a report was filed during the reporting period;

(2) the cause and time of death for each death so reported; and

(3) such other information about the death as the Attorney General deems relevant.

H.R. 667 Offered by: Mr. Scott

AMENDMENT No. 34: 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 nonviolent 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) of section 502, a State shall be eligible for grants under this title, if the 50% noted in 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 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 501, 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;

(2) of the total amount of funds remaining after the allocation under paragraph (1), there shall be allocated to each State or compact in 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 REQUIREMENTS.—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) $197,500,000 for fiscal year 1996;

(2) $200,000,000 for fiscal year 1997;

(3) $205,000,000 for fiscal year 1998.

(4) $2,050,000,000 for fiscal year 1999 and

(5) $2,533,000,000 for fiscal year 2000.

(b) LIMITATIONS ON APPROPRIATIONS.—

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

(2) NONSUPPORTING 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.

(c) REPEAL.—Nothing in this title shall be construed to make more than three percent of the funds available under this section may be used for administrative purposes.

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

FEBRUARY 9, 1995
“(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

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

H.R. 667

OFFERED BY: MR. SCOTT

AMENDMENT No. 35: Page 2, line 11, strike all before "The".

Page 2, strike line 23 and all that follows through line 5, line 2, and insert the following (redesignate any subsequent sections accordingly):

SEC. 602. 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.

H.R. 667

OFFERED BY: MR. SCOTT

AMENDMENT No. 36: Page 8, strike lines 7 through 11 and insert the following:

“(1) $497,500,000 for fiscal year 1996;

“(2) $530,000,000 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.

H.R. 667

OFFERED BY: MR. SCOTT

AMENDMENT No. 37: Page 8, after line 3 insert the following:

“(6) 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.'".

H.R. 667

OFFERED BY: MR. SCOTT

AMENDMENT No. 38: Page 14, strike line 6 and all that follows through page 18, line 25 (and redesignate any subsequent titles accordingly):

H.R. 667

OFFERED BY: MR. SCOTT

AMENDMENT No. 39: Page 15, strike lines 12 through 21.

Page 15, line 22, strike "(2)".
CONGRESSIONAL RECORD—HOUSE

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, in the chair.

The Chair 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 North Carolina (Mr. DeBartolo) had been disposed of, and the bill was open for amendment at any point.

For four 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 18, strike lines 16-23 and page 18, strike lines 1-8.

Page 18, line 4, strike the letter “g” and insert instead the letter “w.”

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.

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 Record. I would like to understand what amendment we are on at this point.

Mr. WATT of North Carolina. The gentleman has a copy of them. We redesignated the amendments because when the bill came out of committee it came out in a different form than the amendments that were printed in the Record, conforming with the actual printed bill.

Does that address the gentleman’s concern?

Mr. CANADY of Florida. Does it. I thank the gentleman.

Mr. WATT of North Carolina. I had given the gentleman 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 right 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 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 be eliminated.

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 take it out 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.

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 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 streets.

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 the 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 right has been violated. In other words, in circumstances where 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 subsequently decided by the court. But that is a different situation. Where an order may be entered into the court's order.

So I believe there are reasonable provisions.

The important thing to understand there is nothing, there is absolutely nothing in this bill that keeps the court from keeping in place the order of the court. 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 the appropriate disposition for a constitutional deprivation.

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

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

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 on time?

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, I yield the gentleman from Florida.

Mr. WATT of North Carolina. That is the typical situation in the case of appeals from a judgment of the courts of the States.

Mr. CANADY of Florida. That is 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, and in the States 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?

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Chairman. I say to the gentleman, if you want to look on page 16 of the bill, beginning at line 9, you'll find it there.

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 involved. 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 that court order. The decision of the court order based on the finding it should be based on. That is all that we are providing for.

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 is what we are talking about, and the gentleman can see it there on page 16. That's what I'm saying. 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 is correct. This 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 put those determinations on the floor of the Congress of the United States. It's the responsibility of the courts to make those determinations, and when we start moving with 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 allowing 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 matters, 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 to me, please?

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

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Mr. WATT of North Carolina. Mr. Chairman, would the gentleman yield to me, please?
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, add the following new subsection (and redesignate subsequent subsections accordingly):

(1) AVAILABILITY OF FUNDS FOR JAIL CONSTRUCTION.—A State may use up to 15 percent of the funds provided under this title for jail construction, if the Attorney General determines that the State has enacted—

(a) legislation that provides for pretrial release requirements at least as restrictive as those found in section 3400 of title 18, United States Code; or

(b) 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 committing additional crimes. My amendment might be seen 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 be required to find that in order for the local community to receive these funds, 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 that those on secured release, that is to say, those who have been arrested or who have associates or relatives who have assisted them in posting a commercial bail bond, are 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 such charges.

My amendment, by requiring in most instances the posting of a cash bail, would save the taxpayer money, since clearly a need for greater prison capacity in most of our States...
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 through all our efforts and highlights how we have improved the floor over the last few days as we enact the crime provisions, the anticrime provisions. I should say, in the Contract With America. Most of the money, 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 huge problem. We are confined by the laws of this state and country. Due to the Humboldt County Jail capacity rating of 200 inmates, we are forced to 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. Police have no idea when they will 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 persons know they are not going to jail, so they don't show up in court, again and again. This goes on and on, month after month. 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, released and then the same person is picked up, arrested, and released again, they will not come after the officers willing to show them why the person is not in jail. The officers try to explain to them that 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 on the streets.

It has got 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, released, and then the same person is picked up, arrested, and released again, they will not come after the officers willing to show them why the person is not in jail. The officers try to explain to them that 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 on the streets.

The money would go to communities having populations of 10,000 and above, to upgrade their jail facilities including new secure, lower bed space, new justice and public safety facilities.

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

Also, we wish to establish Project Challenge. At one time, we had Project Challenge but it was destroyed by the county. We still have the 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 and the location is one 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 the 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 inmates at this facility and those at the main jail. This is a key problem, countywide.

We, the chiefs of Law Enforcement of Humboldt County, believe that if we can secure these funds for the facility, all inmates would be released from this location and we will reduce crime.

No inmate would be released from this location as it is ten miles out from any city. Cities. Humboldt is a county jail lease in the field.

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CONGRESSIONAL RECORD — HOUSE

February 10, 1995

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. BERNARD. 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. BERNARD. 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, as near as may be, sets forth the reasons for arrest or detention of the defendant.

The time of the gentleman would yield.

Mr. RIGGS. 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 bondsman under this proposal?

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The time of the gentleman would yield.

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

Mr. BERNARD. 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. BERNARD].

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

The amendment I am proposing is an absolute requirement of a financial guarantee. The gentleman from California, from 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 there is 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 have to have 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. BERNARD. I yield to the gentleman from California.
CONGRESSIONAL RECORD—HOUSE

February 10, 1985

requirements that would take 15 percent of the prison construction to allow for jail construction if in fact we merely tighten up the bail requirement by requiring cause 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 our joint 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 uneasy about here, with a dozen Members on the floor, we are now going to create another micromanagement position for the States.

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 deal out the con­stitutional implications.

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

Mr. CONYERS. Well, because there were no hearings are we 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 deal with now, I mean, maybe there was some reason that 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 to run bail to handle their pretrial bail circumstances.

You know, can I suggest that may be some bail bondsmen'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 this way, and the gentleman is even thinking about the sug­gestions that a 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 Federal criminal code. The situation 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 of being free 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.

In means 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.

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 that the various States are really doing on a State basis, and so we now have another qualification in the prison construction and the less they improve, will they lower their fees. We 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 to providing 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 now I find myself more often de­fending States' and local governments' rights to determine what their laws are going to be. Is there some assumption that a gentleman from California [Mr. Berman] that they do not know when they have a danger­ous crime or a person who may not show up in court, and that only thing that we are going to get to them [Mr. California [Mr. Berman] is that 15 percent of 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 some criminal, and we have bail require­ments, on them, and to make sure you do that, we will give you some money to build 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 a 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 thing standing in putting certain qualifications on the States, being it a country issue; it is an issue of the United States as a whole, and just as there was a bubonic plague in Europe, we cannot expect one State to give inoculations and the others not.

This is just as bad as a disease, plague, crime. We have to treat it all together 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.

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 concerned with. I need a lot more information.

Mr. RIGGS. Mr. Chairman, I yield myself 1% 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 of the original charge, 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 sigh calling traffic cita­tions.

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 this country.

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 the same 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 the prison 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.

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.

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. They would like to have 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.

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 there, this is a very good simple amendment, appropriate to the bill with which we are dealing today. It is something they badly want.

I yield and 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 regard, and I am very concerned that that is not happening anywhere throughout this provision.

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

Mr. Chairman, I have been careful to scrutinize this, very carefully. 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 that I had. I see this as I may.

The CHAIRMAN pro tempore (Mr. CONYERS). All time has expired.

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

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

"... 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.

Strictly of services.

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

** 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.

It is really what it says, 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 it is satisfying 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 am very sensitive in this regard and 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.
February 10, 1995

The question is on the amendment offered by the gentleman from Florida [Mr. McCOLLUM]. The amendment was agreed to.

AMENDMENT OFFERED BY MR MCCOLLUM

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. McCollum—Page 8, strike lines 7 through 11, and insert the following:

[Text of amendment is not provided in the image.]

Mr. Cardin. 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 this 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.
February 10, 1995

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 question that has taken place here today.

In point of fact, the gentleman from Florida did allocate money to Federal courthouses and Federal prosecutors, and he also said that we need more Federal courthouses and more Federal prosecutors, and I think that is a different matter.

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 is going to be much 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 difficult to be able to continue this type of partnership.

I would urge my colleagues to think about what we are doing here today. We are here to make choices. We have an amendment that restricts what States can do, how they can receive money for prison construction. When it suits us, we have a Federal involvement in micro-managing and eschewing failure, but when you want to characterize it. When it is appropriate for us to say we cannot let people out on their own recognition, 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 people 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.

Mr. Chairman, I think the gentleman from Florida [Mr. MCCOLLUM] is pretty direct in that there is no money left to be allocated, but yet now we have the opportunity to 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 [Mr. MCCOLLUM] that 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 difficult 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 an amendment that restricts what States can do, how they can receive money for prison construction. When it suits us, we have a Federal involvement in micro-managing and eschewing failure. However, you want to characterize it. When it is appropriate for us to say we cannot let people out on their own recognition, to get Federal funds, we say that. If the locals must have certain guidelines on sentencing, we say that.

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Mr. Chairman, I yield back 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.

Mr. McCOLLUM. Mr. Chairman, I yield 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 believe our committee 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. Mr. Chairman, 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 of the paragraph 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 it is collected. We can do yet. 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 sure what the gentleman wants if we are already checking the data. It seems to me that this amendment is harmless, because the whole State would have to do, and if the gentleman will look at this data that 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 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 cause.

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 that your amendment 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 hand written amendment to the amendment. It says, "The state has adopted procedures for the collection of reliable statistical data," and is that "which complies the rate of serious"? [Mr. WATT of North Carolina. Yes: yes.]

Mr. McCOLLUM. I just wanted to make sure the word was compliant.

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.
February 10, 1995

CONGRESSIONAL RECORD—HOUSE

H1575

Modification offered by Mr. MCCOLLUM to an amendment offered by Mr. WATT of North Carolina: At the end of the amendment offered by Mr. WATT of North Carolina, insert "if such amendment is agreed to."

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 5, line 2, strike the period and add "and"

Page 6, after line 2, insert the following:

(1) The State has adopted procedures for the collection of reliable statistical data which complies with the rate of serious violent felons after the receipt of grant funds under Section 502 or Section 503 in comparison to the rate of serious violent felons 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, not already provided, 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?

Mr. SCHUMER. The 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 call 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 it."

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 ground work. 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 a segment 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 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 the States from expanding 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 should be able to apply for both. I think 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.

In summary, it is not a question of 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 even if you can pass a commonsense amendment. It makes sense, and it should be adopted.

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

Mr. SCHUMER. I think the gentleman to the yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding.

Mr. Chairman, this is a dramatic improvement to 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 build the money and move along by themselves.

It is a compromise amendment. It is one of those rare instances where you can have your cake and eat it too. 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 5 States eligible for the other 47 to be eligible they would have to spend some $50 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 wish amendment, it 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 resculp 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.
lay and perhaps we can relax the old-and-fast rule we were told applied the first day.

The CHAIRMAN pro tempore. The air would advise the gentleman that his vote did proceed in conformity to the Speaker's advisement.

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

The CHAIRMAN pro tempore. What, Mr 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 would 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 to access, 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 old-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 make fast to some of these stated rules that we started the first 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, to construct new facilities, and to facilitate the confinement of persons convicted of a serious violent felony and to build, expand, and operate temporary or permanent correctional facilities, including military facilities, 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 apply to the Attorney General that provides assurances that such State since 1993 has:

(1) increased the percentage of convicted violent offenders who 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 times served for such offenses.

SEC. 503. SPECIAL RULES.

Notwithstanding the provisions of paragraphs (1) through (4) of section 502, a State shall be eligible for a grant under this title, if the Attorney General shall be applicable under the following formula:

(1) $200,000 or 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 equal to the remaining amount of funds described in this paragraph as the population of such State or compact, and the remainder bears to the population of all the States.

SEC. 504. FORMULA FOR GRANTS.

To determine the amount of funds that would be available under section 502, the Attorney General shall apply the following formula:

(1) $200,000 or 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 equal to the remaining amount of funds described in this paragraph as the population of such State or compact, and the remainder bears to the population of all the States.

SEC. 505. ACCOUNTABILITY.

(a) FISCAL REQUIREMENT. A State or States as organized in 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 on January 1, 1995, and each January 1 thereafter, to the Congress regarding compliance with the requirements of this title.

(c) ADMINISTRATIVE PROVISIONS. The administrative provisions of sections 601 and 602 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—

$977,500,000 for fiscal year 1995; and

$1,250,000,000 for fiscal year 1996; and

$1,500,000,000 for fiscal year 1997; and

$1,750,000,000 for fiscal year 1998;

$2,000,000,000 for fiscal year 1999; and

$2,500,000,000 for fiscal year 2000.

(b) LIMITATION ON FUNDS. The amount of funds made available under this title shall be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of such funds, be made available from State sources.

(c) ADMINISTRATIVE COSTS. Not more than 5 percent of the funds available under this section may be used for administrative costs.

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 sentences;

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

(A) any 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;

(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 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 1984 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 in the street 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
Judiciary consideration of the bill. we also heard reams of testimony on crime reduction programs that would be aided 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 5 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 education. Those kind of programs. Mr. Chairman, will reduce crime.

The $2.5 billion that is added to the prisons bill compounds the problem by the seeking 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 program which is 75 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 overwhelming 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. SCOTT. 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. CARDEN], 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.

Mr. Chairman, I rise today because although I support truth in sentencing, I do not support parole, and I think 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 with the State of Florida. 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 current grant. 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 use 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.

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 enough 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 used.

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. VELAZQUEZ].
to revise and extend

Mr. VELAZQUEZ. Mr. Chairman, I

use in strong support of the

amendment. People of my district

are 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 con­

stituents, 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 recrea­

tional centers, and overcrowded, ill­

equipped schools neither prepare

nor inspire the children for useful and pro­

ductive careers.

Prisons alone are not the solution.

Without prevention, we will never get

control of the crime problem. Punish­

ment and prevention are flip sides of

the same coin.

Last year we struck a difficult bal­

ance 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 alter­

natives 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

pleads $2.5 billion for prison con­

struction, $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. An after­

school and summer programs for at­

risk youth, no antiterror initiatives, no

sports leagues or recreational facil­

ities, no drug treatment programs. With

this bill we will be saying to your

students: "Don't care about you. We do

not expect anything from you. Prison

is not the answer."

Chairman, let me urge a few real

solutions.

I urge the President and the leader­

ship 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 crit­

ics on the right. I will not play politics

with the future of America's youth.

I urge my colleagues and the Ameri­

can people to reject 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 locali­
ties to decide what they want to do in

terms of prevention or police. Obvi­

ously 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, for a problem of
people falling off a cliff, we could de­
cide to build a fence on the cliff or we
could decide to buy ambulances at the
bottom of the cliff.

Mr. Chairman, this amendment al­

ows us to build a fence, save money, pre­
vent crime, and I would hope it

would be the pleasure of the House to
adopt the amendment.

Mr. Chairman, I yield back the bal­

ance 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 com­
mments made earlier by the gentleman
from Maryland [Mr. WyNN] only to the
extent of explaining once more that the
unallocated funds in the prison construc­
tion program prevent the States from
doing what they claim these 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 $10.4 billion allo­
cated here, then the moneys here are
denied off and reserved for use by the
appropriators for use in the expen­
ses of the Immigration and Naturali­
 zation Service for investigations and for
expenses of the Bureau of Prisons, the
Federal Bureau of Investigation, and
the U.S. attorneys for activities and oper­
as in the justice system and for convic­
tion, prosecution, and conviction of
persons accused of serious violent felo­
ony and incarceration of persons con­
victed of such offenses.

It is not a court house 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 and put them on the streets
and lock them up for very extended pe­
riods of time. And the gentleman wants
to take $2½ billion out of this today so
that he can use up the money you gave
him step by step over the next week that he
is going to put that money in preven­
tion 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 seri­
sous violent felons who just commit
crime after crime in this country.

I urge a "no" vote.

Mr. Chairman, I yield back the bal­

ance of my time.

We have a question on the amend­
ment offered by the gentleman
from Virginia [Mr. SCOTT].

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

RECORDED VOTE

Mr. MILLER of California. Mr. Chair­
man, I demand a recorded vote.
The Clerk announced the following pairs:

On this vote:
Mia Collins of Michigan, for 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. KOLAK, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 667) to control crime by incarcerating violent criminals, pursuant to House Resolution 63, he reported the bill back to the House with an amendment moved 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. CONCERs. Mr. CONYERS, 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 reads 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 amended, with the following amendment: Page 9, after line 6, insert the following:

"17 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.

Mr. Speaker. I withdraw my reservation of a point of order.

The SPEAKER pro tempore. 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 recommitment takes, perhaps, up to $3 billion in unallocated funds and puts back into the cops on the beat program.

Now, yesterday the new majority whipped a secret away 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 when 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 asked and was given permission to revise and extend his remarks.)

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.

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 State 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 the money on prison purposes; 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, I take 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. It is a lot better than our program, and if this is going to be the better than their program, that is a lot better than the present law.

FBI, or all in the Department of Justice, can we not use some for cops on the beat? I think that is where crime enforcement? The question was taken; and the record of the previous vote appeared.

So, I urge in the strongest of terms a no vote to the motion to recommit with instructions to be granted because there were not requests for any of the moneys that were not actually given to the Federal Bureau of Prisons, and the expenses of the Bureau of Prisons, and the Federal Bureau of Investigation and Naturalization Service investigators, and the expenses of the 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. There is a way, which I do not think there will be from the prison grant program that is designed to get the serious violent felons off the street and solve the revolving door. We had some words that I have heard from members of the other side perfectly clear in the debate and a lot of judgment of the State of 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. We have not thought, somewhat 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 the 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, and Frank (MA)
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The Clerk announced the following pairs:

On this vote:

Miss Collins of Michigan for, with Mr. Smith of Texas 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. BILLY). 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—aye 265, noes 156, not voting 13, as follows: [Table not visible in text]

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 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, punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore (Mr. BILLY). 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. 688.

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

There was no objection.
CONGRESSIONAL RECORD—HOUSE

February 10, 1995

H1599

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 gent­
leman 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 on consideration for the local
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 dis­
 pense 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 gen­
tleman 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 discussions with the
gentleman's side of the aisle on consid­
eration for our staff in evenings, par­
ticularly as it relates to special orders, I want to say that I cer­
tainly will not object to that request, and I admire and congratul­
te the majority leader for making it.

Mr. ARMEY. I thank the gentleman.
Mr. HOYER. Further reserving the
right to object, I apologize; my Major­
ity Leader was being somewhat face­
tious, 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 oppor­
tunity 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.

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 re­
marks.)

Mr. HOYER. Mr. Speaker, unfortu­
nately I did not have in my possession
a letter which I now have from Gov­
ernor Carnahan of Missouri and Gov­
ernor Carson of Minnesota. It deals
with H.R. 667, the Violent Criminal In­
carceration Act of 1995. 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 academ­
ics, lets pass the Agricultural Lands
Protection Act.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr.
ZELIFF). Under the Speaker's an­
nounced policy of January 4, 1995, and
under a previous order of the House,
the following Members will be recog­
nized for 5 minutes each.

The SPEAKER pro tempore. Under a
previous order of the House, the gentle­
woman from California (Mrs. SEASTRAND)
is recognized for 5 minutes.

Mrs. SEASTRAND. I rise for a
tribute to a very special woman. A woman of sub­
stance, style, grace, and inner beau­
ty 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 si­
lent; a wife to the man she calls her
prince: a wonderful mother to her
daughter Shana and her son Jonathan;
friend to those in need of friendship;
she is my friend, the "red-hair", Orna
Siegel.

Mr. Speaker, Orna Siegel was born
Orna Tleb in Tunisia. She is the sev­
enth 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
Habibutim 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 woman. Saul
and Orna Siegel tied the knot in Tunisia.

A tribute to Orna Siegel from California.

A TRIBUTE TO ORNA SIEGEL

(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 bu­
reaucrats tell them what they can and
can't do on their own farms. Instead of
spending their lives on the fields and
barns, our farmers are now spending
their days filling our forms and apply­
ing for permits.

Mr. Speaker, the madness has to
stop. The Agricultural Lands Protec­
tion 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 wet­
lands. No longer will farmers have to
bend to the whim of some hard core
environmentalist. The Department of
Agriculture or the Corps of Engineers.

Agricultural Lands Protection Act.

LET FARMERS FARM
S.T.O.P.

HON. RANDY “DUKE” CUNNINGHAM
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, February 10, 1995

Mr. CUNNINGHAM, Mr. Speaker, on February 2, 1995, I was pleased to be included in a critically important briefing. I was proud to help cosponsor a Safe Tables Act. Our priority (S.T.O.P.)—Safe Food Coalition briefing on foodborne illness.

Last Thursday’s briefing marked the second anniversary of the 1993 west coast E. coli outbreak. Fortunately, a forum was created for the organizations, such as S.T.O.P., dedicated to the prevention of foodborne illness. We cannot rest until everything is being done to protect the safety of our food, and ultimately provide for the well-being of our loved ones.

VIOLENT CRIMINAL INCARCERATION ACT OF 1995

SPEECH OF:

HON. JACK QUINN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 9, 1995

The House Committee on the Whole House on the State of the Union had under consideration the bill (H.R. 667) to control crime by incarcerating violent criminals.

Mr. QUINN, Mr. Chairman, I rise in opposition to legislation before the House of Representatives today, the Violent Criminal Incarceration Act. This measure is one of six crime bills that the House will consider to chart the Nation’s course to fight crime.

Although I oppose the overall measure, I support many of the provisions in this legislation. For example, I support the bill’s provision to increase the incentives in last year’s bill for the States to curtail early parole for violent criminals.

It is about time that we encourage the States to require the courts to put criminals away for the full term of their sentence. Truth-in-sentencing is long overdue.

This legislation employs another well needed and long overdue measure. That is, to stop abusive prisoner law suits. Specifically, title II of H.R. 667 places certain restrictions on the ability of detained persons to challenge the constitutionality of their confinement. I strongly support that provision as well.

Nevertheless, I oppose this legislation. The Violent Crime Incarceration Act boosts the State prison grants from $8 billion to $10.5 billion over 5 years at the expense of prevention measures like community policing.

As written, therefore, H.R. 667 unravels the balance of the funding for police, prisons, and prevention, which I fought so hard for during the implementation of the Omnibus Crime Control Act of 1994.

Last year’s Crime Act clearly shows that community policing works. The communities throughout western New York asked for it and now there are 53 more policemen on the streets because of it. Furthermore, I supported the Scott amendment to reduce the bill’s prison grants by $2.5 billion, back to last year’s funding level of $8 billion.

TRIBUTE TO JUANITA LOCHNER

HON. MICHAEL R. McNULTY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, February 10, 1995

Mr. McNULTY. Mr. Speaker, Mrs. Juanita Lochner is a resident of East Greenbush, Rensselaer County, NY. She is currently serving as president of the American Legion Auxiliary, Department of New York, and as a member of the Gerald O’Neil Unit No. 1883.

As a member of the largest veteran’s patriotic organization in the world, assisting veterans has always been her priority. Her project this year is called Special Touches.

Because of budgetary cutbacks, the hospitalized veterans at VA Hospitals are unable to receive those extra comfort items that were previously provided. Her request to the Auxiliary members throughout the State is that we give veterans our help. “They were there when we needed them, and now it’s our turn to help them,” she says.

Through her efforts, funds are being collected to benefit each VA Hospital in New York State.

Travelling throughout the 62 counties in the State, Mrs. Lochner also emphasizes strongly the support needed for passage of a constitutional amendment to protect our flag from desecration.

The American flag has long exemplified the spirit of those who lost their lives, as well as those who fought and survived. Our flag is a symbol that unites us, and I am proud to be a cosponsor of House Resolution 14. I am also honored to represent Juanita Lochner—a dedicated and patriotic American.

TRIBUTE TO JOHN T. McDONOUGH

HON. WILLIAM P. LUTHER
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Friday, February 10, 1995

Mr. LUTHER. Mr. Speaker, on Monday, January 23, the State of Minnesota and the city of Stillwater lost one of our great public servants, the Honorable John T. McDonough. He served as a member of the Minnesota House of Representatives in 1948 and 1949 and as a Judge in Washington County until 1974. He served on the Minnesota Parole Board with distinction for...
CONCRETE SUPPORT FOR THE WAR CRIMES TRIBUNAL

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Friday, February 10, 1995

Mr. SMITH of New Jersey. Mr. Speaker, next week the United Nations begins another review of the budget needs for the International Criminal Tribunal for the Former Yugoslavia. This tribunal has already faced numerous obstacles to its establishment and considerable bureaucratic and political barriers to its staffing; worse still, it continues to face opposition from those who would rather negotiate with war criminals than see them in jail.

In spite of numerous political and procedural roadblocks, the tribunal issued its first indictment in early November, is proceeding with high visibility, and is expected to bring cases to trial later this year.

This progress by no means guarantees long-term success, Mr. Speaker. In fact, in an article published in the Washington Post, Tom Warnick, an attorney who assisted the head of the United Nations War Crimes Commission, points out that the results of a relatively obscure U.N. committee may determine "whether those ultimately responsible for ethnic cleansing are ever to be brought to justice."

And, as those who oppose this tribunal have learned, what they can't defeat openly through the political process, they may be able to gut in the United Nations closed-door budget negotiations.

Nongovernmental experts have already suggested that the $28 million sought by tribunal officials may be too low, given the costs of gathering testimony from thousands of victims of war crimes and in light of the on-site investigations that the effective prosecution of war criminals will require. Nevertheless, it appears that securing even these funds may be an uphill battle with the U.N. bureaucracy.

Accordingly, I have written to the President, along with the Cochairman of the Helsinki Commission, Senator D'AMATO, and Representative STENY HOYER, the former chairman of and now ranking House minority member on the Commission on Crime and Delinquency by the late Attorney General of the United States, Robert F. Kennedy.

The Judge was a true philanthropist. He founded the Father Francis J. Miller Memorial Foundation to build a nondenominational chapel at the Minnesota State Prison. He was also a forerunner in the 1960's in recognizing alcohol/drug abuse as a prime contributing factor to crime delinquency, family violence, and divorce.

Since 1980, McDonough served as chief legal counsel to Hubbard Broadcasting, Inc.

The Honorable John T. McDonough was more than an author, veteran, judge, philanthropist, and legal counsel. His neighbors and coworkers will remember him best as a great character. The Judge's combination of enthusiasm and commitment will be greatly missed by the country, State, city, and people he served.

ROBERT J. LAGOMARISNO
VISITORS CENTER

SPEECH OF
HON. ROBERT A. UNDERWOOD
OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 1, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the joint resolution (H.J. Res. 9) to designate the visitors center at the Channel Islands National Park as the "Robert J. Lagomarsino Visitors Center."

Mr. UNDERWOOD. Mr. Chairman, I rise in support of the legislation brought forth by Chairman GALLAGHER to designate the visitor's center at the Channel Islands National Park after a distinguished former member of this body, Mr. Robert J. Lagomarsino. I congratulate the chairman for recognizing Mr. Lagomarsino's many accomplishments.

Mr. Lagomarsino has been honored numerous times by various citizen groups, environmental organizations, and most importantly his constituents. His successes as a Member of Congress were eclipsed by his championing the protection of the Channel Islands, but also include many other valuable achievements for his constituency and the country. As ranking member of what was then the International and Insular Affairs Subcommittee, Mr. Lagomarsino fought tirelessly to designate the islands as a national park and is still an advocate for our respective agendas.

I believe Mr. Lagomarsino's tireless work for his district, the territories, and for the Channel Islands National Park to be indicative of his dedication and responsibility for all people as well as for the environment. I think this legislation is a fitting tribute to the man whom Chairman GALLEGGY has called the father of the Channel Islands National Park.

Mr. CLINGER. Mr. Speaker, I rise today to congratulate Ms. Naomi Fisher of Mill Hall, PA, who has been selected as Blind Worker of the Year. I am pleased to have this opportunity to recognize this great accomplishment.

Ms. Fisher was nominated for this award by her coworkers at North Central Sight Services, Inc. I am sure this is quite an honor for Naomi to be recognized by her fellow employees. Her coworkers, however, are not just ordinary colleagues. These individuals have experienced, and will continue to experience, many of the same trials and tribulations that Naomi does. Although every employee in this workplace deserves credit for rising above their physical challenges, Naomi is being recognized for her commitment in accepting diversity. Her ability to inspire and help those who are in a similar situation is a true testimony to her character.

This award, sponsored by the Javits-Wagner-O'Day Program, appropriately reflects the goals of this organization. The JWOD Program is designed to provide employment opportunities and services for thousands of blind Americans throughout the United States. Each year the National Industries for the Blind, the central nonprofit agency for industries participating in the program, selects one outstanding worker for this well-deserved award. The significance of this award is only realized when you consider how many people are worthy of consideration.

Ms. Fisher was selected as the Blind Worker of the Year not only for her outstanding job performance, but also for her activities off the job. She stays very busy at her family farm and also at the local church. As we all can see, she deserves this award for her many accomplishments. I applaud the hard work she has performed both in the work place and in our community. Her determination and dedication is an inspiration to us all.

Mr. Speaker, it is my distinct pleasure to recognize Naomi Fisher for receiving this prestigious award. Once again, I congratulate her and offer my best wishes for continued success.

VIOLENT CRIMINAL INCARCERATION ACT OF 1995

SPEECH OF
HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 9, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 667) to control crime by incarcerating violent criminals.

Mr. JOHNSON of Texas. Mr. Chairman, as it stands now, current law defines overcrowding in prisons as a form of cruel and
TRIBUTE TO RICHARD L. ROUDEBUSH
HON. ANDREW JACOBS, JR. OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Friday, February 10, 1995
Mr. JACOBS, Mr. Speaker, Dick Roudebush was the veteran's veteran.
His military record was one of selfless sacrifice and deadly danger. He was an extraordinary patriot. And he was a member of the U.S. House of Representatives for 10 years beginning in 1961.
As can be seen by the following, he was also head of the Veterans Administration. Any veteran who got his disability check on time for that heiveness owes some gratitude to the fine administration provided by Dick Roudebush.
More important, he was a nice man, pleasant and friendly.
All Americans are diminished by the passing of the Honorable Richard L. Roudebush. He was my friend.

From the Indianapolis News, Jan. 30, 1995
RICHARD L. ROUDEBUSH, CONGRESSMAN, VA CHIEF

NOBLESVILLE, Ind. - Richard L. Roudebush, 71, former five-term congressman who became director of the Veterans Administration, died Saturday.

In 1974, President Gerald R. Ford nominated his former House colleague as administrator of veterans affairs. Mr. Roudebush's nomination was confirmed by the Senate Oct. 1, 1974.

The agency, which served more than 29 million veterans, had 200,000 employees and an annual budget of about $14 billion.

Mr. Roudebush returned to Noblesville in January 1977 after the election of Democratic President Jimmy Carter.

Services will be at 10 a.m. Friday at Reed & Roberts Logan Street Chapel, with calling from 2 to 8 p.m. Wednesday and Thursday.

Burial will be in Arlington National Cemetery.

In 1964, President Lyndon B. Johnson named Mr. Roudebush to the Indianapolis office of the Veterans Administration Medical Center in Indianapolis as the Richard L. Roudebush Veterans Affairs Medical Center.

Mr. Roudebush graduated from Butler University in 1941 with a degree in business administration. He was a member of Sigma Chi Fraternity. In 1948, he received an honorary doctorate from Butler.

He enlisted in the Army a month before the attack on Pearl Harbor and was shipped out in September 1942 to Egypt, where he was assigned to the Suez Canal Command and served with British forces during five major battles in North Africa.

In the Invasion of Italy, his landing craft was sunk. Mr. Roudebush joined the newly formed 15th Air Force and helped clear enemy firefields.

After his discharge at Camp Atterbury in October 1944, he became a service officer with the Department of Indiana Veterans of Foreign Wars and was stationed at the Indianapolis VA Regional office seven years.

He also served eight years on the Indiana Veterans Commission and chaired that body six years.

He became state commander of the Indiana VFW Department in 1953. In 1954 he became chief of staff in the National VFW and was elected national commander in chief at the VFW convention at Miami Beach in 1957.

Mr. Roudebush first was elected to Congress in 1960.

In November 1970, Mr. Roudebush, the GOP nominee for the U.S. Senate, lost to former Sen. Vance Hartke by 4,000 votes out of nearly 2 million cast.

In the House of Representatives, he was on the House District Committee and the House Un-American Activities Committee. Mr. Roudebush was best known as a ranking member of the House Committees on Science and Astronautics and for his work on countless bills benefiting veterans.

A personal friend of the early astronaut, Mr. Roudebush was instrumental in pushing through America's early space program from Alan Shepard's pioneering liftoff on through Mercury, Gemini and Apollo efforts. He was awarded the VFW National Space Award in 1967.

He was seriously injured in a private plane crash Aug. 19, 1968, while returning to Indiana from the Republican National Convention at Miami. After surgery in his hospital bed, he won the November 1968 congressional election by his widest margin ever and was re-elected to the House in 1970.

In January 1971, he became a consultant to the administrator of veterans affairs, and on July 1, 1971, he was named to the No. 4 position in the VA as assistant deputy administrator. On Jan. 18, 1974, he was promoted to deputy administrator of the VA.

In September 1979, he was elected chairman of the advisory board for Veterans Insurance Services, a subsidiary of the National Liberty Group of companies in Valley Forge by a more effective death penalty.