

LIVINGSTON], and in fact the entire Committee on Appropriations for their cooperation and full support in securing \$175 billion to protect women from abuse.

As we have seen recently, domestic abuse and other assaults on women do not discriminate based on social status. We already know the numbers. Each year over 4 million women are abused by their partners. During their lifetime three out of four women will be a victim of violent crime. The number of domestic crimes in our Nation today is twice that of robberies. Unfortunately, Mr. Speaker, the reality in America is that in the next 5 minutes, 1 woman will be raped and 14 more will be severely beaten by their husbands or boyfriends.

Yes, while we have heard these statistics over and over again, we have marveled at how little has been done in the past, because what we have failed to concentrate on up until today are the names and the faces and the bodies and souls that are destroyed every 15 seconds in America.

Last year Congress enacted the Violence Against Women Act to reduce these numbers and increase protection for women. Republicans and Democrats stood up and enacted a crime bill that protected them. It has been a long fight, first to authorize the Violence Against Women Act, and today now finally funding it. Today we show the rest of the country that this Congress is committed to stopping crime and helping the victims of crime. I would also like to thank the gentlewoman from New York, Ms. NITA LOWEY, for her cooperation.

Let me just conclude. At a time when the Nation's awareness of domestic violence has never been greater, it is essential that we in Congress stop talking about doing something about this crime and start putting our money behind it by fully funding the Violence Against Women Act in this conference report. In this section of the bill we are once again standing up for women and against criminals.

Again, I want to thank the gentleman from Kentucky [Mr. ROGERS] for his cooperation, and urge on behalf of all those women who will be victims of domestic abuse or who may not be because of our efforts today to please support this conference report.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 2 minutes to the hard-working and distinguished gentleman from Colorado [Mr. SKAGGS], a member of the subcommittee.

Mr. SKAGGS. Mr. Speaker, let me start by congratulating and paying my respects to the gentleman from Kentucky, HAL ROGERS, and our terrific staff. Given the incredible parameters within which they had to work, they have done a decent job, and if there is any indecency here, it is not HAL's doing. But there are some serious failings.

Let me just start off by returning to the question of the block grants versus

the COPS program. I will be offering the motion to recommit when we finish debate on this to transfer or to specify that that portion of the funding in this bill that was going to go to block grants will be restored to funding the COPS program.

Mr. Speaker, this is, as many of my colleagues have already pointed out, a success already. It is focused, it is effective, it is putting money on task on the streets of America to improve safety and law enforcement. We are all, I think, appropriately forewarned, given the bad experience back in the Law Enforcement Assistance Administration days of what can happen in a slush-funded, no-accountable block grant environment. I hope my colleagues will support the motion to recommit.

Beyond that problem, Mr. Speaker, there are other problems with this bill: the underfunding of our technology investments in the NIST accounts, the incredible intrusion into the operations of the Legal Services Corporation, the huge shortfall in funding for peace-keeping operations at the United Nations that is going to put us in a fiscal corner for years; the incredible, idiotic waste of money on the TV Marti program; and several extraneous legislative provisions that have no business within this bill. This leaves me, with reluctance, to urge my colleagues, if the motion to recommit fails, to vote "no" on final passage.

Mr. ROGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. LOBIONDO].

(Mr. LOBIONDO asked and was given permission to revise and extend his remarks.)

Mr. LOBIONDO. Mr. Speaker, I rise today in strong support of the prison litigation reform provisions included in the conference report on H.R. 2076, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act.

Earlier this year the House passed H.R. 667, the Violent Criminal Incarceration Act. This bill contained many provisions designed to address the problems associated with inmate lawsuits. One area that was not included in that legislation was the many so-called Bivens actions that are filed by Federal prisoners in Federal court every year. These suits are not based on any statutory authority from Congress. In *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971), the Supreme Court created a so-called "constitutional tort" that allows inmates to circumvent the congressionally created Federal Tort Claims Act and sue the Federal Government for alleged violations of their constitutional rights due to prison conditions and/or treatment.

The real problem with these cases came with the Court's decision in 1992 that an inmate need not exhaust the administrative remedies available prior to proceeding with a Bivens action for money damages only. *McCarthy v. Madigan*, 112 S.Ct. 1081 (1992). This decision was made without the benefit of any legislative guidance and the Court made that point very clearly in its opinion, almost to the point of asking that Congress do some-

thing. Since 1993 there has been a total of 1,365 new Bivens cases filed in Federal court tying up the time of Federal judges and lawyers for the Bureau of Prisons at a time when we already have overcrowded dockets.

In order to address the problem of Bivens actions, I introduced H.R. 2468, the Prisoner Lawsuit Efficiency Act ("P.L.E.A."). This bill makes it clear that administrative exhaustion be imposed in all actions arising under the Bivens case. In H.R. 667, the House adopted a similar provision to that of the P.L.E.A. by requiring the exhaustion of administrative remedies for those prisoners bringing suit under 42 U.S.C. § 1979 (the Civil Rights for Institutionalized Persons Act ("CRIPA")).

I am very pleased to say that I have worked with the conferees of H.R. 2076 to ensure that the prison litigation reform measures address the Bivens issue. The new administrative exhaustion language in H.R. 2076 will require that all cases brought by Federal inmates contesting any aspect of their incarceration be submitted to administrative remedy process before proceeding to court. By returning these cases to the Federal Bureau of Prisons, we will provide the opportunity for early resolution of the problem, we will reduce the intrusion of the courts into the administration of the prisons, and we will provide some degree of fact-finding so that when or if the matter reaches Federal court there will be a record upon which to proceed in a more efficient manner.

I would also like to take this opportunity to thank the 56 Members who joined me as a co-sponsor of H.R. 2468. Their commitment to a fair and efficient judicial system is to be commended. In addition to the strong support the proposal has had here in the House, H.R. 2468 has been endorsed by Mr. Norman Carlson, Director of the Federal Bureau of Prisons from 1970 until 1987, and Mr. Michael Quinlan, Director of the Federal Bureau of Prisons from 1987 until 1992. Former U.S. Attorney General Dick Thornburgh has written to me stating that:

An exhaustion requirement (as imposed by H.R. 2468 and now H.R. 2076) would aid in deterring frivolous claims by raising the cost, in time/money terms, of pursuing a Bivens action, only those claims with a greater probability/magnitude of success would, presumably, proceed.

Mr. Thornburgh also points out that an administrative review process would also aid the Federal courts by allowing for preliminary fact-finding and the creation of a record at the Bureau level, so as to clarify the issues to be presented to the court.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Speaker, I rise in strong support of H.R. 2076 and I commend Mr. ROGERS for bringing this conference report to the floor.

I want to speak particularly about title VIII of the conference agreement, which contains important provisions concerning prison litigation reform. These provisions were proposed by the Senate conferees and are substantially similar to the prison litigation reform legislation which passed the House—earlier this year.

Title VIII will provide much needed relief to States dealing with the problems of unreasonable Federal court