

divides many of us, not on the principle but 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 Criminal 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 or to testify.

Mr. Speaker, I just wanted to put Members on notice as to what sort of amending process they might expect on the six crime bills.

#### TENTATIVE SCHEDULING OF CRIME BILLS IN RULES COMMITTEE

Bill	Judiciary files	Deadline announcement	Filing deadline	Rules meets	Rule on floor
H.R. 665, Victim restitution	2-2	NA (open)	NA	2-6	2-7
H.R. 666, Exclusionary rule reform	2-2	NA (open)	NA	2-6	2-7
H.R. 668, Criminal alien deportation	2-6	NA (open)	NA	2-8	2-9
H.R. 667, Violent criminal incarceration (prisons)	2-6		Noon, 2-7	2-8	2-9
H.R. 729, Effective death penalty	2-7		Noon, 2-8	2-9	2-10
H.R. 728, Block grants	2-8		Noon, 2-9	2-10	2-13

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:

H.R. 667, February 6.

H.R. 729, February 7.

H.R. 728, February 8.

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 have the 3 weeks back home for Easter and the district work period. That is terribly important.

□ 1010

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 that 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 somewhat by a number of amendments that may be prefiled?

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 prefiled 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 prefile 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 out so that Members can be heard 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 here 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 1991, and it is 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.

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 can have free dinners but we cannot have 45 cents for the American workers.

I laud 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 endive research, and 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, and 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 \$153 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.

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



other appropriate matters which have already been amended in their entirety.

Following adoption of the aggregates, functional categories, and other matters, the text of a concurrent resolution on the budget incorporating such aggregates, functional categories, and other appropriate matters shall be considered for amendment and a final vote.

#### Rule 8—Rollcall votes

A rollcall of the members may be had upon the request of at least one-fifth of those present. In the apparent absence of a quorum, a rollcall may be had on the request of any member.

#### Rule 9—Parliamentarian's Status Report and Section 302 Status Report

(a) 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 advise the Speaker on at least a monthly basis when the House is in session as to its estimate of the current level 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 302 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending within the jurisdiction of committees as compared to the appropriate allocations made pursuant to the Budget Act in conformity with 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 authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Section 302 Status Report described above.

#### HEARINGS

##### Rule 10—Announcement of hearings

The chairman shall publicly announce the date, place, and subject matter of any committee hearing at least 1 week before the commencement of that hearing, unless he determines there is good cause to begin such hearing at an earlier date, in which case public announcement shall be made at the earliest possible date.

##### Rule 11—Open hearings

Each hearing conducted by the committee or any of its task forces shall be open to the public except when the committee or task force, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, or would compromise sensitive law enforcement information, or would tend to defame, degrade, or incriminate any person, or would violate any law or rule of the House of Representatives. The committee or task forces may by the same procedure vote to close one subsequent day of hearing.

For the purposes of House Rule XI, clause 2(g)(2), the task forces of the committee are considered to be subcommittees.

#### Rule 12—Quorums\*

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

#### Rule 13—Time for questioning witnesses

Committee members shall have not 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 5-minute rule.

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 recognizing members to question witnesses, the chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

#### 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—Committee prints

All committee prints and other materials prepared for public distribution shall be approved by the committee prior to any distribution, unless such print or other material shows clearly on its face that it has not been approved by the committee.

#### BROADCASTING

##### Rule 17—Broadcasting of meeting and hearings

It shall be the policy of the committee to give all news 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 broadcast, radio broadcast, and still photography, or by any such methods of coverage, in accordance with House Rule XI, clause 3.

#### STAFF

##### 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 appointed, and may be removed, by the chairman.

Committee staff shall not be assigned any duties other than those pertaining to committee business, and shall be selected without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions.

All committee staff shall be entitled to equitable treatment, including comparable sal-

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

(b) Associate staff for members of the committee may be appointed only at the discretion of the chairman (in consultation with the ranking minority member regarding any minority party associate staff), after taking into consideration any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee on House Oversight under clause 6 of House Rule XI. Such staff members shall be compensated at a rate, determined by the member, not to exceed \$60,000 per year; provided, that no member shall appoint more than one person pursuant to these provisions; provided further, that members designating a staff member under this subsection must certify by letter to the chairman that the employee is needed and will be utilized for committee work and, to the extent space is available, will spend no less than 10 hours per week in committee offices performing committee work.

#### Rule 19—Staff supervision

Staff shall be under the general supervision and direction of the chairman, who shall establish and assign their duties and responsibilities, delegate such authority as he deems appropriate, fix and adjust staff salaries (in accordance with House Rule XI, clause 6(c)) and job titles, and, in his discretion, arrange for their specialized training.

Staff assigned to the minority shall be under the general supervision and direction of the minority members of the committee, who may delegate such authority as they deem appropriate.

#### COMMITTEE RECORDS

##### Rule 20—Preparation and maintenance of committee records

An accurate stenographic record shall be made of all hearings and business meetings.

The proceedings of the committee shall be recorded in a journal which shall, among other things, include a record of the votes on any question on which a record vote is demanded.

Members of the committee shall correct and return transcripts of hearings as soon as practicable after receipt thereof, except that any changes shall be limited to technical, grammatical, and typographical corrections.

Any witness may examine the transcript of his own testimony and make grammatical, technical, and typographical corrections.

The chairman may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time for correction, and that further delay would seriously impede the committee's responsibility for meeting its deadlines under the Congressional Budget Act of 1974.

Transcripts of hearings and meetings may be printed if the chairman decides it is appropriate, or if a majority of the members so request.

##### Rule 21—Access to Committee Records

(a) The chairman shall promulgate regulations to provide for public inspection of rollcall votes and to provide access by members to committee records (in accordance with House Rule XI, clause 2(e)).

Access to classified testimony and information shall be limited to Members of Congress and to House Budget Committee staff and stenographic reporters who have appropriate security clearance.

Notice of the receipt of such information shall be sent to the committee members. Such information shall be kept in the committee safe, and shall be available to members in the committee office.

(b) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI 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 the rule, 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.

#### CONFEREES

##### Rule 23—Appointment of conferees

Majority party members recommended to the Speaker as conferees 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 conferees as shall be determined by the minority party, provided that the recommended party representation shall be in approximately the same proportion as that in the committee.

#### MISCELLANEOUS

##### Rule 24—Waivers

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 rollcall 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.

\* Written rule required by House Rules.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Mr. GEPHARDT) 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 legis-

lative program and any special orders heretofore 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. MEEHAN, for 5 minutes, today.

(The following Members (at the request of Mr. COBURN) to revise and extend their remarks and included 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. HINCHEY.  
Mr. TRAFICANT.  
Mr. TOWNS in two instances.  
Ms. RIVERS.

Mr. ORTIZ.  
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:)

Mrs. MORELLA.  
Mr. FILNER.

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#### 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 \$150 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(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104-27); to the Committee on Appropriations and ordered to be printed.

304. A letter from the Deputy Assistant Secretary of Defense (Installations), Department of Defense, transmitting a report entitled, "Report on the Performance of Department of Defense Commercial Activities", pursuant to 10 U.S.C. 2461(c); to the Committee on National Security.

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 63 recommendations for legislative action, pursuant to 2 U.S.C. 438(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. 438(d); to the Committee on House Oversight.

308. A letter from the Administrator, Federal Railroad Administration, transmitting the Administration's report entitled, "Train Dispatchers Followup Review," pursuant to Public Law 102-365, section 17 (106 Stat. 961); 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.

Ms. PRYCE: Committee on Rules. House Resolution 60. Resolution providing for the consideration of the bill (H.R. 665) 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. 666) 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

Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 868. A bill to control crime by further streamlining deportation of criminal aliens; with an amendment (Rept. 104-22). 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. SISKY, Mr. MCINTOSH, Mr. DAVIS, Mr. SOLOMON, and Mr. BLUTE):

H.R. 830. A bill to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. ARCHER (for himself, Mr. MATSUI, Mr. THOMAS, and Mrs. JOHNSON of Connecticut):

H.R. 831. A bill to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provisions permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes; to the Committee on Ways and Means.

By Mr. BARTON (for himself, Mr. HEFLEY, Mr. SAM JOHNSON, Mr. COMBEST, Mr. CUNNINGHAM, Mr. SCHAEFER, Mr. HOEKSTRA, Mr. MCCOLLUM, Mr. STENHOLM, Mr. HUTCHINSON, Mr. SMITH of Texas, Mr. MILLER of Florida, Mr. LARGENT, Mr. THORNBERRY, Mr. LATHAM, Mr. HANCOCK, Mr. SHADEGG, Mr. LIVINGSTON, and Mr. BREWSTER):

H.R. 832. A bill to establish limits on wage continuation and severance benefits for Amtrak employees displaced by a discontinuance of service, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GREENWOOD (for himself, Mr. PORTER, Mr. WAXMAN, and Mrs. LOWEY):

H.R. 833. 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. 834. A bill to nullify the 25 percent pay increase that was afforded to Members of Congress and certain other Government officials by the Ethics Reform 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 House Oversight, 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. 835. A bill to amend the Public Health Service Act to provide for expanding and intensifying activities 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. 836. A bill to amend the Metropolitan Washington Airports Act of 1986 to provide for reorganization of the Metropolitan Washington Airports Authority and for local review of proposed actions of the Airports Authority affecting aircraft noise; to the Committee on Transportation and Infrastructure.

By Mr. OLVER:

H.R. 837. A bill to promote quality environmental research by permitting the Administrator of the Environmental Protection Agency to enter into cooperative research and development agreements; to the Committee on Science.

By Mr. PETERSON of Minnesota:

H.R. 838. 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, Ms. DUNN of Washington, Mrs. SMITH of Washington, Mr. MCINTOSH, Mr. WHITE, Mr. STOCKMAN, Mr. SCARBOROUGH, and Mr. FOX):

H.R. 839. A bill to establish a moratorium on regulatory rulemaking actions respecting 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. 840. A bill to designate the Federal building and U.S. courthouse located at 215 South Evans Street in Greenville, NC, 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. 841. A bill to provide an equitable process for strengthening the passenger rail service network of Amtrak 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. SOUDER and Mr. SPENCE.

H.R. 62: Mrs. CHENOWETH, Mr. RADANOVICH, and Mr. NORWOOD.

H.R. 70: Mr. EDWARDS, Mr. CHAPMAN, Mr. STUMP, Mr. TAYLOR of North Carolina, and Mr. SKEEN.

H.R. 77: Mr. RADANOVICH, Mr. STEARNS, Ms. RIVERS, and Mr. SMITH of Michigan.

H.R. 104: Mr. EMERSON and Mr. CALVERT.

H.R. 110: Mr. FATTAH.

H.R. 127: Mr. GILCREST, Mr. CRAMER, Mr. EVANS, Mr. FATTAH, Mr. KLECZKA, and Mr. SKAGGS.

H.R. 199: Ms. MOLINARI, Mr. ENGLISH of Pennsylvania, Mr. SMITH of Texas, Mr. ROYCE, Mr. DOOLITTLE, Mr. NEY, Mr. PARKER, and Mr. SENSENBRENNER.

H.R. 216: Mr. RIGGS.

H.R. 218: Mrs. MYRICK and Mr. FORBES.

H.R. 219: Mr. BEILSON and Mr. GALLEGLY.

H.R. 230: Mr. STEARNS.

H.R. 259: Mr. ROYCE and Mr. DOOLITTLE.

H.R. 260: Mr. YOUNG of Alaska.

H.R. 325: Mr. BUNNING of Kentucky, Mr. GUTKNECHT, Mr. MILLER of Florida, Mr. REGULA, Mr. WICKER, Mr. BROWNBACK, Mr. POMBO, Mr. BOEHNER, Mr. BARR, Mr. LAUGHLIN, and Mr. DUNCAN.

H.R. 328: Mr. LIVINGSTON and Mrs. SEASTRAND.

H.R. 343: Mr. FROST, Mr. PETE GEREN of Texas, Mr. LEWIS of Georgia, and Mr. VENTO.

H.R. 353: Ms. RIVERS, Mr. WAXMAN, Mr. MARKEY, Mr. HORN, and Mr. VENTO.

H.R. 354: Mr. SOLOMON and Ms. DANNER.

H.R. 363: Mr. RUSH, Mr. RANGEL, Mr. OLVER, and Mr. WATT of North Carolina.

H.R. 399: Ms. NORTON and Mr. ACKERMAN.

H.R. 450: Mr. BREWSTER, Mr. WELDON of Florida, Mr. ROBERTS, and Mr. BARRETT of Nebraska.

H.R. 488: Mr. GILMAN.

H.R. 511: Mr. SHAYA.

H.R. 559: Mr. UNDERWOOD, Ms. PELOSI, and Mr. VENTO.

H.R. 579: Mrs. CHENOWETH.

H.R. 585: Mr. GUTKNECHT, Mr. HALL of Ohio, Mr. PETE GEREN of Texas, Mr. MONTGOMERY, Mr. JOHNSTON of Florida, Ms. MOLINARI, and Ms. FURSE.

H.R. 592: Ms. DANNER, Mr. EWING, Mr. MCKEON, and Mr. DOOLITTLE.

H.R. 599: Mr. COOLEY.

H.R. 605: Mr. FOX, Mr. SHUSTER, Mr. SAXTON, Mrs. CHENOWETH, and Mr. HANCOCK.

H.R. 612: Mr. ROHRBACHER.

H.R. 663: Mr. FORBES, Mr. HOLDEN, and Mrs. LINCOLN.

H.R. 667: Mr. BRYANT of Tennessee, Mr. BLILEY, and Mr. ENGLISH of Pennsylvania.

H.R. 668: Mr. KING, Mr. BLILEY, and Mr. ENGLISH of Pennsylvania.

H.R. 682: Mr. BONO.

H.R. 697: Mr. CRAMER, Mr. MCDADE, Mr. BONO, Mr. GUNDERSON, Ms. DANNER, Mr. JOHNSON of South Dakota, Mr. BALENGER, Mr. GALLEGLY, and Mr. NORWOOD.

H.R. 698: Mr. CRANE, Mrs. CHENOWETH, Mr. GOODLATTE, Mr. HUTCHINSON, Mr. SCHAEFER, Mr. BASS, Mr. NEY, Mr. EMERSON, Mr. CUNNINGHAM, Mr. BUNN of Oregon, Mrs. VUCANOVICH, Mr. MCCRERY, Mr. MYERS of Indiana, Mr. FUNDERBURK, Mr. COBLE, Mr. NORWOOD, Mr. WAMP, Mr. ROHRBACHER, Mr. CANADY, Mr. SCARBOROUGH, Mr. SOLOMON, and Mr. YOUNG of Alaska.

H.R. 703: Mr. JOHNSTON of Florida, Mr. BROWN of Ohio, Mr. WYDEN, Mr. EVANS, Ms. SLAUGHTER, and Mr. VENTO.

H.R. 728: Mr. BRYANT of Tennessee and Mr. BLILEY.

H.R. 729: Mr. BRYANT of Tennessee, Mr. BLILEY, and Mr. ENGLISH of Pennsylvania.

H.R. 752: Mr. BORSKI, Mr. HANCOCK, Mr. ROHRBACHER, and Mrs. VUCANOVICH.

H.R. 759: Ms. PRYCE.

H.R. 789: Mr. NEUMANN, Mr. MCHUGH, Mr. ZELIFF, Mr. BARRETT of Nebraska, Mr. HORN, Mr. WOLF, and Mr. SMITH of New Jersey.

H.R. 791: Mr. COOLEY, Ms. DANNER, Mr. NORWOOD, Mr. MILLER of Florida, and Mr. MCKEON.

H.R. 793: Mr. SENSENBRENNER and Mr. HOLDEN.

H.R. 795: Mr. GIBBONS.

H.R. 810: Mr. MARKEY.

H.J. Res. 3: Mr. MINGE.

H.J. Res. 8: Mr. TALENT.

H. Con. Res. 12: Mr. GEKAS, Mr. HORN, Mr. BARTLETT of Maryland, and Mr. SCHAEFER.

H. Res. 15: Mr. BEILSON and Mr. DEAL OF GEORGIA.

H. Res. 40: Mr. MEERAN, Mr. SPRATT, and Mr. JACOBS.

H. Res. 57: 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:

(C) 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 offenders. Such service 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 14, 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 PURSUANT 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 search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out in objectively reasonable reliance on a warrant issued by a detached and neutral magistrate or other judicial officer ultimately found to be invalid, unless—

"(1) the judicial officer in 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 PURSUANT 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 means**

"Evidence which is obtained as a result of search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out in objectively reasonable reliance—

"(1) on a warrant issued by a detached and neutral magistrate or other judicial officer ultimately found to be invalid, unless—

"(A) the judicial officer in 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;

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

"(C) 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

"(D) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid; or

"(2) on the constitutionality of a statute subsequently found to constitutionally invalid."

(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 means."

H.R. 666

OFFERED BY: MR. DEFAZIO

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 person or things to be seized."

H.R. 666

OFFERED BY: MR. REED

AMENDMENT NO. 5: Page 1, strike line 6 and all that follows through the end and inserting the following:

**SEC. 2. SEARCHES AND SEIZURES PURSUANT 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 search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out in reasonable reliance on a warrant issued by a de-

tached and neutral magistrate ultimately found to be invalid, unless—

"(1) the judicial officer in 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. WATT OF NORTH CAROLINA

AMENDMENT NO. 6: Page 2, line 13, strike all after the word "States," and insert the following:

"provided that 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. 667

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 1: 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 or territorial jurisdiction of the United States;

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

H.R. 667

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 2: 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 (3) above."

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:

"(C) procedures for the collection of reliable statistical data which confirms the rate of serious violent felonies after the adoption of such truth-in-sentencing laws."

Page 5, line 3, strike the "—" and insert instead "confirms that"

Page 5, line 4, strike the word "and"



Page 5, line 8, strike the period and insert instead "; and (3) the rate of violent felony offenses committed in such State has decreased since such State commenced indeterminate 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 shall extend no further than necessary to remove the 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 "r"

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."

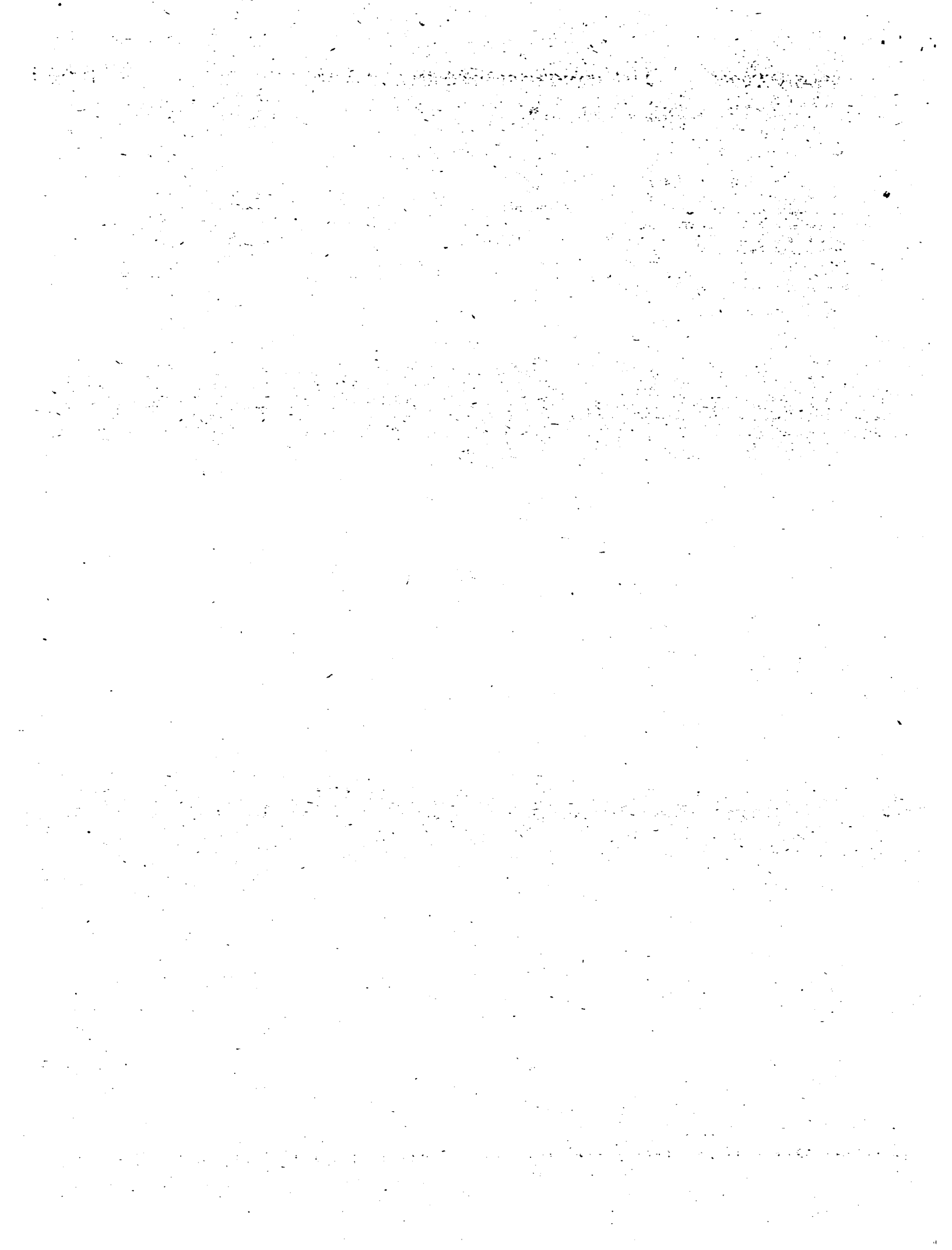
Page 4, lines 21-22. Strike the entire sentence beginning with the word "The" and ending with "standard."

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."



H.R. 485: Mr. CALVERT.  
 H.R. 553: Mr. TOWNS.  
 H.R. 558: Mr. ARCHER.  
 H.R. 580: Mr. EVERETT, Mr. LEWIS of California, Mr. HALL of Texas, and Mr. CALVERT.  
 H.R. 592: Mr. KIM, Mrs. SEASTRAND, Mr. BILBRAY, Mr. STUMP, Mr. CANADY, Mrs. CHENOWETH, and Mr. SHAYS.  
 H.R. 619: Mr. CONYERS, Ms. WOOLSEY, Mr. NADLER, and Mr. SERRANO,  
 H.R. 620: Mr. CONYERS, Ms. WOOLSEY, and Mr. NADLER.

H.R. 638: Mr. MILLER of Florida, Mr. MILLER of California, Mr. OWENS, Mr. VENTO, Ms. RIVERS, and Mr. WATT of North Carolina.

H.R. 696: Mr. GENE GREEN of Texas, Mr. ANDREWS, Mr. BILBRAY, Mr. FATTAH, Mr. WYNN, Mr. EMERSON, Mr. SANDERS, Mr. SHADEGG, and Ms. BROWN of Florida.

H.R. 698: Mr. BALLENGER, Mr. WICKER, and Mr. HAYWORTH.

H.R. 709: Mrs. MORELLA, Ms. PELOSI, Mr. SOLOMON, Mrs. CLAYTON, Mr. RANGEL, and Mr. FROST.

H.R. 728: Mr. WELLER.  
 H.R. 729: Mr. WELLER and Mr. ROYCE.

H.R. 731: Mr. HASTINGS of Florida and Mr. BAKER of California.

H.R. 739: Mr. STEARNS, Mr. CHRYSLER, and Mr. DUNCAN.

H.R. 795: Mr. NORWOOD, Mr. HUTCHINSON, and Mr. MILLER of Florida.

H.R. 800: Ms. DANNER, Mr. FUNDERBURK, and Mr. MCCREERY.

H.R. 824: Mr. VISLOSKEY.  
 H.R. 840: Mrs. CLAYTON.

H.J. Res. 5: Mr. ORTON.  
 H.J. Res. 38: Mr. MCCOLLUM.

H.J. Res. 66: Mr. INGLIS of South Carolina, Mr. COOLEY, Mr. CHRISTENSEN, Mr. TALENT, and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 4: Mr. SAM JOHNSON, Mr. BARTLETT of Maryland, Mr. MOORHEAD, Mrs. MEYERS of Kansas, and Mr. HANCOCK.

H. Con. Res. 5: Mr. STEARNS and Mr. CALVERT.

H. Con. Res. 12: Mr. UNDERWOOD and Mr. SENSENBRENNER.

H. Con. Res. 23: Mr. SANDERS, Mr. DEUTSCH, Mr. DELLUMS, Ms. KAPTUR, Mr. MILLER of California, Mr. CLYBURN, Mr. BOUCHER, and Mr. GENE GREEN of Texas.

H. Res. 25: Mr. HAYWORTH, Mr. ENGLISH of Pennsylvania, Ms. DUNN of Washington, Mrs. CUBIN, and Mr. PETERSON of Minnesota.

H. Res. 30: Mr. BOEHLERT, Mr. EMERSON, Mr. KLECZKA, Mrs. VUCANOVICH, Mr. GUTTERREZ, Mr. COBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BONIOR, Mr. MINGE, Mr. CHAPMAN, Ms. ROYBAL-ALLARD, Mr. EHLERS, Ms. PELOSI, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Mr. REED, Mr. LEWIS of Georgia, Mr. LIGHTFOOT, Mr. SOLOMON, and Mr. HOEKSTRA.

H. Res. 57: Mr. CONDIT.

H. Res. 58: Mr. HAYWORTH and Mrs. MEYERS of Kansas.

#### 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.

#### AMENDMENTS

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

H.R. 667

OFFERED BY: MR. CARDIN

AMENDMENT NO. 6: Page 8, strike lines 7

through 11, and insert the following:  
 "(1) \$990,300,000 for fiscal year 1996;  
 "(2) \$1,322,800,000 for fiscal year 1997;  
 "(3) \$2,519,800,000 for fiscal year 1998;  
 "(4) \$2,652,800,000 for fiscal year 1999; and  
 "(5) \$2,745,900,000 for fiscal year 2000.

H.R. 667

OFFERED BY: MR. RIGGS

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

"(c) AVAILABILITY OF FUNDS FOR JAIL CONSTRUCTION.—A State may use up to 15 percent of the funds provided under this title for jail construction, if the Attorney General determines that the State has enacted—

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

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

H.R. 667

OFFERED BY: MR. SCHIFF

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:

"(B) Enhancing security measures—

"(i) in and around schools; and  
 "(ii) in and around any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime.

H.R. 667

OFFERED BY: MR. TORRICELLI

AMENDMENT NO. 9: On page 6, line 14, 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 government at the lowest possible cost and employ the best available technology."

H.R. 668

OFFERED BY: MR. BURR

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

SEC. 14. MANDATORY DETENTION OF ALIEN AGGRAVATED FELONS PENDING DEPORTATION.

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

(1) by striking subparagraph (B); and  
 (2) in subparagraph (A)—

(A) by striking "(2)(A)" and inserting "(2)", and

(B) in the second sentence—

(i) by striking "but subject to subparagraph (B)", and

(ii) by inserting before the period "either before or after a determination of deportability until such alien is deported, unless the alien is finally determined to be not deportable"

H.R. 668

OFFERED BY: MR. BURR

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

SEC. 14. DISCRETIONARY AUTHORITY TO DEPORT ALIENS BEFORE COMPLETION OF SENTENCE.

(a) IN GENERAL.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

"(e) DISCRETIONARY AUTHORITY TO DEPORT CERTAIN CRIMINAL ALIENS BEFORE COMPLETION OF SENTENCE.—(1) In the case of an alien who has been determined to be deportable, except as provided in paragraph (2), the Attorney General may provide for the alien's deportation before the completion of the sentence, if the authority providing for the term of imprisonment is authorized to consent and consents to the alien's release for deportation before completion of the sentence.

"(2) The Attorney General shall not exercise authority under paragraph (1) unless the Attorney General determines that (A) the early release from imprisonment is in the public interest; and (B) the alien is not confined pursuant to a criminal offense of a State, a political subdivision of a State, or the Federal Government which consists of (i) murder or attempted murder, (ii) rape or sexual assault, (iii) espionage, (iv) terrorism, (v) pedophilia, (vi) assassination or attempted assassination of a public official, (vii) leading a drug trafficking ring, or (viii) alien smuggling."

(b) CONFORMING AMENDMENTS.—

(1) Section 242(h) of such Act (8 U.S.C. 1252(h)) is amended by striking "An alien" and inserting "Subject to section 242A(e), an alien".

(2) Section 242A(d)(3)(A)(iii) of such Act (8 U.S.C. 1252a(d)(3)(A)(iii)) is amended by inserting ", subject to subsection (e)," after "become final and".

H.R. 668

OFFERED BY: MR. CUNNINGHAM

AMENDMENT NO. 3: At the end insert the following new section (and conform the table of contents accordingly):

SEC. 14. INTERIOR REPATRIATION PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Attorney General and the Commissioner of Immigration and Naturalization shall develop and implement a program in which aliens who previously have illegally entered the United States not less than 3 times and are deported or returned to a country contiguous to the United States will be returned to locations not less than 500 kilometers from that country's border with the United States.

H.R. 668

OFFERED BY: MR. CUNNINGHAM

AMENDMENT NO. 4: At the end insert the following new section (and conform the table of contents accordingly):

SEC. 14. STUDY OF PRISONER TRANSFER TREATY WITH MEXICO.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the Prisoner Transfer Treaty with Mexico (in this section referred to as the "Treaty") to remove from the United States aliens who have been convicted of crimes in the United States.

(b) USE OF TREATY.—The report under subsection (a) shall include the following information:

(1) The number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the Treaty.

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



Lowey	Obey	Skaggs
Luther	Oliver	Slaughter
Maloney	Owens	Stark
Markey	Pallone	Stokes
Martinez	Pastor	Studds
Matsui	Payne (NJ)	Thompson
McCarthy	Pelosi	Thornton
McDermott	Pomeroy	Thurman
McKinney	Rahall	Torres
McNulty	Rangel	Towns
Meahan	Reed	Tucker
Moak	Reynolds	Velazquez
Mfume	Rivers	Vento
Miller (CA)	Rose	Visclosky
Mineta	Roybal-Allard	Ward
Minge	Rush	Waters
Mink	Sabo	Watt (NC)
Moakley	Sanders	Waxman
Mollohan	Sawyer	Williams
Nadler	Schroeder	Wise
Neal	Scott	Woolsey
Oberstar	Serrano	Wynn

NOT VOTING—5

Andrews	Collins (MI)	Yates
Clinger	Houghton	

□ 2041

So the bill was passed. 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 THE ENGROSSMENT OF H.R. 665, THE VICTIM RESTITUTION ACT OF 1995, H.R. 666, THE EXCLUSION-ARY RULE REFORM ACT OF 1995, AND H.R. 729, THE EFFECTIVE DEATH PENALTY ACT OF 1995**

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that in the engrossment of the bills, H.R. 665, H.R. 666, and H.R. 729, the Clerk be authorized to make such clerical and technical corrections as may be required.

The SPEAKER pro tempore (Mr. QUINN). 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 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. 104-25) 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.

**PERSONAL EXPLANATION**

Mr. DIXON. Mr. Speaker, during roll-call vote 103 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 the President 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 or within 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 industrial, commercial, or governmental project in Iraq. United States persons were also prohibited from granting or extending credit or loans to the Government of Iraq.

The foregoing prohibitions (as well as the blocking of Government of Iraq property) were continued and augmented on August 9, 1990, by Executive Order No. 12724, which was issued in order to align the sanctions imposed by the United States with United Nations Security Council Resolution 661 of August 6, 1990.

Executive Order No. 12817 was issued on October 21, 1992, to implement in the United States measures adopted in United Nations Security Council Resolution 778 of October 2, 1992. Resolution No. 778 requires U.N. Member States temporarily to transfer to a U.N. escrow account up to \$200 million apiece in Iraqi oil sale proceeds paid by purchasers after the imposition of U.N. sanctions in Iraq, to finance Iraqi's obligations for U.N. activities with respect to Iraq, such as expenses to verify Iraqi weapons destruction, and to provide humanitarian assistance in Iraq on a nonpartisan basis. A portion

of the escrowed funds will also fund the activities of the U.N. Compensation Commission in Geneva, which will handle claims from victims of the Iraqi invasion of Kuwait. Member States also may make voluntary contributions to the account. The funds placed in the escrow account are to be returned, with interest, to the Member States that transferred them to the United Nations, as funds are received from future sales of Iraqi oil authorized by the U.N. Security Council. No Member State is required to fund more than half of the total transfers or contributions to the escrow account.

This report discusses only matters concerning 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.

1. 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 (60 Fed. Reg. 6376), FAC amended the Regulations by adding to the list of Specially Designated Nationals (SDNs) of Iraq set forth in Appendices A ("entities and individuals") and B ("merchant vessels"), the names of 24 cabinet ministers and 6 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 that was published in the *Federal Register* (59 Fed. Reg. 59460) on November 17, 1994. In the same document, FAC also provided additional addresses and aliases for 6 previously identified Iraqi SDNs. This *Federal Register* publication brings the total number of listed Iraqi SDNs to 66 entities, 82 individuals, and 161 vessels.

Pursuant to section 575.306 of the Regulations, FAC has determined that these entities and individuals designated as SDNs are owned or controlled by, or are acting or purporting to act directly or indirectly on behalf of, the Government of Iraq, or are agencies, 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.



□ 2340

Altman testified that in a phone call on February 25, Stephanopoulos and Ickes 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 Jean Hanson.

Here are some questions:

No. 1, did George Stephanopoulos and Harold Ickes lie to the Senate Banking Committee, and if they did, should they be prosecuted for it?

Two, what motive could Josh Steiner, Roger Altman, and Jean Hanson all have to falsely contradict their testimony? Why would they do that?

Three, how many other people did George Stephanopoulos call to attempt to get Jay Stephens fired?

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 Committees, 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.

We need to get 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.]

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT) for today, on account of illness.

#### SPECIAL ORDERS GRANTED

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

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

Mr. GUTIERREZ, today, for 5 minutes.

Ms. KAPTUR, today, for 5 minutes.

Mr. SKAGGS, today, for 5 minutes.

Mr. HILLIARD, today, for 5 minutes.

Mr. LAFALCE, today, for 5 minutes.

Mr. HOYER, today, for 5 minutes.

Mr. GENE GREEN of Texas, today, for 5 minutes.

Mrs. CLAYTON, today, for 5 minutes.

Mr. CLYBURN, today, for 5 minutes.

(The following Member (at the request of Mr. FOX of Pennsylvania) to revise and extend his remarks and include extraneous material:)

Mr. SOLOMON, today, for 5 minutes.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) and to include extraneous matter:)

Mr. MANTON.

Mr. HAMILTON in three instances.

Mr. DINGELL in two instances.

Mr. SKELTON.

Mr. WARD.

Mr. MENENDEZ in two instances.

Mr. TRAFICANT.

Mr. STOKES in two instances.

Ms. KAPTUR.

Mr. ENGEL.

Mr. RAHALL.

Mr. ORTON.

Mr. FAZIO.

(The following Members (at the request of Mr. FOX of Pennsylvania) and to include extraneous matter:)

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) and 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.

#### EXECUTIVE COMMUNICATIONS, ETC.

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

339. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notice that the Navy intends to renew the lease of the *Albert David* (FF 1050), pursuant to 10 U.S.C. 7307(b)(2); to the Committee on National Security.

340. A letter from the Secretary of Health and Human Services, transmitting a copy of the fiscal year 1993 report on the Native Hawaiian Revolving Loan Fund (NHRLF), pursuant to 42 U.S.C. 2991-1; to the Committee on Economic and Educational Opportunities.

341. A letter from the Secretary of Labor, transmitting a report on the enforcement activities of the Directorate of Civil Rights concerning the nondiscrimination and equal opportunity provisions of the JTP act, pursuant to Public Law 97-300, section 167(e); to the Committee on Economic and Educational Opportunities.

342. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-382, "Maurice T. Turner, Jr., Education and Training Center Designation Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

343. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-383, "Privatization of Government Services Task Force Establishment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

344. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-385, "Anti-Sexual Abuse Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

345. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-386, "Probate Reform Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

346. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-387, "Clean Air Compliance Fee Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

347. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-388, "District of Columbia Housing Authority Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

348. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-390, "Washington Metropolitan Area Transit Authority Compact Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

349. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-391, "Closing of a Public Alley in Square 750, S.O. 94-123, Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

350. A letter from the Acting Inspector General, Federal Communications Commission, transmitting the annual report regarding an evaluation of the compliance by the FCC with, and the effectiveness of, the requirements imposed by 31 U.S.C. 1352 on the FCC and on persons requesting and receiving

Federal contracts from the FCC using appropriated funds, pursuant to Public Law 101-21, section 319(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, pursuant to Public Law 100-322, 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 102-164, section 303 (105 Stat. 1060); 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. 10224(c); jointly, 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. 729. A bill to control crime by a more effective death penalty; with an amendment (Rept. 104-23). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 728. A bill to control crime by providing law enforcement block grants; with an amendment (Rept. 104-24). Referred to the Committee of the Whole House on the State of the Union.

Mr. QUILLEN: Committee on Rules. House Resolution 63. A resolution providing for the consideration of H.R. 867, The Violent Criminal Incarceration Act (Rept. 104-25). Referred to the House Calendar.

#### 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. DINGELL (for himself, Mr. CONDIT, Mr. MOORHEAD, 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. HOYER (for himself, Mrs. MORELLA, Mr. BOEHLERT, Mr. FILNER, Mr. MORAN, Mr. WYNN, Mr. FAZIO of California, Mr. GILMAN, Mr. CUNNINGHAM, Mr. HUNTER, Mr. LANTOS, 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 for coverage under part B of the Medicare Program of emergency care and related services furnished by rural emergency access care hospitals; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently deter-

mined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DORNAN:

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. CUNNINGHAM (for himself and Mr. HUNTER):

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 a medical facility of the uniformed services or the Department of Veterans Affairs in providing health care to persons eligible for care under Medicare; to 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. BURTON of Indiana, and Mr. MANZULLO):

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 providers of necessities 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. COYNE, Mr. BREWSTER, 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 qualified conservation easement, and to make technical changes to alternative valuation rules; to the Committee on Ways and Means.

By Mr. ORTON:

H.R. 865. A bill to amend part A of title IV of the Social Security Act to offer States the option of replacing the Job Opportunities and Basic Skills Training [JOBS] 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.

By Mr. RAHALL:

H.R. 866. A bill to make a technical correction to section 601 of the Federal Aviation Administration Act; to the Committee on Transportation and Infrastructure.

By Mr. SANDERS (for himself, Ms. KAPTUR, Mr. DEFAZIO, Ms. DANNER, Mr. TAYLOR of Mississippi, Mr. KLINK, Mr. TRAFICANT, Mr. ROHRBACHER, and Mr. EVANS):

H.R. 867. A bill to amend title 31, United States Code, to provide that certain budget authority and credit authority provided to the exchange stabilization fund shall be effective only to the extent provided in appropriation acts; to the Committee on Banking and Financial Services.

By Mrs. THURMAN:

H.R. 868. A bill to amend the Fair Labor Standards Act of 1938 to provide an exemp-

tion from that act for inmates of penal or other correctional institutions who participate in certain programs; to the Committee on Economic and Educational Opportunities.

By Mr. TRAFICANT:

H.R. 869. A bill to designate the Federal building and U.S. courthouse located at 125 Market Street in Youngstown, OH, as the "Thomas D. Lambros Federal Building and U.S. Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. WILLIAMS (for himself and Mr. BONIOR):

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. Res. 64. Resolution providing amounts for the expenses of the Permanent Select Committee on Intelligence in the 104th Congress; to the Committee on House Oversight.

By Mr. GINGRICH:

H. Res. 65. 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. Res. 66. 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.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ROTH introduced a bill (H.R. 871) for the relief of Eugene Hasenfus; which was referred to the Committee on the Judiciary.

#### ADDITIONAL SPONSORS

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

H.R. 11: Mr. SOLDER.

H.R. 26: Mr. WELDON of Pennsylvania, Mr. BARTON of Texas, Mr. HOSTETTLER, Mr. HANSEN, Mr. CHRYSLER, Mr. HEFNER, Mr. CLEMENT, and Mr. PAXON.

H.R. 28: Mr. CALVERT.

H.R. 47: Mr. CALVERT and Mr. KIM.

H.R. 70: Mr. BOEHNER, Mrs. SEASTRAND, Mr. KLUG, and Mr. ROYCE.

H.R. 76: Ms. SLAUGHTER.

H.R. 95: Ms. LOFGREN, Mr. MARTINEZ, Mr. MARKEY, Mr. ACKERMAN, Mr. HOYER, Ms. JACKSON-LEE, and Mr. FOGLIETTA.

H.R. 104: Mr. BALLENGER and Mr. NETHERCUTT.

H.R. 112: Mr. COOLEY, Mr. ACKERMAN, Mr. NEY, and Ms. SLAUGHTER.

H.R. 159: Mr. RAHALL, Mr. ROHRBACHER, Mr. STUMP, Mr. KING, Mr. BLUTE, Mr. SENBRENNER, and Mr. ACKERMAN.

H.R. 201: Mr. FOX, Mr. SMITH of New Jersey, Mr. GENE GREEN of Texas, Mr. PETRY, Mr. HUNTER, Mr. BERUTER, and Ms. PRYCE.



H.R. 281: Mr WALSH.  
 H.R. 259: Mr. HASTINGS of Washington.  
 H.R. 325: Mr LIPINSKI, Mr. SCHAEFER, Mr EVERETT, Mr ACKERMAN, and Mr GOODLATTE.  
 H.R. 328: Ms. MOLINARI  
 H.R. 357: Mr HILLIARD, Mr YATES, Mr MEEHAN, Mr FATTAH, Mr GUTIERREZ, Mr KENNEDY of Rhode Island, Mr BEILENSON, Mr WAXMAN, Mr FRANK of Massachusetts, Ms. SLAUGHTER, Mr MARKEY, Mr HORN, and Mr SCHUMER.  
 H.R. 367: Mr FRAZER, Mr LAFALCE, Mr MARTINEZ, Mr MINETA, Mr NADLER, Mr SANDERS, Mrs. SCHROEDER, Ms. 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 POSHARD, 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. 520: Mr. BARRETT of Nebraska.  
 H.R. 556: Mr FROST, Mr. BRYANT of Texas, Mr TORRES, Mrs. SCHROEDER, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CHAPMAN.

H.R. 557: Mr. FROST, Mr. BRYANT of Texas, Mr. TORRES, Mrs. SCHROEDER, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Ms. 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. ORTON, Mrs. SEASTRAND, Mr. CHRYSLER, Mr. TORRICELLI, Mr. EMERSON, Mr. DOOLEY, Mr. COBURN, Mr. BACHUS, Mr. RADANOVICH, Mr. LUCAS, Mr. RIGGS, Mrs. VUCANOVICH, and Mr. CHRISTENSEN.

H.R. 579: Mr. ROHRBACHER.  
 H.R. 612: Mr. BARRETT of Wisconsin, Mr. FOGLIETTA, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. GENE 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. 662: Mr. COLLINS of Georgia.  
 H.R. 663: Mr. BARR and Mr. HASTINGS of Washington.

H.R. 697: Mr. HASTINGS of Washington, Mr. SOLOMON, Mr. ROYCE, Mr. BUYER, 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: Mrs. 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, Ms. HARMAN, and Mr. POSHARD.  
 H. Res. 54: Ms. DANNER and Mrs. THURMAN.  
 H. Res. 57: Mr. ROHRBACHER and Mr. BURTON of Indiana.

#### AMENDMENTS

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

H.R. 667

OFFERED BY: MR. BERMAN

AMENDMENT NO. 10: Page 9, after line 6, add the following:

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

only to carry out section 242(j) of the Immigration and Nationality Act:

- (1) \$330,000,000 for fiscal year 1996;
- (2) \$310,000,000 for fiscal year 1997;
- (3) \$305,000,000 for fiscal year 1998;
- (4) \$320,000,000 for fiscal year 1999;
- (5) \$340,000,000 for fiscal year 2000.

H.R. 667

OFFERED BY: MR. BERMAN

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

- "(1) \$667,500,000 for fiscal year 1996;
- "(2) \$1,020,000,000 for fiscal year 1997;
- "(3) \$2,222,000,000 for fiscal year 1998;
- "(4) \$2,340,000,000 for fiscal year 1999; and
- "(5) \$2,413,100,000 for fiscal year 2000."

At the end insert the following new title:

#### TITLE V—COMPENSATION FOR INCARCERATION OF UNDOCUMENTED CRIMINAL ALIENS.

##### SEC. 501. COMPENSATION FOR INCARCERATION OF UNDOCUMENTED CRIMINAL ALIENS.

(a) FUNDING.—Section 242(j) of the Immigration and Nationality Act (8 U.S.C. 1252(J)) is amended by striking paragraph (5) and inserting the following:

- "(5) The Attorney General shall pay to each State and political subdivision of a State which is eligible for payments under this subsection the amounts to which they are entitled under paragraph (1)(A) in such amounts as in the aggregate do not exceed—
- "(A) \$630,000,000 for fiscal year 1996;
- "(B) \$640,000,000 for fiscal year 1997;
- "(C) \$655,000,000 for fiscal year 1998;
- "(D) \$670,000,000 for fiscal year 1999; and
- "(E) \$680,000,000 for fiscal year 2000.

"(6) RATABLE REDUCTION RULE.—If the sums available under paragraph (5) for any fiscal year for making payments under this subsection are not sufficient to pay in full the total amounts which all States and subdivisions of States are entitled to receive under this subsection for such fiscal year, the amount which each State and political subdivision of a State is entitled to receive under this subsection for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced."

(b) TERMINATION OF LIMITATION.—Section 20301(c) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking "2004" and inserting "2000"

H.R. 667

OFFERED BY: MR. BERMAN

AMENDMENT NO. 12. Page 8, strike lines 7 through 11 and insert the following:

- "(1) \$667,500,000 for fiscal year 1996;
- "(2) \$1,020,000,000 for fiscal year 1997;
- "(3) \$2,222,000,000 for fiscal year 1998;
- "(4) \$2,340,000,000 for fiscal year 1999; and
- "(5) \$2,413,100,000 for fiscal year 2000."

Page 10, after line 10, insert the following new subsection:

(c) COMPENSATION FOR INCARCERATION OF UNDOCUMENTED CRIMINAL ALIENS.—Section 242(j)(5) of the Immigration and Nationality Act (8 U.S.C. 1252(j)) is amended by striking all after subparagraph (A) and inserting the following:

- "(B) \$630,000,000 for fiscal year 1996;
- "(C) \$640,000,000 for fiscal year 1997;
- "(D) \$655,000,000 for fiscal year 1998;
- "(E) \$670,000,000 for fiscal year 1999; and
- "(F) \$680,000,000 for fiscal year 2000."

H.R. 667

OFFERED BY: MR. BERMAN

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 6 on page 9 and insert the following:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title and section 242(j) of the Immigration and Nationality Act—

- "(1) \$997,500,000 for fiscal year 1996;
- "(2) \$1,660,000,000 for fiscal year 1997;
- "(3) \$2,877,000,000 for fiscal year 1998;
- "(4) \$3,010,000,000 for fiscal year 1999; and
- "(5) \$3,093,000,000 for fiscal year 2000.

"(b) LIMITATION OF FUNDS.—

"(1) USES OF FUNDS.—Subject to subsection (c), funds here after made available under this title may be used to carry out the purposes described in section 501(a).

"(2) NONSUPPLANTING REQUIREMENT.—Funds made available under this section to carry out sections 502 and 503 of this title shall not be used to supplant State funds, but shall be used to increase the amounts of funds that would, in the absence of Federal funds, be made available from State sources.

"(3) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds available under this section to carry out sections 502 and 503 of this title may be used for administrative costs.

"(4) MATCHING FUNDS.—The Federal share of a grant received under this title to carry out sections 502 and 503 may not exceed 75 percent of the costs of a proposal as described in an application approved under this title.

"(c) ALIEN INCARCERATION.—Of the funds appropriated under subsection (a) for each fiscal year, the Attorney General shall first reserve \$650,000,000 which shall be available only to carry out section 242(j) of the Immigration and Nationality Act.

H.R. 667 OFFERED BY: MR. BERMAN

AMENDMENT NO. 14: Title V should be amended to read—

#### "TITLE V—TRUTH IN SENTENCING AND CRIMINAL ALIEN GRANTS"

Amend Section 507 to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title and Section 242(j) of the Immigration and Nationality Act—

- "(1) \$232,000,000 for fiscal year 1995;
- "(2) \$997,500,000 for fiscal year 1996;
- "(3) \$1,660,000,000 for fiscal year 1997;
- "(4) \$2,877,000,000 for fiscal year 1998;
- "(5) \$3,010,000,000 for fiscal year 1999;
- "(6) \$3,093,000,000 for fiscal year 2000;

"(b) LIMITATION ON FUNDS.—

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

"(2) NONSUPPLANTING REQUIREMENT.—Funds made available under this section to carry out sections 502 and 503 of 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 sources.

"(3) ADMINISTRATIVE COSTS.—Not more than three percent of the funds available under this section to carry out sections 502 and 503 of this title may be used for administrative costs.

"(4) MATCHING FUNDS.—The Federal share of a grant received under this title to carry out sections 502 and 503 may not exceed 75 percent of the costs of a proposal as described in an application approved under this title.

"(c) ALIEN INCARCERATION.—

"(1) USES OF FUNDS.—Of the funds made available under this title, no less than \$650 million shall be made available each year to carry out Section 242(j) of the Immigration and Nationality Act (8 U.S.C. 1252).

"(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 242(j) has received such funds."

H.R. 667

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 15: Page 6, line 14, 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. CANADY OF FLORIDA

AMENDMENT NO. 16: Page 18, line 11, after "agreements" insert "(except a settlement agreement the breach of which is not subject to any court enforcement other than reinstatement of the civil 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:

"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 offenders.

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' means that the State or States organized as a regional compact, as the case may be—

"(A)(i) have established or are in the process of establishing a system of sanctions for the State's juvenile justice system in which the State bases dispositions for juveniles on a scale of increasingly severe sanctions for the commission of a repeat delinquent act, particularly if the subsequent delinquent act committed by such juvenile is of similar or greater seriousness or if a court dispositional order for a delinquent act is violated; and

"(ii) such dispositions should, to the extent practicable, require the juvenile delinquent to compensate victims for losses and compensate the juvenile justice authorities for supervision costs;

"(B) impose a sanction on each juvenile adjudicated delinquent;

"(C) require that a State court concur in allowing a juvenile to be sent to a diversionary program in lieu of juvenile court proceedings;

"(D) have established and maintained an effective system that requires the prosecution of at least those juveniles who are 14 years of age and older as adults, rather than in juvenile proceedings, for conduct constituting—

"(i) murder or attempted murder;

"(ii) robbery while armed with a deadly weapon;

"(iii) battery while armed with a deadly weapon;

"(iv) forcible rape;

"(v) any other crime the State determines appropriate; and

"(vi) the fourth 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 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—

"(i) a record is kept relating to that adjudication which is—

"(I) equivalent to the record that would be kept of an adult conviction for that offense;

"(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 is fingerprinted and photographed, and the fingerprints and photograph are sent to the Federal Bureau of Investigation; and

"(iii) the court in which the adjudication takes place transmits to the Federal Bureau of Investigation the information concerning the adjudication, including the name and birth date of the juvenile, date of adjudication, and disposition.

"(F) where practicable and appropriate, require parents to participate in meeting the dispositional requirements imposed on the juvenile by the court;

"(G) have consulted with any units of local government responsible for secure youth correctional facilities in setting priorities for construction, development, expansion and modification, operation or improvement of juvenile facilities, and to the extent practicable, ensure that the needs of entities currently administering juvenile facilities are addressed; and

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

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 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.

(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) 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 day preceding the date of the enactment of this Act.

H.R. 667

OFFERED BY: MR. CHAPMAN

AMENDMENT NO. 19: Page 2, lines 24 and 25, strike "either a general grant" and insert "general grants"

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

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".

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

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

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

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. DOGGETT

AMENDMENT NO. 22: Page 5, after line 2, add the following (and redesignate any subsequent sections accordingly):

**SEC. 504. GRANTS FOR THE CONFINEMENT OF VIOLENT 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 which—

"(1) provides assurances that the applicant has increased, since 1993, mandatory lengths of stay for youth offenders;

"(2) provides assurances that the applicant has implemented policies that recognize the rights of crime victims;

"(3) provides evidence of a comprehensive correctional plan for youth offenders;

"(4) 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;

"(5) provides documentation, if applicable, of a multi-State compact or local consortium agreement; and

"(6) 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 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

"(d) 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 grants for youth offenders under section 504" before the period.

Page 7, line 15, insert "a unit of local government or a consortium of units of local government" after "compact".

Page 7, line 19, insert "or unit of local government or a consortium of units of local government" after "State".

Page 8, line 15, insert "and 504(a)" before the period.

H.R. 667

OFFERED BY: MR. SCHUMER

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

"(c) TRANSFER OF UNUSED 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. 667

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:

"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 persons convicted of serious violent felonies, including but not limited to, one or more of the following purposes:

"(A)(i) Building, expanding, operating, and maintaining 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.

"(ii) 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 freeing suitable existing space for the confinement of persons convicted of a serious violent felony.

"(iii) 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 23(d),

whichever is later.

"(c) 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 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 was made.

"(d) 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 sufficient amounts to pay adjustments after the final allocation of amounts among the States.

"(e) REPAYMENT OF UNEXPENDED AMOUNTS.—

"(1) REPAYMENT REQUIRED.—A State shall repay to the Attorney General, by not later than 27 months after receipt of funds from the Attorney General, 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 is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

"(3) DEPOSIT OF AMOUNTS REPAYED.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States.

"(f) 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 made 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) \$232,000,000 for fiscal year 1995;

"(2) \$997,500,000 for fiscal year 1996;

"(3) \$1,330,000,000 for fiscal year 1997;

"(4) \$2,527,000,000 for fiscal year 1998;

"(5) \$2,660,000,000 for fiscal year 1999; and

"(6) \$2,753,100,000 for fiscal year 2000.

"(b) ADMINISTRATIVE COSTS.—Not more than 2.5 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1996 through 2000 shall be available to the Attorney General for administrative costs to carry out the purposes of this title. Such sums are to remain available until expended.

"(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 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.—A State qualifies 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, 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) 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 pro-

cedures that are applicable to the expenditures of revenues of the State;

"(4) the State will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Attorney General after consultation with the Comptroller General and as applicable, amounts received under this title shall be audited in compliance with the Single Audit Act of 1984;

"(5) after 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, with the right to inspect, records that the Attorney General reasonably requires to review compliance with this title or that the Comptroller General reasonably requires to review compliance and operation;

"(6) 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

"(7) the State will spend the funds only for the purposes authorized in section 201(a)(2).

##### "(c) SANCTIONS FOR NONCOMPLIANCE.—

"(1) IN GENERAL.—If the Attorney General determines that a State has not complied substantially with the requirements or regulations prescribed under subsection (b), the Attorney General shall notify the State that if the State does not take corrective action within 60 days of such notice, the Attorney General will withhold additional payments to the State for the current and future payment period until the Attorney General is satisfied that the State—

"(A) has taken the appropriate corrective action; and

"(B) will comply with the requirements and regulations prescribed under subsection (b).

##### "SEC. 204. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE DISTRIBUTION.—Except as provided in section 203(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 total amounts 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 such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

"(b) UNAVAILABILITY OF INFORMATION.—For purposes of this section, if the data regarding part 1 violent crimes in any State for 1993 is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for 1993 for such State for the purposes of allocation of any funds under this title.

##### "SEC. 205. UTILIZATION OF PRIVATE SECTOR.

"Funds or a portion of funds allocated under this title shall be utilized to contract with private, nonprofit entities or community-based organizations to carry out the purposes specified under section 201(a)(2).

##### "SEC. 206. PUBLIC PARTICIPATION.

"(a) IN GENERAL.—A State expending payments under this title shall hold at least one public hearing on the proposed use of the payment from the Attorney General.

"(b) VIEWS.—At the hearing, persons, including elected officials of units of local government within such State, shall be given an opportunity to provide written and oral views to the State and to ask questions about the entire budget and the relation of the payment from the Attorney General to the entire budget.

"(c) TIME AND PLACE.—The State shall hold the hearing at a time and place that allows and encourages public attendance and participation.

**SEC. 507. ADMINISTRATIVE PROVISIONS.**

"For the purposes of this title:

"(1) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as one State and that, for purposes of section 104(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

"(2) The term 'payment period' means each 1-year period beginning on October 1 of any year in which a grant under this title is awarded.

"(3) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports."

H. R. 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 "victims of the defendant or the family of such victims, the local media, and the convicting court" after "notify".

H. R. 667

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 26: Page 2, line 10, Strike, and all that follows through Page 7, line 12. Page 9, line 7, Strike and all that follows through Page 10, line 10.

Page 2, line 10, insert the following:

**SEC. 501. GRANTS AUTHORIZED.**

(a) GRANT AUTHORIZATION.—The Attorney General shall make grants to individual 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, 1995, and grants to each State totalling \$3,000,000,000 shall be made annually thereafter 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 1995, 1996, 1997, and 1998. All such moneys shall be appropriated from the Violent Crime Reduction Trust Fund.

(e) DISTRIBUTION OF FUNDS IN FISCAL YEAR 1995.—Of the total amount of funds appropriated under this title in fiscal years 1995, 1996, 1997 and 1998 there shall be allocated to each State an amount which bears the same 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 for the preceding year which appropriated bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for such preceding year.

**SEC. 502. LIMITATIONS OF FUNDS.**

(a) NONSUPPLANTING REQUIREMENT.—Funds made available under the 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 States sources.

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

(c) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this title 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 during any fiscal year shall be carried over and will be made available until expended.

**SEC. 503. DEFINITIONS.**

For purposes of this title—

(1) the term 'violent crime' means—

(A) a felony offense that has as an element the use, attempted use, or threatened use of physical force against the person of another, or

(B) any other offense that is a felony and that, by its nature, involves substantial risk that physical force against the person of another may be used in the course of committing the offense;

(2) the term 'serious drug offender' has the same meaning as that is used in section 924(e)(2)(A) of title 19, United States Code;

(3) the term 'State' means any of the United States and the District of Columbia;

(4) the term 'convicted' means convicted and sentenced to a term in a State corrections institution or a period of formal probation; and

(5) the term 'part 1 violent crimes' means murder, rape, robbery, and aggravated assault as those offenses are reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

And renumber "SEC. 506" as "SEC. 504" and "SEC. 507" as "SEC. 505".

H. R. 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 which otherwise meets the requirements of the 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 pretrial detention facilities for such offenders.

H. R. 667

OFFERED BY: MR. WYDEN

AMENDMENT NO. 27: 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 offenders.

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' means that the State or States organized as a regional compact, as the case may be—

"(A)(i) have established or are in the process of establishing a system of sanctions for the State's juvenile justice system in which the State bases dispositions for juveniles on a scale of increasingly severe sanctions for the commission of a repeat delinquent act, particularly if the subsequent delinquent act committed by such juvenile is of similar or greater seriousness or if a court dispositional order for a delinquent act is violated; and

"(ii) such dispositions should, to the extent practicable, require the juvenile delinquent to compensate victims for losses and compensate the juvenile justice authorities for supervision costs;

"(B) impose a sanction on each juvenile adjudicated delinquent;

"(C) require that a State court concur in allowing a juvenile to be sent to a diversionary program in lieu of juvenile court proceedings;

"(D) have established and maintained an effective system that requires the prosecution of at least those juveniles who are 14 years of age and older as adults, rather than in juvenile proceedings, for conduct constituting—

"(i) murder or attempted murder;

"(ii) robbery while armed with a deadly weapon;

"(iii) battery while armed with a deadly weapon;

"(iv) forcible rape;

"(v) any other crime the State determines appropriate; and

"(iv) the fourth 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 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—

"(i) a record is kept relating to that adjudication which is—

"(I) equivalent to the record that would be kept of an adult convictin for that offense;

"(II) retained for a period of time that is equal to the period of time records are kept for adult convicts; 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 is fingerprinted and photographed, and the fingerprints and photograph are sent to the Federal Bureau of Investigation; and

"(iii) the court in which the adjudication takes place transmits to the Federal Bureau of Investigation the information concerning the adjudication, including the name and birth date of the juvenile, date of adjudication, and disposition.

"(F) where practicable and appropriate, require parents to participate in meeting the dispositional requirements imposed on the juvenile by the court;

"(G) have consulted with any units of local government responsible for secure youth correctional facilities in setting priorities for construction, development, expansion and modification, operation or improvement of juvenile facilities, and to the extent practicable, ensure that the needs of entities currently administering juvenile facilities are addressed; and

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

H.R. 667

OFFERED BY: MR. WYNN

AMENDMENT NO. 29: Page 9, after line 6 insert the following:

"(6) DEFICIT REDUCTION.—Notwithstanding any other provision of this title, any funds that are not distributed pursuant to this title to carry out section 503 shall, in the fiscal year following the fiscal year that such funds were made available, revert to the Department of Treasury to reduce the deficit."

H.R. 667

OFFERED BY: MR. ZIMMER

AMENDMENT NO. 30: Add at the end the following new title:

## TITLE —PRISON CONDITIONS

## SEC. . PRISON CONDITIONS.

(a) IN GENERAL.—The Attorney General shall by rule establish standards regarding conditions in the Federal prison system that provide prisoners the least amount of amenities and personal comforts consistent with Constitutional requirements and good order and discipline in the Federal Prison system.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to establish or recognize any minimum rights or standards for prisoners.

## SEC. . ANNUAL REPORT.

The director of the Bureau of Prisons shall submit to Congress on or before December 31 of each year, beginning on December 31, 1995 a report setting forth the amount spent at each Federal correctional facility under the

jurisdiction of the Bureau of Prisons for each of the following items:

(1) The minimal Requirements necessary to maintain Custody and security of prisoners.

(2) Basic nutritional needs.

(3) Essential medical services.

(4) Amenities and programs beyond the scope of the items referred to in paragraphs (1) through (3), including but not limited to—

(A) recreational programs and facilities;

(B) vocational and education programs; and

(C) counseling services, together with the rationale for spending on each category and empirical data, if any, supporting such rationale.

H.R. 728

OFFERED BY: MS. JACKSON LEE

AMENDMENT NO. 2: Page 6, after line 10, 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 (2) (A-C), above. Under no circumstance should 100% of any allocation be expended on only one category of programs listed above."

H.R. 728

OFFERED BY: MS. JACKSON LEE

AMENDMENT NO. 3: Page 4, after line 5, insert the following:

"(D) Establishing the programs described in the following subtitles of title III of the

Violent Crime Control and Law Enforcement Act of 1994 (as such title and the amendments made by such title were in effect on the day preceding the date of the enactment of this Act):

"(i) Assistance for Delinquent and At-Risk Youth under subtitle G.

"(ii) Urban Recreation and At-Risk Youth under subtitle O which made amendments to the Urban Park and Recreation Recovery Act of 1978.

"(iii) Gang Resistance and Education Training under subtitle X."

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

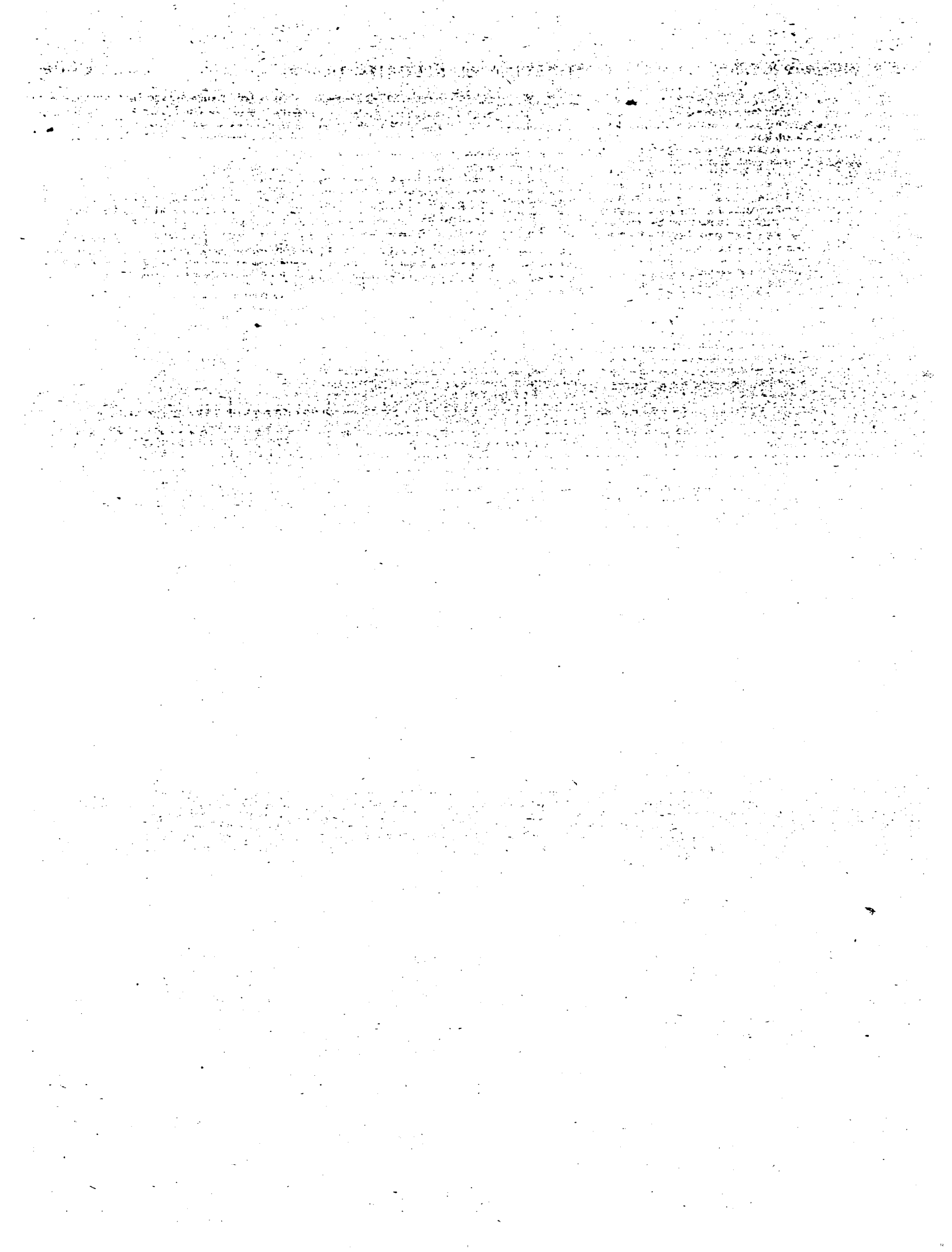
"(c) PREVENTION SET-ASIDE FOR YOUTH.—Of the amounts to be appropriated under subsection (a), the Attorney General shall allocate \$100,000,000 of such funds for each of fiscal years 1996 through 2000 to carry out the purposes of subparagraph (D) of section 101(a)(2).

H.R. 729

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 2: In the matter proposed to be inserted in section 3593(e) of title 18, United States Code, by section 201, insert "or a sentence of life imprisonment without the possibility of release" after "shall recommend a sentence of death".

Strike subsection (b) of section 201 and eliminate the subsection designation and heading of subsection (a):



We believe that giving taxpayers the freedom to determine how their welfare dollars are spent will spur interest in antipoverty efforts and enhance the role of private charities. Replacing traditional self-help networks with Government checks has failed.

Mr. Speaker, it is time for the Federal Government to step aside and allow caring individuals and community based organizations to begin attacking poverty in a meaningful way.

I urge my colleagues to take another bold step to change the way Government works and to cosponsor the Common Sense Welfare Reform Act.

#### 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 to 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.

The lowest since 1969.

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 American 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 Violent Criminal Incarceration Act does exactly this. It allows States to strengthen its sentencing policies by providing grants to expand prisons. Let us work together to put these violent criminals away and end the revolving door policy at our prisons.

#### SUPPORT SLAUGHTER AMENDMENT TO H.R. 667

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

Ms. SLAUGHTER. Mr. Speaker, how many more headlines like these do we have to read, and how many more times do we have to hear about a sexual predator who was released from jail and then terrorized new victims?

Just yesterday, the New York Times and the New York Post reported another instance of where a paroled rapist returned to his former tactics. According to the reports, the New York police had just arrested Johnny Rosado for 8 rapes in 1 month. He had been out of jail for a year. All that time he was visiting his parole officer and attending required rape counseling sessions.

But the parole officer and the counseling provided no protection for 8 victims, women between the ages of 16 and 28.

What is worse, Mr. Speaker, is the parole officers in the State of New York did not want to let Johnny Rosado go free at all. He was denied parole four times before being released on good behavior because there were no women or children to rape in prison.

The State parole board told reporters, "Under our law, he was held as long as he could be. There was nothing we could do."

If that is the best we can do, Mr. Speaker, we need a new law. I urge my colleagues to support my amendment to H.R. 667 later today so that States will not allow second-time sex offenders to go free to pounce again.

#### THREE-FIFTHS MAJORITY PROTECTION AGAINST TAXATION

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

Mr. SOLOMON. Mr. Speaker, the tax-and-spend Democrats are at it again. They are suing us Republicans, do you believe it, to overturn our rules change that requires a three-fifths majority vote to raise taxes. Can you believe it? These Democrats will stoop to anything to continue their hell-bent-for-leather ways of taxing and spending this Nation into bankruptcy.

Mr. Speaker, you tell them for me, it is not going to work. Article I, section 5 of the Constitution, read it, clearly gives us the right to set the rules of this House.

The three-fifths majority vote to raise taxes will stand as a hindrance to

any Democrat attempt to foist more taxes on the American people. There ain't going to be any more.

#### 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 test of 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 to work their custodial parent and hold 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 doing 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.

#### THIS CONGRESS IS DOING THE BUSINESS OF THE PEOPLE

(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 records apparently the American 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 has been passed with broad, broad bipartisan support including, in some cases, every single Democrat as well as every single Republican voting in favor of those bills.

If we continue working at this pace and with this rate of success, this will be the most productive 100 days in the entire history of the U.S. Congress. We are proving Congress can make a difference. This Congress can rise above partisanship. This Congress can do the business of the people.

□ 1020

#### RAISE THE FEDERAL MINIMUM WAGE

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

Mr. ROMERO-BARCELÓ Mr. Speaker, I rise today in strong support of the President's initiative to raise the Federal minimum wage. This is an initiative that will benefit millions of American workers throughout the Nation.

The President's proposal for a moderate 90 cent increase in 2 years is needed since workers at the minimum wage level have actually seen their real incomes decrease in the last decades. For example, in 1968, the minimum wage was the equivalent of about \$6.30 per hour in 1994 dollars.

Real wages and the purchasing power of millions of families have become stagnant. We must maintain the incentives that reward hard work. The minimum wage is one such incentive.

When I was Governor of Puerto Rico, I took the bold and unprecedented step of asking the Federal Government to extend minimum wage laws to Puerto Rico, where at the time they did not apply. Special interests and many corporations complained and objected to the move. They lobbied hard against it predicting economic havoc and job displacement.

Such bleak scenarios did not materialize. In fact, the minimum wage has been a blessing for the 3.7 million American citizens of Puerto Rico. It raised the standard of living of thousands of working class families, took tens of thousands of working families out of welfare and brought added dignity to their daily endeavors at their job sites.

Both sides of the aisle should seek every instrument to promote and assure a decent standard of living for all Americans. The President's move is a wise one, based on solid economic policy and common sense.

I urge our colleagues to support raising the minimum wage to \$5.15 an hour over the next 2 years, it is the right thing to do. Millions of hard working Americans who deserve better economic opportunities will appreciate our leadership.

#### WITHDRAW YOUR NOMINATION, DR. FOSTER

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

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."

#### LIVABLE WAGE ACT

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

Mr. CLYBURN. Mr. Speaker, there has been much talk about reforming welfare; about getting people off the Government dole and on to the pay-rolls.

Well, Mr. Speaker, if we expect people to work, these jobs should at least provide a livable wage.

While it is true that the economy is growing, the deficit is falling and unemployment is declining, many American are still finding it difficult to make ends meet.

The current minimum wage is \$4.25 an hour, or \$8,500 a year. You tell me, Mr. Speaker, how can one person live off such an income, much less a family?

The President has introduced a proposal to raise the minimum wage to \$5.15 an hour. I would take that one step further.

I have introduced a bill, H.R. 768, the Livable Wage Act, which would raise the minimum wage to \$5.30 an hour by the year 2000.

Mr. Speaker, if we truly want welfare reform let us put the Livable Wage Act into law.

#### VIOLENT CRIMINAL INCARCERATION ACT

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

Mr. NORWOOD. Mr. Speaker, I rise today in support of the Violent Criminal Incarceration Act. In support, I will cite three statistics. Two-thirds of all violent crimes are committed by 7 percent of criminals; 51 percent of violent criminals are released within 2 years. We have 65 murders a day; 30

percent of all murders are committed by people on probation, parole, or bail. Mr. Speaker, we are abdicating our responsibility to protect society. By passing this act, we provide States with the incentive to keep violent criminals in prison, and we provide the support for them to do so. We cannot expect to deter crime in this country if we do not have serious punishment. This bill makes a real change in how we attack the problem of crime in America. If we cannot do this much to protect society, then we have no business being here.

#### WE NEED MORE COPS ON THE BEAT

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

Mr. OLVER. Mr. Speaker, yesterday I was able to call mayors and police chiefs of over 40 small communities in my district. I told them they would be getting a grant to hire a cop because of last year's crime bill, the Anti-Crime Act of 1994. Some will get two, and one will get even three.

Chief MacDonald, in Townsend, said it would help him and his small town. And in Williamstown, at the other end of my district, Chief Kennedy said he would assign a cop where kids gather and make trouble.

Mr. Speaker, we agreed, Democrats and Republicans, on one thing during last year's crime bill debate: We need more cops on the beat.

So why does the Republican contract cut funds for new police? That is right, the block grant shell game in the Republican contract would cut funds for community policing.

That means less money to help us feel more safe in our neighborhoods, and it kills the chances for small town police chiefs to get the cops that they need.

This is not smart, this is not savings. Wake up, America, "Don't fall for the shell game."

#### IT IS TIME FOR DR. FOSTER TO STEP ASIDE

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

Mr. CHABOT. Mr. Speaker, President Clinton's nominee for Surgeon General, Dr. Henry Foster, is having a hard time remembering how many babies he has aborted. Last week, he said it was around a dozen. Yesterday, he thought it was more like 39. Now, to some folks who think that abortion is not such a big deal, I guess it would be easy to forget a few unborn babies here and there. But to those of us who put a higher value on human life, Dr. Foster's latest revelations are very disturbing.

It's time for Dr. Foster to step aside. His evolving revelations of the last few days have destroyed his credibility



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 Jocelyn 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 today 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 Atlanta 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 voices of dissent? 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.

Mr. Speaker, 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, \$4,500 in welfare benefits were going to the adults in the apartment.

□ 1030

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 helps create 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 SHREDDING 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 exclusionary rule. It was not on 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 pitiful howls of the dog, the baseball strike. 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 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 mandate. Instead, it provides a simple way 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 gentlewoman from Ohio [Ms. PRYCE] 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 way this very constructive legislation.

#### INTRODUCTION OF H.R. 862

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

Mr. DORNAN. 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 researching 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:

We roll the job back into Health and Human Services. The Assistant Secretary of Health, prior to President Ronald Reagan, always wore both hats.

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 \$700 a month—would find it nearly impossible to pay the rent, buy groceries, or 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 selling 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, and on opening day we passed 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 at-

ention 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 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 less than 1 week 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-minute for the morning, and the Chair will take the liberty at this time of recognizing the 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 institution.

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 an-

ouncement that is sad, not only to the Members of this institution but to all those who love 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 Fulbright 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.

Senator Fulbright was not afraid to challenge the conventional wisdom. We will miss his courage, his intellect, his competence, and his character.

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 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 667) 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)(2)(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 as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. 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

5(a) of rule XXI are waived. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSEN], pending which I yield myself such time as I may consume.

During consideration of this resolution all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 63 is a modified open rule, providing for the consideration of H.R. 667, the Violent Criminal Incarceration Act of 1995. The rule makes in order the judiciary amendment in the nature of a substitute as an original bill for purpose of amendment which shall be considered as read.

House Resolution 63 provides 1 hour of general debate 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 5-minute rule. The rule does provide a 10-hour limit on the amendment process and affords the Chairman of the Committee of the Whole the option of granting priority recognition to those Members who have caused their amendments to be printed in the CONGRESSIONAL RECORD prior to their consideration. This rule also provides certain waivers necessary to allow for the expedient consideration of this bill.

Specifically, the rule waives clause 2(1)(6) and clause (2)(1)(2)(B) of rule XI pertaining to the 3-day availability of committee reports and the inclusion of rollcall votes in Committee reports. The rule also waives clause 7 of rule XVI because of the nongermane relationship of the Committee substitute to the introduced bill and waives clause 5(a) of rule XXI pertaining to appropriations in a legislative bill. Finally, the rule provides one motion to recommit with or without instructions.

The Violent Criminal Incarceration Act will enable States to deal more effectively with violent crime by repealing the Truth-in-Sentencing Incarceration Grant Program and the Drug

Court Grant Program included in last year's crime bill.

The bill authorizes \$10.5 billion for two new incarceration grant programs. Half of these funds will be allocated to States that are making progress in punishing violent criminals, and the other half will be allocated to States that enact truth-in-sentencing laws which require violent felons to serve not less than 85 percent of the sentence imposed.

Additionally, the bill addresses prisoner litigation through various reforms and would permit Federal courts to limit the relief awarded prisoners in certain civil actions, including attorney's fees. H.R. 667 also bans weight lifting and other strength training for Federal inmates.

This measure authorizes a net increase over the 1994 crime bill of \$1.9 billion over 5 years. Crime is one of the biggest problems facing our Nation today, and this is money well spent. We made a commitment to the American people in the Contract With America to build more prisons, make sentences longer, and keep violent criminals in jail so that our streets will be safer.

I urge my colleagues to adopt this rule so we can proceed with the consideration of this important piece of crime legislation.

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

□ 1050

Mr. BEILENSEN. Mr. Speaker, I thank our friend, 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, this resolution provides for the consideration of H.R. 667, the Violent Criminal Incarceration Act.

Unfortunately, the bill itself, as our colleagues on the minority side on the Judiciary Committee noted in their dissenting views in the committee report on the bill, is so poorly drafted in concept and in its language that many who support the stated purpose of the bill, to control crime by incarcerating violent criminals, are unable to support the legislation as it is being presented to us.

While I shall not oppose the rule, I am concerned about the nature of the rule—it is not the type of open rule the new majority has been promising, especially for legislation as significant as H.R. 667.

First, the rule provides for several waivers of points of order, including one for the requirement that a committee report be available for 3 days. The advisability of this waiver should be questioned when it is for a piece of legislation that represents a dramatic shift in national policy, setting back, as H.R. 667 would, the ambitious prison program we enacted just last year in the Congress.

As with other major legislation that we have been required to consider so that the Contract With America can be

fulfilled within an artificial time period, many of the problems with this bill could have been averted had the bill been given proper committee consideration. As it is, the bill was rushed through committee with neither adequate hearings nor the kind of deliberate evaluation it demands.

More important, the Republicans on the committee also included a 10-hour time limit on the amendment process. My colleagues should fully understand the implications of this restriction. This limit is not applied to debate time. It is, instead, an entirely new invention: It is a restriction on all time, including the time required for voting itself. It will reduce actual debate time to obviously less than 10 hours.

I repeat, this is an altogether new type of constraint on debate and, in the opinion of this gentleman and many others, an extremely objectionable restriction that I hope we will not be asked to accept again. Unfortunately, the attempt of the gentleman from Massachusetts [Mr. MOAKLEY] to strike this time limit was defeated yesterday in the Committee on Rules.

Mr. Speaker, I am disturbed about the disingenuous nature of this rule. In fact, we are beginning to detect the development of a pattern in the majority's attempt 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, to be providing open rules when 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.

I am only suggesting that the majority 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 grant 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.

Ironically, 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 either of the two pools 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 3,400 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 opportunity to hasten the work we began on that last year, when

Mr. BERMAN offers an amendment to this bill today, and I urge my colleagues to support Mr. Berman's amendment at the appropriate time.

To repeat, I shall not oppose this rule and urge my colleagues to approve it so that we may consider this important legislation today.

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

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

Mr. SOLOMON. Mr. Chairman, I thank the chairman emeritus of the Committee on Rules.

Mr. Chairman, I would just say to my good friend from California Mr. BEIL-ENSON, that I sort of take exception to the word of my colleague when he used the word "disingenuous."

This Committee on Rules has been overly fair to this body, even to the point that we are being criticized for being so open and so fair by Members of the Democrat party who want us to move legislation along and not take so much time on the floor.

The gentleman mentioned the line-item veto, which was not a constitutional amendment but was in fact a proposed statute. At the request of the minority leader, I think his name is RICHARD GEPHARDT, he suggested on the final day of the 3 days debate we had been on that bill that we close down debate and move it along.

We have taken exception to that. We have tried to be as open and fair and accountable as we possible can. As a matter of fact, look at the bills that came on this floor that we have considered during this first 5 weeks, when the Congress is normally not even in session. Boy, what we have accomplished in this first 5 weeks is just so exciting I can hardly stand it some times. But we put out an unfunded mandate bill, a very complex piece of legislation, and we spent days on this floor. And Republicans and Democrats, conservatives and liberals, all had the opportunity to do what I have yelled about for so many years here. They had the ability to work their will on the floor of this Congress. That, to me, is just so terribly important.

The line-item veto, open rule. Victims Restitution Act, open rule. Exclusionary rule, where we had really, I think, effective debate yesterday on that bill. All of these were handled under open rules.

As a matter of fact, the only restricted debate that we have had at all was on a proposed constitutional amendment. And that was of course, the constitutional balanced budget amendment.

I would just point out that even with the restrictions that were placed on that debate, that it was more open and fair than at any other time when we debated the balanced budget on this floor. I am sure 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.

□ 1100

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. "Inaccuracy" is 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 dealing with compliance of 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 commentary on his record, he is free to do that on his own time. But the question is, how has the House considered things? And in fact,

under the Republican leadership's direction, the House 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 can get his time and then I 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 time to the gentleman. Then 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. Similarly on 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 would 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, what was 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 acquired with Government funds.

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 committee, in fact the one amendment that drew some Republican support, was given by the majority the shortest shrift possible. We did choose to use the recommit for it, but that is, as I said, a 5-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 can to keep it off the floor. They are 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. It is proving harder for them to do than they had anticipated. They are running in strains. They are running into strains in the committee process. They are running into strains on the floor. Yesterday we had the bill on habeas 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 things is not a completely 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.

There are strains that have gone on in virtually every committee, in the Committee on Government Reform and Oversight, in the Committee on Science, in the Committee on the 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 will 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 small amount for debate. 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 miles 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 where they have 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 to 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, I had thought 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 a chance to give to 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 germaness. The gentleman 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 shook 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 waiver 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.

□ 1110

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 tough, down go the bars.

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

Mr. QUILLEN. 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 bill that has come before the floor are now in the Chamber, so I am not going to take up any more time.

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

Mr. SOLOMON. I am glad to yield to the gentleman from Illinois.

Mr. HYDE. I just want to comment, Mr. Speaker, on the recent remarks of 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, not 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 on 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 would hope that we can move this rule.

Mr. QUILLEN. Mr. Speaker, I reserve the balance of my time.

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

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, this is not a wide open rule. There are four waivers of points of 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. MOAKLEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would ask the gentleman from Massachusetts: who was that great man?

Mr. MOAKLEY. 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 up in committee?

Mr. MOAKLEY. Yes, Mr. Speaker. 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 the 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 the Republicans were in the minority, they complained loud and long about what they called closed rules.

If there was a time cap, the rules were closed. Anything but a wide open rule they considered closed. Now they say "Well, this is almost an open rule." There is no such animal. It is closed or it is open. All have to play by the same rules.

Mr. Speaker, that was then, and now is now. These days the Republicans are passing out closed rules like Fenway franks at a Red Sox game. Today's rule is no exception.

In fact, Mr. Speaker, this rule counts votes on amendments toward the 10-hour time cap. In the end the 10 hours goes pretty quickly when every three votes eat up an hour. This bill needs all the help it can get.

Mr. Speaker, I cannot understand why Republicans would not want all the improvement that they could get. I do not know why on Earth they would take money from the Cops on the Beat Program, which has provided over 16,000 new police officers to American communities in the last 5 months, and had it over to just three States to build prisons.

Mr. Speaker, a lot of those communities that have gotten no police officers, are represented by my Republican friends, but they are saying they have had enough. They have had enough of new police officers in their cities and towns, and they want to provide money for fancy helicopters and tanks and prisons for North Carolina, Arizona, and Delaware.

Mr. Speaker, the last time I counted, we had 50 States in the Union, not 3. I think every single one of them deserves to be able to apply this prison money, and I think the Democrats should be able to offer amendments to that effect.

However, Mr. Speaker, they will not be able to, because using the Republicans' own definition, the rule is closed and the Members of Congress are gagged.

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

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

Mr. BERMAN. Mr. Speaker, the issue is, for me, far less the question of whether or not the rule is open than the question of whether there is fundamental fairness in the operation. I think what happened to me with respect to my amendment yesterday in the Committee on Rules was not fundamentally fair.

In this case, by refusing to give an essentially technical waiver, four of which were already given in this rule, as has been previously discussed, by refusing to give me an essentially technical waiver from the Budget Act, an amendment that I had that would have addressed the question of the unfair situation where States and local governments in many parts of this country, particularly on the border, but also in New York and in Illinois and in

other areas, are shouldering the entire burden of the cost of incarcerating undocumented immigrants who have been 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 States, except for the failure 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 expended costs submitted to the Justice Department. After a review of the Justice Department, and within the terms of the amendment, I proposed payment for that capped entitlement, a capped entitlement of \$650 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 bill that is up before us today that is going to be made in order by virtue of this rule.

Technically, Mr. Speaker, because it was enhanced, it was a capped entitlement, a Budget Act point of order stood against it, but in terms of the amendment, the amendment paid for itself.

The four members of the minority on the Committee on Rules all supported granting that technical waiver. The eight members of the majority, each of whom expressed tremendous sympathy for the amendment, understood the inequity that exists, indicated their intention to do something about it, recognized that my amendment paid for itself, each of them expressed those sentiments, and then proceeded on a rollcall vote to deny me the waiver which would have allowed me to offer that amendment.

□ 1120

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 shouldering the costs of the incarceration of undocumented criminal aliens 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 Federal spending by shifting to the States, 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 of incarcerating people who should 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 bill. We are 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 consequences, 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 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 \$650 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 says,

House Speaker Newt Gingrich says the Federal Government should help border States pay for imprisoning illegal immigrants, but the proposal still faces resistance from other senior Republicans.

Gingrich said he supports the provision in the crime bill.

That is the provision that I put into the bill in the Judiciary Committee on the alien deportation bill, which I have been told very clearly is going to be ruled out of the order by the Rules Committee, GINGRICH says he supports that provision and supported it even before a meeting with California Governor Pete Wilson.

Texas Governor George Bush and officials of other States also have sought the reimbursement, contending immigration is a Federal problem.

Arizona, California, Texas, Florida and other States have sued the government in an effort to recoup billions of dollars spent on illegal immigrants, contending the costs arose because of the Federal Government's failure to enforce its immigration laws.

"I am very sympathetic to Governor Wilson and to Governor Bush and others who have made this case," Gingrich said. "The Federal Government has failed to secure the American borders and the Federal Government is dumping on our border States an entirely inappropriate problem."

The proposal part of a larger crime package now before the House could cost Federal taxpayers about \$640 million in the first year.

Senior Republicans, such as Representative Henry Hyde,

"And it hurts me, but it says it here, Henry Hyde, chairman of the House Judiciary Committee, John Kasich, chairman of the House Budget Committee oppose the measure because of the costs.

"More money for California. What else does California want?" Kasich exclaimed. "Tilt the Treasury this way," he said, gesturing to signify dumping Federal dollars toward the West Coast.

As if this is some benefit where the supplicant Californians and Floridians and Texans and New Yorkers are coming to say, "Please, Federal Government, help us out with our problem." This misunderstands the fundamental nature of this issue. It belies all of the rhetoric that was given when we passed a constitutional amendment to balance the budget. It undercuts everything that was said when we passed the notion of no more unfunded mandates to States and local governments through Federal action.

They are in those States. They have committed those crimes. They have been convicted of those crimes and they are imprisoned at a cost in New York of \$24,000 per individual per year, California \$20,000, Florida \$16,000 per year, each of them because the Federal Government failed to enforce this.

This is the most compelling case for automatic reimbursement of the legitimate costs that the States and locals spend. It will help us focus our attention on solving the problem.

It was wrong to deny me that technical waiver in an amendment that would have paid for itself and not added a penny to the Federal deficit. And I think that question should be brought to the House only because again, I am not yelling about whether the rule is open or not, I just think in this case a waiver was not granted to keep a particular issue from coming to the floor in a way that unfairly deprived one Member and a number of States and a number of other colleagues who support this measure of a chance to raise the issue in this fashion.

I have an amendment which I will be offering which will seek to do the same thing. It will seek to reserve the first \$650 million of the appropriated moneys for the prison programs for reimbursement for the States. Before we start putting money on the States for new prison construction, according to our notion of social engineering, and it is interesting how social engineering was so bad last year, but now, depending on who is in, the different notions of social engineering are more appropriate, but before we start spending that money, let us pay for the costs that the States and local governments now face because of the Federal failure to enforce the immigration laws.

That amendment will be before us. But let me tell my colleagues that that amendment seeks to try and bring this money to the State and local government through a reservation of funds. In other words, no funds may be appropriated for other parts of the prison

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 if this amendment would pass, notwithstanding this provision of the law, "We hereby 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 on 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 specific expenditures.

I want to add one last thing, and then I will yield back the time that the gentleman from California [Mr. BEILENSON] has given me, and who led this cause and got the initial 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 have sent a letter to the President, who 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

□ 1130

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 your supplemental 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.

Mr. QUILLEN. 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 we addressed 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 governments that they have the responsibility of financially shouldering what is clearly, clearly a Federal issue and should be a Federal responsibility.

Speaker GINGRICH, in appointing this task force when he asked me to chair this, 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 we reported out 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 in which States like California, Texas, New York, New Jersey, Florida, Illinois, those priority States that are shouldering the responsibility which should be Federal are facing, and it seems to me that as we look at this

question, we are doing it in a fair way under the standing rules of the House.

Now, my friend, the former chairman of the committee, the gentleman from Massachusetts [Mr. MOAKLEY], said that if we would have had a rule like this when they were in the majority we would have called this a gag rule, we would have called it a rule that was restrictive, a closed rule. I would challenge my very dear friend to find a time when a rule came down allowing for the 5-minute rule, whereby Members were able to stand up, offer amendments that were printed in the RECORD and amendments that were not printed in the RECORD, where we would call it a gag rule, restrictive rule, a closed rule. I have not done the research on it, but I cannot imagine that gentleman from New York [Mr. SOLOMON], or the gentleman from Pennsylvania [Mr. WALKER], or the gentleman from Tennessee [Mr. QUILLEN], 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 closed or gag.

What we are trying to do here is we are trying to work in a bipartisan way. While I was here in the chair last night when this rule was reported out, the gentleman from New York [Mr. SOLOMON] has told me it was handled unanimously upstairs, and what that means is that we worked in a bipartisan way, or the committee worked in a bipartisan 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 Committee 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 we move ahead with this very responsible 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, and we are finally moving ahead with what the American people want and what I am happy to say a new majority of this institution would like.

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

Mr. DREIER. 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, I 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 debate. What you had was limitations 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 cats. 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 floor 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 preserve that kind of tradition 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. QUILLEN. 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.

□ 1136

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 667) to control crime by incarcerating violent criminals, with Mr. KOLBE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes.

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

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

Mr. Chairman, 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 needs most—accountability for violent criminals. Titles I and II are nearly identical to titles V and VII of H.R. 3, the Taking Back Our Streets Act of 1995.

Mr. Chairman, the American people understand what is wrong with our criminal justice system. For too long it has failed to hold law-breakers accountable. Criminals learn that a confrontation with the criminal justice system is nothing to be feared. As a result, a group of violent offenders keep cycling through the system. They get arrested, sometimes convicted, occasionally sent to prison, and then they're almost always released after serving only a small fraction of their sentences. This is the revolving door of justice, and it must stop.

H.R. 667 provides more than \$10 billion to enable States to expand their prison capacity for incarcerating violent criminals. It does this in two ways. First, it rewards States that are trying to get serious with 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 policy to the States. It merely 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 truth-in-legislating. What was 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 not into them; 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 holding violent criminals accountable. Such States can qualify for funds if they can assure, the Attorney General that, since 1993, they are:

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 be difficult for States to make. And that is clearly false. States know enough about their own corrections systems to predict time served averages for violent criminals—they do it everywhere as a simple matter of planning for the future. They know how many violent criminals get sentenced to prison, and they know the averages for expected time served. This is all we are asking of them.

The other half 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 notification of victims or families of victims concerning the release of offenders and provide the victims an opportunity to be heard.

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 bring a civil action 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 across the United States are being forced to put up with predators on their streets because of this judicial activism. Title III provides much needed relief by providing reasonable limits on the remedies available in prison crowding suits—yet with complete deference to the Bill of Rights and civil rights laws.

The title limits court-ordered relief to those specific conditions affecting the individual plaintiff, and requires courts to consider the potential impact of such relief on public safety. The title includes provisions that will guard against court-ordered caps dragging on and on, with nothing but the whims of Federal judges sustaining them. It grants standing to officials who arrest, prosecute, or incarcerate criminals to challenge any prospective relief if that relief was granted in the absence of an actual finding by the court that the conditions violated a Federal right. And it places reasonable restrictions on attorney's fees.

It is my belief that the Violent Criminal Incarceration Act of 1995 will do more to stop the revolving door of

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

□ 1140

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

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

Mr. Chairman, the new majority has succeeded in turning a silk purse into a sow's ear, in terms of our crime bill efforts. I would just like to take a 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 requirement? Oh, yes; you go to a magistrate afterward to determine if the officer was acting in good faith or not, instead of going before to have it 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 promise of 100,000 new community policemen on the beat, and replace it with a wasteful revenue sharing program that harks 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 provide less money for prisons while trying to pretend that they are going to be providing more. How? Because the cumbersome truth-in-sentencing requirements in which the Federal Government paternalistically tells States how to run their criminal justice systems will tie the States up in such knots that they will not be able to qualify. It is to this point on prison funding that we will be examining this in greater detail.

Mr. Chairman, study the new majority proposal closely. First, it takes away the \$2.5 billion from the "cops on the beat" program and puts it into what is already a \$10 billion pot for new prison construction. Only then it says to States, "You can't have half of that unless you do it our way," which most States tell us they cannot. In fact, we cannot count more than three that can.

So the Republican program decreases the money both for police and for prisons, so the truth-in-sentencing fiasco is in some ways the ultimate hypocrisy.

At a time when there is wide consensus that we need to return power to communities, this bill says that the Federal Government in Washington will dictate to the local communities

what to do with crime. Simply put, it is paternalistic.

If the balanced budget amendment was the mother of all unfunded mandates, this prison proposal might be a close second cousin because the truth-in-sentencing requirements will create enormous costs to State Governments that are not offset with the \$6 billion dangled in front of them in the name of truth-in-sentencing.

And so we got it right when they proposed realistic truth-in-sentencing last year. We provided flexibility to States and allowed the truth-in-sentencing monies to roll over to a general prison fund in the event that it was not drawn down.

This bill, however, forces States to make promises about how long prisoners will serve before they have served their entire sentence. How can a State prove that?

And, puzzlingly, it says that for States with indeterminate sentencing, that the average time served for violent crimes must exceed the national average by 10 percent. Only one problem: No such average exists. State criminal statutes define crimes differently. So we have ambiguities that would require sometimes dozens of criminal law changes in each State to qualify for this madcap scheme that is before us.

But we on the Democratic side 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 street. 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].

Mr. CANADY of Florida. I thank my colleague, the gentleman from Florida, for yielding this time to me.

Mr. Chairman, I want to thank him also for the outstanding leadership he has shown on this important issue as we have been moving these bills to the floor.

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 the States keep violent offenders off the streets by providing them with prison grants.

The bill also 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-sen-

tencing laws in States that have significantly increased the time violent offenders spend behind bars will receive \$10 billion over the next 5 years.

□ 1150

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 addition, title II 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 impede meritorious 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 GEREN, 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 plaintiff's rights, and it will make clear that imposing a prison or jail population cap should absolutely be a last resort and that the court should take into account the import 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 provisions of consent decrees and placing common sense limitation on the recovery of attorney fees in prison litigation.

Finally, the bill gives standing in prison conditions litigation to prosecutors and other elected officials. For too long the courts have attempted to

micromanage correctional facilities throughout the country. Unnecessary judicial intervention in our jails and prisons has often resulted in the release of dangerous criminals.

Title III will help stop the abuses and thereby protect the public. Titles II and III will help ensure that actions in the Federal courts do not require States and local governments unnecessarily to spend precious taxpayer resources.

I am very pleased that these provisions have been included in the bill.

Mr. CONYERS. Mr. Chairman, I yield 6 minutes to the gentleman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Michigan [Mr. CONYERS] for his leadership for the gentleman from New York's legislation, and I must say I find this a rather sad day.

I come from a State where we are growing like mad. Colorado is just exploding. In fact, just this week we had our Denver Bar Association just want to do a Proposition 187 to keep Californians in California because we are exploding with them coming over the border. They meant that kidding. But as a consequence, the pressure on trying to build enough prisons, trying to keep up with the whole law enforcement requirement, has really been stressful on our State government.

We all know that it costs a lot to build prisons, and I say, "You don't want to just slam-bam them up because what people want is something that's going to hold dangerous criminals, and unfortunately we are here today forced to debate an empty prison promise. Let's call this the empty prison promise bill because this is a very empty promise if you are waiting for prisons because you aren't going to get any money if you are under the pressure that States like mine are under. In fact, no State in the Union is going to get any money out of this bill because, as the attorney general says, none of them qualify."

Under the bill that we passed last year, Mr. Chairman, my State would get help. Under the bill that we passed last year, every State would get help. But the way this bill is crafted is no State will get help until they reach the ceiling that the Federal Government has put in there.

Now think about that. We just finished talking about unfunded mandates on this House floor, and everyone tells us that for all the States to reach this level and build a number of prisons required to hold prisoners for 85 percent of their sentence they will have to spend \$70 billion before \$1 of this bill kicks in.

Now, if that is not an unfunded mandate, I have never heard of one. In other words, how soon we forget what our promises were just a week ago as this body passed on unfunded mandates.

We need prison building help now, and I say to to my colleagues:

"Look. You don't have to be a rocket scientist to know that even if my wonderful State of Colorado got a check tomorrow under the old bill, which I would hope it would, but even if it did, it would still take years to get these prisons placed and to get them built. So it still would be a time lag before we would see help. But what will happen now is my State is 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 85 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 these things are not cheap. 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. When this was first written, we could not even do boot camps, so it is a little teeny bit better.

But I rise today to say, as my colleagues know, what I heard the main problem to be last year, we 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 not going to keep doing these things to you," 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 politicians trying 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 \$7.9 billion for immediate beginning of grants and prison building. Under this bill it will be over \$10 billion.

So, last year's was \$7.9 billion, and if we pass this one, it 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 would not be putting one dollar out. 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 high 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 with this 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 can get to.

Please, please vote against this bill.

□ 1200

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. 667, I wish to commend my colleague, the gentleman from Illinois [Mr. HYDE] and my colleague, the gentleman from Florida [Mr. MCCOLLUM] for their leadership in bringing forward legislation which has earned bipartisan support.

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 that a 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 bring an end to the revolving door policy that moves criminals in and out of the justice system. The recidivism rate among violent offenders is extremely high. In fact, 60 percent of convicted felons will be rearrested within three years of their release. Eighty percent of all violent crimes are committed by 20 percent of criminals. If we keep letting them out of prison early, we are only subjecting ourselves to the continuing threat of violence in our neighborhoods and our society.

The Violent Criminals Incarceration Act authorizes \$10.5 billion to provide grants to the States to build and operate prisons. Half of this money will be provided on the basis of the implementation of "truth-in-sentencing laws." This means that the felon must serve 85 percent of his or her sentence, more than twice the average time they currently serve.

Think of it in this way: In my State of Illinois the average murderer serves less than 10 years, and I find it hard to believe there are some who believe they should serve no longer.

It is also my hope that we can include language in this bill which will make funds available specifically for juvenile facilities, and shortly I will be offering an amendment for this purpose.

Americans are ready for real crime-fighting legislation. The Violent Criminals Incarceration Act is just that. Not only is this crime-fighting legislation, it is an investment in our society and deserves the same kind of bipartisan

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 releasing authorities notify and allow the victims of the defendant or the families 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. It says this: 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 somebody who helped get the conviction, somebody who got immunity—and they say, "When I get out of here, I'm going to hurt you."

The Traficant 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 individuals 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 amendment that is going to require a whole lot of brain surgery, but it is a safeguard for the victims, the families of victims, the courts, the officers of the courts who made those arrests, 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 effort he has given to this bill and other bills.

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

Mr. TRAFICANT. I yield to the distinguished gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want the gentleman to know that this is a 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, we have got to curb witness intimidation, and we have got to make the courts safe for people to go in and give testimony and believe that they 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 we appreciate the leadership he has given over the years to help a lot of people. I believe that he has helped, and I do not believe my amendment hurts anybody who is getting released or keeps them from getting a job. I do not want to do that. I do not want to hurt that person who has paid his dues. I just want a safeguard to make sure that someone does not live up to a promise they made when they were being convicted, one that says, "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 "no frills" prison amendment 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 comforts consistent with constitutional requirements and good order and discipline in the Federal prison system.

Too often sight has been lost of the fact 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.

There are amenities 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 Lomboc, 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, carpeting, skylights, checker and chess tables, and it offers basketball and handball courts.

Prison perks are wrong in two respects: No. 1, they undermine the theory of prisons as places of punishment, and No. 2, they waste taxpayers' money. Professor John DiIulio 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 nationwide we spend \$20 billion per year on prisons.

So, Mr. Chairman, I urge my colleagues to support the "no frills" prison amendment when I offer it later today.

□ 1210

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. Schumer]. No one has worked harder on the crime bill than the former chairman of the Subcommittee 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 did? 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 any money. Make sure the actual time served is on the increase dramatically, or you will not get any money.

Sounds great. The only problem is, by the Attorney General's own estimate, and it is she who will administer this bill if it is passed, guess how many States will get money to build prisons? None. And if the bill is amended to change some of the words that are technically deficient, guess how many States will qualify under our estimates? Three.

So if you are from Delaware, North Carolina, or Arizona, you should welcome 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 prisons. 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 3 years from now, which it would be even under the best of circumstances in the

H.R. 3 bill. Look at how much is available this year.

Mr. Chairman, I feel the anger and anguish of my constituents as they talk about crime. 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 punished long enough. If you feel those things, then you cannot vote for the bill before us, 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 divide; should we have a balanced budget amendment, should we have a line-item veto, should there be unfunded mandates. But this part of the contract, H.R. 3, the philosophical differences with the present law are not very great.

Oh, yes, you might fine tune it here, there, or the other way. What was done in H.R. 3 and in this prison section and the prevention and police section we will do in the future, seems to me, to be different. When the contract was put together last year, it seems to me, those who did it said "Well, the Democrats have done a good job on crime. We have to show that we can do more, we can do better." So they rip up something that just about every law enforcement agency supported, something that many Members on that side of the aisle supported, and most Members on this side of the aisle supported, and said "Let's start over."

Why? Why? When our streets are savaged by crime. When the anguish of people in communities, from the poorest to the richest, is heard by us. Why rip up a bill that is going to get money out there immediately and start over with a bill that is a false promise and a hoax?

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [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 this bill includes \$7.9 billion for prisons. I saw that in newspapers, I heard that on the radio, I saw it in TV programs. Over and over and over again, the American people were told 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 a deterrent. But I think those who should be in prison ought to go to prison, and the prisons need to be built to house them.

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

The crime bill that was enacted said no such thing. But this bill, H.R. 667, certainly does. All of the money authorized here is for prisons, and therefore that is a reason why we should adopt this legislation this week.

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 for a change 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 about a part of this bill. But the bulk of the bill I would concede is constitutional, so I guess I should be relieved that I am not here raising the constitutional arguments today.

What I say to you instead about this bill is that it may be constitutional, but it makes absolutely no sense. And that is just as unforgivable in the legislative context, it seems to me.

Mr. Chairman, I do not know why, even though I am from the State of North Carolina, which is one of the 3 States that would qualify for funds under this bill, why a Congress of the United States that is representative of 50 States would pass a piece of legislation that can benefit only 3 States.

I guess I ought to be quiet as a person from North Carolina, which is one of the 3 States that can benefit under this legislation, but it just seems to me to be irrational to be talking about passing a piece of legislation that can benefit only 3 out of the 50 States in this country.

Second, it seems to me to be irrational to be passing a whole new set of laws about the award of attorneys fees,

when for years and years and years we have been litigating about the standards that are applicable in the award of attorneys fees in these kinds of cases, and all of a sudden again the Republicans have decided, as they did in prior bills, that they are smarter and more articulate than the Founding Fathers.

□ 1220

Now they have decided they are smarter and more articulate than reams and reams and reams of case law that has interpreted the attorney's fees provisions in civil rights laws. And so we have new words. I do now know that changing the wording of an attorney's fee statute is going to do anything other than set off years and years and years of more litigation about what those words mean. It is kind of like yesterday we put a new standard in for the exclusionary rule, when we have been litigating for over 200 years about what the words we already had meant.

Finally, it seems to me that it is irrational in the face of evidence that was presented at committee level that weight lifting can enhance the self-esteem and self-image and deterrence of crime to come and say to the American people that we are going to be so naive and so shortsighted as to pass a statute that prohibits people in prison from engaging in weight lifting. It makes so sense. And I submit to my colleagues and to the American people that this is irrational and we should defeat this bill.

Mr. MCCOLLUM. Mr. Chairman, at the present time, I have no other requests for time other than the closing speaker.

Mr. CONYERS. Mr. Chairman, how much time is remaining on our side?

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] has 6 minutes remaining, and the gentleman from Florida [Mr. MCCOLLUM] has 12½ minutes remaining.

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

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [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 heard 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 program that we 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 incarceration strategy, going to a 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 present crime bill, but not 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 85 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 these 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 like Texas and other large 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 incarcerating those who committed the 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 strictures on top of them 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 tell them they cannot get prison 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 who are police 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 population to reach that 85 percent level. What do we do for 8 to 10 years?

□ 1230

What do we do that it is going to take 2 or 3 years to build those prisons? What we are 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 received money. In the proposal before 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 the State provide 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 the sentence actually served 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 who go to 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 should not be.

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 to whatever number of years, or to 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 percentage of the sentence to actually be served by the offender who is sentenced to prison, the percentage of the sentence. So 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 the Democrats created, actually. It is supposed to be simple. I dare say that it is.

At any rate, this simple qualifying 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, I will 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 at 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 these 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 part of what we 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 get the violent felons off the streets that are going 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 under the second 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. We 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 already.

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 when they convene 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 there for a long period of time so 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 stop the revolving door today, where they are only serving about a third or so of their sentences.

At any rate, that is what the bill is about. The arguments, I think, are nonsense to the contrary, that "Gee, this is terrible, nobody qualifies." The idea is not for a lot of people to qualify. Some already have. Many more will soon. That is for the second pot, the incentive grant program, the \$5 billion.

Again, the first pot is 5 billion additional dollars, and that is available to the States with actually very little, if anything, that any of them would have to do to qualify.

Therefore, Mr. Chairman, I urge the adoption of this bill. It is common sense, it is good policy. It is the heart of the Contract With America crime legislation on our side of the aisle, and it is what we thought needs to be corrected, we thought all along needed to be corrected, to make some teeth put into the law that was passed last year.

Mr. YOUNG of Florida. Mr. Chairman, I rise today in support of H.R. 667, the Violent Criminal Incarceration Act. This legislation represents titles V and VII of H.R. 3, the Taking Back our Streets Act, 1 of the 10 points of the Republican Contract With America, and is the fourth of the six bills we will consider which compose this important crime legislation.

Today's legislation boosts the State prison grants in the 1994 Crime Control Act from \$8 to \$10.5 billion over 5 years while increasing the incentives for States to curtail early parole for violent offenders. In addition, the bill places restrictions on the ability of prisoners to challenge the constitutionality of their confinement and limits remedies that may be granted in a prison conditions suit.

Half of the funds available each year under this act would go to States that have worked

to toughen their incarceration records over the years, while the other half goes to States that have enacted "truth in sentencing" and victim notification laws. The bill also amends the Civil Rights of Institutionalized Persons Act [CRIPA] to make maximum use of administrative rather than judicial procedures and to compel judges to dismiss frivolous, false, or weak lawsuits brought by inmates. H.R. 667 also limits the remedies that can be granted or enforced in prison conditions suits, and prevents judges from placing arbitrary caps on prison populations.

Finally, in response to the rising tide of violence in our Nation's prisons, and the concern about inmates who spend their time simply strength training, H.R. 667 bars prisoners from engaging in physical activities designed to increase their strength or fighting ability, and orders the immediate removal of all exercise training equipment, except for those specifically authorized for medical reasons.

Mr. Chairman, statistics indicate that a small percentage of criminals commit the vast majority of violent crimes. Just 7 percent of criminals commit two-thirds of all violent crime, including three-fourths of rapes and robberies, and virtually all murders. To make matters worse, many of these criminals either are never caught, or, if caught and found guilty, do not serve their entire prison sentence. Every year, more than 60,000 criminals convicted of a violent crime never serve time—for every 100 crimes reported only 3 criminals 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 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 has skyrocketed.

All 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, you're out" statutes requiring life in 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 treatment of murderers, rapists, drug dealers, 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 criminal's 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 gridlock in 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 committing the crime. Violent criminals belong behind bars, not behind the coat tails of expensive lawyers clogging up our overburdened judicial system with endless baseless appeals.

Mrs. 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. You know it's funny that the GOP vehemently rejects targeting 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 H.R. 667.

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 unfunded 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 not meet these 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 jive 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 for formulating a crime 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 reasonable 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—TRUTH IN SENTENCING**

**SEC. 101. TRUTH IN SENTENCING GRANT PROGRAM.**

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

**"TITLE V—TRUTH IN SENTENCING GRANTS**

**"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 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 and boot camp facilities, 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.*

*"(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 under this title for each of the fiscal years 1995 through 2000 shall be made available for general eligibility grants for each State or States organized as a regional compact that meets the requirements of subsection (b).*

*"(b) GENERAL 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 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; and*

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

**"SEC. 503. TRUTH-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 meet 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)(A) 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*

*"(B) truth-in-sentencing laws which have been enacted, but not yet implemented, that require such State, not later than three years after such State submits 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*

*"(2) 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 issue of sentencing and any 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 facilities;

"(2) each State will involve counties and other units of local government, when appropriate, in the construction, development, expansion, modification, operation, or improvement of correctional facilities designed to ensure the incarceration of offenders, and that each State will share funds received under 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 in confining prisoners due to overcrowding in State prison 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 1995, policies to determine the veteran status of inmates and to ensure that incarcerated veterans receive the veterans benefits to which they are entitled.

"(b) **INDETERMINANT 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, not later than the date of the enactment of this title—

"(1) practices indeterminate sentencing; and

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

"(c) **EXCEPTION.**—The requirements under section 503(b) shall apply, except that a State may provide that the Governor of the State may allow for earlier release of a geriatric prisoner or a prisoner 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 an opportunity to be heard regarding a proposed release.

#### "SEC. 505. FORMULA FOR GRANTS.

"To determine the amount of funds that each eligible State or eligible States organized as a regional compact may receive to carry out programs under section 502 or 503, the Attorney General shall apply the following formula:

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

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

#### "SEC. 506. 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. 507. AUTHORIZATION OF APPROPRIATIONS.

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

"(1) \$997,500,000 for fiscal year 1996;

"(2) \$1,330,000,000 for fiscal year 1997;

"(3) \$2,527,000,000 for fiscal year 1998;

"(4) \$2,660,000,000 for fiscal year 1999; and

"(5) \$2,753,100,000 for fiscal year 2000.

#### "(b) LIMITATIONS ON FUNDS.—

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

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

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

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

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

#### "SEC. 508. 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 including 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."

#### SEC. 102. CONFORMING AMENDMENTS.

(a) **OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.**—

(1) **PART V.**—Part V of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

(2) **FUNDING.**—(A) Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking paragraph (20).

(B) Notwithstanding the provisions of subparagraph (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 used in accordance with part V of such Act as such Act was in effect on the day preceding the date of enactment of this Act.

(b) **VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.**—

(1) **REPEAL.**—(A) 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 Enforcement Act of 1994 is amended by striking the matter relating to subtitle A of title II.

(2) **COMPLIANCE.**—Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance with such subtitle as such subtitle was in effect on the day preceding the date of enactment of this Act.

(3) **TRUTH-IN-SENTENCING.**—The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to title V and inserting the following:

#### "TITLE V—TRUTH-IN-SENTENCING GRANTS

"Sec. 501. Authorization of grants.

"Sec. 502. General grants.

"Sec. 503. Truth-in-sentencing grants.

"Sec. 504. Special rates.

"Sec. 505. Formula for grants.

"Sec. 506. Accountability.

"Sec. 507. Authorization of appropriations.

"Sec. 508. Definitions."

#### TITLE II—STOPPING ABUSIVE PRISONER LAWSUITS

##### SEC. 201. EXHAUSTION REQUIREMENT.

Section 7(a)(1) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) by striking "in any action brought" and inserting "no action shall be brought";

(2) by striking "the court shall" and all that follows through "require exhaustion of" and insert "until"; and

(3) by inserting "are exhausted" after "available".

##### SEC. 202. FRIVOLOUS ACTIONS.

Section 7(a) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(a)) is amended by adding at the end the following:

"(3) The court shall on its own motion or on motion of a party dismiss any action brought pursuant to section 1979 of the Revised Statutes of the United States by an adult convicted of a crime and confined in any jail, prison, or other correctional facility if the court is satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious."

##### SEC. 203. MODIFICATION OF REQUIRED MINIMUM STANDARDS.

Section 7(b)(2) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(b)(2)) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively.

##### SEC. 204. PROCEEDINGS IN FORMA PAUPERIS.

(a) **DISMISSAL.**—Section 1915(d) of title 28, United States Code, is amended—

(1) by inserting "at any time" after "counsel and may";

(2) by striking "and may" and inserting "and shall";

(3) by inserting "fails to state a claim upon which relief may be granted or" after "that the action"; and

(4) by inserting "even if partial filing fees have been imposed by the court" before the period.

(b) **PRISONER'S STATEMENT OF ASSETS.**—Section 1915 of title 28, United States Code, is amended by adding at the end the following:

"(f) If a prisoner in a correctional institution files an affidavit in accordance with subsection (a) of this section, such prisoner shall include in that affidavit a statement of all assets such prisoner possesses. The court shall make inquiry of the correctional institution in which the prisoner is incarcerated for information available to that institution relating to the extent of the prisoner's assets. The court shall require full or partial payment of filing fees according to the prisoner's ability to pay."

#### TITLE III—STOP TURNING OUT PRISONERS

##### SEC. 301. APPROPRIATE REMEDIES FOR PRISON CONDITIONS.

(a) **IN GENERAL.**—Section 3626 of title 18, United States Code, is amended to read as follows:

"§3626. Appropriate remedies with respect to prison conditions

"(a) **REQUIREMENTS FOR RELIEF.**—

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

than necessary to remove the conditions that are causing the deprivation of the Federal rights of individual plaintiffs in that civil action. 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 intrusiveness of the relief, the court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

"(2) PRISON POPULATION REDUCTION RELIEF.—In any civil action with respect to prison conditions, the court shall not grant or approve any relief whose purpose or effect is to reduce or limit the prison population, unless the plaintiff proves that crowding is the primary cause of the deprivation of the Federal right and no other relief will remedy that deprivation.

"(b) TERMINATION OF RELIEF.—

"(1) AUTOMATIC TERMINATION OF PROSPECTIVE RELIEF AFTER 2-YEAR PERIOD.—In any civil action with respect to prison conditions, any prospective relief shall automatically terminate 2 years after the later of—

"(A) the date the court found the violation of a Federal right that was the basis for the relief; or

"(B) the date of the enactment of the Stop Turning Out Prisoners Act.

"(2) IMMEDIATE TERMINATION OF PROSPECTIVE RELIEF.—In any civil action with respect to prison conditions, a defendant or intervenor shall be entitled to the immediate termination of any prospective relief, if that relief was approved or granted in the absence of a finding by the court that prison conditions violated a Federal right.

"(c) PROCEDURE FOR MOTIONS AFFECTING PROSPECTIVE RELIEF.—

"(1) GENERALLY.—The court shall promptly rule on any motion to modify or terminate prospective relief in a civil action with respect to prison conditions.

"(2) AUTOMATIC STAY.—Any prospective relief subject to a pending motion shall be automatically stayed during the period—

"(A) beginning on the 30th day after such motion is filed, in the case of a motion made under subsection (b); and

"(B) beginning on the 180th day after such motion is filed, in the case of a motion made under any other law; and ending on the date the court enters a final order ruling on that motion.

"(d) STANDING.—Any Federal, State, or local official or unit of government—

"(1) whose jurisdiction or function includes the prosecution or custody of persons in a prison subject to; or

"(2) who otherwise is or may be affected by; any relief whose purpose or effect is to reduce or limit the prison population shall have standing to oppose the imposition or continuation in effect of that relief and may intervene in any proceeding relating to that relief. Standing shall be liberally conferred under this subsection so as to effectuate the remedial purposes of this section.

"(e) SPECIAL MASTERS.—In any civil action in a Federal court with respect to prison conditions, any special master or monitor shall be a United States magistrate and shall make proposed findings on the record on complicated factual issues submitted to that special master or monitor by the court, but shall have no other function. The parties may not by consent extend the function of a special master beyond that permitted under this subsection.

"(f) ATTORNEY'S FEES.—No attorney's fee under section 722 of the Revised Statutes of the United States (42 U.S.C. 1988) may be granted to a plaintiff in a civil action with respect to prison conditions except to the extent such fee is—

"(1) directly and reasonably incurred in proving an actual violation of the plaintiff's Federal rights; and

"(2) proportionally related to the extent the plaintiff obtains court ordered relief for that violation.

"(g) DEFINITIONS.—As used in this section—

"(1) the term 'prison' means any Federal, State, or local facility that incarcerates or detains juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law;

"(2) the term 'relief' means all relief in any form which may be granted or approved by the court, and includes consent decrees and settlement agreements; and

"(3) the term 'prospective relief' means all relief other than compensatory monetary damages."

(b) APPLICATION OF AMENDMENT.—Section 3626 of title 18, United States Code, as amended by this section, shall apply with respect to all relief (as defined in such section) whether such relief was originally granted or approved before, on, or after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The item relating to section 3626 in the table of sections at the beginning of subchapter C of chapter 229 of title 18, United States Code, is amended by striking "crowding" and inserting "conditions".

#### TITLE IV—ENHANCING PROTECTION AGAINST INCARCERATED CRIMINALS

##### SEC. 401. PRISON SECURITY.

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

"§4048. Strength-training of prisoners prohibited

"The Bureau of Prisons shall ensure that—

"(1) prisoners under its jurisdiction do not engage in any physical activities designed to increase their fighting ability; and

"(2) all equipment designed for increasing the strength or fighting ability of prisoners promptly be removed from Federal correctional facilities and not be introduced into such facilities thereafter except as needed for a medically required program of physical rehabilitation approved by the Director of the Bureau of Prisons."

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

"4048. Strength-training of prisoners prohibited."

The CHAIRMAN. The bill will be considered for amendment under the 5-minute rule for a period not to exceed 10 hours.

During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read. Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. CANADY OF FLORIDA

Mr. CANADY of Florida. Mr. Chairman, I offer an amendment, amendment No. 16, which has been printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CANADY of Florida: Page 18, line 11, after "agreements" insert "(except a settlement agreement the breach of which is not subject to any court enforcement other than reinstatement of the civil proceeding which such agreement settled)".

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 court. 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 balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I 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 attorney's fees provisions for any private settlement. I guess the concern I have is 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.

□ 1240

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 really 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.

I understand that you have an underlying problem with the provision of the bill that requires that in order for the court to order any relief, there must

have been a specific finding that an individual was deprived of his constitutional 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 gentleman 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 is aware of, a prison litigation case or a prison condition case where the case has been resolved by private settlement? I take it that would be the only situation that the gentleman's language would apply to.

Mr. CANADY of Florida. Mr. Chairman, if the gentleman would yield, this specifically would also apply in circumstances where there was a class action and the class action was going to be dismissed. In order to dismiss any class action, the court must approve the dismissal and that will come into play potentially in these circumstances, and this definition would take that circumstance into account and would allow the dismissal of such class actions with the court's approval without any specific finding of any particular facts with respect to constitutional deprivations.

Mr. WATT of North Carolina. I am not necessarily going to speak in opposition 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 members 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. Chairman, will the gentleman yield?

Mr. WATT 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 does so in a way that is efficient.

The CHAIRMAN. The question is on the amendment offered by the gentleman 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 designate 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 take effect until 50 percent or more of the States have met the requirements of 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.

(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) 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 day preceding the date of the enactment of this Act.

Mr. CHAPMAN. Mr. Chairman, I want to begin by thanking the majority, the gentleman from Florida [Mr. MCCOLLUM], the chairman, 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 where we are 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 provisions assume, one, that our prison systems are overcrowded and, two, that if we want violent criminals to go to prison and stay there longer, we need to assist the States.

We created in that legislation two pots of money: One in which at the discretion of the Attorney General based upon violent crime rates in the country, assistance from the Federal level would go to build new State prisons to incarcerate violent criminals if the State made a good-faith effort to change or comply its laws to qualify for the second pot. The second pot quite honestly and very simply just said, "You've got to put more violent criminals in prison more often, for longer periods of time, and we will measure each of those standards in such a way that if you qualify, then you are eligible for the prison construction funds."

I think it is great to get as tough as we can on violent criminals. It is not so great to change the law today in such a way that the vast majority of the States cannot qualify for the prison funds. We cannot lock up violent criminals if we do not have a place to put them.

Current law, the 1994 crime bill, gives us a reasonable way to do both, get violent criminals in prison and a carrot, as the gentleman has suggested, to get the States to continue to get tougher and tougher and tougher each year on violent crime.

My first amendment bringing us up to the current point does simply this. It leaves in place current law. It leaves in place current law; that is, the financial resources there to assist the States for new prison construction and to incentivize the States to toughen their sentencing, toughen their prosecutions and lengthen the sentence for violent criminals. But it does so by saying that until at least half, 25 States can qualify under the new law, we do not stop the progress we have made, we do not cut off the spigot, we do not deny the States the ability to continue constructing prisons and moving forward. We will move forward under current law until half the States as certified by the Attorney General can qualify under this new bill.

In my discussions today on the floor of the House, I understand perhaps as few as only 3 States and at the most 6 States can qualify under this new legislation for prison construction funds. Forty-four States at the minimum are going to be shut out of this prison construction money, are going to be denied the fiscal resources to do the things that we ask them to do to lock up violent criminals, if we pass this bill.

Mr. Chairman, this amendment simply 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 so 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 building 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 currently is constructing or is under the largest prison construction period in the history 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 it. And we are spending \$2 billion, with a "B", \$2 billion of Texas 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 them to do? When Texas has doubled its sentences in the last 5 years for violent crime, why would we say now, "We're cutting you off, Texas"? And not only Texas, we are cutting off perhaps as many as 43 other States.

I ask my colleagues, we had better check with our prison authorities back at home. We had better check with our department of corrections officials. We

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.

□ 1250

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 awarded.

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 his State, as do 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 gentleman 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 at 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 that State in building prisons to take these violent felons off the streets.

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

Mr. MCCOLLUM. 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 would 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 for even the first pot.

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 it only requires minimum advancement of 1 day in the averages that are there. But I would suggest what we are dealing with here now again is a destruction by 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 these repeat felons off the streets.

If we do not keep those provisions in the bill the way they are today, 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 match. When they do take the steps 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 a long 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 alternatives, 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, which does not cover 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, one of 44 of 47 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 where 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 rectify 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 help those States which are going to move ahead to protect their citizens by keeping confined the most violent of criminals. And we do not want to penalize those States willing to move ahead now because other States, for whatever reason, are not willing to move. And, as has already been pointed out, half of this money is most likely going to be available to virtually every State immediately. That is over \$5 billion, but I suggest we want to make the other half of this fund the other approximately \$5 billion available immediately to those States that say yes, we are going to confine our worst offenders for as long as possible.

I would again reiterate the fact that in this bill there is a 3-year grace period, that if a State does not have a provision that requires the serving of a minimum of 85 percent of a prison term for a serious violent felon now, if they enact it, it does not have to go into effect in their States for 3 years before they are still eligible now for those funds to assist them at that time.

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 but a necessary undertaking.

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 colleague 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 those that can, do. But, H.R. 667 would totally disrupt the program and it will replace the carefully negotiated, well-known conditions of the 1994 crime bill being implemented as we speak and replace it with different formulas and different conditions.

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.

□ 1300

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 the new majority is right and 667 should kick in real soon, fine, 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.

The vote was taken by electronic device, and there were—ayes 169, noes 261, not voting 4, as follows:

Abercrombie  
Ackerman  
Baesler  
Baldacci  
Barrett (WI)  
Becerra  
Bellenson  
Bentsen  
Berman  
Bishop  
Bonior  
Borski  
Brewster  
Browder  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Bryant (TX)  
Cardin  
Chapman  
Clay  
Clayton  
Clyburn  
Coleman  
Collins (IL)  
Conyers  
Coyne  
Cramer  
Danner  
de la Garza  
DeFazio  
DeLauro  
Dellums  
Dicks  
Dingell  
Dixon  
Doggett  
Dooley  
Doyle  
Durbin  
Edwards  
Engel  
Eshoo  
Evans  
Farr  
Fattah  
Fazio  
Filner  
Flake  
Foglietta  
Ford  
Frank (MA)  
Frost  
Furse  
Gejdenson  
Gephardt

Allard  
Andrews  
Archer  
Armey  
Bachus  
Baker (CA)  
Baker (LA)  
Ballenger  
Barcia  
Barr  
Barrett (NE)  
Bartlett  
Barton  
Bass  
Bateman  
Bereuter  
Billray  
Billrakis  
Bliley  
Blute  
Boehler  
Boehner  
Bonilla  
Bono  
Boucher  
Brownback  
Bryant (TN)  
Bunn  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Canady  
Castle

[Roll No. 110]  
YEAS—169

Geren  
Gibbons  
Gonzalez  
Green  
Gutierrez  
Hall (OH)  
Hall (TX)  
Hastings (FL)  
Hayes  
Hilliard  
Hinchey  
Hoekstra  
Holden  
Hoyer  
Jackson-Lee  
Johnson, E.B.  
Johnston  
Kanjorski  
Kaptur  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
Kildee  
Kliczka  
Klink  
Knollenberg  
LaFalce  
Lantos  
Laughlin  
Levin  
Lewis (GA)  
Lincoln  
Lofgren  
Lowey  
Luther  
Maloney  
Manton  
Markey  
Mascara  
Matsui  
McCarthy  
McDermott  
McHale  
McKinney  
Meehan  
Meek  
Menendez  
Mfume  
Miller (CA)  
Mineta  
Mink  
Moakley  
Mollohan  
Moran  
Nadler  
Neal  
Oberstar

NAYS—261

Chabot  
Chambliss  
Chenoweth  
Christensen  
Chrysler  
Clement  
Clinger  
Coble  
Coburn  
Collins (GA)  
Combest  
Condit  
Cooly  
Costello  
Cox  
Crane  
Crapo  
Creameans  
Cubin  
Cunningham  
Davis  
Deal  
DeLay  
Deutsch  
Diaz-Balart  
Dickey  
Doolittle  
Dorman  
Dreier  
Duncan  
Dunn  
Ehlers  
Ehrlich  
Emerson  
English  
Ensign  
Everett

Obey  
Oliver  
Ortiz  
Orton  
Owens  
Pallone  
Pastor  
Payne (NJ)  
Payne (VA)  
Pelosi  
Peterson (FL)  
Pomeroy  
Rahall  
Rangel  
Reed  
Reynolds  
Richardson  
Rivers  
Roemer  
Roybal-Allard  
Rush  
Sabo  
Sawyer  
Schroeder  
Schumer  
Scott  
Serrano  
Skaggs  
Slaughter  
Stark  
Stokes  
Studds  
Stupak  
Tejeda  
Thompson  
Thornton  
Torres  
Torrice  
Towns  
Tucker  
Upton  
Velazquez  
Vento  
Visclosky  
Volkmmer  
Ward  
Waters  
Watt (NC)  
Waxman  
Williams  
Wilson  
Wise  
Woolsey  
Wynn  
Yates

Heineman  
Herger  
Hilleary  
Hobson  
Hoke  
Horn  
Hostettler  
Houghton  
Hunter  
Hutchinson  
Hyde  
Inglis  
Istook  
Jacobs  
Jefferson  
Johnson (CT)  
Johnson (SD)  
Johnson, Sam  
Jones  
Kasich  
Kelly  
Kim  
King  
Kingston  
Klug  
Kolbe  
LaHood  
Largent  
Latham  
LaTourette  
Lazio  
Leach  
Lewis (CA)  
Lewis (KY)  
Lightfoot  
Linder  
Lipinski  
Livingston  
LoBiondo  
Longley  
Lucas  
Manzullo  
Martinez  
Martini  
McCollum  
McCrery  
McDade  
McHugh  
McInnis  
McIntosh

McKeon  
McNulty  
Metcalf  
Meyers  
Mica  
Miller (FL)  
Minge  
Molinari  
Montgomery  
Moorhead  
Morella  
Murtha  
Myers  
Myrick  
Nethercutt  
Neumann  
Ney  
Norwood  
Nussle  
Oxley  
Packard  
Parker  
Paxon  
Peterson (MN)  
Petri  
Pickett  
Pombo  
Porter  
Portman  
Poshard  
Pryce  
Quillen  
Quinn  
Radanovich  
Ramstad  
Regula  
Riggs  
Roberts  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Roth  
Roukema  
Royce  
Salmon  
Sanders  
Sanford  
Saxton  
Scarborough  
Schaefer

Schiff  
Seastrand  
Sensenbrenner  
Shadegg  
Shaw  
Shays  
Shuster  
Sisisky  
Skeen  
Skelton  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Solomon  
Souder  
Spence  
Spratt  
Stearns  
Stenholm  
Stockman  
Stump  
Talent  
Tanner  
Tate  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Thomas  
Thornberry  
Thurman  
Tiahrt  
Torkildsen  
Traficant  
Vucanovich  
Walsh  
Wamp  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
White  
Whitfield  
Wicker  
Wolf  
Wyden  
Young (AK)  
Young (FL)  
Zeliff  
Zimmer

NOT VOTING—4

Collins (MD)  
Rose

Smith (MI)  
Walker

□ 1320

The Clerk announced the following pair:

On this vote:

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

Mr. SKELTON and Mr. CHALLAHAN changed their vote from "aye" to "no."

Mr. HOEKSTRA, Mrs. MEEK of Florida, and Messrs. KENNEDY of Rhode Island, KLINK, DOYLE, MASCARA, HALL of Texas, McHALE, BARRETT of Wisconsin, and PAYNE of Virginia changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1320

AMENDMENT OFFERED BY MR. TRAFICANT  
Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: PAGE 4, LINE 21, STRIKE ", AND" AND INSERT A SEMICOLON.

Page 5, line 2, strike the period and insert "; and".

Page 5, after line 2, insert the following paragraph:

(3) laws requiring that the releasing authority notify the victims of serious violent felons or the family of such victims and the convicting court regarding the release of a defendant.

Mr. TRAFICANT (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 Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, my amendment says that, when a serious violent felon is being released from prison, the releasing authority shall notify the victims, the family of the victims and the convicting court of that release.

Many of these prisoners when convicted say, "When I get out, I'm going to hurt you." This will prevent that.

Mr. Chairman, it is a good measure. It is accepted by both sides.

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

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

Mr. MCCOLLUM. Mr. Chairman, the gentleman's amendment is a good amendment. It is an amendment which would say that, as he has stated, "that if you have a serious violent felon out there that has committed a very serious crime, you have to notify the victims and the convicting court when you release him from jail."

It seems like a good thing to do for anybody, and it is a condition that adds to the already existing conditions on victims rights in this bill, and I would be more than happy to accept the amendment.

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

Mr. TRAFICANT. I yield to the gentleman from Michigan [Mr. CONYERS], the distinguished ranking member.

Mr. CONYERS. The gentleman's amendment, Mr. Chairman, is a very practical one that requires notification in those instances where someone is being released and that the victim's family would be able to know about it, or police officers, or others. We have had a number of cases of intimidation, and sometimes actual violence that has occurred, and this kind of notification would work no harm on anyone in or out of the court system, and it does follow along with the protection for victims that we have examined before.

I commend the gentleman from Ohio [Mr. TRAFICANT] for offering the amendment and applaud the fact that we have received the support of the other side.

Mr. TRAFICANT. Mr. Chairman, I think all these comments explain it very well, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHUMER

Mr. SCHUMER. 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. 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 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:

"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 persons convicted of serious violent felonies, including but not limited to, one or more of the following purposes:

"(A)(i) Building, expanding, operating, and maintaining 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

"(ii) 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 freeing suitable existing space for the confinement of persons convicted of a serious violent felony.

"(iii) 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 203(d),

whichever is later.

"(c) 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 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 was made.

"(d) 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 sufficient amounts to pay adjustments after the final allocation of amounts among the States.

"(e) REPAYMENT OF UNEXPENDED AMOUNTS.—

"(1) REPAYMENT REQUIRED.—A State shall repay to the Attorney General, by not later than 27 months after receipt of funds from the Attorney General, 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 is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

"(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States.

"(f) 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 made 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) \$232,000,000 for fiscal year 1995.

"(2) \$97,500,000 for fiscal year 1996;

"(3) \$1,330,000,000 for fiscal year 1997,

"(4) \$2,527,000,000 for fiscal year 1998;

"(5) \$2,660,000,000 for fiscal year 1999; and

"(6) \$2,753,100,000 for fiscal year 2000

"(b) ADMINISTRATIVE COSTS.—Not more than 2.5 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1996 through 2000 shall be available to the Attorney General for administrative costs to carry out the purposes of this title. Such sums are to remain available until expended.

"(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 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.—A State qualifies 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, 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) 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 conform to guidelines which shall be prescribed by the Attorney General after consultation with the Comptroller General and as applicable amounts received under this title shall be audited in compliance with the Single Audit Act of 1984;

"(5) after 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, with the right to inspect, records that the Attorney General reasonably requires to review compliance with this title or that the Comptroller General reasonably requires to review compliance and operation,

"(6) 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

"(7) the State will spend the funds only for the purposes authorized in section 201(a)(2).

"(C) SANCTIONS FOR NONCOMPLIANCE.—

"(1) IN GENERAL.—If the Attorney General determines that a State has not complied substantially with the requirements or regulations prescribed under subsection (b), the Attorney General shall notify the State that if the State does not take corrective action within 60 days of such notice, the Attorney General will withhold additional payments to the State for the current and future payment period until the Attorney General is satisfied that the State—

"(A) has taken the appropriate corrective action; and

"(B) will comply with the requirements and regulations prescribed under subsection (b).

"SEC. 204. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE DISTRIBUTION.—Except as provided in section 203(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 total amounts 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 such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

"(b) UNAVAILABILITY OF INFORMATION.—For purposes of this section, if the data regarding part 1 violent crimes in any State for 1993 is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for 1993 for such State for the purposes of allocation of any funds under this title.

"SEC. 205. UTILIZATION OF PRIVATE SECTOR.

"Funds or a portion of funds allocated under this title may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the purposes specified under section 201(a)(2).

"SEC. 206. PUBLIC PARTICIPATION.

"(a) IN GENERAL.—A State expending payments under this title shall hold at least one public hearing on the proposed use of the payment from the Attorney General.

"(b) VIEWS.—At the hearing, persons, including elected officials of units of local government within such State, shall be given an opportunity to provide written and oral views to the State and to ask questions about the entire budget and the relation of the payment from the Attorney General to the entire budget.

"(c) TIME AND PLACE.—The State shall hold the hearing at a time and place that allows and encourages public attendance and participation.

"SEC. 207. ADMINISTRATIVE PROVISIONS.

"For the purposes of this title:

"(1) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as one State and that, for purposes of section 104(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

"(2) The term 'payment period' means each 1-year period beginning on October 1 of any year in which a grant under this title is awarded.

"(3) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter,

forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports."

Mr. SCHUMER. Mr. Chairman, this is the block grant amendment to H.R. 667. It is a very, very simple concept. It says, "Let the money for building prisons be distributed to the States on a block grant basis without any formula that stands in the way of the States getting the money." We take the language; the block grant language is the very same language in H.R. 3 that applies to the police and the prevention parts of the bill; and what we do is we distribute the money to the States and say, "As long as you're building and operating prisons, you may use that money."

What is the difference? My colleagues, the difference is very simple:

"If you are in any of these States, which is all of them, under this amendment your State will get money, millions of dollars, to build prisons. If you vote no on this amendment and keep the very complicated formula now in H.R. 3, your State will get no money."

H.R. 3 sounds good, but according to the attorney general, just as recently as administering H.R. 3, should it become law, not a single State will get money.

Now we make a very simple argument:

The other side has argued that block grants are the way to go. It certainly is the way to go for police, as in the bill that will be before us Monday. It certainly is the way to go for prevention, which is the bill that will be before us Monday. Why in God's name is it different for prisons?

We are making H.R. 3 consistent. We are saying very simply:

If you want your State to get money and build the prisons that are needed, support the block grant. If you're from California, New York, Texas, Illinois, Michigan, any of the States in this country, your State will get real dollars under the block grant.

Many objected to the formula in the crime bill last year. This amendment takes out that formula. Many object to the formula in H.R. 3. It takes out that formula. It simply says, if the States know what they are doing, if we want to return responsibility for fighting crime back to the States, then give them the money, and let them build.

I say to my colleagues, "If you vote for this amendment, that's what will happen."

I say to my colleagues, Yes, we want the States to incarcerate more violent criminals. No question about it. But under the present law your State will not get the money—you're from Illinois, you're from Pennsylvania, you're from Louisiana, you're from Florida; your State won't get money, at the very best, for 3 years, and at the very worst, for 20 years, under H.R. 3, but under the block grant you will.

So what are we doing here, my colleagues?

I hear the anguish of my constituents when they complain about crime. I hear the plaintive cry of 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 them a block grant.

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.

□ 1330

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 amendment, 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 want to see if we really want to get tough on crime, or if we just want fidelity to some document that was poorly written and poorly planned. I urge a "yes" vote on the block grant amendment.

Mr. SCHIFF. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is an extension of a debate that, of course, began in the Committee on the Judiciary, and I understand the position of the gentleman from New York. But let me take this a step further.

What 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 prisons? 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 situation. The gentleman from New York has recognized that, because his amendment to this bill is also a prison grant proposal.

So what we have in common here is that both those of us who authored the original bill and the gentleman from New York's amendment are for prison grants. We are both making the assumption that every State has made a decision that it needs a prison system of some kind.

So there really is no debate here about are we in some way infringing upon State and local judgment by offering prison grants, because we both know that prison grants are necessary and we both have offered prison grants. So that is not the difference between us.

The difference between us, Mr. Chairman, with respect to this amendment is that under the amendment offered by 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 way is the truth in 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 state legislatures which have undertaken to protect their citizens from violent criminals will within their prison systems absorb greater costs, because there is no doubt, there is no hiding from the fact, the longer a prison sentence is, the more costs there will be to the State.

Now, the States that are recognizing that the cost is worth it, that the protection of their citizens is not only worth the expenditure in and of itself, but it saves money, because criminals, especially career criminals, will cost the taxpayers more money on the outside than the wildest imagined cost of their incarceration, we recognize those States will spend more money to incarcerate serious violent criminals longer. And as an incentive to help those States improve the prison system and the revolving door justice, we have written the bill with these incentives. To go to the block grant system at this point would be to say to the States that have a revolving door now, "You can keep it. You can pretend like you are doing something to protect your citizens, when you are not doing enough."

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

Mr. SCHIFF. I yield to the gentleman from Illinois.

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 be very foolish just to say 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, go in and come out.

We can kill two birds with one stone here by providing the resources to build the badly needed prisons, but at the same time make sure that these violent, and we are talking about violent felons, get locked up for a decent term, at least 85 percent of their sentence.

So we would be just foolish to give the money and say do the right thing. We are going to goad 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] likes the block grant approach.

Mr. SCHIFF. Mr. Chairman, reclaiming my time, I would just like to say, and this may or may not be significant, but I would note in the gentleman's amendment he has added a word which does not appear in our bill. The amendment says that "The funding can be for expanding, operating, and maintaining temporary or permanent correctional facilities, including boot camps and other alternative correctional facilities."

The word "alternative" does not appear in our bill. The word "alternative" has come to mean something other than confinement. I wonder if the gentleman can explain if that is in fact what he means.

Mr. VOLKMER. Mr. Chairman, I move to strike the last word.

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

Mr. VOLKMER. Mr. Chairman, I have been sitting here listening to this debate, and I just really wonder how many Members of this body have done as I have done? I have been working with the State of Missouri for some time now because we have been trying to comply with and work with the present law, the 1994 crime bill, to get additional money to build prisons for our criminals. Not only that, the State of Missouri, under the leadership of our Governor, has this year proposed in their budget a large increase for prison construction, because we know that we need to have that prison construction, because last year the general assembly and our Missouri Governor did a truth-in-sentencing law.

So you think, hey, we are doing good. We are taking criminals and putting

them in prisons, making them serve longer sentences, and we have got a truth-in-sentencing law. So we ought to comply under the 1994 act.

Well, under the general provisions we do. Under the truth-in-sentencing we do not. Under this bill we get nothing. Under this bill we get nothing.

Why do we not get it? For the simple reason that our truth-in-sentencing law is not in compliance with last year's law because we did not use the words "violent criminals."

□ 1340

We used a definition that does not comply, and we actually set, the Missouri General Assembly actually set up the criminal actions, the crimes that could be punishable, that were severe enough. And they do not qualify as all total encompassing.

As a result, we are not going to be in compliance with the present law under the truth-in-sentencing. That is a little silly. It is a little bit silly.

Now, what do we do under the bill? We do not keep that terminology. We change it to violent felonies. Now we are going to have a new definition of what they have to comply with. And as a former member of the Missouri General Assembly, I want my colleagues to know, those that have served in a State legislature, how many times did they object to the Federal Government telling them how to write in detail the laws of the State of Texas, the State of Illinois, the State of Georgia, or any other State? But that is what we are doing in this bill. We are trying to tell the State legislative bodies that this is the way they have to write it in detail: if they want these penitentiary monies, if they want to build prisons.

I have been corresponding with my department of corrections head, with my Governor's office about this quandary, because we want to build prisons. We want to put criminals, violent criminals, behind bars. We want to keep them there for 85 percent of their time. But they are not going to help us one bit.

To the gentleman from Illinois I say "When you threw that rock you didn't get two birds, you got none. You didn't get any with this bill. You are going to miss the whole mark."

That is why I support the amendment of the gentleman from New York because for sure, I am going to have prisons under a block grant. There are not all of these onerous conditions on my State legislature and my Governor.

I said that this would come up, this debate would occur back when we were talking about the unfunded mandates. I had an amendment to that which I withdrew but I wanted to discuss it. And this is it.

Sometimes we think we know it all. We know it all. Well, they are trying it right now. They are saying they know what is good for the States, they know how they should have to write their legislation in order to get this money.



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 Members 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 3 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 speaks with 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 State legislatures 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 and 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 continue to 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 that, maybe Missouri's higher 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 Schumer amendment does.

I strongly support it. If Members really believe in States rights, if they really believe in building prisons and letting the legislature decide, I hope they 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 New York.

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

Mr. Chairman, for those who doubt that there is progress, 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 Members on the other side say, 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 this and the bill we will see on Monday, where 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' rights.

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, which I pointed out is a remark everybody says when they get caught in an inconsistency and cannot come up with an answer. They have had a few days so they have elaborated 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 we must 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 give 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 consistent 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 that had sensible 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 have come forward with 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 common thread is that they want 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 will 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 a State which had already been 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 more less than you do. If you have been doing it for 10 years and they have been doing it for 6 and they get up to 8, 8 will be more than 10 by the peculiar arithmetic that the Republicans have been driven to by their desire to mess 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 85 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 serve 7 of the 8, that will be more than 85 percent, and they will qualify. They use meaningless items. 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.

□ 1350

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 vote for this bill whether their 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. I would 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 decisionmaking process, 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 Schumer amendment is adopted and sense prevails over partisanship.

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

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

Mr. GALLEGLY. 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 presented to us as basically a mirror image of what is in the bill, with the exception that the proponents of the amendment offer a block grant approach, rather than the bill's provisions, which encourage 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 the funds can go to alternative correctional facilities. The word "alternative" was used all throughout the last crime bill to mean alternatives to confinement.

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, in theory 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. GALLEGLY. 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 says it is inconsistent just to even talk about prison grants. What he is apparently arguing is that either you say that everything the Federal Government provides to States goes in one undifferentiated huge revenue-sharing 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 overprescribe 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 he has 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 doors, 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. GALLEGLY. 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 in prisons, of all the issues, 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. GALLEGLY. I yield to the gentleman from New York.

Mr. SCHUMER. 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. GALLEGLY] has expired.

(By unanimous consent, Mr. GALLEGLY was allowed to proceed for 2 additional minutes.)

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

Mr. GALLEGLY. 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, taking some people out of jail, but because the bar that the gentleman has set is so unrealistically high that the Governors of most States, after all, 30-some-odd 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 who wants to incarcerate. Just about every State does. My State 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. GALLEGLY. 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 will 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.

□ 1400

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. It is called incentives. It works in economics, and it works in crime fighting.

The gentleman from Massachusetts said somehow a pall of depression falls over us Republicans when the Democrat administration does something right. I would just tell the gentleman: NAFTA and GATT. When the administration does something right, and it does—it does—they get support from this side of the aisle. But the romance with categorical grants has been on their side.

I recall the last crime bill, the so-called omnibus crime bill, if you wanted to get a piece of that \$50 million, you had to have midnight basketball. You had to shoot free throws, because that was a Federal program and you had to participate. We were telling communities, "If you want some of this money, then here's a program where you can get it."

But what we are doing here is saying here is money to build prisons. If you want to build prisons, let we have truth-in-sentencing. That is a simple exchange. It is not asking too much.

I think this is what the public wants. They want tougher sentences, and we are going to help them impose the tougher sentences by giving them the resources to build prisons. That ought not to be too difficult.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

But I must say I was disappointed when the gentleman from Illinois said under the bill we passed last year, if you wanted part of the \$50 million pot, you had to do midnight basketball. That is not in the bill. It was permissive, just as it is in their bill that they are going to bring up on Monday. Midnight basketball was an option. To say that under the bill we passed you had to do midnight basketball is simply a misstatement.

Mr. HYDE. Reclaiming my time, is it not true that there was a \$50 million program for midnight basketball?

Mr. FRANK of Massachusetts. Not as I understand it.

Mr. HYDE. Was it \$49 million?

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

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

Mr. SCHUMER. No; in the original bill there was such a proposal. Many people said that that is not a good idea and it was block-granted. So in the crime bill that is now law, there is no pot of money for midnight basketball. It is the same as the gentleman's bill. H.R. 729.

Mr. FRANK of Massachusetts. Permissive.

Mr. SCHUMER. It is one of the many options under a block grant.

Mr. HYDE. That is an improvement.

Mr. SCHUMER. It is now law.

Mr. HYDE. May I ask the gentleman, were there any categorical grants in that omnibus crime bill?

I wanted to ask the gentleman from New York [Mr. SCHUMER] because he is an expert on this: Were there any categorical grants?

Mr. SCHUMER. There were certain large programs that had categorical grants.

Mr. HYDE. Are those where we tell the States what they must do to get the money?

Mr. SCHUMER. Yes.

Mr. HYDE. I thank the gentleman.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I just want to congratulate the gentleman for the nimbleness with which he skipped away from his error, in which he said that you had to do midnight basketball when in fact you do not.

Mr. HYDE. I appreciate the congratulations. I usually disappoint the gentleman.

Mr. FRANK of Massachusetts. That is true. That is true. Therefore, it seemed to me, it behooved me to give credit where credit was due. But the point I would make is that, yes, we have had some categorical programs. We have never claimed or pretended that we were against some direction to the States. It is the gentleman on the other side who had made that point, and it is that point which they are directly, blatantly, and thoroughly contradicting today.

If I could make one last sentence, I will give the gentleman one more credit. He began by saying if the States were doing the right thing. Yes, that is exactly the point. This is a bill from people who do not agree with choices the States are making, and they are going to coerce them to make other ones. That is valid. But do not pretend to be the Articles of Confederation when you are in the process of doing that.

Mr. HYDE. Coerce? Reclaiming my time, coerce is not the same as incentive. And we are providing incentives for them to have—does the gentleman not agree that sentencing someone to 10 years and they get out in 3 is a fraud?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Of course. How could the gentleman answer if I do not yield?

Mr. FRANK of Massachusetts. Under the gentleman's bill, if you sentence them to 10 years and they serve 3, there are two ways you can qualify. You can make them serve 8 or 9, or you can cut the sentence to 4. The gentleman's bill does not require you to increase the

time served. It simply says it has got to be 85 percent of the sentencing.

So the gentleman's bill is flawed even in trying to do what he says he is trying to do.

Mr. HYDE. Reclaiming my time, the gentleman's conversion to block grants is indeed reassuring.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

(At the request of Mr. SCHUMER and by unanimous consent, Mr. HYDE was allowed to proceed for 1 additional minute.)

Mr. HYDE. I yield to my friend the gentleman from New York.

Mr. SCHUMER. I thank the chairman, and I always do. He is always very courteous and generous in the yielding.

Let me just say that the gentleman's colleague, the gentleman from Florida, just before made the very point the gentleman from Massachusetts made.

He said, and we sort of let it go by, but he said, and check the record, "Well, the States could qualify for this. They can reduce the maximum sentence."

This bill does not require an increase in the maximum sentence. It simply requires that truth—

Mr. HYDE. Truth-in-sentencing.

Mr. SCHUMER. Exactly.

Mr. HYDE. Right. Honor Integrity.

Mr. SCHUMER. I would say to the gentleman, a far more important argument 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. CONYERS. Mr. Chairman, 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 that.

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, a net 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 midnight till 3 a.m. I do wonder how you get up and go to school the next day, but I will leave that to deeper thinkers than I am.

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 you wanted to relieve the number of people that are in prison so that you could 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 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 or changed my position incredibly 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 just 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 will find out a year from now 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 \$400 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 us 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 of 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.

□ 1410

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding. In my State the Governor, again, a get-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 called for this, and that is what the gentleman from Michigan is talking about.

Mr. SCHIFF. 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 crime bill to mean other than 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 gives 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 who are building prisons in the States, 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 why the amendment of my friend from New York is not a proper amendment.

If we have some liberal Governor or State legislature who says let 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 25,000 years, 85 percent of the 30,000-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, I do not want him out in 15 years. 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 ought to get more 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 many 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 States are 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 gentleman 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 gentleman from Texas [Ms. JACKSON-LEE] of your side 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 the way they are set up, the way 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 offered 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. Ours is a confinement bill and the amendment is not.

Mr. CRAMER. Reclaiming my time, I would assert this amendment would allow the States the flexibility to build all kinds of facilities. I will support later 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. SCHUMER. 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 admitted that was all right, 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 smokescreen 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, to use the money for the toughest type facilities possible.

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 bill from my standpoint, I think, and should have been the whole purpose last year of creating the entire bill.

The truth in sentencing is to provide incentives in Federal laws for grants to States to change their laws. 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, for 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.

□ 1420

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 right now that the States do not have 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 utter folly 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 somebody serves a sentence and 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, 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 every State can qualify for 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 that 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 want, 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 block grant program for prevention and cops, and to a certain extent, he is right. It is inconsistent. Because I see two different purposes. I see the purposes in the cops on the street and the prevention grants programs as being something where the Federal Government cannot begin to see what is the best interest to be done in each of these cities from Spokane to Key West or wherever.

There are so many different prevention programs. Some cities can use cops and some cannot, and so on. In the case of the prisons, we know exactly what is wrong. We know exactly what needs to be done, and so do the States. They need the resources to build prison beds to take the violent offenders off the streets, abolish parole, and lock them up for long periods of time. If they are not willing to change their laws to do this, they should not be getting the money. That is the whole purpose.

So there is a big difference.

I urge in the strongest of terms a "no" vote to this gutting amendment that the gentleman from New York offers.

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

Mr. Chairman, I hope that all Members of this body are really listening carefully to this debate.

And what really is at stake here is how much money, what additional resources, each and every of your respective States are going to receive under each of these proposals. States are starved for resources to fund prisons, both construction and for operating those prisons.

We have a number of States right now, as we sit debating this issue, that do not have enough money to operate the empty prison beds that they already have. Some States it is not a question of building the prisons. They

do not even have enough money to operate the prisons, so the real question is under which version of this bill do we get the State money for prison construction and operation. Under which provision, which proposal do we do that?

And I submit to you, and I rise in support of the amendment offered by the gentleman from New York which gets the fastest, the most money to all of the States to operate and build prisons.

Now, under last year's bill, my colleagues, every State was eligible for prison funding, for construction or operation, meeting those dire needs, every single State in the Nation under the general provisions. Under the proposal offered in the majority's bill, as it appears in our legislation before us, that is not true.

So which one of your States is not going to receive any money under this legislation? Which ones of your States are going to suffer, are going to have money that is under current law available to them, which ones of your States are going to have that money taken away by this legislation? You better look at that, each one of my colleagues, because your constituents are going to be looking at it. Your constituents are going to ask the question, "Did you vote for legislation that took money that was already available to us away?"

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 [Mr. SCHUMER]. 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 which proposal do they get the money, do they get it faster? It is under the amendment offered by the gentleman from New York [Mr. SCHUMER].

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 here, 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 1993, have more violent offender sentencing time, increased the sentences, and increased the percentage of the sentences served.

Which States have, since 1993, met those qualifications and would receive any funding under this provision? Could you tell me?

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

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 be glad to explain this 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 crime 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 further—

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 last umpteen 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 West Virginia [Mr. MOLLOHAN] has expired.

(By unanimous consent, 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 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 \$475 million.

□ 1430

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

truth-in-sentencing component to apply. But you asked the key question. I hope our colleagues are listening to this debate because they are losing this money in every State in America and in every congressional district if this bill passes.

Mr. MOLLOHAN. That is the key question. I would ask my colleagues consider carefully under which provision is their State most benefited.

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

Mr. Chairman, if there is anything the American people are crying out for these days, it is for common sense. I think this amendment ought to be called the commonsense prison amendment of 1995. This is a truth-in-servicing amendment, maybe more so than a truth-in-sentencing amendment. I am much more concerned about truth in serving time in jail than in some sort of notion of truth-in-sentencing.

Let me put in very simple terms this complicated debate.

Let us take Texas, for example. I served in the Texas Senate for 8 years. We have very tough sentencing requirements for crimes and felons in our State. Take an example: Texas gives a sentence for a serious felony of 100 years. That inmate, that felon serves 80 years. Another State, for the exact same crime, sentences someone to 20 years in prison, and they serve 17 years. So the inmate serves 80 years in prison in Texas, they only serve 17 years in the other State, but the other State gets the prison money and Texas does not.

Now, where is the common sense in that?

Would you not rather have somebody serve 80 years in prison if he raped a three-year-old child than to serve 17 years in another State and be rewarded for that?

The way the bill reads without this amendment, you could actually be rewarding States who have a rapist serve 17 years rather than 80 years. That is pretty simple to understand, and it just does not make common sense.

I would like to be very specific in my remaining time and ask the question of the gentleman from West Virginia as to what each State will lose. I would pose this to my Republican colleagues as well as my Democratic colleagues, that, in effect, if you vote "no" on this commonsense prison amendment, this is what you are voting to cut your own State out of in terms of new prison funding: Alabama will lose \$56 million; Alaska, \$12 million; Arizona might actually qualify for \$44 million, one of the 3 States that might qualify.

If you are from Arkansas and you vote against this amendment, you are taking \$28 million out of your prisons in Arkansas. If you are from California and you vote again this amendment, you are taking \$475 million out of your State prison system. In Colorado you are taking \$35 million out. Connecticut would lose \$32 million. Delaware is a

lucky State, they may gain \$14 million, even if this amendment does not pass.

Florida, as has been mentioned, will lose \$230 million. Georgia would lose \$77 million, Hawaii would lose \$12 million, Idaho would lose \$12 million, Illinois would lose \$175 million if our colleagues defeat this amendment.

Indiana would lose \$48 million, Iowa \$20 million, Kansas \$25 million, Kentucky \$30 million, Louisiana would lose \$64 million, Maine would lose \$10 million. If our friends from Maryland vote against this amendment, their State will lose \$73 million in prison construction money. Massachusetts would lose \$69 million, Michigan \$110 million, Minnesota \$27 million, Missouri \$63 million, Mississippi \$22 million. We would lose \$15 million from Nebraska. Nevada would lose \$20 million; New Hampshire would lose \$9 million if you vote against this amendment.

New Jersey, if our Republican friends from New Jersey vote against this commonsense prison amendment, their State would lose \$77 million. That is extra money that will have to come out of their State taxpayers' pockets to build the prisons that could be built with this amendment.

New Mexico would lose \$26 million, New York, New York would lose \$300 million. I would be amazed, I could not understand any Republican or Democratic Member from the State of New York would vote against this amendment and say to the taxpayers of New York, "We are going to take \$300 million out of your pockets that you are going to have to find if you want to be tough on these criminals."

North Carolina, one of those three lucky States, may get \$70 million regardless. North Dakota would lose \$8 million, Ohio, \$90 million, Oklahoma \$34 million, Oregon \$29 million, Pennsylvania \$83 million, Rhode Island \$14 million, South Carolina \$56 million, South Dakota \$9 million, Tennessee \$58 million.

I hope someone else will finish this list.

The CHAIRMAN. The time of the gentleman from Texas [Mr. EDWARDS] has expired.

(On request of Mr. SCHUMER and by unanimous consent, Mr. EDWARDS was allowed to proceed for an additional 30 seconds.)

Mr. EDWARDS. I thank the gentleman.

Texas, \$215 million, Utah, \$15 million, Vermont \$9 million, Virginia \$41 million, Washington State \$45 million, West Virginia \$12 million, Wisconsin \$27 million, Wyoming would lose \$10 million.

Mr. Chairman, it defies common sense to say that these millions of dollars out of prison money in 47 States would somehow be tough on criminals. Vote "yes" on the commonsense Schumer prison amendment.

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

Mr. Chairman, during the course of my campaign last year, the people that I dealt with, the voters in Tennessee, wanted to make sure that people who committed violent crimes, and let me underline the words violent crimes, violent criminals spent their time in jail. I very strongly support this bill because what it does is gives a strong incentive to build those prisons to find ways to lock up the violent criminals, not in a revolving, endless cycle of putting one bad guy in and letting one bad guy out; but to lock them up for the full amount of their sentence, or 85 percent of their sentence. I think this bill accomplishes that, and it does it in such a way that these States can have the prison spaces available to keep the violent criminals locked up in jail.

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

Mr. BRYANT of Tennessee. I yield to 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 1996. 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 any money anyway 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 99 percent of them, probably 100 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 year they are submitted every year and compiled 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 they 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 that is not hard to see accomplished, 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 State in the Union 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 he reeled off 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 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.

□ 1440

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 stoke 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 devotes \$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. It creates one block grant with 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 the progress we made last year. Let us build more prisons—but let us do it in the right way.

Let us keep the right balance between prevention and punishment.

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 mayors. Support the Schumer amendment.

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

Mr. Chairman, for the money we are—if 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, Mr. Chairman, the 85 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 from Wisconsin that had all the numbers of years and would be eligible for parole, well, he could be denied parole and held for a long time.

In Virginia, we went to the 85 percent rule, and to do that we had to reduce the sentence by 50 percent. It cost \$7 billion, and, to put that number in perspective, Mr. Chairman, on a national basis we are about 2 or 2½ percent of the national population. That would translate to \$250 and \$300 billion to get to the 85 percent rule even after we have reduced the sentences 50 percent.

Mr. Chairman, with parole a person with the 10 year sentence, that puts the numbers in perspective. A person with a 10-year sentence would serve anywhere between 2 and 10 years.

Mr. Chairman, those with a 10-year sentence, to put some numbers in perspective under the present law in Virginia—under the previous law in Virginia, would serve between 2 and 10 years. Those that got out in 2 were not randomly released. They had gotten education and job training. They have a home to go back to. They have a job waiting for them. They would get out early. Those with no job, no job training, nowhere to go, those that would

say they want to go out and commit more crimes, they would serve longer.

Mr. Chairman, under the so-called truth-in-sentencing or the half truth in sentencing, those with the longer sentences, those who have actually served the 10 years, would not be getting out in 5 years.

Why should we dictate to the States a situation where there will actually be serving—the worst will be serving less time, and those least at risk will be serving significantly more time?

Mr. Chairman, the half truth in sentencing eliminates the ability for States to use their prison space effectively by reserving it for those that are really truly dangerous, relieving the flexibility of letting those out early who are less risk.

We need the whole truth in sentencing, so those who are seriously at risk can serve the full sentence, without the reduction of one half, as we have in Virginia.

Mr. Chairman, I would hope that we would adopt this amendment for the money that we are going to spend, for prisons, to go to prisons across the board, not so that States can reduce the amount of time that the most dangerous criminals are serving.

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

Mr. Chairman, as I sat on the floor here for the last half hour, I have listened to the gentleman from Florida say that we are going to get the Truth in Sentencing Act, and I hear the gentleman from my neighbor State of Wisconsin say we have to put a human face on this bill in what we are trying to do here today. Let us put it in people terms, as they have said:

"If you take a look at the example that the gentleman from Wisconsin brought up, that the individual from Oklahoma got 30,000 years, let's put that in human terms. Who is going to live 30,000 years, serve 85 percent of that time, as the bill requires, as the GOP bill requires? Eighty-five percent of 30,000 years is 25,000 years. It's not realistic. It's not going to happen. The bill, as written right now, says, 'When you get 85 percent of the actual prison time, 85 percent of the actual prison time, you qualify for money underneath this bill.'"

The Schumer amendment, in which I am proud to support, says on page 8—go to page 8. The bill is right there. Each State shall receive 25 percent, 0.25 percent, for the most violent criminals, and we define what the most violent criminals are.

Go to page 10. The most violent criminals are murderers, nonnegligent manslaughter, forcible rape, robbery, aggravated assault. Those are the people we have to get off the street.

So the Schumer amendment allows every State to receive money not just to build prisons, but to operate and maintain prisons.

My State of Michigan, this past year we had four prisons that were built,



ready 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 Michigan, Georgia, 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 Schumer amendment not only allows us to build them, the Schumer amendment allows them to operate, it allows them to maintain their prison population.

There are no prevention programs in here. This is not a social welfare. This is exactly what they say they want to do. They want to get tough on criminals, they want to lock them up, and we have to have the means to provide for correction officers and for the maintenance of those prisons. That is what the Schumer amendment does.

Mr. Chairman, I say to my colleagues, "When you take a look at it, the State of Georgia alone on the Department of Justice facilities, they have over 3,200 criminals that they cannot lock up, over 3,200. This bill would help alleviate that by building the prisons and by also allowing the operation and maintenance."

□ 1450

This is no social welfare program. We take the money, make it available right now. Underneath the Republican plan, only when your prison population actually serves 85 percent will you then get the money. Is that going to be 3 years from now, 8 years from now? We do not know. The Schumer amendment makes the money available right now to build prisons for the operation and maintenance of the prisons. I urge my colleagues to support the Schumer amendment.

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

Mr. Chairman, some of my colleagues on the other side of the aisle are having some difficulty determining how truth in sentencing would apply to a 30,000-year term. It reminds me of the judge who sentenced a defendant to serve 100 years. The defendant said, "But, Judge, I will never live that long." The judge said, "Well, you just do the best you can." It is quite clear that a 30,000-year sentence would result in a life term for a prisoner.

What this is about is gutting truth in sentencing. What this is about is prisoners who are sentenced ostensibly to 20 years who serve 3 years. The public does not want this, their Representatives in Congress do not want this. That is why I believe this amendment will fail.

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

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

Mr. SCHUMER. I would just make two points. Certainly we want to see as long a sentence as possible. But what

the bill does, it does not simply say 20,000 years is too long. It does not. It says your proposal on your side that you are supporting, would say if the person did not serve 25,300 and some odd years, the State would fall below the 85-percent goal.

The second point I would make is this, and this one I think is very important. On both sides of the aisle we want to incarcerate people longer. That is the purpose of my amendment, 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 unfair form of argument. We do, too. 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 yours.

Mr. ZIMMER. Mr. Chairman, reclaiming my time, if a prisoner dies before he fulfills his sentence, it does not disqualify that sentence under truth-in-sentencing.

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

Mr. Chairman, as I review the legislation before us, I at first blush thought it was an unfunded mandate bill on the States. But as I have listened to the debate and as I have studied the bill, I find that it is not only an unfunded mandate bill, but it is also a blackmail bill.

We have been told for years that the attitude that Congress knows best and one size fits all, and we should tell the locals what to do because we are smarter, has to end. With some of the legislation we already passed this session, we indicated it is a new day, those things are going to end.

But now that same attitude has reared its ugly head in this legislation. What we are calling for here is longer sentences, the 85 percent goal. And my friends, it is not only on Federal crimes, which we have a right and responsibility to legislate and dictate, but it is on State violations of their criminal law.

We are telling the State legislatures and the Governors, who are up here all the time hugging the Republicans, that when it comes to welfare block grants and Medicare block grants, you can have all the latitude you want, including millions and billions of dollars. But when it comes to your legislature handing out prison sentences to your inmates in violation of your State crimes, which the Republican Congress know best, I think that is phony. I think that is hypocrisy, and I will tell you where the mandate comes in.

Now we are going to, with the carrot and the blackmail, give the States the bricks and mortar. We know full well, and I know full well in Wisconsin, we need the construction dollars. We are overcrowded. But we are going to have to change our State law to further exacerbate the crowding problem, and then the unfunded mandates come, my

friend, when the Feds leave town after they dump the bricks and mortar and the State and the taxpayers and the State legislatures have to cough up the State-raised funds to house the inmates, to provide security for three shifts a day, just like a hospital, to provide all the other maintenance efforts. And at that point, my friends, are you going to help the States continue that expenditure, or help pay for it?

So, Mr. Chairman, this is not only an unfunded mandate bill, but it is also a blackmail bill. Blackmail today and tomorrow. Once the States have incurred the costs, we are going into another area of trying to help the States out. That is their problem. Sorry, States.

I urge the Members to support the Schumer amendment.

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

Mr. Chairman, I cannot help, in listening to the debate, but be reminded of a great line from a great movie which happens to take place in a prison. The name of the movie is "Cool Hand Luke." He is incarcerated in prison, and the warden is punishing Cool Hand by making him dig holes. And he is out there digging a hole. He gets done digging this hole, and the warden comes out and says, "Luke, you got a hole in the yard. Fill it up." The warden goes back inside. Luke has to fill the hole back up. The warden goes back outside and says, "Luke, where did that hole go? I want you to dig another one." This goes back and forth. Finally, the warden goes out and says, "Luke, what we have here is a failure to communicate."

That is what we are doing right here with the language in this bill. It is a failure to communicate on the part of the Federal Government and our States. Under this bill, the Federal Government is saying to the States, "You either dig this hole or you dig this hole, the way we want you to do it. And if you don't do it our way, then either this pot of money for \$5 billion or this pot of money for \$5 billion, you are not going to get anything."

What have we been doing for the past month? I just voted to prohibit unfunded mandates. I have been working with many of my colleagues on the Republican side to try to provide more flexibility for our States, to do what they see is the right thing, to both prevent crime, to incarcerate people, and then to keep them there for a long time.

But the Federal Government should not be going about telling each and every State, my State of Indiana, you either do it precisely the way we mandate it in Washington, DC, or you are not going to qualify for anything.

Now, current law probably has it best. I am not particularly enamored 100 percent with the way the gentleman from New York [Mr. SCHUMER] wants to do this, in a flexible block

grant. I would like to see some standard set, but not the standard set and mandated under this bill.

I think we can do it better. Forty Republicans voted in the last session of Congress for us to do it by funding police on the streets, where many of these Republicans just qualified to get police on the streets under the Cops Fast Program. I think we can do it by helping our States build prisons, such as Indiana, where we are over capacity. We do not want to be cut over \$48 million with this unfunded mandate from the Federal Government under this bill. Give us some more flexibility. Do not do what the warden did to Luke in the movie "Cool Hand Luke," you either dig it here or dig it there. Let us communicate with our States more effectively and with more flexibility.

□ 1500

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

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

Ms. JACKSON-LEE. Mr. Chairman, we sat for a number of days of hearings and markups concerning the proposed changes of this crime bill in the Committee on the Judiciary. I listened, hopefully, again, in the spirit of bipartisanship, to my Republican colleagues promote their arguments on the many reasons why money allocated for crime prevention programs should be placed in block grants to the States with no delineation. Their reasoning, States know better how to spend this money to meet their specific needs. But now I am in a fog of inconsistency.

We are all seeing a mirage. We are not understanding the direction in which the majority party is going. The existing program that is being planned now provides for disbursement of the funds to eligible States for prison construction primarily in proportion to part I violent crimes. In contrast, the proposed new program, meaning the one that is now on the table, provides for the disbursement of such funds primarily in proportion to the general population.

This approach of disbursing funds for violent offenders incarceration, under the prison funding bill in proportion to general population without regard to the incidence of violent crimes in the affected areas will produce gross misallocations of resources in relation to actual needs. We will not be targeting the problem. That is to incarcerate violent offenders. This re-writing of the prison program has aggravated the case. As we spoke earlier today, it is fixing what is not broken.

These, Mr. Chairman, are inconsistencies in the majority's arguments. And while they push to provide fewer to no prevention dollars, which those of us who have come most recently from our local communities can attest do work, they put restrictions on prison building dollars. Just a while ago I

was on the telephone talking about the urban scouting program, a program that has put in my community more than 12,000 boys in the urban scouting program, a prevention program of the Boy Scouts of America, using parks and recreation staff, using police staff, a real prevention program.

Now such dollars will go to block grants and not be used in prevention dollars. Also we now are going to throw all that into prisons, but yet we are going to tell the States how to use such dollars.

They are moving to increase prison dollars while dictating spending guidelines for their use.

The reasoning is not fluent. It is not clear. It is cloudy. It is fixing what is not broken.

Why should dollars be sent in block grants for prevention, to help the urban scouting program, the Boy Scouts program, the boys and girls program, the children-at-risk program, and, yes, midnight basketball, among others and then have requirements for prison dollars? What is this? We first say States know best and now we are saying, no, they do not.

Perhaps my colleagues on the other side of the aisle will be willing to agree that if States do know best and, therefore, seek their input and blanket authority to spend Federal tax dollars which could potentially put programs at risk during tough fiscal years, then they would agree that if block grants are good enough for prevention dollars, they should be good enough for prisons, too.

I support the Schumer amendment because I believe we should not play favorites among crime dollars. Block grants for one, block grants for all.

Mr. Chairman, I would simply say that States will be losing the opportunity to incarcerate violent criminals. Texas will lose \$215 million. Let us go to block grants in a fair and bipartisan way to truly incarcerate violent offenders and truly emphasize that we are trying to work to prevent crime together.

#### PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. SCHUMER. Mr. Chairman, who gets the right 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 [Mr. BRYANT] is our concluding speaker and we have had about 10 in a row.

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. Right now violent 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 getting life? Maybe 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 particular 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 conclude the thoughts over 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 truth-in-sentencing concept that is out here today in the bill that underlies this, we have two pots of money, \$5 billion is very easy for States to qualify to get the money for, \$5 billion plus set aside for those States that are willing to change their laws. Most of them have not yet but that is why it is there. We want them to change their laws, to make sure that violent felons, serious violent felons serve at least 85 percent of their sentences.

In other words, abolish parole and get these violent felons off the streets, lock them up once and for all and throw away the key.

The whole purpose of this legislation is to accomplish that. That is the singular purpose of why we would have a grant program in the first place, is to get that to happen, not just to give money to states.

But I would submit regardless of that being the purpose, that anybody who says that this language that is in the

rst part of this bill that deals with the first \$5 billion is tough to qualify for does not understand the simplicity with which it is written, has not researched the statistics at the Department of Justice that clearly demonstrate that year after year as these statistics for the three provisions that come in as statistics to be recorded downtown, they have shown historically a trend up in ever increasing severity of sentences and time served in all three of these things so that it is unquestionable that 99 percent if not all States will qualify for the first \$5 billion pool. The arguments are spurious to the contrary.

I would urge my colleagues to defeat the Schumer amendment when the vote comes in a few minutes, because it is truly a killer amendment. It destroys completely the underlying truth-in-sentencing provisions of this bill. It just guts the bill altogether.

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

I yield to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, I thank the gentleman for yielding 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, and I ask the chairman of the committee to make sure 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 \$5 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?

Mr. BRYANT of Texas. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, they can apply for both. They can qualify either way.

Mr. CHAPMAN. That is not what the gentleman's bill says.

Mr. MCCOLLUM. The plain language does not say they cannot.

Mr. CHAPMAN. Mr. Chairman, if the gentleman will continue to yield, I would just make the point that as I read the gentleman's bill, and I just read it about a minute ago, it says they can apply for a grant under one or the other. If that is the case, the gentleman's bill actually has less money, substantially less money for prisons than the 1994 crime bill.

Mr. BRYANT of Texas. Mr. Chairman, reclaiming my time, I think the decision that we are about to make on the Schumer amendment really is a very fundamental decision that goes even beyond the details of this bill. That is, whether we are going to continue campaigning and continue sounding campaign themes or, in the second month of this Congress, we are going to

begin to govern. And my appeal, and I think the appeal of our side with regard to this amendment is, to our friends on the other side, let us join together and begin governing this country. It is time to end the campaign. It ended last November.

The fact is that they have brought a bill to the floor that is filled with flaws, as would any bill be that is essentially a campaign slogan.

The fact is that they have brought a bill to the floor that has the crazy, almost totally unexplainable, anomalous result of only three States being able to fully participate in a \$10.5 billion bill. That is the facts.

The gentleman from New York [Mr. SCHUMER] brought an amendment to the floor that fixes that in a way that is good for all of our States, it lets every State participate. That is what is at stake here.

If we go without the Schumer amendment, Mr. Chairman, and we go with your version, it is going to require that States prove somehow that they are making their inmates comply with 85 percent of their sentences. That means that every State is going to have to enact a multitude of new laws.

As Members know, at the State level that takes at least 18 months. Many of these States only meet every 2 years in their legislature. They then have to build prisons using their own money, so they can keep everybody in prison that they are now having to let out because they are overcrowded, so they can meet the 85-percent rule.

Third, they have to then keep them in for an undetermined number of years to prove they had met the 85-percent requirement, and the bill does not say how in the world you calculate whether they have met it or not.

The fact of the matter is that the guy with the 30,000-year sentence would have to stay there for 25,000 or 28,000 years to meet it. It is a preposterous result. It is an accidental result. It is the result of a campaign slogan, as opposed to a bill that has been brought out here to govern this country.

Mr. Chairman, the fact of the matter is that the Schumer proposal gives block grants to the States to build prisons based on the number of violent crimes in the States. It lets all of our States participate. It increases prison capacity. In short, it governs this country.

Mr. Chairman, to conclude this debate today, I would simply say that it is time for us to quit campaigning, quit talking about campaign slogans, and start governing this country.

Vote for the Schumer amendment. The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SCHUMER]. The question was taken; and the Chairman announced that the yeas appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 179, noes 251, not voting 4, as follows:

[Roll No. 111]

YEAS—179

- |              |               |               |
|--------------|---------------|---------------|
| Abercrombie  | Gordon        | Oliver        |
| Ackerman     | Green         | Ortiz         |
| Andrews      | Gutierrez     | Orton         |
| Baessler     | Hall (OH)     | Owens         |
| Baldacci     | Hamilton      | Pallone       |
| Barcia       | Hastings (FL) | Pastor        |
| Barrett (WI) | Hayes         | Payne (NJ)    |
| Becerra      | Hilliard      | Pelosi        |
| Beilenson    | Hinchey       | Peterson (FL) |
| Bentsen      | Holden        | Pomeroy       |
| Berman       | Hoyer         | Poshard       |
| Bevill       | Inglis        | Rahall        |
| Bishop       | Jackson-Lee   | Rangel        |
| Bonior       | Jacobs        | Reed          |
| Borski       | Johnson, E.B. | Reynolds      |
| Brewster     | Johnston      | Richardson    |
| Browder      | Kanjorski     | Rivers        |
| Brown (CA)   | Kaptur        | Roemer        |
| Brown (FL)   | Kennedy (MA)  | Roybal-Allard |
| Brown (OH)   | Kennedy (RI)  | Rush          |
| Bryant (TX)  | Kennedy       | Sabo          |
| Chapman      | Kildee        | Sanders       |
| Clay         | Kleczka       | Sawyer        |
| Clyburn      | Klink         | Schroeder     |
| Coleman      | LaFalce       | Schumer       |
| Collins (IL) | Lantos        | Scott         |
| Conyers      | Laughlin      | Sensenbrenner |
| Costello     | Levin         | Serrano       |
| Coyne        | Lewis (GA)    | Skaggs        |
| Cramer       | Lincoln       | Slaughter     |
| de la Garza  | Lipinski      | Spratt        |
| Deal         | Loigren       | Stark         |
| DeFazio      | Lowe          | Stokes        |
| DeLauro      | Maloney       | Studds        |
| Dellums      | Manton        | Stupak        |
| Dicks        | Markey        | Tanner        |
| Dingell      | Martinez      | Taylor (MS)   |
| Dixon        | Mascara       | Tejeda        |
| Doggett      | Matsui        | Thompson      |
| Dooley       | McCarthy      | Thornton      |
| Doyle        | McDermott     | Thurman       |
| Durbin       | McHale        | Torres        |
| Edwards      | McKinney      | Torricelli    |
| Ehlers       | McNulty       | Towns         |
| Engel        | Meehan        | Tucker        |
| Eshoo        | Meek          | Velázquez     |
| Evans        | Menendez      | Vento         |
| Farr         | Mfume         | Visclosky     |
| Fattah       | Miller (CA)   | Volkmer       |
| Fazio        | Mineta        | Ward          |
| Filner       | Mink          | Waters        |
| Flake        | Moakley       | Waxman        |
| Foglietta    | Mollohan      | Williams      |
| Ford (TN)    | Montgomery    | Wilson        |
| Frank (MA)   | Moran         | Wise          |
| Furse        | Murtha        | Woolsey       |
| Gejdenson    | Nadler        | Wyden         |
| Gephardt     | Neal          | Wynn          |
| Gibbons      | Oberstar      | Yates         |
| Gonzalez     | Obey          |               |

NAYS—251

- |              |              |               |
|--------------|--------------|---------------|
| Allard       | Calvert      | Dickey        |
| Archer       | Camp         | Doolittle     |
| Arney        | Canady       | Doran         |
| Bachus       | Cardin       | Dreier        |
| Baker (CA)   | Castle       | Duncan        |
| Baker (LA)   | Chabot       | Dunn          |
| Ballenger    | Chambliss    | Ehrlich       |
| Barr         | Chenoweth    | Emerson       |
| Barrett (NE) | Christensen  | English       |
| Bartlett     | Chrysler     | Ensign        |
| Barton       | Clayton      | Everett       |
| Bass         | Clement      | Ewing         |
| Bateman      | Clinger      | Fawell        |
| Bereuter     | Coble        | Fields (LA)   |
| Bilbray      | Coburn       | Fields (TX)   |
| Bilirakis    | Collins (GA) | Flanagan      |
| Bliley       | Combest      | Foley         |
| Blute        | Condit       | Forbes        |
| Boehlert     | Cooley       | Fowler        |
| Boehner      | Cox          | Fox           |
| Bonilla      | Crane        | Franks (CT)   |
| Bono         | Crapo        | Franks (NJ)   |
| Brownback    | Cremean      | Frelinghuysen |
| Bryant (TN)  | Cubin        | Frisa         |
| Bunn         | Cunningham   | Funderburk    |
| Bunning      | Danner       | Galleghy      |
| Burr         | Davis        | Ganske        |
| Burton       | DeLay        | Gekas         |
| Buyer        | Deutscher    | Geran         |
| Callahan     | Diaz-Balart  | Gilchrest     |

Gillmor	Linder	Roukema
Gilman	Livingston	Royce
Gingrich	LoBiondo	Salmon
Goodlatte	Longley	Sanford
Goodling	Lucas	Saxton
Goss	Luther	Scarborough
Graham	Manzullo	Schaefer
Greenwood	Martini	Schliff
Gunderson	McCollum	Seastrand
Gutknecht	McCrery	Shadegg
Hall (TX)	McDade	Shaw
Hancock	McHugh	Shays
Hansen	McInnis	Shuster
Harman	McIntosh	Sisk
Hastert	McKeon	Skeen
Hastings (WA)	Metcalfe	Skelton
Hayworth	Meyers	Smith (MI)
Hefley	Mica	Smith (NJ)
Hefner	Miller (FL)	Smith (TX)
Heineman	Minge	Smith (WA)
Henger	Molinari	Solomon
Hilleary	Moorhead	Spence
Hobson	Morella	Stearns
Hoekstra	Myers	Stenholm
Hoke	Myrick	Stockman
Horn	Nethercutt	Stump
Hostettler	Neumann	Talent
Houghton	Ney	Tate
Hunter	Norwood	Tauzin
Hutchinson	Nussle	Taylor (NC)
Hyde	Oxley	Thomas
Istook	Packer	Thornberry
Jefferson	Parker	Tiahrt
Johnson (CT)	Paxon	Torkildsen
Johnson (SD)	Payne (VA)	Trafficant
Johnson, Sam	Peterson (MN)	Upton
Jones	Petri	Vucanovich
Kasich	Pickett	Waldholtz
Kelly	Pombo	Walker
Kim	Porter	Walsh
King	Portman	Wamp
Kingston	Pryce	Watt (NC)
Klug	Quillen	Watts (OK)
Knoellenberg	Quinn	Weldon (FL)
Kolbe	Radanovich	Weldon (PA)
LaHood	Ramstad	Weller
Largent	Regula	White
Latham	Riggs	Whitfield
LaTourette	Roberts	Wicker
Lazio	Rogers	Wolf
Leach	Rohrabacher	Young (AK)
Lewis (CA)	Ros-Lehtinen	Young (FL)
Lewis (KY)	Rose	Zeliff
Lightfoot	Roth	Zimmer

## NOT VOTING—4

Boucher  
Collins (MI)

Frost  
Souder

□ 1530

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.

□ 1530

## AMENDMENT OFFERED BY MR. WELLER

Mr. WELLER. 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):

"(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 pretrial 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 States to use funds from this bill to build, expand, or operate juvenile correctional facilities or pretrial detention centers. If a State can certify to the Attorney General that they are experiencing exigent circumstances, that is that they are in severe need of space, then the State may use funds received under this bill for juvenile facilities.

First of all, 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 if we are going to 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, and as a result, we continue to release criminals early. By doing so we are facilitating the revolving door policy that moves criminals in and out of the justice system. Too often criminals go free because there is not place to put them.

The same problem applies to our juvenile offenders. My amendment seeks to correct this problem. This amendment would allow States to utilize funding from this legislation for the construction of juvenile correctional facilities or juvenile detention centers.

The increase in recent years of crime committed by juveniles is astounding. Juveniles have committed—several thousand murders a year. These youth 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've 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 across the State, when they could be using their time much more effectively patrolling the streets. Another problem we face is the mixing of severely violent youths in pretrial 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, Brendan Ward, expressing great concern with prisoner overcrowding and 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 living space. So as you can see, this is 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, the number of delinquency cases handled by juvenile courts increased 26 percent between 1988 and 1992. During these 5 years, cases of robbery and aggravated assault grew 52 percent and 80 percent respectively. In the State of Illinois, over approximately the same time span, the number of juveniles arrested for violent offenses increased 16 percent. The rate of juvenile crime is constantly increasing. We need to take this into account when we consider the Violent Criminal Incarceration Act, and make funding available for juvenile facilities.

This situation is also very discouraging because we are forced to release these 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 they 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 FBI reports that in 1992, juveniles were involved in 15 percent of all murder arrests, 16 percent of all forcible rapes, 26 percent of robberies, and 23 percent of weapon and drug law violations. The recidivism rate among these types of offenders is very high. If we can show them that they will be locked up, maybe they will realize that there are consequences to their actions, and think before they commit their next crime. However, without the proper facilities, we cannot keep these kids in custody. We need to make sure that some of the \$10.5 billion dollars in this bill are used for juvenile detention centers.

I urge your full support for this very important amendment.

Mr. Chairman, I also want to thank the chairman of the committee, the gentleman from Illinois [Mr. HYDE] my colleague from the great State of the Land of Lincoln, and I ask the Members for their full support for this very important amendment.

AMENDMENT OFFERED BY MR. DOGGETT TO THE AMENDMENT OFFERED BY MR. WELLER

Mr. DOGGETT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DOGGETT to the amendment offered by Mr. WELLER: On line 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.

□ 1540

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 same problem that plagues Illinois plagues in the State of Texas my hometown of Austin, TX.

Mr. Chairman, I would much rather prevent a crime with 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 to confine a child.

But 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 neighborhoods, 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 had worked also seeking to deal with the problem of juvenile offenders is one that was drafted with the participation and the cosponsorship of the distinguished gentleman from Michigan, [Mr. STUPAK], a former police officer and State trooper, and the distinguished gentleman from Alabama [Mr. CRAMER], 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 access for local governments to this same group of funds.

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 community in 1988, 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 they got down there they only got a slap on the wrist, and the same thing happened the second and the third and maybe even the fourth time. They are back out setting an example, a very bad example, for other young people in the community, because we simply have not had the capacity for pretrial detention there at the Gardner-Betts Center in our community.

Indeed, last week, we had such a serious problem there was no longer enough capacity in the local facility, the Gardner-Betts facility, and 15 of these people were turned out back on the street again.

This problem is exacerbated by the fact that in the State of Texas our county, a growing county, has only 50 beds allocated in the State correctional facility for the entire year. Unfortunately, we have got more than 50 young people that are involved in violent offenses, that are involved in serious 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 governmental 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 own amendment along the same lines, 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 amendment to the amendment in a bipartisan fashion we have tried to address this problem of the fact that, frankly, there really are some young thugs out there that somehow 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 and 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 was agreed to?

The CHAIRMAN. The time of the gentleman from Texas [Mr. DOGGETT] has expired.

(By unanimous consent, Mr. DOGGETT was allowed to proceed for 2 additional minutes.)

Mr. WELLER. 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 your amendment now as 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 it 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, we are delighted that 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 20 and 30 years 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; a few years later I would see them out on the street. They may 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. WELLER] and 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. WELLER].

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 juvenile offenders in a pretrial situation, and they are jockeying these young offenders across county lines, back and forth. We needed to find a way to solve the problem.

So again, with the gentleman from Illinois [Mr. WELLER] 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 that you cannot intermingle with hardened criminals and those adult criminals waiting for trial.

□ 1550

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. WELLER] 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 issue. 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. WELLER].

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. WELLER].

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. CANADY OF FLORIDA

Mr. CANADY of Florida. Mr. Chairman, I offer amendment No. 17.

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 offenders.

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"

means that the State or States organized as a regional compact, as the case may be—

"(A)(i) have established or are in the process of establishing a system of sanctions for the State's juvenile justice system in which the State bases dispositions for juveniles on a scale of increasingly severe sanctions for the commission of a repeat delinquent act, particularly if the subsequent delinquent act committed by such juvenile is of similar or greater seriousness or if a court dispositional order for a delinquent act is violated; and

"(ii) such dispositions should, to the extent practicable, require the juvenile delinquent to compensate victims for losses and compensate the juvenile justice authorities for supervision costs;

"(B) impose a sanction on each juvenile adjudicated delinquent;

"(C) require that a State court concur in allowing a juvenile to be sent to a diversionary program in lieu of juvenile court proceedings;

"(D) have established and maintained an effective system that requires the prosecution of at least those juveniles who are 14 years of age and older as adults, rather than in juvenile proceedings, for conduct constituting—

"(i) murder or attempted murder;

"(ii) robbery while armed with a deadly weapon,

"(iii) battery while armed with a deadly weapon,

"(iv) forcible rape;

"(v) any other crime the State determines appropriate; and

"(vi) the fourth 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 "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—

"(i) a record is kept relating to that adjudication which is—

"(I) equivalent to the record that would be kept of an adult conviction for that offense;

"(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 is fingerprinted and photographed, and the fingerprints and photograph are sent to the Federal Bureau of Investigation; and

"(iii) the court in which the adjudication takes place transmits to the Federal Bureau of Investigation the information concerning the adjudication, including the name and birth date of the juvenile, date of adjudication, and disposition.

"(F) where practicable and appropriate, require parents to participate in meeting the dispositional requirements imposed on the juvenile by the court;

"(G) have consulted with any units of local government responsible for secure youth correctional facilities in setting priorities for construction, development, expansion and modification, operation or improvement of juvenile facilities, and to the extent practicable, ensure that the needs of entities currently administering juvenile facilities are addressed; and

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

Mr. CANADY of Florida. Mr. Chairman, this amendment, which was crafted with my good friend, the gentleman from Oregon [Mr. WYDEN] deals with the same issue that we have been discussing, juvenile justice.

I want to commend the sponsors of the previous amendment for their work on this issue. I also want to thank the gentleman from Texas [Mr. PETE GEREN] 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 cleared by police, including 9 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. This amendment 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 juveniles 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.

What we are seeing in community after community is that violent juveniles 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 been that the juvenile 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 those 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 the Association of Attorneys General for an approach that would involve graduated sanctions for each offense.

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 make no mistake 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 through this effort.

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 bipartisanship or whatever, 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 now set upon a series of amendments that inject the Federal Government 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 delinquency. Most States have a whole system that they have put in place over years and years and years to deal with juvenile delinquents.

And while we gloss over what we are doing here, embedded in the body of 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 established and maintained an effective system that requires the prosecution of at least those juveniles who are 14 years old or older as adults under certain circumstances."

□ 1600

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.

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?

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 system.

Now another thing 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 doing in this is—

Mr. WATT of North Carolina. I take the gentleman to mean, reclaiming 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. HYDE] 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 1 additional minute.)

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

Mr. WATT of North Carolina. I yield back 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 circumstances like that, it 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 ex-

ception 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 we are getting 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 circuit 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, if there were 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 Oregon.

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 offense 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 specific, 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 gentleman raised 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, as my colleagues 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 instances for many youngsters 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.

So what I am suggesting here respectfully is:

Shouldn't 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 floor. He's mentioned a professor's name, 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. Briefly, yes.

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. The welfare laws are not working, therefore we are going to give all responsibility to the State.

□ 1610

You cannot have it both ways. That is what we kept saying to you in the last debate, on the amendment of the gentleman from New York [Mr. SCHUMER]. You say out of one side of your mouth, we want a block grant, and get out of the way. Then you say out of the other side of your mouth, we want to control what you are doing at the State level. You cannot have it both ways. Be consistent.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment which is at the desk and which has the words, "New A.," marked on it.

The Clerk read as follows:

Amendment offered by Mr. McCollum: Page 3, line 7, strike "EE" and insert "509". Page 3, after line 6, insert the following new section:



**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 year 1996, 1997, 1998, 1999, and 2000 from amounts appropriated under section 507, the Attorney General shall first reserve an amount which when added to amounts appropriated an amount which when added to amounts appropriated to carry out section 242(j) of the Immigration and Nationality Act for such fiscal year equals \$650,000,000.

**(h) PAYMENTS TO ELIGIBLE STATES.**—

(1) Notwithstanding any other provision of this title, for each of the fiscal years 1996, 1997, 1998, 1999, 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 eligibility 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.

(2) For any fiscal year, payments made to States under paragraph (1) may not exceed the amount reserved for such fiscal year under subsection (a).

(c) **USE OF UNOBLIGATED FUNDS.**—For any fiscal year, amounts reserved under subsection (a) which are not obligated by the end of that fiscal year under subsection (b) shall not be available for payments under this section for any subsequent fiscal year, but shall be available, in equal amounts, to the Attorney General only for grants under sections 502 and 503.

(d) **REPORT TO CONGRESS.**—Not later than May 15, 1999, the Attorney General shall submit a report to the Congress which contains the recommendation of the Attorney General concerning the extension of the program under this section.

Page 2, line 6, insert "(a) IN GENERAL.—" before "Title".

Page 10, after line 10, insert the following:

(b) **PREFERENCE IN PAYMENTS UNDER SECTION 242 (J) OF IMMIGRATION AND NATIONALITY ACT.**—Section 242(j)(4) of the Immigration and Nationality Act (8 U.S.C. 1252(j)(4)) is amended by adding at the end the following:

"(C) In carrying out paragraph (1)(A), the Attorney General shall give preference in making payments to States and political subdivisions of States which are ineligible for payments under section 508 of the Violent Crime Control and Law Enforcement Act of 1994."

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. GALLEGLY], 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-

nois. Every State in the union has criminal aliens occupying their bedspace and doing things we would prefer they were not there doing, costing money to those States.

You will see us with a bill out here on the floor tomorrow, I believe, that will attempt to address speeding up the process, expediting the process of deporting these criminal aliens, and getting this moving, so we do not have them clogging it up with the expense and clock running. But the States and Governors of many States have asked us to try to find a way to fund the cost of this. In many ways the burden that is there because of illegal immigration, criminal alien problems, are really and truly Federal responsibilities.

They have asked us to find a way to solve cost of the problem to the States of this mandate out there. If there is anything involved in any of the crime bills we bring up that deals with an unfunded mandate in the more traditional sense that we spoke of the other day when we passed the unfunded mandate legislation, this is it.

A lot of this is grandfathered in so time has passed and it is not appropriate to redebate this issue. But today we have an opportunity to rectify this problem through a method that can be paid for fully and a method that I believe everybody in this Congress would like to do.

No. 1, what this amendment will do is it will protect an existing provision of law that was passed last Congress that provides beginning next year approximately \$330 million a year in authorization to reimburse the States for the cost of incarcerating criminal aliens. It will cordon that off and give a preference for that money to those States that do not qualify for some additional moneys we are going to give under the prison bill today, so there will be no question that anybody who would have been eligible or is eligible today for those funds put in last year, any State, will continue to be eligible for that \$330 million.

But the Congressional Budget Office estimates that on an annual basis for the next 5 years, 6 years, or whatever, until we get this under control, the cost to the States nationwide will be about \$650 million per year. So there is a difference, a shortfall, even if all the money under the trust fund moneys we envision for the crime legislation. And that was part of what was passed last year, was to cover the \$330 per year for the purpose of reimbursing States for the incarceration of these criminal aliens. Even if we can cordon off enough money in addition to that \$330 million to meet the \$650 million, we figure we will fully reimburse the States having this problem for the costs of incarcerating these criminal aliens.

What my amendment does is say we will protect and give preference to everybody who is eligible right now who would not be eligible under this new provision. But then for those States

who meet the test of the 85-percent rule under this bill, who qualify as to who are able to meet truth-in-sentencing requirements as they come on line, and many of our larger States will, California, Florida, Texas, et cetera, over the next couple of years, for those States there will be made available preferentially under this grant program, prison grant program, from dollar one, preferentially will be made available sufficient money in order to be able to make up that difference.

So there will be another roughly \$320 million a year that will be made available that the Attorney General will have to offer out of the first priority under the prison grant moneys, whether that is prison grant moneys in A or B pot, whatever, the \$10.5 billion in this bill.

I think this is a way to fully compensate the States. It is a positive reinforcement method to what is being offered in the bill. It does not disrupt the qualification of any State under the existing law and the roughly \$330 million that is there.

I want to compliment the gentleman from California for having created the effort that was put forward in our committee, which did not stand the germaneness test because it was an entitlement. We have come out today with an authorization program which he worked hard on, and I want to thank him for his participation in that effort to accomplish what we are doing today.

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 3 additional minutes.)

Mr. MCCOLLUM. Mr. Chairman, I yield to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding. I thank him for his kind words, and more importantly, I thank him for offering this amendment because, let us make it clear, what this amendment does is it recognizes the priority of funding. Before we start appropriating funds for new prison construction, we deal with reimbursing the States and localities for the costs they are now expending incarcerating undocumented criminal aliens who are convicted of felonies, who would not be in those States were it not for the Federal failure to enforce the immigration policy.

So the gentleman's amendment, while I would have preferred the amendment I drafted and had preprinted in the RECORD, because that was not tied in any part to the Truth in Sentencing Act, the fact is the gentleman, by giving preferential treatment to the States that do not comply with the Truth in Sentencing Act for the money appropriated under last year's crime bill, and then reserving no less than a total of \$650 for this cause, has accepted the preeminent priority of funding this unfunded consequence, if

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 100 percent correct, because the language that begins this provision says "notwithstanding 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 appropriated monies, 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 \$130 million, first time ever, last year.

□ 1620

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 law, that 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 provided for in the gentleman's amendment; is that correct?

Mr. McCOLLUM. The gentleman is correct. I think the gentleman has made excellent points about this particular proposal today. It is very, very unique and well-drafted. 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 the gentleman from California [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. BEILSON], through his amendment that program stays intact. It is very important for us to watch the appropriations process, particularly for certain States 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.

(By unanimous consent, Mr. McCOLLUM was allowed to proceed for 2 additional minutes.)

Mr. BERMAN. Mr. Chairman, if the gentleman will continue to yield, those States like Texas and New York, which do not now comply with the Truth-in-Sentencing Act, will still be better off on this amendment because they will have a preference under the Beilenson language, any money appropriated under that provision. So while they are not going to be as well off as they would have been under the amendment I had intended to offer, they will be better off than they are under existing law.

Mr. McCOLLUM. Reclaiming my time, Mr. Chairman, they are going to be actually better off because they are going to have a separate pool of money to draw from that the gentleman's State of California will not be able to dig into for better than half of the money available here and all of the money that is available under current law. So consequently in many ways those States will be better off because they are not affected in any way by this than they are presently. In other words, there is more money out here and the gentleman's State and any other qualifying State will have absolutely no divvies on the existing funds

after this is passed, that which is out there.

They will have your own pool of money to go to if they qualify.

Mr. BERMAN. Mr. Chairman, if the gentleman will continue to yield, he is right, assuming that these States file enough claims to take up that appropriated money. If not, then the States who do qualify can dip into that money. And so I guess we have covered the ground.

I thank the gentleman for showing the flexibility to take care of this and, more importantly, to start this in fiscal year 1996. The States who are facing these costs are in a crisis in their budgets. They need the money this coming fiscal year.

Mr. McCOLLUM. Mr. Chairman, reclaiming my time, I would like to say in conclusion that this is a very good, fair proposal for every State involved that has any criminal alien whatsoever in a jail. They are going to get compensation this way and the dollars work out well. The formula works out well. And I would be glad to answer other Members' questions as the afternoon and the debate, if there is any more, progresses so we can clarify that for anybody. But we worked very hard to do this. I want to thank the gentleman for asking those questions so we could clarify as much as possible.

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. Chairman, mention was made of State and local. I want to know the extent of the local? Did this cover our county jails, our city?

Mr. McCOLLUM. If there would be the opportunity to gain that through the States to cover those, 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 guarantee 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 proposal. But the State, the counties, and the cities would be eligible. We do not divvy it up here and say an amount of dollars. But the Attorney General is deciding this and it is for 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 States have the power and are not restricted in any way from providing this

money for the jails. And as the gentleman knows, a lot of the restrictions in this bill on prisons are strictly for State prisons. This has no such restriction. This can go to jails.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has again expired.

(On request of Mr. BERMAN, and by unanimous consent, Mr. MCCOLLUM was allowed to proceed for 1 additional minute.)

Mr. BERMAN. Mr. Chairman, if the gentleman will continue to yield, as I read the gentleman's amendment, the new moneys that come, that are tied to the Truth-In-Sentencing Act, only go to the States. But what this does clarify is that notwithstanding the Justice Department position, the Beilenson 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, it is \$34 million a year, are eligible to claim that money. So this improves, this gives them a crack at what they were not able to get this past year.

Mr. MCCOLLUM. Reclaiming my time, Mr. Chairman, the gentleman is absolutely right. It is confusing only because we are dealing with two different bills, one in law already and what we are doing today. We are trying to supplement last year's and clarify it. But under the new money for those States that have to get to truth-in-sentencing in order to qualify for it, like California, there would have to be the money going to, directly to the States, not so the old pot.

Mr. GALLEGLY. 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 for the fact that 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. 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 [Mr. GALLEGLY] 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 on the problem of illegal immigration so that as we look at the end of this decade, we will, we hope, in a large way have actually brought about a solution to the problem of illegal immigration so this funding, which is going to be provided through this amendment, which is going to be provided through this amendment, will not be necessary in the out years.

Now, as we look at this challenge, there are some who might conclude, that this is simply a border State issue. We have got people from California and Texas and Florida and others that are impacted. But quite frankly, the issue of illegal immigration is a nationwide problem, and it is a nationwide problem that must be addressed by the Federal Government.

As the gentleman from California [Mr. GALLEGLY] said, the coauthor of the amendment, this is an issue of the Federal Government not policing its borders. The magnet which has drawn people across those lines into California, into Texas, into Arizona, and into Illinois, and to New York and other States is a problem which has been created by the Government services which 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.

□ 1630

That is why all we are doing here is not providing relief, necessarily, to States. We are simply meeting our obligation. Our obligation is very clear and forthright, and I hope very much that the McCollum-Gallegly amendment will pass with an overwhelming bipartisan level of support, which can once again state that we are going what we should do.

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

Mr. Chairman, if I may, I would like to engage the gentleman from Florida [Mr. MCCOLLUM] in a colloquy.

Mr. Chairman, I would like to clarify, last year we passed the 1994 Obligation Act on Reimbursement. My understanding is that when we passed that, the target date for reimbursement was 2004.

If we pass this amendment today, I would ask the gentleman, does that change that? Are we starting reimbursement sooner?

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

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 entitlement would kick in automatically for full reimbursement. I would expect that having done what we are doing out here today and tomorrow, we will not have need for that, but nonetheless, we do not change that provision. There is, however, a huge gap in the amount of money that would be available between now and then that is being made-up by this bill, in large measure, because only \$330 million a year is authorized for the next 5 years under that law, and there is an additional roughly \$320 million a year that will be available with this bill, if it passes.

Mr. CONDIT. Reclaiming my time, Mr. Chairman, so I interpret that to mean if we pass this legislation, then that period of time between now and 2004, we can use this money to supplement that period of time?

Mr. MCCOLLUM. If the gentleman will continue to yield, for the next 5 years, to the year 2000, yes, but since none of the legislation in this bill or any of the other crime bills or what we passed last year in any other respect except the trigger mechanism for 2004 went beyond the year 2000, there will be a gap of 3 years in which we would have to come back, if we need to, and address this matter.

That is why, in what I proposed and put out here today, there is a requirement that we get a report no later than May 15, 1999, for the Attorney General as a recommendation concerning the extension of this program. So there may be a gap, but it is only because of the nature of this legislation. It has a finite limit.

Mr. CONDIT. Mr. Chairman, I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I appreciate the gentleman yielding.

I do want to thank my colleague, the gentleman from California [Mr. BERMAN] whose initiative in the Committee on the Judiciary really brought about this ultimate amendment which has now been made in order and is now being presented to the House.

This was clearly not part of the contract, Mr. Chairman, but it is a contract that we ought to keep with the American people. I am glad to see that the gentlemen from California, Mr. DREIER and Mr. GALLEGLY, have joined the gentleman from Florida, Mr. MCCOLLUM, and that it is not overlooked and passed over in our zeal to pass the contract unamended.

It is obvious to me that the gentleman from California [Mr. BERMAN] struck a nerve. That nerve is one that we all ought to feel. That is that we have traditionally neglected the seven States that have the biggest burden of incarcerating illegal aliens.

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. But I want 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 really believe if it had not been for 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 those 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 13 percent of our prison population. Our annual cost of incarcerating illegal immigrant felons is \$368 million.

Adequate reimbursement to affected States would not only help with shortages in personnel, training, and equipment. It would also ensure—and maybe improve—safety levels in our jails and prisons, and in our communities.

Mr. DREIER. Mr. Chairman, will my friend from the Central Valley yield?

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

Mr. DREIER. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, I would just say to my friend from Sacramento that he is right on target when he refers to the fact that the contract was put into place so that we could allow, through the standing rules of the House, to work our will on legislation.

In fact, Mr. Chairman, that is what we said on September 27 when we stood on the West Front of the Capitol and made that argument, so I appreciate the gentleman's support of the goals of the Contract With America.

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 our attention 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 IMS. 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. 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 person would 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 off your debts before you start giving out loans. Any person would recognize that there has been an outgoing 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 responsibility, 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 issue really addresses the biggest deadbeat dad in the country, and that is the Federal Government of the United States. It has walked away from our baby, 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 responsibility that we are placing on other people, but with the irresponsibility of the Federal Government, we are not going

to really grapple with the reality of what is out there. I think this amendment really does make us responsible to the responsibility and the problems we have committed before and allows us to address those in an appropriate way.

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

Mr. Chairman, I would just like to enter into a colloquy with the gentleman from Florida [Mr. MCCOLLUM], the sponsor of the amendment.

Mr. Chairman, I would say to the gentleman that in the Committee on Rules a few minutes ago we reported a rule which we will put on the floor of this House tomorrow morning, the Alien Deportation Act, which does contain the original Berman amendment.

We chose not to waive a point of order on the Budget Act because that amendment in that bill, which will be on the floor tomorrow morning, in our opinion created a new entitlement program. In other words, the amendment would not have been paid for.

Consequently, under the rule that will bring that bill to the floor, the Berman language will be struck from that bill, the new entitlement program.

My question to the gentleman is, in his amendment, does that create a new entitlement program, not paid for?

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

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

Mr. MCCOLLUM. No, Mr. Chairman, it does not create an entitlement program. It is an authorization, strictly an authorization of an amount of money that is the difference between \$650 million and the amount of money that is each year for the next 5 fiscal years in present law as an authorization, so there is no entitlement program created by what we are offering in this amendment whatsoever. It is strictly an authorization.

Mr. BERMAN. Mr. Chairman, will the gentleman from New York yield on that issue?

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

Mr. BERMAN. Mr. Chairman, it is an authorization. The reason I am supporting this amendment is because it tracked the language that we had in the amendment that I was going to offer. It reserves the first \$650 million that is appropriated, either out of the Beilenson language in existing law, or the new prison money, if this bill were to be signed into law, it reserves the first \$650 million for reimbursements to the States for the costs of incarcerating undocumented criminal aliens.

No other money can be spent on this prison program until that money is paid, so it is an authorization plus.

Mr. SOLOMON. Reclaiming my time, Mr. Chairman, I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I think the gentleman from California

[Mr. BERMAN] has explained an additional comment correctly, but it does not make it an entitlement correctly. It is not at all inconsistent 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. SOLOMON. Therefore, no monies will go forward to the States or counties that has not been appropriated?

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.

□ 1640

Can the gentleman explain how that will apply to this bill and to the funds that will go forward to the States?

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

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

Mr. MCCOLLUM. What that is meaning is that we are going to require a State in order to be eligible for this as well as half of the money in the underlying prison grant money bill to have in place a law that essentially abolishes parole for serious violent felons in their State. That is, that they have to have a law that says that that type of defined felon must serve at least 85 percent of his or her sentence in order to be eligible to get the new money that is put forward for criminal alien incarceration reimbursements in this bill.

It, however, has no effect whatsoever on the moneys that would be appropriated under the authorization under the existing laws, which is roughly \$330 million a year.

Mr. SOLOMON. And that they would have to serve 85 percent of the sentenced time?

Mr. MCCOLLUM. The gentleman is correct. That is right. For a State to qualify to get any money under part (b) of the underlying bill for prison grants or for the new money for reimbursing the States for the incarceration of criminal aliens, the new money in this bill.

Mr. SOLOMON. Or for the new money. That is the point I wanted to get across. That means that California, Texas, Florida and my own State of New York had better carry out the truth-in-sentencing and the 85-percent clause or they are not going to get any money.

Mr. MCCOLLUM. Under this bill, if the gentleman will yield. But under the existing law, they still have a pot of money they can draw on if they do not qualify.

Mr. SOLOMON. I appreciate the gentleman's clarification.

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

Mr. SOLOMON. I yield to the gentleman from California, my fellow member of the Committee on Rules.

Mr. DREIER. I thank the gentleman for yielding.

I would like to say that it is very appropriate having here the gentleman from Tennessee [Mr. QUILLEN] the chairman emeritus of the Committee on Rules, and the chairman of the Committee on Rules.

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 now is we are 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 State you come from 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 imposing 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 the gentleman from California [Mr. FAZIO] concerning the Contract With America."

It is a new day in this Chamber because in the past we have helter-skelter just waived the budget rules of this House and we have created these huge deficits. We are not going to do that anymore. Here is a situation where we could have, without much effort at all, created a new entitlement program. We are not going to do that today. We are going to start cutting these entitlement programs and not creating others. And yet through cooperation on both sides of the aisle, I might add, we have resolved this problem without having busted the budget. I commend all of you.

Mr. DREIER. If my friend would yield one more time, I would like to underscore again something that the Speaker of the House has said. That is, that as we look in a comprehensive way, and it was just reiterated by my friend the gentleman from San Diego, CA [Mr. BILBRAY] a few minutes ago, as

we look in a comprehensive way in the out years to deal with this issue of illegal immigration, I am convinced that this responsibility will not be nearly as great for those States which are shouldering it at this point because we plan to have tough laws, toughening up the border patrol to ensure that we do not have that magnet through unfunded mandates drawing people illegally across the border from other countries into this country. I thank my friend for yielding.

Mr. SOLOMON. Right on.

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

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

Mr. BEILENSEN. 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 for the costs of incarcerating illegal aliens.

I also want to take this opportunity to thank our colleague, the gentleman from California [Mr. BERMAN] for successfully pressing this matter to this conclusion. I want to thank the gentleman from Florida [Mr. MCCOLLUM] for his enormously helpful help. 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. CONDIT] and the gentleman 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 successfully on the effort, at least partially successful effort that 4 or 5 of us together made last year, to which the gentleman from California [Mr. BERMAN] and others have already alluded, for all of the reasons given in earlier speeches in the past half hour or so, this is something that should be done. I am delighted that we seem to be 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 spends any funds appropriated under the authority of this bill for prison construction, the Attorney General must reimburse States for at least \$650 million of the cost of incarcerating illegal aliens convicted of felonies. 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 anticrime

bill provided an authorization for State reimbursement from the crime control trust fund of \$1.8 billion for the first 6 years, and made that reimbursement mandatory beginning in fiscal 2004. In response to that amendment, the President requested about half the amount needed for such reimbursement in this fiscal year, and Congress approved \$130 million, or one-fifth of what is necessary. This amendment is an effort to ensure the appropriation of the full amount States and localities need.

Criminal aliens are people who have entered our country in violation of Federal laws; that makes their incarceration a Federal responsibility, and thus a cost that should be borne by all U.S. citizens, not just those who live in regions with large numbers of illegal immigrants. As the House of Representatives recognized with the recent passage of unfunded mandate legislation, the Federal Government should not continue to pass the costs of Federal actions—or in this case, lack of effective Federal action—onto State and local governments. Yet that is precisely what we have been doing by making States and localities pay for the Federal Government's failure to stop illegal immigration.

While State and local governments have the responsibility for incarcerating criminal aliens and processing their cases, they have no jurisdiction over the enforcement of immigration laws, no authority to deport aliens who are convicted of crimes, and no authority to ensure that those deported are not permitted to re-enter the country.

Congress recognized the unfairness of this situation and acknowledged the Federal Government's responsibility for the criminal alien population in the 1986 Immigration Reform and Control Act [IRCA]. 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 cover the full costs.

In today's Los Angeles Times, Speaker GINGRICH 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, and I am glad that the Speaker decided to champion this issue that some of us from affected communities have been arguing for quite some time. However, unless we adopt this amendment, we will have no real assurance that full funding for State reimbursement will be forthcoming.

There are between 23,000 and 35,000 undocumented aliens incarcerated in State prisons. The States which have significant numbers of criminal aliens in their prisons—that is, over 2 percent of their prison population—include not just California, Florida, Texas, and New York, as one might expect, but also Alaska, Arizona, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Massachusetts, Nevada, New Jersey, Oregon, Pennsylvania, and Washington.

From 1988 to 1995, the number of illegal alien felons in California State facilities has soared by 235 percent, from 5,700 to an estimated 19,200 by the end of this year. During the same period, the total annual cost of incarcerating and supervising this population has skyrocketed from \$122 million to an estimated \$503 million by the end of the next fiscal

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 amounts to \$75 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 appropriated funds, and is not a violation of our budget rules. Its cost—\$650 million per year—is, relatively speaking, a modest amount for the Federal Government. On the other hand, for State and local governments, this is quite a significant amount, and relieving them of this expense will free up revenues for other necessary public purposes.

Mr. Chairman, because Congress has been unable, or unwilling, to meet its full responsibility to the States with respect to criminal aliens, it is imperative that we ensure reimbursement to the greatest extent possible. By passing this amendment, we will be relieving State and local governments 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?

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 unfettered. 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 this new pool will have full sway with the underlying moneys.

Thereby, we thought this was being extremely fair to everybody concerned, 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 would not get sufficient moneys 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 \$330 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 \$300 million or so a year, maybe larger, that it itself says that it is concurring 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 \$650 million that CBO estimates 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 Beilenson 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 \$650 million total is what CBO says will be full reimbursement 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 the two accounts.

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 is 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.

□ 1650

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, the problem that I foresee is 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. So it is a concern to me, and I would want the gentleman's assurances that that would be something that would be looked at.

Mr. MCCOLLUM. If the gentleman will yield, I think he 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.

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

Mr. BENTSEN. 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 be ineligible for any 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. MILLER of California. Mr. Chairman, will the gentleman yield?

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

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 the money. The point is the problem that the States have had is that they are saddled with the burden day in and day out through no choice of their own, and yet if 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 States will go to and whether that money will be there. It is not an entitlement, so we do not know that it will be there at the end of this budget process. But the fact is the burden goes on in any case, and that is what the States are complaining about.

So now the gentleman is erecting these hurdles, and it has nothing to do with the fact that they have thousands of beds taken up with illegals through a failure of Federal policy.

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

Mr. BENTSEN. I am glad to yield for a short time to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I would just like to make the point that you are no worse off or better off with regard to the underlying law no matter what happens to the truth in sentencing. It is new money being added, and it is only the new money being added that you did not have before today in this provision of this amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Texas [Mr. BENTSEN] has again expired.

(On request of Mr. MCCOLLUM and by unanimous consent, Mr. BENTSEN was allowed to proceed for 1 additional minute.)

Mr. MCCOLLUM. If the gentleman will continue to yield, you have new money being added today that you did not have before, and it is only that new money that has any conditionality to it at all. We do not place conditionality on the existing funding mechanism that is there today and, therefore, there is no reason for anybody to feel upset about the conditionality, because we are not doing anything with that. It is still there, unfettered completely,

and as a whole we are all better off since we are adding more money today.

Mr. COLEMAN. Mr. Chairman, will the gentleman from Texas yield?

Mr. BENTSEN. I am glad to yield to my colleague from Texas.

Mr. COLEMAN. Mr. Chairman, my only question that I have, and I appreciate the comment of the gentleman from Florida about getting the funding, and he said his side of the aisle was going to work very hard to get the full funding for this amendment. I wonder whether or not, since I represent Texas, you are going to work just as hard to get full funding for what has become known as the old statute, the Beilenson part of the crime bill?

Mr. MCCOLLUM. If the gentleman would yield, absolutely. We are committed to full funding for both of them, for the whole \$650 million to reimburse everybody. That is the commitment, and there is no problem making that statement out here on the floor.

Mr. COLEMAN. I thank the gentleman for his answer, and thank the gentleman for yielding.

Mr. BENTSEN. 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.

(By unanimous consent, Mr. BENTSEN was allowed to proceed for 2 additional minutes.)

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 than 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 address this problem, and at the same time this is a problem that is beyond their control. It is the responsibility of the Federal Government.

Mrs. THURMAN. 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 Beilenson, Berman, Condit 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 pass it, and they have to have an implementation time to begin no later than 3 years after they pass that act.

Mrs. THURMAN. If the gentleman will yield back, I will take back my time. During that 3-year period of time, would they be able to receive, if they passed that legislation, would they be able to receive the dollars that will be appropriated under this bill?

Mr. MCCOLLUM. If the gentlewoman will yield, the answer is yes, because they would be eligible for these dollars under the criminal alien reimbursement provisions, just as they would be eligible for dollars under the truth in sentencing prison grant money.

Mrs. THURMAN. If I can take back my time, is there any penalty at the end of that 3-year period of time if they were not able to meet that 85-percent truth in sentencing?

Mr. MCCOLLUM. If the gentlewoman will yield, the answer is if they are not eligible any longer at the end of 3 years, which would be quite a ways into this legislation, they would slip back into the category of those States that would have to compete for the moneys in the existing law, that is the \$330 million, and they would have a preference as a nonparticipant 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 both know that we have numbers from the State of Florida talking about I think it is \$1.37 billion that we have spent just in Florida since 1988 in incarceration of illegal criminals, I guess the concern is because 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 I hope that we can look 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.

But I do have to agree with the gentleman from California, because we have not lived up to this responsibility, and it has put our States at a disadvantage, not only at the disadvantage of incarceration, but all of the other services that we are providing that are taking away from that construction for prison moneys because we are having to pay for a lot of other expenses too, and I hope that we figure out a way that we do not penalize those folks because they are trying to do a good job just because they cannot reach that point.

Mr. MCCOLLUM. If the gentlewoman will yield, I recognize that she has had only a little while to look at this, but I have had a lot of time to study this, I guess, as being the author, and having had time to look at it and study it. I am convinced, and I believe she will be too when she has the time to digest this, that actually States that do not qualify for the truth in sentencing will be better off after this provision passes than they are today in terms of getting at the existing \$330 million, because there are going to be fewer 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.

□ 1700

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 this as an issue that faces the National Government, not our State governments, and we are all in this together, and for those that are going to support it, we thank you very much, because it is a big help for us.

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

I just thought it would be wise to wade in with my colleague from Florida since there were so many Members from California here just a moment ago, and then there were those Texans here as well.

As one of those seven States that bears the brunt of the kind of discussion that we are having regarding illegal immigrants in our jails, I certainly want to compliment the gentleman from Florida and the gentleman from California and all those associated with them in crafting this legislation.

I do make a very simple appeal though, and that is that somehow or another, centered around criminal activity, we can come up with the most

brilliant manner of going forward as legislators in finding money all over the budget, and in the Immigration and Education Act, that was mentioned by my colleague and friend, the gentleman from Texas, I remind everyone that President Reagan zeroed out the budget funding for the Immigration and Education Act, and no offense meant to the former President, but the simple fact of the matter is that if this money is not appropriated, all they are doing is some kind of fancy dance trying to give our constituents the notion that we are doing something about this problem.

Let me tell you something. I am concerned about us paying a debt to the State of Florida, the State of California, the State of Texas, the State of Arizona, New York, all of the States that have this problem, and it is a debt owed because it is a national problem, and it is not one that is a State problem.

But at the very same time, if I had to place my eggs in a basket whether or not to take care of an illegal immigrant in prison and a debt owed to a State, I would much rather that this legislature be about the business of trying to fund measures that will take care of children who are entering our States in vast numbers, such that one educator in Dade County reminded me that every month the equivalent of a school enters their school system who are folk from outside this country, and in my base county, every 3 months a whole school is formulated.

It is nice to find money for prisoners, but we had better find some money for schools.

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

Mr. HASTINGS of Florida. I yield to the gentleman from California.

Mr. BERMAN. You raise an interesting point on empty authorizations. This program has been authorized since the 1986 law. Until President Clinton proposed money last year and the Congress appropriated \$130 million, we never funded it.

As you mentioned for the program of health and education, reimbursements to the States for the cost of the legalization program, nearly every single year President Reagan or President Bush sought to rescind that entire fund. Congress kept it, fortunately, but there is a logic to this in the sense that with the pressure and interest in funding new prison construction, the requirement that this money be appropriated first probably forces this not to be an empty authorization, and it is the basis upon which I think it probably makes some sense.

Mr. HASTINGS of Florida. I want my friend from California to know that while I stand with you almost all of the time, I am going to try to get close to my friend from Florida who seems to know the Senate President well enough to know what we are doing.

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



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 complex and difficult solution to what is a very important problem, obviously the chairman, the gentleman from Florida [Mr. MCCOLLUM], and the gentleman from California [Mr. BERMAN], for the work he has done, the gentleman from California [Mr. DREIER] on the Committee on Rules, and many others who have labored long and hard.

We are a little bit in the situation that probably a lot of American households find themselves when you do not have enough money to the end of the month to pay all the bills. You sort of stack them up. You say, "Well, I don't have enough money to do all of these bills so I am just going to do this one and this one; I will do the butcher, the baker, and the candlestick maker this month, but will let the gas company wait." What happens is sort of the wheel that does not squeak is always the one that stays in the pile that does not ever get paid off, and over the years the Federal Government has just been a giant household that has run up a big debt and has not paid all of its bills, and it seems that every year the good guys who do not make a big enough squeak are the ones who do not get paid for what they have done.

This is a piece of legislation that finally tries to deal with that. It does not solve the whole problem, and it is not retrospective, of course, but it does try to say to folks who are doing the right thing out there on the front lines and say, "Hey, we know we owe you, and we are going to start paying the bills, at least some of the bills." And I am very thankful that we have gotten to this point under the leadership so far to carry this thing forward.

Yes, we could have done this a lot of different ways. There is no question about it. This was not easy to craft, I know, but I think we have come to something that is pretty good. We have got assurances it is going to work, and I think the people who have been bearing the disproportionate burden of the cost over the years can look and smile and say, "We are making some progress on this thing."

I am sure the statistics have been made about my State of Florida; the load we are carrying down there has gotten so out of control that 10 percent of our overall prison population is what we are talking about here, more than 5,000 people, and we are talking about not a few dollars. We are talking about hundreds of millions of dollars, even so much so that the Governor of our State has felt the necessity to bring a suit against the Federal Government for a billion dollars to get some claim on back money. Now, that suit did not get very far, but at least we now have something that says we are going to start setting up the system that is

going to allow for the great household that is the Federal Government to start paying more of its bills more equitably, and that folks who have waited the longest and perhaps for the most money finally see some relief in sight.

I want to again congratulate those involved and thank you for the opportunity to say these things.

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

The amendment was agreed to.

Mr. MCCOLLUM. Mr. Chairman, at this time I would like to ask unanimous consent that for all amendments that remain to be offered and are offered on this bill today or tomorrow, or whenever, until we complete consideration of it, the entire time for debating any individual amendment be limited to no more than 20 minutes, divided 10 minutes to a side, 10 minutes for the proponent and 10 minutes for any opponent.

The CHAIRMAN. And every amendment thereto?

Mr. MCCOLLUM. And every amendment thereto.

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

Mr. CHAPMAN. Mr. Chairman, reserving the right to object, I ask the gentleman, is he talking all amendments on the bill including time we spend tomorrow?

Mr. MCCOLLUM. Mr. Chairman, reserving the right to object, that is correct, all amendments remaining on this bill, not any other bill, just this bill. The reason why is that we need to progress through this legislation in order to do the criminal alien bill tomorrow and have time on Monday and Tuesday, as the gentleman's side wants, for us to be able to devote to the remaining block grant bill which is part of the effort to be bipartisan about how we consider this. There are a lot of amendments left on this bill.

Mr. CHAPMAN. Mr. Chairman, I will not object, but I would ask the gentleman, I know I have one additional amendment to come up tomorrow, and I would ask the gentleman if, in fact, we are in debate and there appears to be substance to that debate, I would like to be asking unanimous consent for perhaps some additional time on that amendment. I will not object to the gentleman's request today.

Mr. MCCOLLUM. If the gentleman will yield further, I will certainly consider it. I cannot promise the gentleman what the result will be since I obviously cannot control, nor can the gentleman, the unanimous-consent request.

Mr. CHAPMAN. Further reserving the right to object, Mr. Chairman, I think there are some important amendments to go. If we cannot have some understanding to try to work together, I will have to object.

Mr. MCCOLLUM. We will work together. I assure the gentleman we will work together.

Mr. CHAPMAN. Mr. Chairman, I withdraw my reservation of objection.

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

Mr. CONYERS. Reserving the right to object, Mr. Chairman, I understand what motivates the gentleman from Florida. I agree to it subject to the fact that there may be a couple of amendments on which we may have to ask unanimous consent to go a little bit longer than this.

Mr. MCCOLLUM. If the gentleman will yield, I certainly do not have a problem working with the gentleman on that. I know he wants to strive, as I do, to try to have good limits. If we are only talking another 5 or 10 minutes in addition or something like that, and I think that is what both gentlemen are thinking, I do not have a problem. What I am really concerned about is you do not get maybe an hour out here.

Mr. CONYERS. Further reserving the right to object, what I am saying to the gentleman is that we can agree to this subject to the fact that there may be several that we would ask unanimous consent to move ahead.

With that, Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

□ 1710

AMENDMENT OFFERED BY MR. GALLEGLY

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

The Clerk read as follows:

Amendment offered by Mr. GALLEGLY: Section 505 (2) of H.R. 667 is amended to read as follows:

"(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 ratio that the number of part 1 violent crimes reported by such state or states to the Federal Bureau of Investigation for the most recent calendar year for which the data is available."

Mr. GALLEGLY (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 California?

There was no objection.

The CHAIRMAN. Pursuant to the unanimous consent request, the gentleman from California [Mr. GALLEGLY] will be recognized for 10 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Chairman, this amendment is really just a common-sense change in the legislation that would ensure 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 terms of violent crime and in keeping violent criminals behind bars.

H.R. 667 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 a clear 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 us fight violent crime by locking 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 concern 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 are around here.

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, commonsense amendment.

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

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, 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, since it is identical to the one that we filed, 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 it does is make a small, but very significant, change in how the grant funds are allocated. It does that by targeting the funds to those 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 fol-

lowing 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 the affected areas will produce gross misallocations of resources in relation to actual need.

This amendment, Mr. Chairman, will reinstate the law as it currently exists, will put back in place the allocation of the formulas of the 1994 crime bill. It is one way to target the resources to where the need is greatest.

So I enthusiastically support the gentleman's amendment because it remarkably resembles the one I filed yesterday in the RECORD. I compliment the gentleman for his vision and look forward to supporting him.

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

Mr. Chairman, I thank the gentleman for his kind words and also recognize his great wisdom.

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 that on 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 cannot understand 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.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer amendment No. 2.

The CHAIRMAN. Is the gentleman's amendment No. 15?

Mr. BURTON of Indiana. It has a No. 2 at the top, Mr. Chairman. 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 read as follows:

Amendment offered by Mr. BURTON of Indiana: 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."

The CHAIRMAN. Pursuant to the unanimous-consent request, the gentleman from Indiana [Mr. BURTON] will be recognized for 10 minutes.

Is there a Member who rises in opposition to the amendment and wishes to be recognized? If not, the gentleman from Michigan [Mr. CONYERS] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, the gentleman from New Jersey [Mr. TORRICELLI] and I are cosponsors 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 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 [Mr. BURTON] 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 insure that there is just and fair punishment.

Much has been learned about prison construction and ways 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, often with steel in a factory setting, these costs can be dramatically reduced. Indeed in a soon to

be released independent national report by the Mitchell 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.

□ 1720

With that I want to thank the gentleman for yielding. I also want to thank the chairman of the subcommittee, the gentleman from Florida, for his support for the amendment.

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

Mr. BURTON of Indiana. 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 would presume that it might. That has not been a consideration in the amendment, but I presume it would.

Mr. CUNNINGHAM. Since the higher costs come along with Davis-Bacon, under construction under Davis-Bacon, I think it ought to seriously be looked into.

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

Mr. BURTON of Indiana. I yield to the gentleman from New Jersey.

Mr. TORRICELLI. Mr. Chairman, I think an answer to the gentleman's question might be, "First, because you're reducing construction time, there certainly 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, it ought to be 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. TORRICELLI. 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 tech-

nology. There will be others in the years to come, and we believe every Governor of every State should be looking into these new technologies to cut down the cost of these new prisons that are going to be constructed.

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, too, because it will save 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 cities and towns. It is 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, and so I rise 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 great new industry that we are building 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, one of the ways in which we can do, I think, both and not even have to build prisons in the future:

In the State of California we have got 16,000 Federal felons that are illegal immigrants. There are 84,000 nationwide. That is a lot of room at the inn. If the gentleman would help us make sure that those folks are repatriated from whatever country they came from, maybe we would not have to spend as much money on our present—

Mr. CONYERS. Reclaiming my time, beyond that I will say to my colleague I think we ought to have immigration laws that prevent people from effectively coming in illegally as opposed to what we do with them after they get in—

Mr. CUNNINGHAM. I agree with the gentleman.

Mr. CONYERS. And then run up the bill.

Mr. CUNNINGHAM. I will help the gentleman do that, too.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. MCCOLLUM

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

The Clerk read as follows:

Amendment offered by Mr. MCCOLLUM: Page 9, after line 6, insert the following:

"(6) TRANSFER OF UNALLOCATED FUNDS.— After making the distribution to all eligible States required under section 503, the Attorney General may transfer as provided in this paragraph, in such amounts as may be provided in appropriations acts, any remaining unallocated funds which have been available for more than two fiscal years, but all such funds shall be available for the purposes of this paragraph after fiscal year 2000. Funds transferred under this paragraph may be made available for expenses of the Immigration and Nationalization Service for investigators and for expenses of the Bureau of Prisons, the Federal Bureau of Investigations and the United States 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.

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

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

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 10 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 10 minutes.

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

Mr. MCCOLLUM. If I might, this is a very technical amendment. It does something with the funds that might not be allocated, and what it simply says is that, if at the end of 2 years after this legislation is in existence, every 2 years, money then begins to flow that is not utilized, not taken up in the grant programs from certain specified purposes dealing with prisons and law enforcement activities for violent felonies and so forth to go to the appropriations that may be determined by the appropriators to fight crime, and it is a way to capture this money in the trust funds.

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

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

Mr. CONYERS. Mr. Chairman, can I get a copy of the amendment?

Mr. MCCOLLUM. Absolutely; we got a copy here. I thought the gentleman had one; I apologize.

What it does is it says, and since the gentleman does not have one, I will be glad to read these provisions, that any remaining unallocated funds which have been available for more than 2 fiscal years shall be transferred by the Attorney General as provided by the appropriators for the purposes of the expenses of the Immigration and Naturalization Service for investigators or for expenses of the Bureau of Prisons, the Federal Bureau of Investigation and U.S. attorneys for activities and operations related to investigation, prosecution, and conviction of persons accused of a serious violent felony and the incarceration of persons convicted of such offenses. I doubt seriously we are going to have any money left over. I say to my colleagues, I think by the time you get through the period of time we are talking about, you're going to have every penny of this scooped up, but this allows for us to keep the moneys that are cordoned off in the trust funds, which we all want to keep, from the moneys that came out last Congress in our desire to dedicate these moneys and these resources to law enforcement and to fighting the purposes intended. This allows us to not lose those moneys should the grants not be allocated, should there not be enough applications for them, or qualifications, or whatever.

So, we are trying to keep the money for law enforcement purposes and for the purposes intended in this bill. I am sure the Bureau of Prisons alone, the Federal Bureau of Prisons, could probably consume the balance of any funds that are here, but we tried to make this broad enough to give the appropriators a chance to work their will, but narrow enough. I say to the gentleman from Michigan, that we are able to keep it in our domain so that it is used for the purposes intended.

This is of course again assuming that the grants are not fully awarded. I got a feeling they will all be fully awarded, but there is no escape valve, no carry-over provision, no nothing now in the law either in this bill or what was passed in the last Congress to take care of that eventuality.

And so that is all that this does. It does no more than that. We have been requested to try to do things of this nature to protect our interests in the past, and the committee feels very strongly that that is what it is.

When he gets here, and I think he is headed to the floor, the gentleman from Kentucky [Mr. ROGERS] who is our appropriator for State, Justice Appropriations Subcommittee on the Committee on Appropriations, the chairman of that subcommittee would undoubtedly like to address this issue and encourage it because it is something that I think he would favor as well in order for us to be sure that we do not miss out on any moneys. In the end they go back to some general pot somewhere for gosh knows what purpose that might be, general whatever, and I think again that this is a very

important amendment but is not one which should be at all controversial, and I assumed the gentleman from Michigan had a chance to examine it before. I apologize that he had not. But in any event I do not think he will find this to be a difficult amendment.

Again all it is is a transfer of unallocated funds for the purposes as may be appropriated by the Committee on Appropriations as long as they are for the purposes specified in here, Bureau of Prisons, FBI, U.S. attorneys, Immigration and Naturalization Service.

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

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

Mr. WATT of North Carolina. Mr. Chairman, the question I wanted to ask about this is whether this might have the effect of encouraging agencies to come up with programs that have not been thought through, and that is one part of the question, and the second part of the question is, given the choice between having this money be forced into some other law enforcement purpose that may or may not be worthy certainly would not have been addressed directly by this Congress.

□ 1730

Might it not be better to direct the money to the reduction of the deficit, since we are all very concerned about that?

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, it has been impressed upon me by the appropriators and the gentleman from Kentucky [Mr. ROGERS] who will be here in a moment, the chairman of the subcommittee, that we in reducing the overhead and trying to balance the budget, may be putting the committee in a very difficult position to fund, for example, the investigators we need for the criminal law enforcement positions of INS, that your administration just requested a 73-percent increase in their current budget.

We may have trouble funding the Bureau of Prisons, which is our Federal responsibility, where we do not allocate any money under any of these major bills and certainly not under this \$10.5 billion bill.

So if there is anything left over, it is not going to be under somebody's creative scheme. We really need that to run our prisons and do the things that the bipartisan group of people want to do here. No, we are not suggesting any great devious methodology is involved.

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

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

Mr. Chairman, having looked this over, having examined the question between putting this to the deficit balance, I would prefer that it go into the following programs and the following departments included in the amendment. So I would support the amendment.

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.

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]?

Is there a sufficient flexibility built into this language that would allow the use of these funds for prevention kinds of programs as opposed to just building more prisons? I honestly have not had a chance to look at language.

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

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

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 cordoned 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 investigators. 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 barring that, that is not the intent. 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 doing this we control it to the extent we force it into the workings that this Committee on the Judiciary would want it to be, and for Federal purposes, as long as it is 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 and billions of dollars, all the way 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 change in it. Of course, this will be revisited in conference. So I just want us to all be aware of it.

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.

No. 1, he underestimates the will of my Governor, since North Carolina is one of the three States to that qualifies to get these funds under this bill currently. I think you are underestimating the will of my Governor and his pursuit of these funds, first of all.

Second of all, that raises even more the concern I have that since some subsequent bills that are coming to the floor will have the effect of reducing prevention dollars, that I am wondering whether the gentleman might entertain the idea of including specifically some language in this amendment that might allow those dollars to go to fund prevention programs that some of the subsequent bills are going to have under attack which are coming to the floor.

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

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

Mr. MCCOLLUM. Mr. Chairman, I do not believe that would be appropriate. I understand what the gentleman is getting at. But the moneys were pretty evenly divided at about \$10 billion each to the prevention and cops under our construct, and for prisons and law enforcement basically under this kind of legislation here today. And I think in a moment, once the gentleman from North Carolina and Michigan have finished their colloquy and time, I am going to yield to the gentleman from Kentucky [Mr. ROGERS], who I think can explain exactly why we need to do this for the purposes we put in this amendment, so he is the appropriator, and being the chairman of the subcommittee that oversees our program.

Mr. CONYERS. Mr. Chairman, reclaiming my time, let me pursue the idea raised by my colleague from North Carolina [Mr. WATT]. What about some prevention money or some programs that go to those that will be dealing with it? There is a gang resistance program in Treasury. There are all kinds of prevention programs. Because it does raise a difficult point. We are taking, in your bill, \$2.5 billion out of prevention, and now we are taking what may well be, based on my estimates, an even larger amount, and transferring back to very important law enforcement agencies and departments of the Federal Government.

Mr. MCCOLLUM. Mr. Chairman, if the gentleman will yield further, I really do not know the parameters of the powers we are giving to the appropriators here, but I suspect they are pretty broad in the areas we are giving it to them, though they are constrained here. Perhaps the gentleman would like to direct some of his time to the gentleman from Kentucky, who has that knowledge. I do not have it. I do not wish to personally add to the litany here, because I fear that our money is going to be constrained enough as it is. But, nonetheless, the gentleman thinks there is going to be more here than I think there is.

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

Mr. MCCOLLUM. Mr. Chairman, I yield 3½ minutes to the gentleman from Kentucky [Mr. ROGERS], the chairman of the Subcommittee on State, Justice, and those things that concern us here today.

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 long and productive 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 amendment will assure 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 pots of money to accumulate unused.

We have a challenge this year and the years ahead. As criminals are increasingly apprehended, tried, and sentenced, 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.

□ 1740

Just for the annual cost of the seven prisons coming on line this year, of which five will be operated by private contractors, we will need to find \$200 million to operate those on an annualized basis.

Similarly, this 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 needs of the Federal law enforcement agencies.

Mr. CONYERS. 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 legislate \$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 merit, sir. We cannot start, if we 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 the money in that regard.

Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. HASTINGS].

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 courthouses and court personnel. 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. 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. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

What I would like to find out from my friend from Florida, if a very small amendment, 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. CONYERS. 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.

DEA or something like that, we probably could do it. But I tried to draw it narrowly. The gentleman from Kentucky wanted to broaden it even more. We sort of settled on this.

I am open but not that broad.

Mr. CONYERS. Mr. Chairman, let me point out to the gentleman that a point of order could have lain against this whole amendment. So I am sorry. A point of germaneness could have lain against this 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, and I do not know where it may be in here, it would be all still in 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 whole different department and functions. I am reluctant to amend this in any way other than a very minor way that might deal with something that maybe we have not thought of and we did not mean to overlook in terms of something, some function related to one of the law enforcement areas.

Mr. CONYERS. 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 defenders contemplate that?

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONYERS] has expired. The gentleman from Florida [Mr. MCCOLLUM] has 1½ minutes remaining.

Mr. WATT of North Carolina. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. CONYERS] be granted 3 additional minutes.

The CHAIRMAN. The Chair can only entertain such a request if it is 3 minutes additionally on both sides.

Mr. WATT of North Carolina. Mr. Chairman, I ask unanimous consent that each side be yielded 3 additional minutes.

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

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 3 additional minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 3 additional minutes.

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

I would like to explain, I do not have any problem, perhaps, as we go

through, if the public defenders would balance off U.S. attorneys or something. But I do not think that was the intent.

Mr. Chairman, I yield to the gentleman from Kentucky [Mr. ROGERS] to explain why this is drawn as narrowly as it is, why going into courthouses or courtrooms—and maybe he mentioned that—would be too broad for what is available. I feel that there will not be enough money, but I want him to talk about why.

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 there, 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 it. 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. Chairman, to my friend, the chairman of the Subcommittee on Crime, I would like to point out that we would be willing to agree with this reluctantly if we would add, instead of Health and Human Services, the National Institute of Justice for law enforcement technology programs.

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

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

Mr. MCCOLLUM. Mr. Chairman, I personally am interested in seeing the National Institute of Justice protected. I have no problem with that. I would like to have the gentleman ask on his time, while he is asking the gentleman from Kentucky, whether or not that is within the purview that he would agree to. He is our appropriator. I am trying to help honor his request, too.

Mr. CONYERS. Mr. Chairman, I yield to the gentleman from Kentucky. [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I have a problem with that on this bill.

Mr. CONYERS. Mr. Chairman, the gentleman says he has a problem with that.

Mr. ROGERS. Mr. Chairman, if the gentleman will continue to yield, yes, I do. We can talk about that on another bill, if the gentleman would care to. But not on this bill. It is just not possible on this bill.

Mr. CONYERS. Mr. Chairman, reclaiming my time, first of all, we have a measure here before us that gives money for things other than building prisons. I agreed to it. I asked that we include crime prevention programs.

I am told that that is not germane. I asked for adding the National Institutes of Justice for law enforcement technology, which the members of our committee are very familiar with.

□ 1750

Now I am told that "We are sorry that will not work." I think I get the idea, Mr. Chairman. This amendment is very unacceptable to me for the reason that I cannot get one small program into it, so it is clear what I will be urging Members on my side to do.

The CHAIRMAN. The Chair will advise Members that the gentleman from Michigan, [Mr. CONYERS], has 30 seconds remaining, and the gentleman from Florida, [Mr. MCCOLLUM], has 3 minutes remaining.

Mr. MCCOLLUM. Mr. Chairman, I would ask the gentleman from Michigan, before he makes a declaratory statement with his last 30 seconds, if he would reserve it and let me have my time.

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

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

Mr. Chairman, I am curious, does the gentleman from Kentucky, [Mr. ROGERS], if he would answer this for me, have jurisdiction over the National Institute of Justice, his subcommittee?

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

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

Mr. ROGERS. Mr. Chairman, I would tell the gentleman that it is in the Justice Department, so we do have jurisdiction, yes.

Mr. MCCOLLUM. So the gentleman would have absolute discretion as a subcommittee, then, Mr. Chairman, over how this money is divided up, whether it goes to the National Institute of Justice or the U.S. attorneys or the Bureau of Prisons in his subcommittee, of course, subject to the approval of Congress, of the body voting on it, would he not?

Mr. ROGERS. We would, Mr. Chairman, and we do, I would tell the gentleman.

Mr. MCCOLLUM. Although the gentleman would prefer not to add it in here, there would not be any real harm in that, because it would just be part of the pot? There is no division of the amount of money here. This would still

be within the gentleman's subcommittee and within the discretion of the Committee on Appropriations, would it not?

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.

I think it would be best 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, if we could amicably offer it. There is not going to be any skin off anyone's teeth with this, because there is nothing that is going to be allocated.

Mr. Chairman, if I acquiesce to the gentleman's request to include the National Institute of Justice, I think that 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.

Mr. ROGERS. Mr. Chairman, if the gentleman will yield, I will defer to the chairman on this bill. This is his bill. This is his amending process. I am going to take his judgment on it. I would prefer it not be there, but if the gentleman is happy with it, I will manage to try to be happy.

Mr. MCCOLLUM. Reclaiming my time, Mr. Chairman, if the gentleman from Michigan still wishes to agree with this, I ask unanimous consent, if he is agreeable to the proposal, to amend my amendment to add "The National Institute of Justice" for the activities and operations related, as the gentleman requested.

The CHAIRMAN. The Chair will state that it would prefer to have the amendment reduced to writing, in order to have it at the desk. We will suspend for 1 minute while it is being put in writing.

Does the gentleman from Michigan [Mr. CONYERS] offer the amendment that is at the desk?

AMENDMENT OFFERED BY MR. CONYERS TO THE AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. CONYERS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS to the amendment offered by Mr. MCCOLLUM: Strike out the period at the end of the amendment offered by Mr. MCCOLLUM, and insert "including the National Institute of Justice for law enforcement technology programs."

The CHAIRMAN. The Chair would state that the amendment is not separately debatable, and comes under the time limit.

The gentleman from Florida [Mr. MCCOLLUM] has 1 minute remaining,

and the gentleman from Michigan [Mr. CONYERS], has 30 seconds remaining.

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

Mr. MCCOLLUM. Mr. Chairman, I think what we ought to do is accept this amendment to my amendment, and pass the whole thing. I think it is an amicable thing. I think the gentleman from Michigan [Mr. CONYERS] wishes to do that.

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

Mr. MCCOLLUM. I am glad to yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, may I just ask the gentleman from Michigan [Mr. CONYERS] the name of the agency again? I heard it wrong, I thought.

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

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

Mr. CONYERS. Mr. Chairman, the name that the gentleman will come to love is the National Institute of Justice for law enforcement technology programs.

Mr. ROGERS. Mr. Chairman, if the gentleman will continue to yield, could the gentleman from Michigan explain what that agency does?

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, and it is for law enforcement technology programs, but "law enforcement technology programs," should not be capitalized. I think the gentleman is really 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 as it is?

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. CONYERS to the amendment offered by Mr. MCCOLLUM: Strike out the period at the end of the amendment and insert "including the National Institute of Justice for law enforcement technology programs."

Mr. MCCOLLUM. Mr. Chairman, I have no further desire to debate this. I think we have it correct technically now.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman from yielding time to me.

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 of 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 pot to spend every conceivable amount of money that they can spend on anything, and never turn anything back to be applied, and our deficit keeps getting bigger and bigger and bigger.

Mr. Chairman, it just seems to me that we are falling prey to that very thing in this amendment. I appreciate the gentleman yielding to me.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Michigan [Mr. CONYERS] to the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The amendment, as modified, to the amendment was agreed to.

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

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment, amendment number 8.

The Clerk read as follows:

Amendment offered by Mr. SCOTT: Page 8, after line 3 insert the following:

"(d) EVALUATION.—From the amounts authorized to be appropriated under subsection (a) for each fiscal year, the Attorney General shall reserve 1/10 of 1% for use by the National Institute of Justice to evaluate the effectiveness of programs established under this title and the benefits of such programs in relation to the cost of such programs."

The CHAIRMAN. The gentleman from Virginia [Mr. SCOTT] will be recognized for 10 minutes.

Does the gentleman from Florida [Mr. MCCOLLUM], the chairman of the committee, seek recognition in opposition to the amendment?

Mr. MCCOLLUM. I am in opposition, Mr. Chairman.

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

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

Mr. SCOTT. Mr. Chairman, this amendment simply requires that we

use a minuscule portion of the funding for programs under this chapter to determine whether or not the billions of dollars authorized under this bill, plus the hundreds of billions of dollars the prison grants program will encourage the States to spend, whether or not those expenditures actually reduce crime.

Mr. Chairman, I will submit a similar provision to evaluate programs funded under the Police and Prevention Block Grant when we take up H.R. 728. The amendment will set aside one-tenth of 1 percent for research and evaluation of the effectiveness of expenditures under the bill for crime reduction.

Mr. Chairman, this amendment assures that we will try to add not only truth-in-sentencing, but also truth in legislating, as we approach the attack on crime. We need to know whether or not the expenditures are actually having an effect.

Mr. Chairman, we have seen programs evaluated, like drug courts, that cost about one-twentieth of other initiatives and have an 80 percent reduction in crime.

We have seen studies of Head Start, Job Corps and other primary prevention programs that save more money than they cost and reduce crime.

We have even seen recreational programs studied, and significant reduction of crimes are found.

□ 1800

Mr. Chairman, according to the National Academy of Sciences, in various studies of potential years of life lost, violence prevention gets a small portion of the research. We spend \$441 for heart, lung, and blood research for each potential year of life lost, \$697 for AIDS research, \$794 for each potential year of life lost for cancer, but only \$31 for each potential year of life lost in research for violence.

Mr. Chairman, we should invest one-tenth of 1 percent of the funds under this bill to see whether we have wasted our money or whether the money could have been allocated better. Five years from now after we have spent \$30 billion, we would then be considering spending another \$30 billion or more, it would be nice to know what parts of the \$30 billion actually had the effect of reducing crime and what part of the \$30 billion had no effect at all.

This minuscule investment can give us the answers, and therefore I hope the House will adopt the amendment.

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

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

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

If I might, Mr. Chairman, I wish to oppose this amendment, and I would like to argue in that behalf very briefly simply to state that what I am concerned about at this point in time is

the fact that we already know that 30 percent of those who are convicted of all violent crimes in this country are on probation or parole at the time they are convicted. There is no question that prison time is a great solver in deterring crime. If somebody is in prison they cannot commit crimes, for gosh sakes. We do not need to spend one dime 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.

#### SUNDRY 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. CONYERS].

Mr. CONYERS. 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 very much in doubt 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 gentlewoman 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 without further study 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 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 should, fiscal 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 will find 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 assumed 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 programs, and I therefore intend to vote against this bill.

When we passed the crime bill last year, we were comforted by the prospect of putting another 100,000 police 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 would allow funds to be used 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 to patrol our streets. This bill and H.R. 728 provide no such guarantees. In addition, any block grant funds that might be used for police under this year's bills, may well be threatened by the budget axe under the mandate of a balanced budget constitutional amendment. Block grant funds are far more vulnerable to such a result.

We may not have any new police on the streets, if these bills pass. More importantly, 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 against women. Twenty-seven million 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 doubt that those funds will 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 \$39 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 assessment of whether that money is really having any impact on the crime rate. I do not support throwing

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 use it in a responsible way. And whether it is a prevention program, the building of prisons, the increasing of sentencing, whatever we are doing in the crime context, however frustrated we are in trying to address crime, we still have a responsibility to know that what we are doing is working to actually have some impact.

I do not know how anyone could object to trying to go through some process, setting aside some small amount of funds to make a determination of whether a program or a set of programs or a series of programs is actually having an impact on the crime rate.

For the life of me, I cannot understand why anybody could be in opposition to this amendment, and I encourage my colleagues to support it.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. VOLKMER], the Show-Me State.

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

Mr. VOLKMER. Mr. Chairman, I rise in strong support of the gentleman's amendment, because it is very obvious to me when you read this bill we are not going to build any prisons. And that has happened as a result of the Rogers amendment, we are going to be diverting money that should go to the cops on the beat, on the streets in our local communities and we are going to give it to FBI and DEA and BATF and all of these other agencies, so that they could have money when we cut back on spending in a couple of years.

I never saw such a diversion as I just saw from my office in the Rogers amendment. Anyhow, they admit they are not going to spend the money on prisons. Otherwise, they would not use that amendment.

So I would rather use it for cops on the beat any day, and I think that is right there locally where they need to fight crime, and I support the gentleman's amendment.

□ 1810

Mr. SCOTT. Mr. Chairman, just in closing, we have heard a lot of rhetoric on the floor about how safe we are going to be if we build these prisons. Let us see it. Let us study one-tenth of 1 percent of the billions of dollars we are going to spend on the bill, hundreds of billions of dollars that we are going to encourage States to spend. Let us see if it made any difference.

I can understand how people would not want to study it so that they can hide behind the rhetoric.

If these expenditures, if these tens of billions of dollars we are going to spend are doing any good, let us see it. Let us spend one-tenth of 1 percent to evaluate the effectiveness of these programs.

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

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume. I assure you, I will not consume much.

I just want to reiterate the opposition that we on our 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 going to have a 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.

There 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 is not something we can 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 incarcerate for at least 85 percent of their sentences, in other words, abolish parole, for those committing serious violent felonies and getting out again and going around the horn and coming back and committing more of them again.

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 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 11, strike the word "assurances" and insert in lieu thereof the word "confirmation"

Page 3, line 17, strike the word "and"  
Page 3, line 20, strike the period and add "and"

Page 3, after line 20, insert the following:  
"(4) decreased 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 sections (1), (2) or (3) above."

Page 4, line 7, strike the word "assurances" and insert in lieu thereof the word "confirmation"

Page 4, line 21, strike the comma and replace it with a semicolon

Page 4, after line 21, insert the following: "(C) procedures for the collection of reliable statistical data which confirms the rate of serious violent felonies after the adoption of such truth-in-sentencing laws."

Page 6, line 7, strike the "—" and insert instead "confirms that"

Page 6, line 8, strike the word "and"

Page 6, line 12, strike the period and insert instead "; and (3) the rate of violent felony offenses committed in such State has decreased since such State commenced indeterminate sentencing for such offenses."

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

Does the gentleman from Florida [Mr. MCCOLLUM] seek time in opposition?

Mr. MCCOLLUM. Indeed I do, Mr. Chairman.

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

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

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

This amendment is very similar to the Scott amendment which was just considered. However, Mr. Chairman, under the amendment offered by the gentleman from Virginia [Mr. SCOTT], he would have allocated a small amount of funds under this bill in a fund at the national level to make an assessment of whether the bill was having any impact on violent crime in this country. This amendment gives that responsibility to the States or the localities which are applying for funds under this bill.

Basically what it says is if you have an 85-percent service requirement, your prisoners have to serve 85 percent of their time, give us what indication you have that that has had some impact on the incidence of violent crime in your State; do not ask us to just throw money out there after this problem. If the purpose of your building new prisons or increasing sentencing or providing for longer sentencing is in fact to reduce crime, tell us that that is what has happened in your State, taking into account the increase in population.

The second part of the bill requires that the States track the incidence of violent crime and keep statistical information so that that information can be available to the residents of that State and to the American people, that we are not wasting \$10 billion, \$12 billion, \$15 billion of their money on something that is really not having any impact on violent crime.

So instead of accepting that responsibility, taking it out of the fund at our level, this imposes on the States, which will be applying for funds under this bill, to have an assessment process and present some indication that this money that we are giving them is having some impact on violent crime.

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 unacceptable to this side, 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 and 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 you will have to show 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 in committee. 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 he does, I want to announce to everybody 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 gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I rise in support of the Watt amendment, and I find it absurd that accountability or how you plan to address crime is asking any State too much.

It is, indeed, for the very reason we are appropriating these monies that this amendment makes abundantly good sense. It simply says that there should be an assessment by the applicants themselves so as to how they

propose, indeed, that crime can go down.

□ 1820

Second, statistical data is always helpful in determining if in fact you have been effective. So, to suggest that a State could not be accountable when they make an application seems absurd. It flies in the face of reality and certainly flies in the face of logic of this Member.

I would assume that this is simply to suggest that States who have a commitment to address the issue of crime are willing to say how they propose to do it in their assessment. These are the methods and this is the strategy.

Further, they would be required to give statistical data showing that they indeed shall be successful in using that money. Accountability is what is at the back of this issue, simply saying we are not throwing money and we are also asking them to be responsible, and I think most States would be responsible.

Mr. MCCOLLUM. Mr. Chairman, I have no more speakers at this time, and I would reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself 30 seconds in order to say that I understand the resolution of this may have been worked out. I yield 1 minute to the ranking minority member of the committee, the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. I thank the gentleman for yielding this time, and I compliment the gentleman for his amendment because it has led to the possible resolution of the objective sought by the gentleman from North Carolina [Mr. WATT] and the gentleman from California.

If we do have an agreement on a subsequent amendment known as the Zimmer-Scott amendment, I would implore my colleague from North Carolina [Mr. WATT] to withdraw this amendment and we would move forward.

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

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

Mr. MCCOLLUM. I thank the gentleman for yielding.

Mr. Chairman, we do have an agreement about both the Scott proposal and the Zimmer proposal. It just has been pointed out to me, since we have discussed this, I say to the gentleman from Michigan [Mr. CONYERS] that the Scott amendment should stand on its own as a separate amendment. We have no objection to it. We would suggest both be offered, both Zimmer and Scott, and we will accept both of them.

Mr. CONYERS. We will do this.

Mr. WATT of North Carolina. Mr. Chairman, I ask unanimous consent I be permitted to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. ZIMMER

Mr. ZIMMER. 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. ZIMMER: Add at the end the following new title:

TITLE—PRISON CONDITIONS

SEC. PRISON CONDITIONS.

(a) IN GENERAL.—The Attorney General shall by rule establish standards regarding conditions in the Federal prison system that provide prisoners the least amount of amenities and personal comforts consistent with Constitutional requirements and good order and discipline in the Federal Prison system.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to establish or recognize any minimum rights or standards for prisoners.

SEC. ANNUAL REPORT.

The director of the Bureau of Prisons shall submit to Congress on or before December 31 of each year, beginning on December 31, 1995 a report setting forth the amount spent at each Federal correctional facility under the jurisdiction of the Bureau of Prisons for each of the following items:

- (1) The minimal Requirements necessary to maintain Custody and security of prisoners.
- (2) Basic nutritional needs.
- (3) Essential medical services.
- (4) Amenities and programs beyond the scope of the items referred to in paragraphs (1) through (3), including but not limited to—
  - (A) recreational programs and facilities;
  - (B) vocational and education programs; and
  - (C) counseling services, together with the rationale for spending on each category and empirical data, if any, supporting such rationale.

The CHAIRMAN. Pursuant to the unanimous-consent request, the gentleman from New Jersey will be recognized for 10 minutes.

Does the gentleman from Michigan seek to claim the time on this amendment?

Mr. CONYERS. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] will be recognized for 10 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ZIMMER].

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

Mr. Chairman, prison perks are bad public policy, and they are an abuse of taxpayer money.

My amendment is aimed at eliminating them from Federal prisons. In some prisons, inmate amenities are better than what law-abiding Americans on the outside get, and all this is at taxpayer expense.

At the Lompoc, CA, Federal penitentiary, they offer all-channel cable TV, movies 7 days a week, pool tables, handball, tennis, and miniature golf. The Duluth, MN, Federal prison is called Club Fed. It provides a movie theater, musical instruments, softball field, gamerooms.

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?

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

Mr. CONYERS. I thank the gentleman for yielding to me.

Mr. Chairman, I want the gentleman from New Jersey [Mr. ZIMMER] to know that under the constraints of time, we accept his amendment on this side, and I would yield back the balance of our time.

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.

Mrs. LINCOLN. Mr. Chairman, 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 funds 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 senior citizens in nursing homes sweeter. 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 crime.

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.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New Jersey [Mr. ZIMMER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer amendment No. 11.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT: Page 7, line 24, insert "(1)" before "The".

Page 8, after line 3, insert the following:

"(2)(A) A State that receives funds under this title shall, in such form and manner as the Attorney General determines, and under

such regulations as the Attorney General shall prescribe, require that the appropriate public authorities 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 persons so reporting shall have the duty to make a good faith effort to ascertain.

(B) The Attorney General shall annually publish a report containing—

(i) the number of deaths in each institution for which a report was filed during the relevant reporting period;

(ii) the cause of death and time of death for each death so reported; and

(iii) such other information about the death as the Attorney General deems relevant.

Mr. SCOTT (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 Virginia?

There was no objection.

The CHAIRMAN. Pursuant to the unanimous-consent request, the gentleman from Virginia [Mr. SCOTT] will be recognized for 10 minutes.

Does the gentleman from Florida [Mr. MCCOLLUM] seek recognition?

Mr. MCCOLLUM. Mr. Chairman, I am not in opposition to the amendment, but I do seek recognition.

The CHAIRMAN. Is there any Member in opposition?

If not, the gentleman from Florida [Mr. MCCOLLUM] 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, this is a very simple amendment.

Mr. Chairman, there have been recent press reports about deaths in local jails and prisons. This merely requires the States and localities, when there is a death in the jail, to report it to the Attorney General so there would at least be somewhere in the U.S. Government a record of the information that is available.

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

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

Mr. Chairman, I have no opposition to this amendment. The gentleman from Virginia is simply asking for States who receive funds under this proposal to report the deaths of those who die in their State prisons to the Federal Government, to the Attorney General, along with any causes.

I think such reporting would probably be beneficial to our committee and to the Congress, to know the answers to these things so that we can have statistics available. There are a lot of other statistics that are gathered, and they could probably submit this with no undue amount of burden,

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 of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 667) to control crime by incarcerating violent criminals, 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.

THE WHITE HOUSE, February 9, 1995.

#### 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 transmit today for your immediate consideration and enactment 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 terrorist activity 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.

THE WHITE HOUSE, February 9, 1995.

□ 1830

#### REQUEST FOR PERMISSION FOR CERTAIN COMMITTEES AND SUBCOMMITTEES TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule: Committee on Agriculture, Committee on Banking and Financial Services, Committee on Commerce, Committee on Government Reform and Oversight, Committee on the Judiciary, Committee on Science, Committee on Small Business, and Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there are no objections to these requests.

The SPEAKER pro tempore (Mr. CUNNINGHAM). Is there objection to the request of the gentleman from Arizona?

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I am advised by the leadership on our side that we have agreed to this, notwithstanding the fact that it is contrary to the proxy voting rule that is in effect and will deprive some people of the right to be on the floor and in committee at the same time.

Washington. Mr. FOLEY, Mrs. FOWLER, Mr. GOSS, Mr. GUTENSBURT, Mr. HASTINGS of Washington, Mr. HEFLEY, Mr. HEINEMAN, Mr. HOLDEN, Mr. HORN, Mr. ENGLISH of South Carolina, Mr. JACOBS, Mrs. KELLY, Mr. KING, Mr. KLUG, Mr. KNOLLENBERG, Mr. LEVIN, Mr. LINDER, Ms. LOFGREN, Ms. MOLINARI, Mr. NORWOOD, Mr. QUINN, Mr. PACKARD, Mr. PAXON, Mr. PORTMAN, Mr. ROEMER, Mr. ROHRBACHER, Ms. ROS-LEHTINEN, Mr. ROTCE, Mr. SANDERS, Mrs. SEASTRAND, Mr. SENSENBRENNER, Mr. SFRATT, Mr. STARK, Mr. VISLOSKEY, Mrs. WALDHOLTZ, Mr. WALSH, and Mr. ZIMMER):

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 Ms. DANNER:

H.R. 874. A bill to amend the Internal Revenue Code of 1986 to repeal the increase in tax on commercial aviation fuel which is scheduled to take effect on October 1, 1996; to the Committee on Ways and Means.

By Mr. PETE GEREN of Texas:

H.R. 875. A bill to amend title XVIII of the Social Security Act to provide for waiver of the Medicare part B late enrollment penalty for certain military retirees and dependents who live near closed military bases and to establish a special enrollment period 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, Mr. RICHARDSON, Mr. FALEOMAVAEGA, 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. OLVER (for himself and Mr. NEAL of Massachusetts):

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 discharges from 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. ROEMER, Mr. ACKERMAN, Mr. BARRETT of Nebraska, Mr. BERENUTER, Mr. BILLIRAKIS, Mr. DIAZ-BALART, Mr. DOGGETT, Mr. EMERSON, Mr. FILNER, Mr. FOGLIETTA, Mrs. FOWLER, Mr. FROST, Mr. GREENWOOD, Mr. HMCHEY, Mr. JOHNSTON of Florida, Mr. KING, Mr. KNOLLENBERG, Mr. MCHALE, Mr. MCHUGH, Mrs. MALONEY, Ms. MOLINARI, Mr. MORAN, Mr. QUINN, Ms. RIVERS, Mr. SCHIFF, 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 require the establishment 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 International Relations, and 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 retirement incentive for certain 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 110th Street, New York, NY, as the "Oscar Garcia Rivera 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. KLUG):

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 in the 104th Congress; to the Committee on House Oversight.

By Mr. ROBERTS:

H. Res. 68. Resolution providing amounts for the expenses of the Committee on Agriculture in the 104th Congress; to the Committee on House Oversight.

By Mr. BLILEY:

H. Res. 70. Resolution providing amounts for the expenses of the Committee on Commerce in the 104th Congress; to the Committee on House Oversight.

By Mr. GOODLING:

H. Res. 71. Resolution providing amounts for the expenses of the Committee on Economic and Educational Opportunities in the 104th Congress; to the Committee on House Oversight.

By Mr. HYDE:

H. Res. 72. Resolution providing amounts for the expenses of the Committee on the Judiciary in the 104th Congress; to the Committee on House Oversight.

By Mrs. JOHNSON of Connecticut (for herself and Mr. McDERMOTT):

H. Res. 73. Resolution providing amounts for the expenses of the Committee on Standards of Official Conduct in the 104th Congress; to the Committee on House Oversight.

By Mrs. MEYERS of Kansas:

H. Res. 74. Resolution providing amounts for the expenses of the Committee on Small Business in the 104th Congress; to the Committee on House Oversight.

By Mr. SHUSTER:

H. Res. 75. Resolution providing amounts for the expenses of the Committee on Transportation and Infrastructure in the 104th Congress; to the Committee on House Oversight.

By Mr. SOLOMON (for himself and Mr. MOAKLEY):

H. Res. 76. Resolution providing amounts for the expenses of the Committee on Rules in the 104th Congress; to the Committee on House Oversight.

By Mr. SPENCE:

H. Res. 77. Resolution providing amounts for the expenses of the Committee on National Security in the 104th Congress; to the Committee on House Oversight.

By Mr. STUMP:

H. Res. 78. Resolution providing amounts for the expenses of the Committee on Veterans' Affairs in the 104th Congress; to the Committee on House Oversight.

## MEMORIALS

Under clause 4 of rule XXII,

15. The SPEAKER presented a memorial of the Legislature of the State of Minnesota, relative to memorializing the Congress of the United States to continue its progress at reducing the Federal deficit and provide to the State of Minnesota information on the impact that a balanced Federal budget will have on Minnesota; jointly, to the Committees on the Judiciary and Government Reform and Oversight.

## ADDITIONAL SPONSORS

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

H.R. 7: Mr. BURTON of Indiana, Mr. MOORHEAD, Mr. CHAMBLISS, Mr. SCARBOROUGH, Mr. NORWOOD, Mr. WALKER, Mr. HUNTER, Mr. LIVINGSTON, Mr. SAM JOHNSON, Mr. COLLINS of Georgia, Mrs. SEASTRAND, Mr. ROBERTS, Mr. WATTS of Oklahoma, Mr. MCKEON, Mr. HEFLEY, and Mr. SCHAEFER.

H.R. 44: Mr. CUNNINGHAM and Mr. DELLUNS.  
H.R. 65: Mr. RAHALL, Mr. FAZIO of California, Mr. WYNN, Ms. LOWEY, Mr. BOUCHER, Mr. YOUNG of Alaska, Mr. COLEMAN, Mr. FIELDS of Texas, and Mr. JEFFERSON.

H.R. 76: Mr. MORAN.  
 H.R. 96: Mr. GEJDESON, 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. 103: Mr. DEUTSCH, Mr. DAVIS, and Mr. FLAKE.

H.R. 104: Mr. UNDERWOOD.

H.R. 107: Mr. GILLMOR.

H.R. 109: Mr. LEACH.

H.R. 139: Mr. SANDERS.

H.R. 215: Mr. MCHUGH, Mr. SHAW, Mr. SMITH of Texas, Mr. BARTLETT of Maryland, Mr. PAXON, Mr. ZIMMER, and Mr. LINDER.

H.R. 218: Mr. RAMSTAD and Mr. ENSIGN.

H.R. 303: Mr. FLANAGAN, Mr. RAHALL, Mr. FAZIO of California, Mr. WYNN, Ms. LOWEY, Mr. BOUCHER, Mr. YOUNG of Alaska, Mr. COLEMAN, Mr. FIELDS of Texas, and Mr. TAYLOR of North Carolina.

H.R. 305: Mr. ENGEL, Ms. MCKINNEY, Mr. KLECZKA, Ms. FURSE, Mr. SISISKY, and Mr. SHAYS.

H.R. 359: Mr. LAUGHLIN, Mr. SANFORD, Mr. BACHUS, Mr. STOCKMAN, Mr. SANDERS, and Mr. SHAYS.

H.R. 426: Mr. SKEEN, 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. TAUZEN, Mrs. THURMAN, and Mr. SISISKY.

H.R. 469: Mr. HALL of Texas.

H.R. 490: Mr. HUTCHINSON, Mr. FIELDS of Texas, and Mr. SKEEN.

H.R. 512: Mr. ACKERMAN.

H.R. 571: Ms. DUNN of Washington, Mr. DOOLITTLE, and Mr. SCHUMER.

H.R. 587: Mr. FOX, Mr. ROYCE, and Mr. FORBES.

H.R. 592: Mrs. MEYERS of Kansas.

H.R. 656: Mr. FORBES.

H.R. 698: Mr. HILLEARY, Mr. THORNBERRY, Mr. HOSTETTLER, and Mr. SCHIFF.

H.R. 753: Mr. HORN, Mr. HAYWORTH, Mr. ENGLISH of Pennsylvania, Mr. CALVERT, Mr. UPTON, and Mr. LINDER.

H.R. 768: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 788: Mr. BARTLETT of Maryland, Mr. ANDREWS, Mr. MCKEON, Mr. BAKER of California, and Mr. LIVINGSTON.

H.R. 789: Ms. PRYCE, Mr. LIGHTFOOT, Mr. CALVERT, and Mr. DURBIN.

H.J. Res. 48: Mr. ANDREWS and Mrs. WALDHOLTZ.

#### 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.R. 3: Mr. GORDON.

H.R. 76: Mr. BEREUTER.

H.J. Res. 3: Mr. RIGGS and Mr. COBURN.

#### AMENDMENTS

Under clause 6 of rule XXIII, 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. 32: 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 misdemeanants and intensive or 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, in such form and manner as the Attorney General determines, and under such regulations as the Attorney General shall prescribe, require that the appropriate public authorities 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 relevant reporting period;

(2) the cause of death 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 non-violent offenders and criminal aliens for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a serious violent felony.

##### "SEC. 502. GENERAL GRANTS.

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

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

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

##### "SEC. 503. SPECIAL RULES.

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

"(1) practices indeterminate sentencing; and

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

##### "SEC. 504. FORMULA FOR GRANTS.

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

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

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

##### "SEC. 505. ACCOUNTABILITY.

"(a) FISCAL 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) \$497,500,000 for fiscal year 1996;

"(2) \$830,000,000 for fiscal year 1997;

"(3) \$2,027,000,000 for fiscal year 1998;

"(4) \$2,160,000,000 for fiscal year 1999; and

"(5) \$2,253,100,000 for fiscal year 2000.

"(b) LIMITATIONS ON FUNDS.—

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

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

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

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

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

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

**"SEC. 507. DEFINITIONS.**

"As used in this title—

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

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

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

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

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

"(B) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the

course of committing the offense and has a maximum term of imprisonment of 10 years or more, or

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

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

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 page 5, line 2, and insert the following (redesignate any subsequent sections accordingly):

**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.

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) \$830,000,000 for fiscal year 1997;

"(3) \$2,027,000,000 for fiscal year 1998;

"(4) \$2,160,000,000 for fiscal year 1999; and

"(5) \$2,253,100,000 for fiscal year 2000.

H.R. 667

OFFERED BY: MR. SCOTT

AMENDMENT NO. 37: Page 8, after line 3 insert the following:

"(d) 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

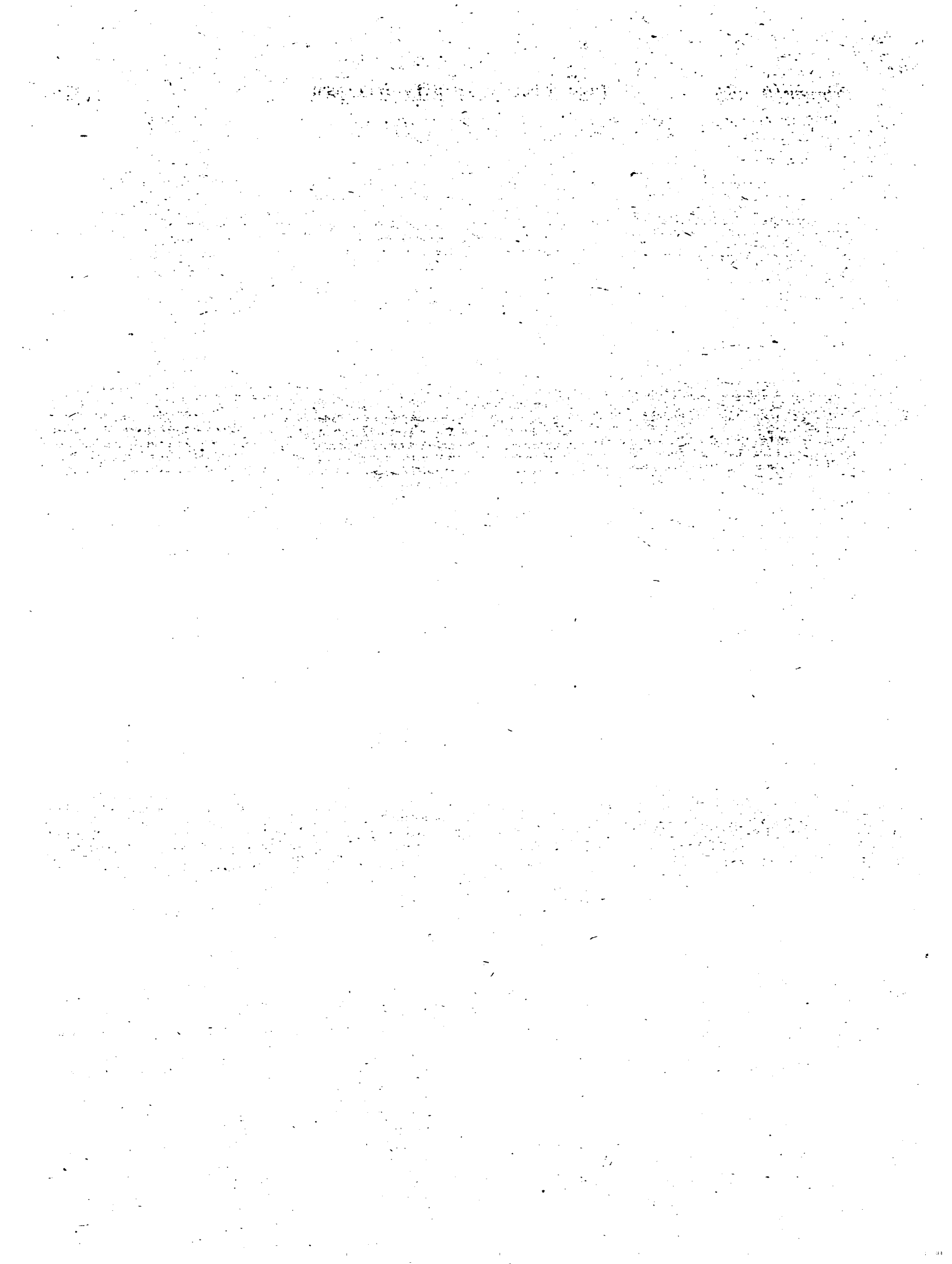
AMENDMENT NO. 38: Page 14, strike line 6 and all that follows through page 18, line 25 (and redesignate any subsequent titles accordingly):

H.R. 667

OFFERED BY: MR. SCOTT

AMENDMENT NO. 39: Page 15, strike lines 12 through 21.

Page 15, line 22, strike "(2)".





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

#### CONGRATULATING TWO GREAT FOOTBALL TEAMS FROM CALIFORNIA

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

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

We are very proud in California of two great teams.

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

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

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

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

Go '9ers.

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

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

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

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

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

#### VIOLENT CRIMINAL INCARCERATION ACT OF 1995

The SPEAKER pro tempore (Mr. SAM JOHNSON of Texas). Pursuant to House Resolution 63 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 667.

□ 0917

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 667) to control crime by incarcerating violent criminals, with Mr. BARRETT of Nebraska, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

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

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

Are there further amendments to the bill?

#### AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

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

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

There was no objection.

The CHAIRMAN pro tempore. The amendment has been withdrawn.

#### AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer my new amendment. The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

□ 0920

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

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

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

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

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

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

Mr. WATT of North Carolina. The gentleman's side has a copy of them. We redesignated the amendments because when the bill came out of committee it came out in a different form that the amendments that were printed in the RECORD conform with. So we have gone back and conformed the amendments to comply with the actual printed bill.

Does that address the gentleman's concern?

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

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

Mr. Chairman, resuming my time, the bill provides that when an order has been entered by the court and the defendants in the case who have already been found to have violated a constitutional 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 court's order. Well, that is exactly what happens in any lawsuit. If the court ever enters an order in a case, that order stays in effect until the court comes back and changes that order or until some higher court changes that order.

The provisions of this bill would say if the court has entered an order, the order is in effect, the defendant files a

motion with the court to change that order or to eliminate that order, then simply because the defendant filed a motion to change the order, if the court did not act on that motion within 30 days or some arbitrary time, the defendant would win the motion.

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

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

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

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

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

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

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

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

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

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

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

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

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

time period specified, then there will be a stay.

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

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

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

Now, it is true that other cases, where there may have been a finding of a constitutional deprivation, are subject to the stay provisions, but that stay provision only comes into place after the court has had the motion for more than 180 days.

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

So I believe these are reasonable provisions.

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

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

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

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

Mr. CANADY represents to my colleagues here that under one part of

this, the 30-day provision, no order needs to be in effect. But I do not know where he is getting that from if he has read the provisions of his bill.

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

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

□ 0930

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

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

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

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

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

Mr. CANADY of Florida. There are provisions of law that stay certain orders against governmental entities. I am familiar with those in a variety of States where an order may be entered against a particular governmental entity. There is a stay imposed specifically because of the status of the party as a governmental entity. That is something that is found in the law, but let me go back to his point that the gentleman raises about the 30-day stay. Now this is a conversation, quite frankly, that we had in the Committee on the Judiciary, and I am simply going to repeat it to my colleague.

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

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

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

Mr. Chairman, as we discussed at length in the Committee on the Judiciary, the 30-day stay only comes into

place in circumstances where there is an absence of a finding by the court that prison conditions violated a Federal right.

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

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

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

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

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

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

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

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

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

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

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

I would say to the gentleman from Florida [Mr. CANADY] and to all of my colleagues, We can't set a different standard of law and decide in advance who is a bad guy and who is a good guy. Our whole criminal justice and court

system is designed to make those determinations. We can't make those determinations on the floor of the Congress of the United States. It's the courts' responsibility to make those determinations, and when we start with moving the courts' authority, we are undercutting our rights, and this makes no sense, and I hope my colleagues will join me in opposing it.

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

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

Now we are not tying the courts' hands here. We are simply saying to the court, "Act, consider these 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 just so I can make a point?

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

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

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

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

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

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

RECORDED VOTE

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

A recorded vote was ordered. The vote was taken by electronic device, and there were—yeas 93, noes 313, not voting 28, as follows:

[Roll No. 112]

YEAS—93

- |              |               |               |
|--------------|---------------|---------------|
| Abercrombie  | Gutierrez     | Payne (NJ)    |
| Bellenson    | Hall (OH)     | Pelosi        |
| Berman       | Hamilton      | Reed          |
| Bishop       | Hastings (FL) | Reynolds      |
| Bonior       | Hillard       | Rivers        |
| Brown (CA)   | Hoyer         | Rose          |
| Brown (FL)   | Jackson-Lee   | Roybal-Allard |
| Cardin       | Johnson, E.B. | Rush          |
| Clay         | Kennedy (MA)  | Sabo          |
| Clayton      | Kennedy (RI)  | Sanders       |
| Clyburn      | Kildee        | Sawyer        |
| Collins (IL) | LaFalce       | Schroeder     |
| Conyers      | Lantos        | Schumer       |
| Coyne        | Levin         | Scott         |
| Dellums      | Lewis (GA)    | Serrano       |
| Dicks        | Lowey         | Skaggs        |
| Dingell      | Martinez      | Slaughter     |
| Dixon        | Matsui        | Stokes        |
| Durbin       | McDermott     | Studds        |
| Eshoo        | McKinney      | Thompson      |
| Evans        | Meehan        | Towns         |
| Farr         | Meek          | Velázquez     |
| Fattah       | Menendez      | Vento         |
| Fazio        | Mineta        | Viscosky      |
| Fields (LA)  | Mink          | Ward          |
| Flner        | Mollohan      | Waters        |
| Flake        | Nadler        | Watt (NC)     |
| Foglietta    | Oberstar      | Williams      |
| Frank (MA)   | Olver         | Wise          |
| Gedensson    | Owens         | Wynn          |
| Gibbons      | Pastor        | Yates         |

NAYS—313

- |              |               |               |
|--------------|---------------|---------------|
| Ackerman     | Collins (GA)  | Gephardt      |
| Archer       | Combest       | Geren         |
| Armey        | Condit        | Gilchrest     |
| Bachus       | Cooley        | Gilman        |
| Baesler      | Costello      | Gonzalez      |
| Baker (CA)   | Cox           | Goodlatte     |
| Baker (LA)   | Cramer        | Goodling      |
| Baldacci     | Crane         | Gordon        |
| Balleenger   | Crapo         | Goss          |
| Barcia       | Cremins       | Graham        |
| Barr         | Cubin         | Green         |
| Barrett (NE) | Cunningham    | Gunderson     |
| Barrett (WI) | Danner        | Gutknecht     |
| Bartlett     | Davis         | Hall (TX)     |
| Barton       | de la Garza   | Hancock       |
| Bass         | Deal          | Hansen        |
| Bateman      | DeFazio       | Harman        |
| Bentsen      | DeLauro       | Hastert       |
| Bereuter     | DeLay         | Hastings (WA) |
| Bevill       | Diaz-Balart   | Hayworth      |
| Bilbray      | Dickey        | Hefley        |
| Bilbrakis    | Doggett       | Heiner        |
| Billey       | Dooley        | Heineman      |
| Blute        | Doolittle     | Hilleary      |
| Boehert      | Dornan        | Hobson        |
| Boehner      | Doyle         | Hoekstra      |
| Bonilla      | Dreier        | Hoke          |
| Bono         | Duncan        | Holden        |
| Borski       | Dunn          | Horn          |
| Brewster     | Edwards       | Hostettler    |
| Browder      | Ehlers        | Houghton      |
| Brown (OH)   | Ehrlich       | Hunter        |
| Brownback    | Emerson       | Hutchinson    |
| Bryant (TN)  | Engel         | Hyde          |
| Bryant (TX)  | English       | Inglis        |
| Bunn         | Ensign        | Istook        |
| Bunning      | Everett       | Jacobs        |
| Burr         | Ewing         | Jefferson     |
| Burton       | Fawell        | Johnson (CT)  |
| Buyer        | Fields (TX)   | Johnson (SD)  |
| Callahan     | Flanagan      | Johnson, Sam  |
| Calvert      | Foley         | Jones         |
| Camp         | Forbes        | Kanjorski     |
| Canady       | Fowler        | Kaptur        |
| Castle       | Fox           | Kasich        |
| Chabot       | Franks (CT)   | Kelly         |
| Chambliss    | Franks (NJ)   | Kennelly      |
| Chenoweth    | Frelinghuysen | Kim           |
| Christensen  | Frisa         | King          |
| Clement      | Funderburk    | Kingston      |
| Clinger      | Furse         | Kleczka       |
| Coble        | Gallely       | Klink         |
| Coburn       | Ganske        | Klug          |
| Coleman      | Gekas         | Kuollenberg   |

□ 1000

Kolbe	Neumann	Sisisky
LaHood	Ney	Skeen
Largent	Norwood	Sireton
Latham	Nussle	Smith (MI)
LaTourette	Obey	Smith (NJ)
Laughlin	Ortiz	Smith (TX)
Lazio	Orton	Smith (WA)
Leach	Ozley	Solomon
Lewis (CA)	Packard	Souder
Lewis (KY)	Pallone	Spence
Lightfoot	Parker	Spratt
Lincoln	Paxon	Stearns
Linder	Payne (VA)	Stenholm
Lipinski	Peterson (FL)	Stockman
Livingston	Peterson (MN)	Stump
LoBlundo	Petri	Stupak
Longley	Pickett	Talent
Lucas	Pombo	Tanner
Luther	Pomeroy	Tate
Maloney	Porter	Tauza
Manton	Portman	Taylor (MS)
Manzullo	Poshard	Tejeda
Markey	Pryce	Thomas
Martini	Quillen	Thornberry
Mascara	Quinn	Thornton
McCarthy	Radanovich	Thurman
McColum	Rahall	Tlahrt
McCrery	Ramstad	Torricliden
McDade	Regula	Torricelli
McHale	Richardson	Traficant
McHugh	Riggs	Upton
McInnis	Roberts	Volkmer
McIntosh	Roemer	Vucanovich
McKeon	Rogers	Waldholtz
McNulty	Rohrabacher	Walker
Metcalf	Ros-Lehtinen	Wamp
Meyers	Roth	Warts (OK)
Mica	Roukema	Weldon (PA)
Miller (FL)	Royce	Weller
Minge	Salmon	White
Moakley	Sanford	Whitfield
Molinar	Saxton	Wicker
Montgomery	Scarborough	Wilson
Moorhead	Schaefer	Wolf
Moran	Schiff	Woolsey
Morella	Seastrand	Wyden
Murtha	Sensenbrenner	Young (AK)
Myers	Shadegg	Zeliff
Myrick	Shaw	Zimmer
Neal	Shays	
Nethercutt	Shuster	

NOT VOTING—28

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

□ 0959

The Clerk announced the following pairs:

On this vote:

Miss Collins of Michigan for, with Mr Chrysler against.  
Mr. Johnston of Florida for, with Mr. Weldon of Florida against.

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

Mr. FAZIO of California, Mr. MEEHAN, and Mr. STUDDS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

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

AMENDMENT OFFERED BY MR. RIGGS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

"(c) AVAILABILITY OF FUNDS FOR JAIL CONSTRUCTION.—A State may use up to 15 percent of the funds provided under this title for jail construction, if the Attorney General determines that the State has enacted—

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

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

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

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

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

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

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

Let me go back to the original problem that I mentioned, which is the problem of jail overcrowding. There is

clearly a need for greater prison capacity in each of our States.

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

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

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

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

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

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

My amendment, by requiring in most instances the posting of a cash bail, would save the taxpayer money, since

private industry is then put in a position of monitoring criminal defendants and not taxpayer-supported officials.

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

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

RIO DELL POLICE DEPARTMENT,  
Rio Dell, CA, December 29, 1994.

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

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

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

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

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

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

Also, we wish to establish Project Challenge. At one time, we had Project Challenge but we lost the funds because the state cut funds on us. Project Challenge deals with drug users who will work with us to try to

get off drugs, try and make useful citizens out of them.

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

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

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

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

Sincerely,

G.P. GATTO,  
Chief of Police

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

#### FEDERAL FUNDS FOR POLICE OK'D

(By Kelly Johnson and Christopher Rosche)

Help is on its way in the fight against crime in Eureka, city officials said Tuesday. Arcata, Fortuna, Rio Dell and the Del Norte County Sheriff's Department also will receive money to cover part of the cost of one new officer each.

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

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

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

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

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

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

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

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

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

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

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

In a sampling of two dozen California cities, Eureka appeared to have a 1993 per capita crime rate second only to Oakland's. City statistics show that property crimes in Eureka sharply increased from 1993 to 1994.

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

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

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

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

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

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

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

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

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

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

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

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

recognizance and personal promise to appear in court at a later date.

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

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

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

□ 1010

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

That is under subsection b of the section.

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

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

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

Mr. RIGGS. The gentleman is correct.

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

Mr. RIGGS. The gentleman is correct.

Mr. BERMAN. I thank the gentleman.

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

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

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

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

□ 1020

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I mean, what are we doing in this process? Why are we here now? Merely because we have a crime bill to tell the courts that they are letting out too

many people without getting cash bail and they are not coming back, and they would come back faster if you put bail requirements, cash bail requirements, on them, and to make sure you do that, we will give you some money to build some more county jails or State jails?

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

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

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

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

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

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

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

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

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

And, second, we are attempting to cut down on the immediate recidivism. The criminal justice system should not have a revolving door at the front.

These individuals are going right back out into the community, many times beating the arresting officer back on the street, or committing subsequent serious crimes.

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

□ 1030

That is the intent of my amendment.

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

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

Mr. CONYERS. I thank the gentleman for yielding.

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

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

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

The amendment was agreed to.

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

AMENDMENT OFFERED BY MR. MCCOLLUM

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

The Clerk read as follows:

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

SEC. 1. BUREAU OF PRISONS COMMUNITY SERVICE PROJECTS.

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

“§ 4047. Community service projects

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

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

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

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

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

“4047. Community service projects.”

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

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

There was no objection.

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

Does a Member rise in opposition to the amendment?

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

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

There was no objection.

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

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

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

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

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

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

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

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

I would think for the purposes of getting more work out of prisoners and getting them to do, giving them an opportunity to do a public service while they are at it, that this is a very good, simple amendment, appropriate to the bill with which we are dealing today. It is something they badly want.

I would encourage its adoption.

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

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

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

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

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

Mr. MCCOLLUM. I thank the gentleman for yielding.

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

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

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

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

Strictly of services.

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

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

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

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

Mr. CONYERS. I believe this gentleman is satisfied as to the concern that I had. I see nothing but services throughout this, and that is the only word repeated throughout this, and the word “product” is crossed out.

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

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

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

The CHAIRMAN pro tempore. All time has expired.



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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CARDIN

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

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

The text of the amendment is as follows:

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

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

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

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

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

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

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

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

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

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

Let me just cite some of the results quoted from the Arizona GREAT program: As a result of that program, we have seen a drop in the percentage of all ethnic groups who say they belong to a gang, who want to be gang members. The percentage of students who reported getting into various kinds of trouble decreased after participating in GREAT. The percentage of students who know gang members and who want to be gang members decreased after students participated in the GREAT program.

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

Mr. Chairman, we have a problem in Baltimore. I did not realize we had a gang problem in Baltimore. I have met

with our police commissioner in our city, Mr. Frazier. He has pointed out that we are starting to see more and more gang activity in our cities. As a result of the legislation passed last year by this Congress, Baltimore is now one of the 11 communities which have a GREAT program operating. It is going to provide police officers in our schools in Baltimore, working with our youth to deter gang activities.

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

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

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

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

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

□ 1040

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

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

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

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

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

What the gentleman is attempting to do is take some money, strike it from

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

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

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

We should provide resources to the cities and the counties with maximum flexibility to fight crime, to use in the best way they see fit in their particular community, because what is good for somebody in Fresno, CA, might not be good for somebody in New London, CT. It is an entirely different scenario in each case, and what the gentleman is suggesting doing here today is take some money, let us save some money today, so I can offer a specific, targeted, categorical grant program for gang prevention in a bill that will come up next week that is not even designed for categorical grants. It is designed entirely the opposition direction, for pure block grants with maximum flexibility that does not designate how this money is to be used, nor do you have to say you have to use it for that in order to qualify for it.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I think it is a clear choice.

Mr. MCCOLLUM. Well, reclaiming my time, I would like to say to the gentleman, I don't believe any community is going to go without a gang pre-

vention program that wants it, and we're going to have a bill out here that provides to the cities and communities of this country over \$10 billion next week to use as they want to use. Surely those that want gang prevention programs and think they are important will be able to find a lot more than this gentleman's amendment would provide for that purpose next week.

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

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

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

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

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

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

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

□ 1050

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

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

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

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

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

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

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

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

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

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

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

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

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

I believe that was the limit of what we did yesterday. The point is still the same, and that is that Mr. CARDIN'S

amendment is not designed to tell us where to put unallocated, unused funds in this bill. The gentleman is striking several million dollars from this bill altogether. That is quite a different matter.

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

So I am very strongly opposed to this amendment.

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

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

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

There are two parts to this program, if I could point out to my friend from Florida. One is yes, it preserves the money, which is absolutely essential if we are going to be able to have the programs continued. But it does a second thing. The GREAT Program is a partnership in more than just dollars with Federal law enforcement. It also is cooperation between Federal law enforcement and local law enforcement. The police officers locally are trained through the National Police Service, so we use the training facilities nationally. Without the Federal program existing, it is going to be much more 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 passed many amendments that restrict what States can do, how they can receive moneys for prison construction. When it suits us, we have a Federal involvement in micro-managing and establishing national priorities, however you want to characterize it. When it is appropriate for us to say we cannot let people out on their own recognizance, to get Federal funds, we say that. If the locals must have certain guidelines on sentencing, we say that.

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

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

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume, only to say in closing that this amendment would strike a sizable amount of money, several millions of dollars from the Prison Grant Program. The bottom line of what it does

is try to lay a predicate for a debate next week over the whole premise of the local community Block Grant Program.

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

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

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 129, noes 295, not voting 10, as follows:

[Roll No. 113]

YEAS—129

Abercrombie	Foglietta	Nadler
Ackerman	Frank (MA)	Neal
Barrett (WI)	Geddeson	Oberstar
Bellenson	Gephardt	Obey
Bentsen	Gibbons	Olver
Berman	Gonzalez	Ortiz
Bishop	Green	Owens
Boniior	Gutierrez	Pastor
Borski	Hall (OH)	Payne (NJ)
Brown (CA)	Hastings (FL)	Pelosi
Brown (FL)	Hefner	Pomeroy
Brown (OH)	Hilliard	Porter
Bryant (TX)	Hinchev	Rangel
Cardin	Hoyer	Reynolds
Clay	Jackson-Lee	Richardson
Clayton	Jacobs	Rivers
Clyburn	Jefferson	Roybal-Allard
Coleman	Johnson (CT)	Rush
Collins (IL)	Johnson, E. B.	Sabo
Conyers	Kennedy (MA)	Sanders
Coyne	Kennedy (RI)	Sawyer
Cramer	Kildee	Schroeder
de la Garza	Klaczka	Scott
Deal	LaFalce	Serrano
DeFazio	Lantos	Shays
DeLauro	Levin	Skaggs
Dellums	Lewis (GA)	Slaughter
Dicks	Luther	Stokes
Dingell	Marky	Studds
Dixon	Matsul	Tejeda
Doggett	McCarthy	Thompson
Dooley	McDermott	Torres
Durbin	McKinney	Towns
Edwards	McNulty	Tucker
Ehlers	Meehan	Velazquez
Engel	Meek	Vento
Eshoo	Mfume	Waters
Evans	Miller (CA)	Watt (NC)
Fattah	Mineta	Waxman
Fazio	Mink	Williams
Fields (LA)	Moakley	Woolsey
Filner	Mollohan	Wynn
Flake	Moran	Yates

NAYS—295

Allard	Bevill	Buyer
Andrews	Bilbray	Callahan
Archer	Bilirakis	Calvert
Armey	Bliley	Camp
Bachus	Blute	Canady
Baessler	Boehlert	Castle
Baker (CA)	Boehner	Chabot
Baker (LA)	Bonilla	Chambliss
Baldacci	Bono	Chapman
Ballenger	Boucher	Chenoweth
Barclay	Brewster	Christensen
Barr	Browder	Chrysler
Barrett (NE)	Brownback	Clement
Bartlett	Bryant (TN)	Clinger
Barton	Bunn	Coble
Bass	Bunning	Coburn
Bateman	Burr	Collins (CA)
Bereuter	Burton	Combest

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

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

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

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

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

The reason I am reluctant is because I believe that data, I say to the gentleman from North Carolina [Mr. WATT], is already available under the uniform reporting acts, the statistical reporting acts, that come in. What you are doing here is conditioning receipt of the grant moneys in this bill on the States providing still a separate type of report.

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

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

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

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

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

If the gentleman would accept that, I would urge him to withdraw this

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

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

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

Mr. WATT of North Carolina. I appreciate the gentleman yielding. I am not inclined to withdraw it, because if we are already checking the data, it seems to me that this amendment is harmless, because all the State would have to do, and if the gentleman will look at the bill where I have put this, this is under an additional requirement, and all the State would have to do, if they are already providing the information, is to assure, and that is the bill's term, now, not my term, is assure that the information is being collected already, and so even if we do have a process already for doing this, all the State would be required to do is give the assurance that there is a process already in effect, and I do not know what harm that would do.

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

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

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

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

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

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

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

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

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

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

we had to do, and we were able to be much more effective.

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

This Member's idea is I do not want the Federal Government, the bureaucracy back here, to have to receive reports. I want the State and local. I want us to have goals and let the State and local establish in their own particular area what they need to do and what those standards should be. What might be good for Tommy Thompson in Wisconsin might not be good for Pete Wilson in California.

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

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

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

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

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

Mr. WATT of North Carolina. Yes; yes.

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

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

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

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

Mr. Chairman, I withdraw my reservation of objection.

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

The text of the modification is as follows:

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

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

There was no objection.

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

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

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

Page 6, after line 2, insert the following:

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

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

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

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

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

The amendment, as modified, was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. CHAPMAN

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

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

The text of the amendment is as follows:

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

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

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

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

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

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

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

Once again, I want to take just a couple of minutes and an opportunity to lay the groundwork on where I think we are now in the bill, and I hope my colleagues will pay attention to what

the underlying legislation requires and what the amending process to this point has done.

Because what my amendment does is broaden the eligibility of States to apply for grants under H.R. 667. I want to read from the bill as it is filed and as it currently exists, under section 501(b), and the caption of the section is "limitation." What this bill does is say an eligible State or States may receive either, either a general grant under section 502, which is the general grant fund, or, either/or, a truth-in-sentencing incentive grant under 503. Under the section of "limitation," this law will prevent States from applying for both even if those States are meeting the requirements of both sections. That is clearly what the statute says.

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

□ 1140

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

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

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

What my amendment will do, it will say, if you are meeting the criteria of increasing sentences, putting more violent prisoners in prison and doing it longer and you are doing it so good that the entire country moves toward tougher sentencing, you are still 10 percent better than the national average, then you can qualify for the second pot of money even if you have not quite reached the 85 percent standard.

Surely, surely no question, no State in America, according to the Department of Justice—arguably, only three—but if you do not live in North Carolina, Arizona or Delaware, you cannot qualify. Your State cannot qualify for the second pot of money.

If you are doing the job, under my amendment, doing it right, moving toward increasing your sentences, and beating the national average every year by 10 percent, then you can. It is a commonsense amendment. It makes sense, and it should be adopted.

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

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

Mr. SCHUMER. I thank the gentleman for yielding.

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

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

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

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

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

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

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

lay and perhaps we can relax the hard-and-fast rule we were told applied the first day.

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

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

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

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

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

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

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

I thank the Chairman for his consideration.

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

#### AMENDMENT OFFERED BY MR. SCOTT

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

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

The text of the amendment is as follows:

#### Amendment offered by Mr. SCOTT:

Page 2, strike line 4 and all that follows through the matter preceding line 1, page 12 and insert the following:

#### TITLE I—PRISON GRANT PROGRAM

##### SEC. 1. GRANT PROGRAM.

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

#### TITLE V—PRISON GRANTS

##### \*SEC. 501. AUTHORIZATION OF GRANTS.

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

##### \*SEC. 502. GENERAL GRANTS.

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

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

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

##### \*SEC. 503. SPECIAL RULES.

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

"(1) practices indeterminate sentencing; and

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

##### \*SEC. 504. FORMULA FOR GRANTS.

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

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

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

##### \*SEC. 505. ACCOUNTABILITY.

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

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

"(c) ADMINISTRATIVE PROVISIONS.—The administrative provisions of sections 801 and 802 of the Omnibus Crime Control and Safe Streets Act of 1968 shall apply to the Attorney General in the same manner as such provisions apply to the officials listed in such sections.

##### \*SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

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

"(1) \$497,500,000 for fiscal year 1996;

"(2) \$830,000,000 for fiscal year 1997;

"(3) \$2,027,000,000 for fiscal year 1998;

"(4) \$2,160,000,000 for fiscal year 1999; and

"(5) \$2,253,100,000 for fiscal year 2000.

##### "(b) LIMITATIONS ON FUNDS.—

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

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

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

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

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

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

##### \*SEC. 507. DEFINITIONS.

"As used in this title—

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

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

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

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

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

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

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

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

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, February 9, the gentleman from Virginia [Mr. SCOTT] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

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

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

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

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

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

Mr. Chairman, during the hearings on H.R. 3 and in the Committee on the

Judiciary consideration of the bill, we also heard reams of testimony on crime reduction that can be effectuated by primary prevention programs.

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

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

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

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

Mr. Chairman, the \$30 billion crime bill from last year designated 75 percent of the money for law enforcement and prisons, despite all of the 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. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume, and I am not going to consume much on this amendment. I think it should be clear that if we voted, as many of us, in fact the clear majority did, a very large majority, against the amendment earlier offered by the gentleman from Maryland [Mr. CARDIN], to strike \$30 million, \$36 million from the prison grant program, we certainly would want to oppose an

amendment that would strike \$2.5 billion from the program.

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

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

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

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

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

□ 1240

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

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

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

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

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

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

Mr. Chairman, I understand that the American people are desperate for urgent action. I understand the temptation to adopt catchy phrases and simple solutions like lock them up and throw away the key. But forget it. It is not about catchy phrases, it is about solutions.

I urge the President and the leadership of this House to maintain the delicate balance that was reached last year. I cannot and I will not support a measure that slashes critical social programs in order to appease the critics on the right. I will not play politics with the future of America's youth.

I urge my colleagues and the American people to see through this Republican charade of deception.

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

Mr. Chairman, the gentleman from Florida has indicated that there will be a block grant of \$10 billion for localities to decide what they want to do in

terms of prevention or police. Obviously they will have the discretion to do what they want, but they will have \$2.5 billion less to do it with if the bill is passed without this amendment.

Mr. Chairman, if we had a problem of people falling off a cliff, we could decide to build a fence on the cliff or we could decide to buy ambulances at the bottom of the cliff.

Mr. Chairman, this amendment allows us to build a fence, save money, prevent crime, and I would hope it would be the pleasure of the House to adopt the amendment.

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

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I simply want to make an observation on the comments made earlier by the gentleman from Maryland [Mr. WYNN] only to the extent of explaining once more that the unallocated funds in the prison construction program, if the States do not claim those moneys, which I think they will claim virtually all of them, that is a bone of contention I suppose with some of the others of the other side, but if they do not claim all of the money even under the \$10½ billion allocated here, then the moneys here are cordoned off and reserved for use by the appropriators for use in the expenses of the Immigration and Naturalization Service for investigators and for expenses of the Bureau of Prisons, the Federal Bureau of Investigation, and the U.S. attorneys for activities and operations related to the investigation, prosecution, and conviction of persons accused of serious violent felony and incarceration of persons convicted of such offenses.

So it is not court houses and it has very direct preferences related to what we are doing here today in trying to get the kind of money necessary to the States that they can take this group of prisoners, these felons off the streets and lock them up for very extended periods of time. And the gentleman wants to take \$2½ billion out of this today so that he can urge you next week that he is going to put that money in prevention programs instead of into building more prisons.

It is just a difference of opinion. But make no mistake, this would take a huge amount, \$2½ billion, out of the prison program, \$2½ billion that are really needed if we are going to finally stop the revolving door involving serious violent felons who just commit crime after crime in this country.

I urge a "no" vote.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SCOTT].

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

## RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 268, not voting 11, as follows:

[Roll No. 115]

YEAS—155

Abercrombie	Green	Owens
Ackerman	Greenwood	Pastor
Baldacci	Gunderson	Payne (NJ)
Barcia	Gutierrez	Pelosi
Barrett (WI)	Hancock	Peterson (FL)
Beilenson	Hastings (FL)	Porter
Berman	Hefner	Quinn
Bishop	Hillhard	Ramstad
Boehkert	Hinchey	Rangel
Bonior	Hoekstra	Reed
Borski	Hoyer	Reynolds
Brown (CA)	Hutchinson	Rivers
Brown (FL)	Inglis	Rohrabacher
Brown (OH)	Jackson-Lee	Rose
Burton	Jacobs	Roth
Camp	Johnson (CT)	Roybal-Allard
Cardin	Johnson, E.B.	Royce
Castle	Kaptur	Rush
Chapman	Kennedy (MA)	Sabo
Clay	Kennedy (RI)	Sanders
Clayton	Kennelly	Sanford
Clyburn	Kiecicka	Sawyer
Collins (FL)	Klug	Schroeder
Conyers	LaFalce	Scott
Coyne	Lantos	Sensenbrenner
DeFazio	Lazio	Serrano
DeLauro	Leach	Shays
Dellums	Lewis (GA)	Skaggs
Dingell	LoBiondo	Slaughter
Dixon	Longley	Smith (MI)
Doggett	Markey	Stokes
Dooley	Martinez	Studds
Duncan	Martini	Thompson
Durbin	Matsui	Tiahrt
Ehlers	McDermott	Torkildsen
Ensign	McKinney	Torres
Eshoo	Meehan	Towns
Farr	Meek	Tucker
Fattah	Menendez	Upton
Fawell	Mfume	Velázquez
Fazio	Miller (CA)	Vento
Fields (LA)	Mineta	Visclosky
Filner	Minge	Ward
Flake	Mink	Waters
Foglietta	Moakley	Watt (NC)
Ford (TN)	Mollohan	Waxman
Frank (MA)	Morella	Williams
Franks (NJ)	Nadler	Woolsey
Funderburk	Neal	Wynn
Gedensson	Oberstar	Yates
Gepphardt	Obey	Zimmer
Gilchrest	Oliver	

NAYS—268

Allard	Canady	Ehrlich
Andrews	Chabot	Emerson
Archer	Chambliss	Engel
Armey	Chenoweth	English
Bachus	Christensen	Evans
Baesler	Chryslers	Everett
Baker (CA)	Clement	Ewing
Baker (LA)	Clinger	Fields (TX)
Ballenger	Coble	Flanagan
Barr	Coburn	Foley
Barrett (NE)	Coleman	Forbes
Bartlett	Collins (GA)	Fowler
Barton	Combest	Fox
Bass	Condit	Franks (CT)
Bateman	Cooley	Frelinghuysen
Bentsen	Costello	Frisa
Bereuter	Cox	Furse
Bevil	Cramer	Galleghy
Bilbray	Crane	Ganske
Bilbrakis	Crapo	Gekas
Bliley	Creameans	Geren
Blute	Cubin	Gillmor
Boehner	Cunningham	Gilman
Bonilla	Danner	Gonzalez
Bono	Davis	Goodlatte
Boucher	de la Garza	Goodling
Brewster	Deal	Gordon
Browder	DeLay	Goss
Brownback	Deutsch	Graham
Bryant (TN)	Diaz-Balart	Gutknecht
Bryant (TX)	Dickey	Hall (TX)
Bunn	Dicks	Hamilton
Bunnink	Doilittle	Hansen
Burr	Doran	Harman
Buyer	Doyte	Hastert
Callahan	Dreier	Hastings (WA)
Calvert	Edwards	Hayes



Hayworth	McHugh	Schumer
Jefrey	McInnis	Seastrand
Heineman	McIntosh	Shadegg
Herker	McKeon	Shaw
Hilleary	McNulty	Shuster
Hobson	Metcalfe	Siskis
Hoke	Meyers	Skreen
Holden	Mica	Skilton
Horn	Miller (FL)	Smith (NJ)
Hostettler	Molinar	Solomon
Houghton	Montgomery	Souder
Hunter	Moorhead	Spence
Hyde	Moral	Spratt
Istook	Murtha	Stearns
Jefferson	Myers	Stenholm
Johnson (SD)	Myrick	Stump
Johnson, Sam	Nethercutt	Stupak
Jones	Neumann	Talent
Kanjorski	Ney	Tanner
Kasich	Norwood	Tate
Kelly	Nussle	Tauzin
Kiende	Ortiz	Taylor (MS)
Kun	Orton	Taylor (NC)
Kime	Oxley	Tejeda
Kingston	Packard	Thomas
Klink	Pallone	Thornberry
Knollenberg	Parker	Thornton
Kolbe	Paxon	Thurman
LaHood	Payne (VA)	Tornicelli
Largent	Peterson (MN)	Trafficant
Latham	Petri	Volkmer
LaTourrette	Pickett	Vucanovich
Laughlin	Pombo	Waldholtz
Levin	Pomeroy	Walker
Lewis (CA)	Portman	Walsh
Lewis (KY)	Postard	Wamp
Lightfoot	Pryce	Watts (OK)
Lincoln	Quillen	Weldon (FL)
Linder	Radanovich	Weldon (PA)
Lipinski	Rahall	Weller
Livingston	Regula	White
Lowe	Richardson	Whitfield
Lucas	Riggs	Wicker
Luther	Roberts	Wilson
Maloney	Roemer	Wise
Manton	Rogers	Wolf
Manzullo	Ros-Lehtinen	Wyden
Mascara	Roukema	Young (AK)
McCarthy	Salmon	Young (FL)
McCollum	Saxton	Zeliff
McCrery	Scarborough	
McDade	Schaefer	
McHale	Schiff	

NOT VOTING—11

Bocerra	Gibbons	Smith (TX)
Collins (MI)	Hall (OH)	Smith (WA)
Duan	Johnston	Stark
Frost	Lofgren	

1306

The Clerk announced the following pairs:

On this vote:

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

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

Mr. PALLONE and Mr. SPRATT changed their vote from "aye" to "no."

Messrs. SANFORD, WARD, ENSIGN, GREENWOOD, and ROTH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the bill? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BLILEY) having assumed the chair, Mr. KOLBE, Chairman of the Committee of the Whole House on the State of the

Union, reported that that Committee, having had under consideration the bill (H.R. 667) to control crime by incarcerating violent criminals, pursuant to House Resolution 63, he reported the bill back to the House with an amendment adopted by the Committee of the Whole House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute, as amended? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS  
Mr. CONYERS. Mr. Chairman, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith, with the following amendment: Page 9, after line 6, insert the following:

(D) UNALLOCATED FUNDS FOR PUBLIC SAFETY AND COMMUNITY POLICING.—Notwithstanding any other provision of this title, funds transferred under paragraph (6) may only be made available for the program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1965.

Mr. McCOLLUM. Mr. Speaker, I reserve a point of order.

1310

Mr. Speaker, I withdraw my reservation of a point of order.

The SPEAKER pro tempore. (Mr. BLILEY). The gentleman from Florida withdraws his reservation of a point of order.

The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes in support of his motion.

Mr. CONYERS. Mr. Chairman and my colleagues of the Congress, this recommit motion takes, perhaps, up to \$5 billion in unallocated funds and puts back into the cops on the beat program.

Now, yesterday the new majority whispered a secret about this prison funding proposal on the floor today. They finally admitted that the truth-in-sentencing scheme would probably be so burdensome on the States that most would never qualify for it, and then the gentleman from Florida offered what I call a "cover your back" amendment saying that unexpended funds would be used for Federal law enforcement. This motion to recommit would allow those unexpended funds, which we are all sure will happen, to be used for the most important program

we have in the crime bill, the cops on the beat program.

Mr. Chairman, the President's police program is the single most desired crime-fighting response demanded by our citizens across the several States. The Republican majority is proposing to repeal the program and put in its place revenue sharing and a prison funding program that in the end will actually provide less money for prisons and not one guarantee for a single community policeman.

People are afraid to go out of their houses to the corner store. The average response time in our neighborhoods to violent crime is getting longer and longer, and people are demanding change. We can build all the prisons we want, but without police officers on the beat we will never apprehend them.

So let us do what the police are asking us to do, to get them from behind their desks and on the beat, provide them more resources to fight crime: No one, no one can deny the effectiveness of this program, and this will be the far better place to put those unexpended funds.

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

(Mr. SCHUMER 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. Under this law, no State qualifies.

Even the gentleman from Florida earlier this morning in the debate admitted that presently, in his views, only three States, three medium and little States, medium sized and little States, would qualify. So, let us assume that we are right. I ask, Shouldn't that money go to put officers on the beat instead of just sitting there? By all means.

I say to my colleagues, if you are right, the money will be spent on prisons, but if this amendment passes, if you're wrong, which most people will look at it and think at least the money will be spent on cops walking the beat.

I say to my colleagues, Don't sell out your States. Don't for some nice ideological model way up in the sky that's unattainable, tell your States they can't get millions of dollars to build prisons. Don't sell out your police.

Please support the motion to recommit.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I thank the gentleman from Michigan [Mr. CONYERS] for yielding, and I just want

to remind the Members of the House that the gentleman from Florida with his amendment last night has readily admitted that we are not going to spend all this money on prisons. Otherwise why would he have offered the amendment that leaves this money, after 2 years, to go to the Department of Justice to be used for their program? Well, if that is the case, and I agree with the gentleman from Florida; I said that before; there are not going to be very many prisons built with this bill. We have a present law that is a lot better than their program, that is a lot better, but if this is going to be the case, instead of putting it all in the FBI, or all in the Department of Justice, can we not use some for cops on the beat? I think that is where crime fighting actually begins, with the policemen on the beat, in our local communities.

I ask, What's wrong with saying that, if we don't spend it on prisons, let's use some of it to help our local law enforcement?

I strongly urge Members to vote for the motion to recommit.

Mr. MCCOLLUM. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I yield myself such time as I may consume, and I strongly oppose this motion to recommit. I have had some words that I have heard from the other side over there that have misstated at least what I said earlier in the debate and a lot of words that have gone through. I want to make it perfectly clear in my judgment, and the judgment of the vast majority of our side of the aisle. I believe that every State of the Union is going to qualify for part A, the pot that has \$5 billion in it with virtually no restrictions on it. Part B, the pot that has the truth in sentencing money in it for requiring the States in order to get it to change their laws to require serious violent felons to serve at least 85 percent of their time, is going to be a carrot where most States will not have, and that is our idea, have not qualified, though I think somewhere in the neighborhood of six or eight States already are in that posture as opposed to the three the gentleman from New York [Mr. SCHUMER] keep stating to us. I believe that virtually all of this money will be consumed, probably all of it, by the States by time the 5 years runs out in both pots, but yesterday we passed a particular amendment which is being proposed today by this motion to recommit with instructions to be changed of what would happen to any moneys that were not actually given out by the Attorney General in these grants because there were not requests for them or whatever, and we said yesterday, and we voted yesterday, to do this in this committee, that the funds, if there were any unused ones, would go for the purposes of Immigration and Naturalization Service investigators, and the expenses of the Bureau of Prisons, the Federal Bureau of Prisons, and

Lord knows they need a lot of it, the Federal Bureau of Investigation and U.S. attorneys for activities and operations related to the investigation, prosecution, and conviction of persons accused of a serious violent felony, and the incarceration of persons convicted of such offenses.

It seems to me that that is an appropriate place to place the residual money, if there is any, which I do not think there will be from the prison grant program that is designed to try to get the serious violent felons off the street and solve the revolving door. We do not need to have a big debate out here tonight over cops on the street again.

What the gentleman's motion to recommit would do would be to say every single penny will go, not for the purposes I just enumerated, which is what we passed yesterday, but every single penny, if any is not spent in this bill, would go instead to the President's cops on the streets program which we will address next week.

□ 1320

We on this side of the aisle think that program needs to be merged into a community block grant program. We do not agree with that program. So consequently the purposes for which this is intended are not going to be served by the motion to recommit if it is passed today. So I urge in the strongest of terms a no vote to the motion to recommit.

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

The SPEAKER pro tempore (Mr. BILLEY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 193, nays 227, not voting 14, as follows:

[Roll No. 116]

YEAS—193

Abercrombie  
Ackerman  
Baesler  
Baldacci  
Barcia  
Barrett (WI)  
Beilenson  
Bentsen  
Bevill  
Bishop  
Bonior  
Borski  
Brewster  
Browder  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Bryant (TX)  
Camp

Cardin  
Chapman  
Clay  
Clayton  
Clement  
Clyburn  
Coleman  
Collins (IL)  
Condit  
Conyers  
Costello  
Coyne  
Cramer  
Danner  
de la Garza  
Deal  
DeFazio  
DeLauro  
Dellums

Dicks  
Dingell  
Dixon  
Doggett  
Dooley  
Doyle  
Durbin  
Edwards  
Engel  
Eshoo  
Evans  
Evans  
Fattah  
Fazio  
Fields (TX)  
Filner  
Flake  
Foglietta  
Ford (TN)

Frank (MA)  
Furse  
Gejdenson  
Gephardt  
Geren  
Gonzalez  
Gordon  
Green  
Gutierrez  
Hall (TX)  
Hamilton  
Harman  
Hastings (FL)  
Hayes  
Hefner  
Hilliard  
Hinchesy  
Holden  
Hoyer  
Jackson-Lee  
Jacobs  
Jefferson  
Johnson, E.B.  
Kanjorski  
Kaptur  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
Kildee  
Klecicka  
Klink  
LaFalce  
Lantos  
Laughlin  
Levin  
Lewis (GA)  
Lincoln  
Lipinski  
Lowey  
Luther  
Maloney  
Manton  
Markey  
Martinez  
Mascara  
Matsui

McCarthy  
McDermott  
McHale  
McKinney  
McNulty  
Meehan  
Meek  
Menendez  
Mfume  
Miller (FL)  
Mineta  
Minge  
Mink  
Moakley  
Mollohan  
Montgomery  
Moran  
Morella  
Murtha  
Nadler  
Neal  
Oberstar  
Obey  
Oliver  
Ortiz  
Orton  
Owens  
Pallone  
Parker  
Pastor  
Payne (NJ)  
Payne (VA)  
Pelosi  
Peterson (FL)  
Peterson (MN)  
Pickett  
Pomeroy  
Poshard  
Rahall  
Rangel  
Reed  
Reynolds  
Richardson  
Rivers  
Roemer  
Rose

Roybal-Allard  
Rush  
Sabo  
Sanders  
Sawyer  
Schroeder  
Schumer  
Scott  
Serrano  
Shays  
Sisisky  
Skaggs  
Skelton  
Slaughter  
Spratt  
Stenholm  
Stokes  
Studds  
Stupak  
Tanner  
Tauzin  
Taylor (MS)  
Tejeda  
Thompson  
Thornton  
Thurman  
Torres  
Torricelli  
Towns  
Tucker  
Velazquez  
Vento  
Visclosky  
Volkmmer  
Ward  
Waters  
Watt (NC)  
Waxman  
Wilson  
Wise  
Woolsey  
Wyden  
Wynn  
Yates

NAYS—227

Allard  
Andrews  
Archer  
Arney  
Bachus  
Baker (CA)  
Baker (LA)  
Ballenger  
Barr  
Barrett (NE)  
Bartlett  
Barton  
Bass  
Bateman  
Bereuter  
Billbray  
Billrakis  
Bliley  
Blute  
Boehlert  
Boehner  
Bonilla  
Bono  
Brownback  
Bryant (TN)  
Bunn  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Canady  
Castle  
Chabot  
Chambliss  
Chenoweth  
Christensen  
Chrysler  
Clinger  
Coble  
Collins (GA)  
Combest  
Cooley  
Cox  
Crane  
Crapo  
Creameans  
Cubin  
Cunningham  
Davis

DeLay  
Deutsch  
Diaz-Balart  
Dickey  
Doolittle  
Dornan  
Dreier  
Duncan  
Dunn  
Ehlers  
Ehrlich  
Emerson  
English  
Ensign  
Everett  
Ewing  
Fawell  
Fields (LA)  
Flanagan  
Foley  
Forbes  
Fowler  
Fox  
Franks (CT)  
Franks (NJ)  
Frelinghuysen  
Frisa  
Funderburk  
Gallegly  
Ganske  
Gekas  
Gilchrest  
Gillmor  
Gillman  
Goodlatte  
Goodling  
Goss  
Graham  
Greenwood  
Gunderson  
Gutknecht  
Hancock  
Hansen  
Hastert  
Hastings (WA)  
Hayworth  
Heffley  
Heineman  
Herger  
Hilleary  
Hobson

Hoekstra  
Hoke  
Horn  
Hostettler  
Houghton  
Hunter  
Hutchinson  
Hyde  
Inglis  
Istook  
Johnson (SD)  
Johnson (CT)  
Johnson, Sam  
Jones  
Kasich  
Kelly  
Kim  
King  
Kingston  
Klug  
Knollenberg  
Kolbe  
LaHood  
Largent  
Latham  
LaTourrette  
Lazio  
Leach  
Lewis (CA)  
Lewis (KY)  
Lightfoot  
Linder  
Livingston  
LoBiondo  
Longley  
Lucas  
Manzullo  
Martini  
McCollum  
McCrery  
McDade  
McHugh  
McInnis  
McIntosh  
McKeon  
Metcalf  
Meyers  
Mica  
Miller (CA)  
Molnari  
Moorhead

Myers  
Myrick  
Nethercutt  
Neumann  
Ney  
Norwood  
Nussle  
Oxley  
Packard  
Paxon  
Petri  
Pombo  
Porter  
Portman  
Pryce  
Quillen  
Quinn  
Radanovich  
Ramstad  
Regula  
Riggs  
Roberts  
Rogers  
Rohrabacher  
Ros-Lehtinen

Roth  
Roukema  
Royce  
Salmon  
Sanford  
Saxton  
Scarborough  
Schaefer  
Schiff  
Seastrand  
Sensenbrenner  
Shadegg  
Shaw  
Shuster  
Skeen  
Smith (MI)  
Smith (NJ)  
Solomon  
Souder  
Spence  
Stearns  
Stockman  
Stump  
Talent  
Tate

Taylor (NC)  
Thornberry  
Tiahrt  
Torkildsen  
Trafigant  
Upton  
Vucanovich  
Waldholtz  
Walker  
Walsh  
Wamp  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
White  
Whitfield  
Wicker  
Williams  
Wolf  
Young (AK)  
Young (FL)  
Zeliff  
Zimmer

Foley  
Forbes  
Fowler  
Fox  
Franks (CT)  
Franks (NJ)  
Frelinghuysen  
Funderburk  
Gallegly  
Ganake  
Cekas  
Gera  
Gilchrest  
Gillmor  
Gitterman  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Greenwood  
Gutknecht  
Hall (TX)  
Hancock  
Hansen  
Harman  
Hastert  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Heifer  
Heineman  
Berger  
Hilleary  
Robson  
Hoke  
Horn  
Hostettler  
Houghton  
Hunter  
Hutchinson  
Hyde  
Ingalls  
Istook  
Jacobs  
Jefferson  
Johnson (CT)  
Johnson, Sam  
Johnson (SD)  
Jones  
Kasich  
Kelly  
Kennedy (RI)  
Kim  
King  
Kingston  
Knollenberg  
Kolbe  
LaHood  
Largent  
Latham  
LaTourette

Laughlin  
Lazio  
Leach  
Lewis (CA)  
Lewis (KY)  
Lightfoot  
Lincoln  
Linder  
Lipinski  
Livingston  
LoBiondo  
Lucas  
Manton  
Manzullo  
Martini  
McCollum  
McCrery  
McDade  
McHale  
McHugh  
McInnis  
McIntosh  
McKeon  
McNulty  
Menendez  
Metcalfe  
Meyers  
Mica  
Miller (FL)  
Molinar  
Montgomery  
Moorhead  
Myers  
Myrick  
Nethercutt  
Neumann  
Ney  
Norwood  
Nussle  
Orton  
Oxley  
Packard  
Pallone  
Parker  
Pastor  
Paxon  
Payne (VA)  
Peterson (FL)  
Peterson (MN)  
Petri  
Pickett  
Pombo  
Porter  
Poshard  
Pryce  
Quillen  
Radanovich  
Reed  
Regala  
Reynolds  
Richardson  
Riggs  
Roberts

Rogers  
Rohrabacher  
Ros-Lehtinen  
Rose  
Roth  
Roukema  
Royce  
Salmon  
Sanford  
Saxton  
Schaefer  
Schiff  
Seastrand  
Sensenbrenner  
Shadegg  
Shaw  
Shuster  
Siskiny  
Skean  
Skelton  
Smith (NJ)  
Solomon  
Souder  
Spence  
Spratt  
Stearns  
Stenholm  
Stockman  
Stump  
Talent  
Tanner  
Tate  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Thomas  
Thornberry  
Thurman  
Tiahrt  
Torricelli  
Trafigant  
Viscosky  
Vucanovich  
Waldholtz  
Walker  
Wamp  
Payne (VA)  
Peterson (FL)  
Peterson (MN)  
Petri  
Pickett  
Pombo  
Porter  
Poshard  
Pryce  
Quillen  
Radanovich  
Reed  
Regala  
Reynolds  
Richardson  
Riggs  
Roberts

Nadler  
Neal  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Payne (NJ)  
Pelosi  
Pomeroy  
Portman  
Quinn  
Rahall  
Ramstad  
Rangel  
Rivers  
Roemer  
Roybal-Altard

Rush  
Sabo  
Sanders  
Sawyer  
Scarborough  
Schroeder  
Schumer  
Scott  
Serrano  
Shays  
Skaggs  
Slaughter  
Smith (MI)  
Stokes  
Studds  
Stupak  
Tejeda  
Thompson

Thornton  
Torkildsen  
Torres  
Towns  
Tucker  
Upton  
Velázquez  
Vento  
Volkmer  
Ward  
Waters  
Watt (NC)  
 Waxman  
Williams  
Wise  
Woolsey  
Wynn  
Yates

NOT VOTING—14

Becerra  
Berman  
Boucher  
Coburn  
Collins (MI)

Frost  
Gibbons  
Hall (OH)  
Johnston  
Lofgren

Smith (TX)  
Smith (WA)  
Stark  
Thomas

□ 1336

The Clerk announced the following pairs:

On this vote:  
Miss Collins of Michigan for, with Mr. Smith of Texas against.

Mr. Johnson of Florida for, with Mrs. Smith of Washington against.

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

Mr. HILLIARD and Mr. PETE GEREN of Texas changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BLILEY). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.  
The vote was taken by electronic device and there were—ayes 265, noes 156, not voting 13, as follows:

(Roll No. 117)

YEAS—265

Allard  
Andrews  
Archer  
Armey  
Bachus  
Baesler  
Baker (CA)  
Baker (LA)  
Ballenger  
Barr  
Barrett (NE)  
Bartlett  
Barton  
Bass  
Bateman  
Bereuter  
Bevill  
Bilbray  
Bilirakis  
Bliley  
Boehner  
Bonilla  
Bono  
Borski  
Boucher  
Brewster

Browder  
Brownback  
Bryant (TN)  
Bunn  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Candy  
Chabot  
Chambliss  
Chenoweth  
Christensen  
Chrysler  
Clement  
Coble  
Coburn  
Collins (GA)  
Combest  
Condit  
Cooly  
Costello  
Cox  
Cramer

Crane  
Crapo  
Cremens  
Cunningham  
Davis  
Deal  
DeLay  
Diaz-Balart  
Dickey  
Doyle  
Dooley  
Doolittle  
Dornan  
Dreier  
Duncan  
Dunn  
Ehrlich  
Emerson  
Engel  
English  
Ensign  
Everett  
Ewing  
Fawell  
Fields (TX)  
Flanagan

NAYS—156

Abercrombie  
Ackerman  
Baldacci  
Barcia  
Barrett (WI)  
Batterson  
Bentzen  
Bishop  
Blute  
Boehler  
Bonior  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Bryant (TX)  
Camp  
Cardin  
Castle  
Chapman  
Clay  
Clayton  
Clinger  
Clyburn  
Coleman  
Collins (IL)  
Conyers  
Coyne  
Cubin  
Danner  
DeFazio  
de la Garza  
DeLauro  
Dellums  
Dicks

Diagell  
Dixon  
Doyle  
Durbin  
Edwards  
Ehlers  
Eshoo  
Evans  
Farr  
Fattah  
Fazio  
Fields (LA)  
Filner  
Flake  
Foghtetta  
Ford  
Frank (MA)  
Furse  
Gejdenson  
Gephardt  
Gonzalez  
Green  
Gunderson  
Gutierrez  
Hamilton  
Hastings (FL)  
Hilliard  
Hinchey  
Hoekstra  
Holden  
Hoyer  
Jackson-Lee  
Johnson, E.B.  
Kanjorski

Kaptur  
Kennedy (MA)  
Kennedy  
Kildee  
Kleczka  
Klink  
Klug  
LaFalce  
Lantos  
Levin  
Lewis (GA)  
Longley  
Lowey  
Luther  
Maloney  
Markey  
Martinez  
Mascara  
Matsui  
McCarthy  
McDermott  
McKinney  
Meehan  
Meek  
Mfume  
Miller (CA)  
Minteta  
Minge  
Mink  
Moakley  
Molohan  
Moran  
Morella  
Murtha

NOT VOTING—13

Becerra  
Berman  
Collins (MI)  
Deutsch  
Frisa

Frost  
Gibbons  
Hall (OH)  
Johnston  
Lofgren

Smith (TX)  
Smith (WA)  
Stark

□ 1354

The Clerk announced the following pairs:

On this vote:

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

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

Mr. Deutsch for, with Mr. Berman against.

Mrs. MALONEY, Mr. LUTHER, and Mr. FORD changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-CROSSMENT 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, a 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. BLILEY). Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 667 and H.R. 668.

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

There was no objection.



DISPENSING WITH CALENDAR  
WEDNESDAY BUSINESS ON  
WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST FOR PERMISSION TO  
DISPENSE WITH SPECIAL OR-  
DERS ON TUESDAY, FEBRUARY  
14, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that on Tuesday next the House dispense with special orders out of consideration for the loyal staff that all too often have stayed here all too late for Members to have special orders, so on Tuesday next I ask unanimous consent that we dispense with the special orders so they too can join with their loved ones for an evening celebration of Valentine's Day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. HOYER. Mr. Speaker, reserving the right to object, I would say to the majority leader, as one who for years and years has had very friendly discussions with the gentleman's side of the aisle on consideration for our staff in evenings, particularly as it relates to special orders, I want to say that I certainly will not object to that request, and I admire and congratulate the majority leader for making it.

Mr. ARMEY. I thank the gentleman. Mr. HOYER. Further reserving the right to object, I apologize, my Majority Leader. I was being somewhat facetious, but I am told that we have a number of Members signed up. Can we maybe wait just a couple of minutes or till Monday and do it on Monday?

Mr. ARMEY. I would be happy to. I was being impulsive, and I thought maybe the staff would have an opportunity to make their dates.

But let us go ahead and check on Monday.

Mr. HOYER. Reclaiming my time, I want to assure the majority leader that I will be lobbying for the staff, but we will check with the Members who have special orders.

Mr. ARMEY. I suppose with the Members we will check on that, but there are at least two Members that will be fighting for the staff to have the night off early.

Mr. Speaker, I withdraw the request.

□ 1530

MANDATED SENTENCING: LISTEN  
TO THE GOVERNORS

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

minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, unfortunately I did not have in my possession a letter which I now have from Governor Carnahan of Missouri and Governor Carson of Minnesota. It deals with H.R. 667, the Violent Criminal Incarceration Act of 1995.

We have just passed that act, and I voted for a couple of amendments that lost. But I would want the Members to have this brought to their attention.

Obviously a Democrat and a Republican Governor in speaking to it, they say, "This would make it difficult for many of our States to participate in the proposed requirements." What they were referring to were the sentencing requirements. The Governors go on to say, and I think this is important for us to note in consideration of the Federal mandate bill that we debated extensively, the governors say, "Federally mandated sentencing structure could disrupt the State efforts." The efforts to which they were referring was beefing up sentencing.

They conclude by saying, Mr. Speaker, "as Governors, we support maximum flexibility that recognizes the efforts currently in place or under way in many of our States. We urge you to strike the sentencing requirements in H.R. 667 and allow States to utilize Federal funds to establish truth-in-sentencing as it relates to the laws in our individual States."

Mr. Speaker, I believe as that legislation moves further through the process and comes back here, we ought to take into consideration the Governors' words.

## LET FARMERS FARM

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

Mr. FUNDERBURK. Mr. Speaker, I am pleased to join with my colleague from Indiana, Mr. HOSTETTLER, the American Farm Bureau, the American soybean Association, and the National Pork Producers Council, in supporting the Agricultural Lands Protection Act.

Mr. Speaker, the Second District of North Carolina is the second largest producer of tobacco in America. We also have hundreds of soybean, peanut, and livestock farms. Farmers are the backbone of my district. Unfortunately, Washington treats these hard-working Americans like criminals. Its agents invade their land. Federal bureaucrats tell them what they can and can't do on their own farms. Instead of spending their time in the fields and barns, our farmers are now spending their days filling our forms and applying for permits.

Mr. Speaker, the madness has to stop. The Agricultural Lands Protection Act is a first step in restoring some sanity to agricultural policy. It says that the Federal Government will no longer classify land historically

used for farming and ranching as wetlands. No longer will farmers have to bend to the whim of some hard core environmentalist at the Department of Agriculture or the Corps of Engineers. This bill restores fundamental property rights to the men and women who put food on our table. It's long past time that this House put the interests of the farmer above bureaucrats and academics, lets pass the Agricultural Lands Protection Act.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. ZELIFF). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mrs. SEASTRAND] is recognized for 5 minutes.

[Mrs. SEASTRAND addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

## A TRIBUTE TO ORNA SIEGEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. TUCKER] is recognized for 5 minutes.

Mr. TUCKER. Mr. Speaker, in the past I have stood on the floor of this Chamber to pontificate on matters of local, State, and national importance. In the future, I will stand in this well and articulate the concerns of those in need of a voice to speak for them.

But today, Mr. Speaker, I rise for a different reason. I rise to pay tribute to a very special woman. A woman of substance, style, grace, and an inner beauty that would pale the brightest star. A committed leader in the struggle to enhance the pro-Israel cause; a heroine who speaks out while others remain silent; a wife to the man she calls her prince; a wonderful mother to her daughter Shana and her son Jonathan; a friend to those in need of friendship; she is my friend, the "red-hair," Orna Siegel.

Mr. Speaker, Orna Siegel was born Orna Tieb in Tunisia. She is the seventh of eight children that moved to a small town in Israel when she was four. At the age of 18 she served her country as a member of the Israeli Defense Forces as a sergeant in its Air Force. She was educated at the Seminar Hakibutzim in Tel Aviv, Israel. There at the university she met her prince charming, American businessman, Saul Siegel. Cupid's arrow hit its mark and Saul proposed to the lovely red head on the very day the couple met.

A true servant to her homeland, Orna founded the Summit Club, an Israeli-American leadership organization. She was the chairwoman of the annual fundraising gala dinner for the Friends



## EXTENSIONS OF REMARKS

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 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 to allow the individuals and families who have suffered from the E. coli illnesses to visit Washington, DC, to examine the ongoing epidemic and discuss plans for preventing future outbreaks of foodborne illness.

The tragic events of 2 years ago are still fresh in my mind. While the incident still upsets me, I can only imagine the constant pain endured by the families who lost a child or who experienced the serious illness due to the contamination of ground beef with E. coli O157:H7 bacteria. That is why I will always be grateful for the organizations, such as S.T.O.P., that seek to change the system in order to right a wrong. When it comes to a life and death situation, every endeavor to correct the system is welcome.

Until the tragedies were highlighted a few years ago, I do not believe that people were aware of the inherent dangers associated with the consumption of raw meat products. It is unfortunate that a number of deaths occurred before significant changes were made to the current food handling processes. Therefore, we must ensure systematic, science-based prevention of harmful contamination into the operation of every meat and poultry plant. Industries must be held accountable for meeting its food safety obligations. I believe that positive steps can be taken by animal producers to processors to retailers to consumers in order to reduce the risk of illness.

The only benefit of this issue is that significant policy changes are being made and will continue to be made as additional information and technology become available. Serious attempts have been made of late to preserve the quality of meat consumption in both our homes and restaurants. I am encouraged that the Department of Agriculture has established the principle that any contamination of raw ground beef with E. coli O157:H7 is unacceptable. The Department has strictly enforced zero tolerance for visible signs of contamination of beef and poultry carcasses. It is now mandatory to apply safe handling and cooking labels on every package of raw meat and poultry. Antimicrobial rinses and hot water treatments will also be allowed without prior approval of the Food Safety and Inspection Services. After carcasses have passed inspection and prior to their reaching the coolers, last minute rinses and water treatments will further

reduce the chance of reducing levels of E. coli O157:H7.

I urge my colleagues to support 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 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. 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. 1683.

As a member of the largest women'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 Joint 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 passed away at the age of 72 after a full life of dedication to his community. Judge McDonough was born in Stillwater and lived the rest of his life there as a citizen, patriot, legal scholar, and philanthropist.

The Judge was a veteran of World War II and the Korean War. His commitment to our country later led him into public service.

At the age of 26, Judge McDonough was the endorsed candidate for Lieutenant Governor in the State of Minnesota on the 1948 DFL ticket headed by Hubert H. Humphrey. Later, he was appointed Probate-Justice Judge for Washington County by Gov. Orville Freeman in 1956 and served as a judge in Washington County until 1974. He served on the Minnesota Parole Board with distinction for

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

7 years and was appointed to the Minnesota State Social Services Committee. Judge McDonough was appointed Special Adviser to President John F. Kennedy's 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.

#### 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 investigations, 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 Warrick, 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 the thousands of victims of the extensive list of deplorable 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, urging the President to instruct the U.S. delegation to the United Nations to press vigorously at these upcoming budget meetings to ensure adequate funding for the tribunal. The establishment of this body, against so many odds, is a credit to strong U.S. leadership. But, without proper funding, Mr. Speaker, the tribunal will never be able to execute the historic tasks that have been set for it. We have also indicated our support for an additional voluntary contribution to the tribunal by the United States of an amount not less than the \$3 million cash contribution provided last year.

Mr. Speaker, as the Bosnian Prime Minister, Haris Silajdzic, stated at the Helsinki Commission's hearing just 2 weeks ago, war crimes and genocide continue in Bosnia even now, during the 50th anniversary of the liberation of Auschwitz. I cannot overstate my conviction that holding war criminals accountable for the heinous crimes they have committed in this conflict will be an essential element for any long-term resolution of this tragedy. If the United States, at this juncture, inexplicably reduces the level of financial support it has provided to the tribunal, it might send a regrettable signal of weakening U.S. resolve to see war criminals held truly accountable. We must not let that happen.

#### ROBERT J. LAGOMARSINO 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. 50) to designate the visitors center at the Channel Islands National Park, CA, as the "Robert J. Lagomarsino Visitors Center."

Mr. UNDERWOOD. Mr. Chairman, I rise in support of the legislation brought forth by Chairman GALLEGLY 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 was a friend to the territories 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 desire to legislate responsibly and fairly for all people as well as for the environment. I think this legislation is a fitting tribute to the man

whom Chairman GALLEGLY has called the father of the Channel Islands National Park.

#### TRIBUTE TO NAOMI FISHER

**HON. WILLIAM F. CLINGER, JR.**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 10, 1995*

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 certitude 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. SAM JOHNSON of Texas. Mr. Chairman, as it stands now, current law defines overcrowding in prisons as a form of cruel and



...azing business acumen in the 35 years since they scraped together \$15,000 to purchase a gun club in north Harris County. Today, the Carters own four retail gun stores, a public shooting range, as well as three commercial game ranches. Carter's Country's sales have increased from \$32,000 in the first year of operations to approximately \$25 million last year.

Mr. Speaker, as a longtime and loyal Carter's Country customer, I want to add my voice to those paying tribute to this remarkable couple.

Raised in a small farming community in central North Carolina, Bill Carter joined the National Guard when he was just 14 years old—adding a few years to his age in order to enlist. Following his discharge from the National Guard, he enlisted in the U.S. Marine Corps. In the National Guard and the Marine Corps, his lifelong interest in firearms deepened.

Bill was sent to Korea and briefly considered a military career but ended up leaving the Corps with the intention of getting a college degree. Instead, he became a merchant seaman and, in the course of his travels, visited Houston often. He met his future wife in New Jersey and, eventually, Bill convinced his bride to move with him to Houston.

He worked as an iron worker while Ellen worked as an emergency room nurse at Hermann Hospital. Soon, Bill was making firearms for his coworkers out of a makeshift shop in garage. Many weekends, in order to test his firearms, Bill would arrive at a local shooting range at sunup. He spent so much time there, in fact, that the owner eventually offered to sell him the shooting range for \$15,000. And so was founded the Carter's Country empire.

As a result of their hard work and dedication, Bill and Ellen Carter's business expanded rapidly in the 1970's and 1980's. Today, despite this expansion, Carter's Country remains a family business serving the needs of hunters and sportsmen throughout the greater Houston area. Carter's Country employs 100 associates, who Bill Carter calls "the heart and soul of Carter's Country."

Mr. Speaker, Bill and Ellen Carter's story is the quintessential Texas story of humble beginnings; of hard work and initiative and dedication; and of well-deserved success. I hope you will join with me in saluting Bill and Ellen Carter and wishing them and their family continued success and happiness in the years ahead.

Thank you, Mr. Speaker.

#### 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 is the veteran's veteran.

His military record was one of selfless sacrifice and defying 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 during the seventies 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, IN.—Richard L. Roudebush, 77, former five-term congressman who became director of the Veterans Administration, died Saturday.

Mr. Roudebush died of complications from pneumonia at Doctors Hospital in Sarasota, Fla., where he also kept a home.

Services will be at 10 a.m. Friday in Randall & Roberts Logan Street Chapel, with calling from 2 to 8 p.m. Wednesday and Thursday.

Burial will be in Arlington National Cemetery.

In 1974, President Gerald R. Ford nominated his former Republican congressional colleague as administrator of veterans affairs. Mr. Roudebush's nomination was confirmed by the Senate Oct. 1, 1974.

The agency served more than 29 million veterans, had 200,000 employees and an annual budget of about \$14 billion.

Mr. Roudebush returned to his Noblesville farm in January 1977 after the election of Democratic President Jimmy Carter.

In May 1982, President Reagan signed a law renaming 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 1969, he received an honorary doctorate from Butler.

He enlisted in the Army about 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 explosives from captured enemy airfields.

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 Committee on Science and Astronautics and for his work on countless bills benefiting veterans.

A personal friend of all the early astronauts, Mr. Roudebush was instrumental in pushing through America's early space program from Alan Shephard's pioneering liftoff on through Mercury, Gemini and Apollo ef-

forts. He was awarded the VFW National Space Award in 1971.

He was seriously injured in a private plane crash Aug. 19, 1968, while returning to Indiana from the Republican National Convention at Miami. Campaigning from his hospital bed, he won the November 1968 congressional election by his widest margin ever and led the entire Republican slate in Indiana.

In January 1971, he became a consultant to the administrator of veterans affairs, and on June 7, 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, Pa.

Mr. Roudebush was awarded life memberships in the American Legion, the Disabled American Veterans and AMVETS.

He was a member of Refuge Christian Church, Noblesville.

Memorial contributions may be made to the donor's favorite charity.

Survivors: wife Marjorie Elliott Roudebush; son Roy "Chip" L. Roudebush; daughter Karen Roudebush; brother William Roudebush; a granddaughter.

#### EFFECTIVE DEATH PENALTY ACT OF 1995

SPEECH OF

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 729) to control crime by a more effective death penalty

Mr. BONILLA. Mr. Chairman, I rise today in support of H.R. 729, the Effective Death Penalty Act. I join all Americans in urging my colleagues to support this measure, which is common-sense reform. For capital punishment to be an effective deterrent to criminals it must be enforced swiftly and consistently. Presently, it takes years for the courts and defense attorneys to act upon rulings of the lower courts. This is unacceptable and change is long overdue.

The essence of our criminal justice system is justice. A system of appeals is imperative to ensure that the rights of the accused are not violated in any manner. However, this Nation's appellate system is absurdly slow, complicated, and overwhelmingly redundant. H.R. 729 will place necessary limits on habeas corpus appeals, and thus limit the number of appeals and time permitted for the entire process.

Mr. Chairman, violent crime in America continues to increase, and the Federal response has been minimal. This bill would establish a 1-year limitation for filing habeas corpus appeals of State court convictions. Additionally this bill will limit stays of execution for inmates who have not filed for appeal in a timely manner. Most importantly, Mr. Chairman, H.R. 729 would impose a 60-day deadline for Federal district courts to rule on a habeas corpus petition, and calls for a 90-day deadline for Federal district court decisions. This is precisely what is needed to streamline the appellate system, while ensuring that the appropriate safeguards are maintained.

