HOUSE OF REPRESENTATIVES—*Thursday, April 21, 1994*

The House met at 11 a.m.

Rev. Edward E. Hearn, Grace Conservative Baptist Church, Chicago, IL, offered the following prayer:

Most Eternal and All Wise God: We come before Your presence today deeply humbled by the many complex decisions that beset us, and challenged by the great issues that surround us. Therefore, Heavenly Father, we seek Your guidance and ask Your wisdom in all that we hope to accomplish.

We pray, O God, that You would endow us with understanding that we might earnestly discern that which, above all, is most pleasing in Your sight.

Guide us, we pray, in the spirit of truth, and lead us in the pathway of righteousness, such that we might make justice and eternal peace a reality in our Nation and throughout our world.

Keep us, we pray, in Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TRAFICANT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

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

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

Mr. TRAFICANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 256, nays 161, not voting 15, as follows:

[Roll No. 140]

YEAS—256

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inslee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Watt
Waxman
Wheat
Williams
Wilson
Woolsey
Wyden
Wynn
Yates

NAYS—161

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Clay
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lazio
Leach
Levy
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Andrews (NJ)
Boucher
Brown (CA)
Engel
Fish
Gallo
Grandy
Johnson (GA)
Lewis (CA)
Neal (NC)
Parker
Washington
Waters
Whitten
Wise

□ 1128

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, I was unavoidably absent during the morning of Thursday, April 21, due to a death in the family.

Had I been present during that time, I would have voted as follows:

Rollcall 140—"yes."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MCNULTY). The Chair will ask the gentleman from Wisconsin [Mr. ROTH] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. ROTH led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed the following resolutions:

S. RES. 200

Resolved, That the House of Representatives be notified of the election of the Honorable Martha S. Pope as Secretary of the Senate.

S. RES. 202

Resolved, That the House of Representatives be notified of the election of the Honorable Robert Laurent Benoit as Sergeant at Arms and Doorkeeper of the Senate.

The message also announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3693. An act to designate the United States courthouse under construction in Denver, Colorado, as the "Byron White United States Courthouse".

The message also announced that the Senate had passed a bill and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 2024. An act to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes.

S.J. Res. 161. Joint resolution to designate April 1994, as "Civil War History Month".

S.J. Res. 174. Joint resolution to designate the week beginning April 24, 1994 as "National Crime Victims' Rights Week".

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 375) entitled "An act to amend the Wild and Scenic Rivers Act by designating a segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers System, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1574) entitled "An act to authorize appropriations for the Coastal Heritage Trail Route in the State of New Jersey, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate to the bill (H.R. 821) "An act to amend title 38, United States Code, to extend eligibility for burial in national cemeteries to persons who have 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces."

The message also announced that pursuant to sections 276d–276g, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. MURKOWSKI, as vice chairman of the Senate delegation to the Canada-United States Interparliamentary Group during the second session of the 103d Congress, vice Mr. STEVENS.

The message also announced that pursuant to sections 276h–276k, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. GRASSLEY, Mr. SPECTER, and Mr. MURKOWSKI, as members of the Senate delegation to the Mexico-United States Interparliamentary Group during the second session of the 103d Congress, to be held in Huatulco, Mexico, April 22–25, 1994.

□ 1130

INTRODUCTION OF THE REVEREND EDWARD HEARN

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

Mr. RUSH. Mr. Speaker, I rise today, to welcome the Rev. Edward E. Hearn. Reverend Hearn is the pastor at the Grace Conservative Baptist Church of Chicago, IL, where he has served for the past 4 years.

Before coming to Grace Conservative Baptist Church, Reverend Hearn studied law at Saint Louis University School of Law in St. Louis, MO. He then worked as a lawyer in the areas of probate, real estate and criminal law.

Today, while serving a thriving congregation, he also continues to work as a lawyer, addressing issues of special importance to his clients in inner city Chicago.

Reverend Hearn's unique background has given him a wide range of experience in tending to the needs of both his congregation and the greater community. He has served as a source of comfort, advice, and inspiration to all who come into contact with him.

It is with great pleasure that I welcome him here to deliver the opening prayer today.

REMOVAL OF NAME OF MEMBER AND ADDITION OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 173

Mr. BARCIA of Michigan. Mr. Speaker, I ask unanimous consent that the name of Mr. PRICE of North Carolina be withdrawn as a cosponsor of House Concurrent Resolution 173, and that the name of Ms. PRYCE of Ohio be added as a cosponsor of said resolution.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 40

Mr. WHEAT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 40. At no time did I agree to add my name as a cosponsor of this legislation, and I am pleased to have this opportunity to clear up any confusion that may have resulted from my name having appeared as a cosponsor of H.R. 40 in the past.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3266

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 3266.

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

There was no objection.

MISUSE OF AMERICAN POWER

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

Mr. GINGRICH. Mr. Speaker, I listened in disbelief last night as the President of the United States explained the tactical air strike command and control system for Bosnia. The local U.N. Forces ask the U.N. Commander, who ask the U.N. political advisor, who, if they get approval from New York, ask NATO, which ask an American pilot, and this is madness, to have individual air strikes with control in Bosnia, New York, and Washington. That is worse than anything that was done in micromanaging the Vietnam War.

If we cannot find a clear mission with a clear theater campaign plan, with a clear and clean command and control system, we should withdraw any involvement. However, to have American pilots risking their lives, loitering like taxis while the U.N. Commander negotiates, to be used individually if a convoluted chain of command agrees to it, is crazy.

Mr. Speaker, I would just ask every Member to read precisely what the President said last night is his approved chain of command for ordering individual air strikes. It is the worst misuse of American power, I think, since World War II.

URGING NO FURTHER DELAY FOR THE CRIME BILL

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

Mr. DERRICK. Mr. Speaker, it seems Republicans loathe the idea of enacting effective Democratic legislation. So rather than act on the crime bill, they have stalled time and again, hoping to cripple what they cannot claim for their own.

That is too bad. Americans do not want to waste time on political boondoggles. Americans want tough anticrime measures now. The crime bill we have crafted is what they want.

We have crafted this bill to heal our crime-fractured communities. It strives to punish and prevent crime. It will rid the streets of criminals, keep them off the streets, and clean up the wreckage they leave behind.

This crime bill is about strengthening families. It is about clearly defining the consequences of criminal behavior. It is about responsibility in our communities. It would be irresponsible to delay it any further.

THE NEW "FIX" IS IN

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

Mr. EWING. Mr. Speaker, the Democrat leadership has decided to fix the Social Security system.

The new fix is to raise your Social Security taxes and lower the benefits you receive.

Your Government in Washington is on the job. The same one that brought you the problem now has the solution. Again.

Just last year the Clinton administration increased taxes on the elderly's Social Security benefits. Now they want to raise taxes at both ends by increasing both payroll taxes and benefits taxed.

The Democrat plan would increase the tax employers pay. It would increase the tax employees pay. And it would cut the benefitS of the average contributor by 8 percent and cut the above-average contributor's by one-fifth. The operative words being—tax and tax and cut and cut the benefits.

This is precisely the sort of solution Washington proposes for its programs that cannot pay their way—more from you and less from the Government.

Are you not glad that Washington could take time from designing your new health care plan to tinker with your retirement plan?

URGING PASSAGE OF A BALANCED CRIME BILL

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

Mr. VISCLOSKY. Mr. Speaker, as we finish debate on the crime bill we must stay focsued on the very serious problems it is intended to correct.

The Clinton administration and the Democrats in Congress have produced a balanced crime bill that includes police protection, punishment, and prevention.

In spite of the wisdom of this bill and the urgency of our crime problem, there are some Republican Members who would rather play politics than pass sound policy.

A Republican Member of this body circulated a letter to his Republican colleagues stating:

> If we work together we can defeat this bill and craft a real crime bill that will give the crime issue back to Republicans for the upcoming elections.

It is clear that for some Republicans the real issue is politics—not stopping crime and making our neighborhoods safe.

Mr. Speaker, this crime bill will put more police on the streets, throw away the key for repeat violent criminals, and prevent crime before it happens. This is a balanced bill that the Nation wants and needs. It should pass as soon as possible.

PAY MORE FOR LESS

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

Mr. THOMAS of Wyoming. Mr. Speaker, pay more for less. This should be the Democrat's campaign slogan for the upcoming election.

First there was the Clinton plan for health care reform.

In the name of reform, the President's plan would mandate less benefits, less quality, and reduce choice all at the cost of billions of additional tax dollars.

And now, there is the plan for Social Security of the chairman of the Ways and Means Committee.

According to newspaper reports, the Chairman's plan would reduce COLA's, accelerate the retirement age, and increase the payroll tax.

In other words, the middle-class wage earner would pay more for less.

That does not sound like much of a deal to me.

Mr. Speaker, I urge the American people to take a second look at the pay more for less party. They do not look like a good deal for the Nation's future.

URGING MEMBERS TO THINK MORE ABOUT LOCKING UP CRIMINALS AND LESS ABOUT LOCKING UP ELECTIONS

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

Mr. MENENDEZ. Mr. Speaker, each of us here in the House knows that it is time to get serious about crime. That is why it is so astonishing when you uncover little tidbits like this one, from a letter circulated among House Republicans. In it, the writer says that if Republicans can defeat the crime bill, they can, "give the crime issue back to Republicans for the upcoming elections." While the American people know that crime control is a matter of life and death, there is apparently a sympathetic audience among Republicans who think that it is just politics.

We are free to disagree on what we think are the best ways to control crime in this country, but I think the American people would appreciate it if we would think a little more about locking up criminals, and a little less about locking up elections.

We have an opportunity to deal with the crime issue head-on, by passing the crime bill—today. We are all ready to be tough on crime. The key, however, lies in being both though and smart. This crime bill is both.

□ 1140

HEALTH CARE BIPARTISANSHIP

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

Mr. HASTERT. Mr. Speaker, when it comes to health care reform, bipartisanship is the best solution.

Let us face it—neither Republicans nor Democrats have the complete answer to health care.

It is time that both sides come together, in a nonpartisan way, to develop a real solution that meets the health care needs of the American family. Let us craft a commonsense bill that provides access to private and affordable health insurance to Americans—even if they have a pre-existing condition or change jobs. Let's address the cost drivers in our system and reform our malpractice laws and reduce paperwork.

I doubt if the average middle-class family cares who passes the health care bill, as long as it fixes what's broken in our current system without destroying the quality of care and choice they have come to expect.

So let us put partisanship behind us and begin working together to pass a bill that both Republicans and Democrats can support.

A BALANCED CRIME BILL

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

Mr. BROWN of Ohio. Mr. Speaker, the House this week responded to the public's demand for strong, tough, and smart action on the crime problem. And we should be proud of the steps we have taken.

We have fashioned a strong and smart anticrime initiative that balances punishment and prevention.

We have voted to stiffen sentences and keep repeat violent offenders behind bars through the "three strikes and you're out" provision.

We have joined hands with local and State officials by providing them with funds to build enough prison space so that violent offenders serve out their terms.

And we have supported effective prevention programs such as the midnight sports program, which in my district has successfully kept dozens of juveniles off the streets and away from crime.

Mr. Speaker, I applaud the efforts of Mr. BROOKS and Mr. SCHUMER and the other Members who were so effective in fashioning this tough and intelligent response to the crime problem in our country.

FOREIGN POLICY

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

Mr. HOKE. Mr. Speaker, earlier this week responding to a questioner on MYV, the President answered, "Briefs." Ask him a very different question about how much the President spends on foreign policy, the world gets a sadly similar answer: "Brief." It shows.

Mr. Speaker, is the President paying enough attention to what is happening overseas? He had better, or our involvement in Bosnia will become both more dangerous and more embarrassing. The lesson of Vietnam proven by its observance in Operation Desert Storm and once more proven in its breach in Somalia is that our military objectives must be clearly defined and our use of force must be sufficient to achieve those objectives. By turning control over to the United Nations, we place our soldiers' lives in danger and our national sovereignty at risk.

Mr. Speaker, I urge the President to spend more than a brief moment on foreign policy in the days to come.

THE CRIME BILL

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

Mr. CLYBURN. Mr. Speaker, I rise today as a voice for the millions of Americans who are equally frightened and frustrated by the senseless wave of violence that has griped our Nation.

They are frightened by the seeming randomness of violent acts that have occurred in our schools and in our neighborhoods, from our cities to the suburbs.

And they are frustrated by the appearance of a judicial and law enforcement system that seem to be losing control as the growing number of violent offenders continue to overwhelm our courts and prisons.

This fear and frustration crosses all economic, social, and political boundaries.

The Violent Crime Control and Law Enforcement Act may be an answer to this fear and frustration. This bill calls for, among other things, more police officers, a "get tough" stance on repeat offenders, as well as changes in the sentencing and a variety of prevention programs.

This bill may not provide all the answers, but it is my hope that its passage will return a sense of control to our law enforcement officials and restore a much needed sense of safety to our communities.

A CALL FOR REPEAL OF UNFUNDED FEDERAL MANDATES

(Mr. INGLIS of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. INGLIS of South Carolina. Mr. Speaker, the crime bill that we are debating here today is at best in my estimation a little case of schizophrenia and at worst the act of a bunch of professional politicians who want to dupe the American people. Let me explain what I mean.

What we are doing in this House by unfunded Federal mandates is knocking localities over the back of the head where they cannot see us and then we come along as a false Good Samaritan and hand them a few grant programs. A little bit like handing them an aspirin for the headache they have gotten by us bashing them on the back of the head with the unfunded Federal mandates.

A specific example: Greenville County, one of my counties, over the next 6 years will spend $130 million on unfunded Federal mandates. That is enough to hire, according to the good mayor of Greenville, Bill Workman, 600 police officers, or 600 teachers. Part of that $130 million is $75 million for a water filtration plant everyone agrees is not needed.

So, Mr. Speaker, we in this House on the one hand knock them over the back of the head, giving them the unfunded Federal mandates and then give them the little grants as an aspirin. We have got to be more creative about how we deal with the crime problem. Repeal unfunded Federal mandates and leave money there to fight crime.

LABOR LAW ENFORCEMENT ACT OF 1994

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

Mr. TORRES. Mr. Speaker, we are talking about crime today, and I want to raise the issue of a crime that is taking place here in this country today. We have American employers not only exploiting Americans but also undocumented immigrants and this undercuts legitimate businesses. This encourages undocumented immigration and depresses wages. Of the estimated 50,000 sewing machine contractors nationwide, over one-third operate without licenses, offer no health insurance, do not pay overtime, and pay their workers in cash. They also do not pay taxes.

Mr. Speaker, in my county alone, Los Angeles County, employers last year did not pay $120 million in taxes using the tactics of using these kinds of workers. Over half of all the garments made in America are produced in whole or in part by factories that pay below the minimum wage, disregard Federal safety laws, and require workers to spend 60 yours or more on their sewing machines. This is true in the garment industry, in the construction industry, and in farm labor. We must stop this crime. We must put teeth back into our labor enforcement laws that say "Made in America means made under law."

WHO'S DRIVING?

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

Mr. GOSS. Mr. Speaker, the world is not waiting for the White House to face the challenge of global leadership. In Bosnia, North Korea, Iraq, Haiti, and several Africa nations tensions mount tragedies multiply. The Washington Post, not known for tough critique of Democrat administrations, has launched a scathing review of this President's failed leadership on foreign policy. The Post said of President Clinton, "Positioning himself as the pawn of a self-driven international machine, he has abdicated what ought to be a great power's serious effort to win, first, the American people and then others to policies of American design—as Gorazde shudders under point blank Serb shelling—he flees Washington for a rally of Mustang owners," The appearance that President Clinton is more comfortable behind the wheel of an antique car explains why our allies grow increasingly uncomfortable with him as the lead driver of the globe's only superpower.

RECOGNITION OF THE 15TH ANNIVERSARY OF THE TAIWAN RELATIONS ACT

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

Mr. HILLIARD. Mr. Speaker, I rise today to recognize the 15th anniversary of the Taiwan Relations Act of 1979.

In 1978, the United States reached a crossroads in United States-Asia relations with its decision to recognize the

Communist Government of China. The Democratic Government of Taiwan deserved to have access to America, yet the Congress could not ignore the more than 1 billion Chinese living on the mainland. So on April 10, 1979, President Carter signed the Taiwan Relations Act, and laid the foundation for a relationship that was destined to grow.

Mr. Speaker, one of the most important facets of the Taiwan Relations Act was the establishment and creation of the Coordination Council for North American Affairs or CCNAA. The CCNAA is the vehicle of interaction between the United States of America and the Republic of China on Taiwan. Representative Ding and his staff have done an excellent job in promoting better understanding and a closer relationship between our two peoples.

□ 1150

INTRODUCTION OF RESOLUTION EXPRESSING SENSE OF CONGRESS THAT BOSNIAN MASSACRE IS GENOCIDE

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

Mr. GILCHREST. Mr. Speaker, at the dedication of the Holocaust Museum, the purpose of that dark monument was summed up in two words: never again. That museum was supposed to be the concrete symbol of our resolve to never repeat the mistakes of the 1930's and the 1940's when humanity stood by and watched a genocidal slaughter.

"Regional conflict" is no longer an adequate term to describe the situation in Bosnia. The concept of war implies a clash of armed factions, where civilian casualties are collateral. In Bosnia, civilians are the target of military action, and only one side is adequately armed. The sterilized terms which we have used to describe the Bosnian bloodbath have made it far too easy for us to respond to Bosnia as if it were an academic problem.

But there is nothing academic about a shattered little girl in Gorazde whose house was targeted by Serbian artillery. And that little girl will never know or care whether her death was the result of U.N. inaction, NATO inaction, or U.S. inaction—the end result is the same, and all bystanders are complicit.

I will soon be introducing a resolution expressing the sense of Congress that the Bosnian massacre is genocide as defined by international treaty, and should be treated as such. The result of this is symbolic, but it is a powerful symbol. There is no longer any justification for inaction—deliberation is costing lives. We no longer have any reason to believe that Serbian forces will stop while Moslem live in eastern Bosnia. In charting a course of action for the Balkans, the moral guide for U.S. Foreign Policy can best be described by Ronald Reagan's words: "if not now, when? if not us, who?"

DO NOT DELAY THE ANTICRIME BILL

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

Mr. TUCKER. Mr. Speaker, I rise today in strong support of H.R. 4092.

Mr. Speaker, this is not a crime bill. It is an anticrime bill.

Our Republican counterparts would have us believe that this needs to be stalled, and it needs to be looked at again and reviewed, but, Mr. Speaker, the only crime would be if we delay 1 more minute.

Every survey from the east coast to the west coast is unanimous in its indictment of the fact that crime is the No. 1 problem in this country. The people of this country want this Congress right now to do something about it.

If not now, then when? And if not this body, then who?

We must do this today. We must pass this crime bill that is not only tough in its penalties and in its expansion of increased penalties, but is smart. It uses prevention money and education and substance abuse money so we can get to the root causes of crime.

Mr. Speaker, this crime bill, anticrime bill, is not only punishment tough but prevention smart, and the only prevention that we need to avoid today is preventing this bill to pass.

BOSNIAN MISTAKES

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

Mr. KNOLLENBERG. Mr. Speaker, President Clinton has announced that he supports U.N. Secretary General Boutrous Boutrous-Ghali's call for expanding the scope of NATO airstrikes in Bosnia.

Throughout this tragic crisis in Bosnia, American policy has been made by leaders in the United Nations and NATO. There is no clear voice of American leadership, and this vacuum is putting American servicemen and women at risk.

Mr. Speaker, the American people deserve to know why. What vital American interests are at risk in Bosnia and how will airstrikes or other military actions help us to protect them.

How do expanded airstrikes fit in to a coordinated plan? What is that plan? We don't need more of President Clinton's patchwork Bosnia policy dictated by international organizations and emotional news stories.

American military personnel are at risk in Bosnia. The American people deserve to know what our goals are. Gradual escalation is not a strategy, it is a recipe for chaos and disaster.

Mr. Speaker, we must stop the drift in American foreign policy before it is too late.

H.R. 4092: A GOOD ANTICRIME, PROCOMMUNITY BILL

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

Mr. FARR of California. Mr. Speaker, I rise today to talk about the crime bill we are going to vote on this afternoon.

This crime bill is not just a tough bill on crime. It is not just a bill that creates more prisons. It is not just a bill that creates more death penalties. It is not just additional criminal punishment. This bill is a good anticrime, procommunity bill.

It needs to be pointed out that there is a youth initiative in this legislation to allow for elementary children and high school children to have after-school programs. There are new funds in this bill for cities and counties and States to develop an anticrime program on the street level.

There is more interaction in this bill for police on the streets to work cooperatively with their communities so that we have a smart cop on the beat.

Hopefully this bill would incorporate a ban on assault rifles. This is not in the legislation today, but when the House brings it up, I hope they will follow the lead of the California legislature and other States that have taken a tough stand to ban assault rifles.

I ask this body to support the crime bill today and to support the ban on assault rifles when it appears in a few weeks.

SUPPORT THE A TO Z DISCHARGE PETITION NEXT THURSDAY

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

Mr. ZELIFF. Mr. Speaker, this morning's Congress Daily quotes sources close to the House leadership as saying:

> If people who support the A to Z spending cut plan have interest in a budget line item, they must realize that the programs they support are vulnerable if A to Z passes.

These unnamed sources have hit the nail on the head, Mr. Speaker. The key question is, Will spending policy decisions be made by the entrenched House leadership, or will spending policy decisions be made by a majority of the elected membership? That question is what A to Z is all about.

Will spending decisions continue to be made in retaliation for voting your conscience, or will Members have a chance to make policy decisions based on the merits of the issue?

Will we continue to be faced with take-it-or-leave-it spending packages

that are loaded with pork, or will spending decisions be based on the merits of each lien item?

Will this continue to be an oligarchy, or will we return to the representative democracy, that our Founding Fathers intended?

Support the A to Z discharge petition next Thursday, on April 28, and end business as usual. Let the people's voice be heard.

TAXPAYERS IN TAX COURT MUST PROVE THEIR INNOCENCE

(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, Chris and Pat Rowenhorst: They own a pawn shop, they owe the IRS $70,000. They had monthly payments, never missed a payment.

The IRS showed up one day, and two agents said, "I want it all right now." The Rowenhorsts cited their rights, and out of frustration said, "What do you want me to do, kill myself so you can collect the insurance to pay these taxes?" The next thing he knew he was jailed because they said he threatened Federal agents.

Thank God, he had a surveillance camera that proved he did not threaten those agents.

What is going on, Congress? This is out of control. American taxpayers are at times treated like dogs. Because Jeffrey Dahmer is innocent when he goes to court, a mass murderer, but a taxpayer in a tax court is guilty and has to prove their innocence.

Shame, Congress. It is time to change that. Discharge petition No. 12, let us bring it to the floor and have a people's vote.

ELIMINATION OF CHILD DISABILITY FRAUD

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

Mr. DICKEY. Mr. Speaker, today legislation has been introduced to eliminate fraud in the child disability portion of the supplemental security income program. A 1990 Supreme Court decision so broadened the definition of disability as it relates to SSI that it is easy for children who merely act disabled to receive SSI payments.

In my home State of Arkansas, many allegations have arisen that some parents encourage their otherwise healthy children to act mentally disabled in classroom settings to qualify for these SSI cash payments.

□ 1200

Straight cash payments are a strong incentive to coach a child to act disabled. Benefits average $400 per month per child, and parents are not required to use the money to cover the medical costs of the child. Think what this is doing for the child and the children, and you can readily see part of what lasting harm this is inflicting.

This bill, if adopted, would replace cash benefits with medical vouchers for children under 18 who qualify for SSI which parents can use to cover the costs of medical and therapeutic aid for their child, allow children to continue receiving the care they need, but discourage parents from taking advantage of the system.

H.R. 4211, H.R. 4212 STIMULATING THE BIOTECHNOLOGY INDUSTRY

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

Ms. ESHOO. Mr. Speaker, I rise with my colleague, Mr. BLUTE, as a proud sponsor of H.R. 4211 and H.R. 4212, legislation which will stimulate the biotechnology industry.

In an era of dramatic technological innovations, nowhere have advances been greater than in the medical sciences which are increasingly technologically driven.

Biotech is now at the forefront of the high tech industry—developing preventions, treatments and cures for diseases which have eluded us.

Just last week a company in my district, the Geron Corp., announced the discovery of an enzyme that will fight cancer.

Biotech requires an entrepreneurial driven economic climate and while we are currently the world leader in biotechnology, Federal policies may curtail future biotech advances.

Already, investment has fallen off as investors have grown increasingly skittish about the effect of Federal policies on the industry.

Without access to capital the industry will not remain competitive and may not even survive.

Our two bills will correct this by providing for better coordination of research funds between Federal agencies and providing tax incentives for research.

Mr. Speaker, I urge my colleagues to support this legislation. In so doing, we will help advance a critical industry for our Nation. We will help expand jobs, save health care dollars, and save lives.

Mr. Speaker, I urge support of the two pieces of legislation that we proudly sponsor today.

STIMULATING THE BIOTECHNICAL INDUSTRY

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

Mr. BLUTE. Mr. Speaker, in 1980 the biotechnology industry was basically nonexistent. In the year 2000 revenues could potentially reach $60 billion. Unfortunately, this growth is in jeopardy, certain health care reform proposals and other Government regulations looming on the horizon could doom expected growth in the industry.

It is with that in mind that I, along with our distinguished colleague from California [Ms. ESHOO] introduced two bills aimed at stimulating biotechnology research and development. H.R. 4211, the Biotechnology Competitiveness Act of 1994, would instruct the Office of Science and Technology Policy to strongly coordinate Federal assistance to biotech research. And H.R. 4212, the Biotechnology Stimulus Act of 1994, would provide important tax incentives to biotech companies and the people who invest in them.

By passing our legislation Congress would take a crucial step towards encouraging the growth of one of our most promising industries.

Many biotechnology companies are based in my district in the city of Worcester, MA, and the surrounding area.

The amazing technology these companies are developing promises to reduce health care costs with innovative therapies that could replace costly surgeries.

We urge your support for these two bills and stimulate American biotechnology.

HAPPY 89TH BIRTHDAY TO EDMUND G. "PAT" BROWN

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

Ms. SCHENK. Mr. Speaker, today I wish to recognize the 89th birthday of Edmund G. "Pat" Brown, one of the greatest Governors in California's history.

Pat Brown is a national treasure. He devoted himself to public service with gusto and vision. He built California's great water system, freeway network, and most importantly, its unmatched system of public higher education.

Beginning in 1943 he served as district attorney, as California Attorney General, and eventually, in 1958, was elected Governor and served for 8 years.

But Pat Brown's appetite for public service did not end then. Since that time, he has been named to four national commissions by two Presidents and founded the Edmund G. "Pat" Brown Institute of Public Affairs to attack the societal challenge of today and tomorrow.

At 89, he still looks to the future. He is married to the wonderful Bernice Lane. They have 4 children and 10 grandchildren.

My husband Hugh and I feel blessed to know Pat and Bernice and wish Pat

a very happy birthday. Congratulations on 89 wonderful years.

AGAINST RACIAL QUOTAS FOR THE DEATH PENALTY

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

Mr. CANADY. Mr. Speaker, earlier this week the House made substantial progress in fashioning a crime bill that will help strengthen law enforcement in America. Unfortunately, yesterday the House took a big step in the wrong direction by defeating the McCollum amendment, an amendment that would have removed the provisions of the bill which would effectively establish a racial quota system for imposition of the death penalty. These pernicious provisions could make considerations of race central to every death penalty case and would turn powers exercised by juries over to social scientists and statisticians. This is contrary to the fundamental principle of the American system of justice that an individual should be tried and sentenced on the basis of the facts of the particular case and without regard to race.

The House will have an opportunity to correct yesterday's mistake by adopting the motion to recommit with instructions, which will be made later today. Anyone, any Member of this House who support a meaningful and effective death penalty must support the motion to recommit.

H.R. 3875, PRIVATE PROPERTY OWNERS BILL OF RIGHTS

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

Mr. TAUZIN. Mr. Speaker, once again, this time on March 24, 1994, in a case entitled Bowles versus the United States of America, the Federal courts have decided that denial of a wetlands permit to an American landowner is a taking under the fifth amendment clause of the U.S. Constitution.

In the case, Mr. Bowles was not a big landowner. He simply owned a lot in a subdivision in Texas. The Corps of Engineers said he could not get a permit to build his house in that subdivision. He went to court. The court decided that he was entitled to the value of his property, attorneys fees, court costs, and even compounded interest, they were so angry at the fact that the Government had taken this man's property and refused for so long to compensate him.

The court also said it was time for Congress to do something about this problem. It called upon the political body in this country, not the judicial body, to make the decision.

I urge you to join us as cosponsors of House bill 3875, the Private Property Owners Bill of Rights for Americans, to settle this issue, to make it clear that a taking is, under the Constitution, compensable when the Government denies you the right to use your own property.

WE MAY NOT BE ABLE TO VOTE FOR THE CRIME BILL TODAY

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

Mr. GEKAS. Mr. Speaker, Members of the House, the 11th hour has come for consideration of the crime bill, and I, who am the author of some of the provisions in the crime bill, and one who has always been tough on criminals, as I view it, and on repeat offenders and violent offenders especially, am constrained to vote against the very crime bill which I helped to craft in some of its important provisions.

Why? Because there are important flaws that are built into the crime bill that may make it absolutely useless. No. 1, it has as one of its major provisions gigantic additional spending programs for programs that, under the Great Society Program, failed and failed miserably and now are being reintroduced as part of a crime bill.

We want tough measures, not money measures just for the purpose of prevention, rather for being tough on criminals.

Second, it is possible that the Federal Government, through this crime bill, will be mandating local authorities to spend some of their money when we do not provide it for them, unfunded mandates.

We may not be able to support this crime bill.

CRIME BILL

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

Mr. BISHOP. Mr. Speaker, I want to extend a word of bereavement to the family of Army Capt. Patrick McKenna of Columbus, GA. Captain McKenna was killed last Thursday in the friendly fire accident in the Iraqi no-fly zone. He will be buried this weekend at Fort Benning with full honors. His friends and family are in our prayers and thoughts as he goes to rest.

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

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

Community-based policing, reinforced with more law officers and more resources for drug treatment, buttresses our effort to win this war.

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

I strongly support a crime package that throws three-time convicted violent felons in jail for life and adds more Federal crimes to the death penalty list.

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

Furthermore, we need to craft laws that assure fair and impartial sentencing.

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

Pass this crime bill. Pass this crime bill. Pass this crime bill.

□ 1210

NAME GAME

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

Mr. DELAY. Mr. Speaker, yesterday, the majority whip took several Members' names in vain to characterize the Republican Party. "We have an ARMEY of TALENT here on our side of the aisle, though I wouldn't want to blow our own HORN. You can run but you can't HYDE from the truth, Mr. BONIOR."

And I am not DUNN yet.

Let us be FRANK, Mr. Speaker. The Democrats can rule, but they CANTWELL. They may be GREEN with envy, but they won't KAPTUR the votes of the American people.

The fact is, the PAYNE the Democrats inflict on small businesses is too big a PRICE for the middle class. The American people remain UNSOELD on the Democrats' big government agenda.

And the way the majority SLAUGHTERS the best alternatives of Republicans in the Rules Committee is enough to BYRNE many bridges.

Don't SWETT, Mr. BONIOR, it's almost OLVER. It is not WISE to fool the American taxpayer, Mr. Speaker. The gap between what the taxpayer wants and what the Democrats will give them continues to WYDEN. And that is why we will WYNN in November.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). The Chair wishes to remind Members that they are to direct their remarks to the Chair.

WITHDRAWAL OF U.N. TROOPS URGED

(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, this morning an inaptly named "safe haven" of Gorazde teeters on annihilation. Throughout this whole disaster we have watched as U. N. troops have been totally unable to keep the peace. A very drastic example of this was one incident where the United Nations was taking the Vice President of Bosnia to the airport. Serbian troops came up; opened the back door of the car, being driven by the United Nations, and shot him dead.

U.N. troops have been unable to stop the rapes of thousands of Bosnian women. They have been unable to enforce any cease-fire. They have been unable to deliver on protecting any badly needed convoy that is carrying medicine and food to people in drastic need.

Perhaps, Mr. Speaker, it is time that the United Nations at least consider the possibility of withdrawing the U.N. troops. They have been a considerable bone of contention between our European allies and ourselves because we do not have troops on the ground. Possible retaliation against those troops has kept us from really doing anything effective.

Mr. Speaker, I would suggest that we do remove those troops, so that the United States and NATO-Forces are able to exercise the pinpoint bombing ability for which we have praised ourselves and paid a fortune. Once and for all, stop those guns lest we are watching the beginning of world war III.

WE NEED PROCUREMENT REFORM, NOT BUSINESS AS USUAL

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

Mr. CLINGER. Mr. Speaker, the White House and the Government Operations Committee have been poised for several months to enact real and meaningful reform in the way the Federal Government buys goods and services. American taxpayers and industry were poised to enjoy the benefits that this reform would provide.

Unfortunately, earlier this morning the House Armed Services Committee chose politics over reform. The HASC chose to fight an inside-the-beltway battle instead of enacting significant procurement reform. They decided to risk reform in order to try to grab additional jurisdiction for themselves.

To my colleagues who believe that the current procurement system costs too much, has too much redtape, and ill-serves the American taxpayer, I would urge you to communicate to the members of the HASC that we need reform—not business as usual politics.

Chairman CONYERS and I were prepared to let the Parliamentarian rule on the jurisdictional issues involved in the reform bill. For whatever reason, the HASC is holding procurement reform hostage until Government Operations cedes to others its longstanding jurisdiction for Governmentwide procurement.

I am disappointed over today's events and disheartened that the HASC has put procurement reform in danger. I urge my colleagues at the HASC to reconsider their position, and to join with us in bringing a strong, substantive reform package to the floor as soon as possible.

ARMED SERVICES COMMITTEE ACTIONS ON PROCUREMENT REFORM

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

Mr. CONYERS. Mr. Speaker, over a year ago, the President and Vice President asked Congress to undertake comprehensive reform of how the Government buys goods and services. They know what we know: that in government procurement there is too much paperwork, too little openness, and inadequate fairness for small businesses. Soon after, the President announced his support for provisions that the Government Operations Committee has been attempting to enact into law for years to improve and simplify the process.

Last July 28, our committee reported out H.R. 2238 to accomplish this task. Because, unlike previous bills, that legislation on a limited basis mentioned statutes affecting DOD on two pages out of over 60, the Committee on Armed Services had a referral limited for that purpose. The bill has been sitting there since.

It is with great disappointment that I learned today, after this long wait, and in the eleventh hour, that the Armed Services Committee will not report out this legislation unless our committee will make a concession to equal number of conferees for the purposes of a conference. This is the case even though, I am sure, that the parliamentarian would not acknowledge their rights to such a demand under the House rules or relevant precedents such as the Competition in Contracting Act of 1984.

The American people did not send us here to engage in these petty disputes or to hold hostage major reform legislation to jurisdictional raids. I learn this today with great disappointment, but with the hopes that cooler and rational heads will prevail so that we can expeditiously get on with the business that the American people sent us here to do and in accordance with the rules of this body.

THE CHALLENGE OF THE MOUNTING SOCIAL SECURITY INDEBTEDNESS

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

Mr. PICKLE. Mr. Speaker, last week the Social Security trustees issued a report showing that our long-term deficit in the Social Security Program will increase from the 1.46 percent previously estimated to over 2.13 percent of taxable payroll over the 75-year period. This is a steep increase in the long-term deficit, and we have got to meet that challenge.

Last year I introduced a bill that would attempt to correct the deficit based on the 1.46 amount. The bill I have introduced today is H.R. 4275. It would attempt to gradually correct the new, larger deficit starting in 2000. It would do it with three or four major reforms which I am going to discuss with the House later on this afternoon.

Mr. Speaker, I hope that Members will start familiarizing themselves with the bill, H.R. 4275, which is a reform of our Social Security Program intended primarily to help our young people.

IN MEMORY OF PATRICK M. MCKENNA

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

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to pay tribute to an American hero, Capt. Patrick M. McKenna, U.S. Army.

Mr. Speaker, the most important duty of our Nation's Government is protecting its citizens from aggressors in order to secure the liberties we all enjoy. However, we call on a select few to carry out this most important task. We ask the men and women who guard our Nation to stand up in liberty's hour of peril and risk their lives so that we may continue to live in "one nation under God, indivisible, with liberty with justice for all."

Mr. Speaker, when the call went out, Patrick McKenna stepped to the front of the line. He left his home in Columbus, GA, and went to faraway lands to stand guard for you and me. He went knowing that he may never return home to those he loved. And last week, Mr. Speaker, Patrick McKenna paid the price that liberty sometimes demands—he gave his life, for you, for me, for his family and for every other American who loves this great land in which we live.

Mr. Speaker, on April 14, Patrick McKenna was killed when the Blackhawk helicopter he was piloting

was shot down in northern Iraq. Although we still do not know exactly why this tragedy occurred, let me be very clear in saying that Patrick McKenna's death was not in vain. He is as much a hero as the brave men and women who died on the beaches of Normandy, in the jungles of Vietnam, in Korea, in the Middle East, and the thousands of other brave soldiers who died protecting you and me.

So, Mr. Speaker, the next time you see the American flag waving atop this Capitol building, thank soldiers like Patrick McKenna. Mr. Speaker, the next time you drive down Constitution Avenue, past our National Archives building, knowing that our Constitution remains proudly displayed inside, thank soldiers like Patrick McKenna. And Mr. Speaker, as you watch your grandchildren grow up in a world that remains unstable, you can rest assured they will live in an America which will continue to be "the land of the free, and the home of the brave"—because of heroes like Patrick McKenna.

The SPEAKER pro tempore (Mr. MCNULTY). The Chair would ask the Members and guests who are present to rise in a moment of silence in the memory of Patrick McKenna. Let us recognize him and all those who lost their lives in that tragic incident.

(A moment of silence was observed.)

ANNOUNCEMENT OF PROCEDURES AND DEADLINE FOR PRINTING OF AMENDMENT ON H.R. 3221, IRAQ CLAIMS ACT OF 1993

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

Mr. MOAKLEY. Mr. Speaker, I rise today to notify Members regarding the Rules Committee's plans with respect to H.R. 3221, the Iraq Claims Act of 1993. The Rules Committee is meeting today, Thursday, April 21, to take testimony on the bill. The bill could come to the floor the week of April 25.

The Foreign Affairs Committee has requested a rule which would require that amendments be preprinted in the CONGRESSIONAL RECORD. Amendments to H.R. 3221 should be titled "Submitted for Printing Under Clause 6 of Rule XXIII (23)" and submitted at the Speaker's table. Amendments do not need to be submitted to the Rules Committee.

PASS TOUGH SMART CRIME BILL TODAY

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

Mr. FAZIO. Mr. Speaker, Americans want Congress to pass the crime bill now; in fact, today. They do not want excuses, and they do not want partisan politics to get in the way. Ninety-three percent of all Americans believe that addressing crime and violence should be an absolute priority for this Congress, more support than on any other issue. This crime bill combines the best of what works between better protection, stronger punishment, and early prevention.

But House Republicans are sending around letters trying to block the crime bill. Let me quote: "If we Republicans work together, we can defeat this bill and craft a real crime bill that will give the crime issue back to Republicans for the upcoming elections."

Mr. Speaker, crime is not about Democrats or Republicans, and it is not about elections. This crime bill is about putting real criminals behind bars and keeping them there, and about preventing crime in every corner of our Nation—rural, urban, and suburban. It is about giving our children a future. And it is about getting drugs and guns off our streets and out of the hands of criminals.

Mr. Speaker, this bill is an important step. Let us join together, all of us, Democrats and Republicans, to pass this tough and smart crime bill today. The American people expect it of this Congress.

GENOCIDE IN BOSNIA—A DARK CHAPTER IN AMERICAN HISTORY

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

Mr. TORRICELLI. Mr. Speaker, one day, when generations of American school children learn about the brutality of man against man, they will recite the concentration camps of Nazi Germany, they will learn about the killing fields of Cambodia, and they will come to memorize the towns and the cities of Bosnia.

To them, they will want to know where a generation of American leadership was when Serbian soldiers entered the towns of Bosnia and killed family after family; when the streets ran with blood; when hospitals and schools became killing grounds. They will want to know why the U.S. Navy was blockading the shores of Bosnia so that arms could not enter, so innocent people could defend themselves.

To them, the excuses that there were legal difficulties and difficult precedents in violating the embargo to get help to these desperate people will ring hollow. All of us will want to be able to explain where we were.

It is that which should be on the minds of President Clinton and the leadership of this Congress as the suffering endures.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

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

□ 1226

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Wednesday, April 20, 1994, amendment No. 41 printed in part 2 of House Report 103–474, offered by the gentleman from California [Mr. MARTINEZ], had been disposed of.

It is now in order to consider amendment No. 45 printed in part 2 of House Report 103–474.

AMENDMENT OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Chairman, I offer an amendment that has been made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HUGHES: At the end, add the following:

TITLE .—CRACK PENALTY AMENDMENTS

SEC. . CRACK PENALTY AMENDMENTS.

(a) 50 GRAM TRAFFICKING PENALTY.—Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking clause (iii).

(b) 5 GRAM TRAFFICKING PENALTY.—Section 401(b)(1)(B) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(B)) is amended by striking clause (iii).

(c) 50 GRAM PENALTY IMPORT PENALTY.—Section 1010(b)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)) is amended by striking out subparagraph (C).

(d) 5 GRAM PENALTY IMPORT PENALTY.—Section 1010(b)(2) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(2)) is amended by striking out subparagraph (C).

(e) POSSESSION PENALTY.—Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by striking the sentence that begins "Notwithstanding the preceding sentence".

(f) SENTENCING GUIDELINES.—The United States Sentencing Commission shall promulgate such amendments to the Sentencing Guidelines as are necessary to conform those Guidelines to the amendments made by this section. Such amendments may be promulgated in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that section had not expired.

MODIFICATION TO AMENDMENT OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Chairman, I ask unanimous consent that my amendment made in order under the rule be modified in the form that is at the desk.

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

Amendment as modified, offered by Mr. HUGHES: At the end, add the following:

TITLE .—COCAINE PENALTY STUDY

SEC. . COCAINE PENALTY STUDY.

Not later than December 31, 1994, the United States Sentencing Commission shall submit a report to the Congress on issues relating to sentences applicable to offenses involving the possession or distribution of all forms of cocaine. The report shall address the different penalty levels which apply to different forms of cocaine, and include any recommendations the Commission may have for retention or modification of these differences in penalties.

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

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

There was no objection.

The CHAIRMAN. Is there objection to the original request of the gentleman from New Jersey?

Mr. MCCOLLUM. Mr. Chairman, reserving the right to object, I would like to inquire of the gentleman from New Jersey the nature of his amendment, what he wishes to substitute?

Mr. HUGHES. Mr. Chairman, if the gentleman will yield, it is exactly as I provided to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, continuing my reservation, I would like to inquire of the gentleman from New Jersey, this substitute amendment, as I understand it, will ask the Sentencing Commission to come back and give us their views on crack cocaine and the levels of regular powder cocaine and what the penalties maybe should be or should not be. It is a request for their views. Is that a correct understanding?

Mr. HUGHES. The gentleman is absolutely correct.

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

The CHAIRMAN. Is their objection to the original request of the gentleman from New Jersey that the amendment be modified?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from New Jersey [Mr. HUGHES] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Does the gentleman from Florida have any reservations?

Mr. MCCOLLUM. I have no reservations, Mr. Chairman, and no desire to be recognized.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] is recognized for 5 minutes.

Mr. HUGHES. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, the substitute amendment I am offering will not change the crack cocaine penalties. The substitute will require the U.S. Sentencing Commission to provide a comprehensive report by the end of this year on all cocaine penalties. Congress officially will have before it by the end of this year complete information on cocaine drug penalties.

I believe the information is critical, because I am persuaded that there is sufficient evidence and information to change the penalty structure. This information was the basis for the original amendment, I might say.

□ 1230

I wanted to take a few minutes to explain why I think this study is critical and why the original amendment to equalize mandatory minimum penalties for crack cocaine and power cocaine is justified.

In 1986, during the fervor of the war on drugs and with a lack of substantive information about a new type of cocaine substance, crack, Congress enacted penalties for crack cocaine that have proven to be unwarranted, unjust and do not achieve the goal of removing big-time dealers. Powder and crack cocaine were treated as two entirely different substances.

The threshold for the powder cocaine 5-year mandatory minimum was set at 500 grams. The threshold for the crack cocaine mandatory minimum was set at 5 grams, a weight equivalent to 2 pennies. In addition, simple possession of 5 grams of crack cocaine, but not powder cocaine, can trigger the mandatory minimum.

The information is before us now that there is no difference pharmacologically between crack cocaine and powder cocaine. In addition to that, crack cocaine is no more addictive than powder cocaine.

The bottom line is that poor people are the ones that use crack cocaine and mostly minorities. It is interesting that about 95 percent of those that are charged with crack cocaine violations are black and other minorities.

Compared to coke, powder cocaine is used by the more affluent in our society. I think most people understand that it is a gross inequity and we need to rectify it.

I think even my colleagues on the Republican side understand that there is a gross disparity, and we need to do something about it. The author of the amendment, crack cocaine amendment on the floor of the House, the gentleman from Florida [Mr. SHAW] acknowledges that in fact we do need to do something about it, because it is a gross disparity in the law. And it is doing great injustice throughout the country.

So I would urge my colleagues to support this particular amendment.

Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. MCCOLLUM].

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

While he and I may have a difference of opinion about what exactly should be done, I agree there is a disparity. I think the amendment in its present form, to give the Sentencing Commission the opportunity to give us advice, is good.

My own judgment would be that we ought to be raising the penalties for the powder cocaine rather than lowering them for crack. But we are not deciding that today. We are letting the Sentencing Commission do it.

I support the gentleman's amendment in this form.

Mr. HUGHES. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. BROOKS], chairman of the full Committee on the Judiciary.

Mr. BROOKS. Mr. Chairman, I rise in full support of the revised amendment by the gentleman from New Jersey [Mr. HUGHES], a distinguished former prosecutor and a very thoughtful subcommittee Chair on the Judiciary Committee.

First, let me make clear that this amendment is not about condoning the possession or use of any illegal drug. Neither Mr. HUGHES nor I would support such an amendment. This amendment simply asks for a study of the existing sentencing structure for cocaine violations.

Of all the existing mandatory minimums in Federal law today, there is none that has drawn more attention by judges than that which is applied to cocaine. For example, the simple possession of 5 grams of crack cocaine carries a mandatory sentence of 5 years in prison. At the same time, there is no mandatory minimum sentence for simple possession of powder cocaine—the identical chemical substance constituting crack cocaine.

The amendment offered by Mr. HUGHES would provide us with the necessary information to understand whether there is a disproportionality in these sentences or a disparity in their application that was not intended by Congress when it developed the sentencing scheme for cocaine. I urge my colleagues to vote in support of the Hughes amendment.

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

Mr. TUCKER. Mr. Chairman, I thank the gentleman from New Jersey for yielding time to me.

I would agree with the gentleman's assessment and applaud him for his efforts in asking the U.S. Commission on Sentencing to look at this. I believe that the information will come back to corroborate what most of us already know, and that is that there is a gross disparity between the sentencing between powder cocaine and crack cocaine.

Once again, I applaud the efforts of the gentleman from New Jersey [Mr. HUGHES] and agree and associate my-

self with the remarks of the gentleman from Texas [Mr. BROOKS].

Mr. HUGHES. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS], a valued member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I rise in support of the Hughes amendment to require the U.S. Sentencing Commission to conduct a study on the disparity in sentencing for crack and powder cocaine.

People convicted of crack cocaine offenses are punished 100 times more severely than those convicted of powder cocaine offenses. And, to no one's surprise—91 percent of those sentenced for crack are African-American. Yet the majority of people who use crack every day are white—64.4 percent.

Simple possession of over 5 grams of crack is a felony and mandates an automatic sentence of 5 years for a first-time offender. Possession of 5 grams of powder is a misdemeanor, and requires only 10 months probation. This is absolutely outrageous.

The impact of this on the black community is enormous.

We already know that 23 percent of young black men are caught up in the criminal justice system: on probation, on parole, or in prison. There are more young black men in prison today than there are in college.

DEATH PENALTY: NONHOMICIDAL DRUG KINGPINS

One of the many new death penalties that we have created in this crime bill is for nonhomicidal drug kingpins. As a result, it will take 300 kilograms of powder cocaine to trigger the death penalty; but only 3 kilograms of crack. Therefore, we have mandated a racially discriminatory death penalty. The Hughes amendment will permit us to get a thorough evaluation of this disparity—and then to take action accordingly.

Support the Hughes amendment.

Mr. HUGHES. Mr. Chairman, I ask unanimous consent to claim the additional 5 minutes that was not claimed in opposition to the amendment, although I am not in opposition to it.

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

There was no objection.

Mr. HUGHES. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. ROSE].

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

I will be very brief. We have danced around it, but we have not said it. I just want to say it.

The way the law is written now, the mandatory sentence attaches to the users of crack cocaine; the possibilities of probation attached to the users of powder cocaine. The result of that is that our prisons are full of black males who have used crack cocaine, and the more affluent white boys in the community who have used the powder cocaine are on probation.

Let us just say it. My dear friends have been a little hesitant to put it out like that, but that is the truth.

I wish that we could pass the 2 and 2 of the gentleman from New Jersey [Mr. HUGHES] or even make it 10 and 10, as I think some might like to make it. But to have this unequal and to have it unequal during this study still bothers me.

But I thank the gentleman from New Jersey [Mr. HUGHES] for his amendment. I support it.

Mr. HUGHES. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I thank my colleagues on both sides of the aisle for making time available.

Let me refer Members to the discussion of the Attorney General and comments that the law on racial disparity in terms of these two different offenses is racist and has asked the Supreme Court who now is in the midst of a comprehensive review of the evidence around that claim.

Let me point out that Dr. Lee Brown, the Director of the National Office on Drug Policy, has said that he believes the crack cocaine law has a racially discriminatory impact because crack, used predominantly by African-Americans, has a 5-year mandatory minimum for only 5 grams, while the same amount of cocaine nets only probation; 92 percent of the Federal crack defendants are African-American and only 3 percent are white.

Is it clear? Could there be any doubt? I think on both sides of the aisle we have conceded there is racial disparity that begs and pleads, in a system that depends on the support of the criminal justice law to be fair, that we make this correction. It really cannot be done anywhere else. I think that the study that the gentleman from New Jersey seeks is going to make it abundantly persuasive to all of us that we have got to take action on this very important disparity.

□ 1240

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

Mr. Chairman, it is clear, we need some additional scientific evidence. There is a gross disparity. The sentencing commission can provide us with the data to make sound policy. That is what this is all about. I urge my colleagues to support the amendment.

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

The CHAIRMAN. No Member having arisen in opposition to claim the time provided under the rule in opposition, all time has expired.

The question is on the amendment, as modified, offered by the gentleman from New Jersey [Mr. HUGHES].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 0, not voting 13, as follows:

[Roll No. 141]

AYES—424

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade

McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Andrews (NJ)
Camp
Dickey
Fish
Gallo
Grandy
Johnston
Lewis (CA)
Obey
Pelosi
Ridge
Washington
Whitten

□ 1302

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CAMP. Mr. Speaker, I was unavoidably detained during the recorded vote on the Hughes Amendment to H.R. 4092.

I would like it stated in the RECORD that if I were able I would have voted in support of the Hughes amendment.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. COYNE) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1304

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

The Committee resumed its sitting.

The CHAIRMAN. It is now in order to consider amendment No. 46 printed in part 2 of House Report No. 103-474.

AMENDMENT OFFERED BY MR. FRANKS OF NEW JERSEY

Mr. FRANKS of New Jersey. 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. FRANKS of New Jersey: Add at the end the following new title:

TITLE .—INMATE REHABILITATION

SEC. . EDUCATION REQUIREMENT FOR EARLY RELEASE.

Section 3624(b) of title 18, United States Code, is amended—

(1) by inserting "(1)" after "behavior.—";

(2) by striking "Such credit toward service of sentence vests at the time that it is received. Credit that has vested may not later be withdrawn, and credit that has not been earned may not later be granted." and inserting "Credit that has not been earned may not later be granted."; and

(3) by adding at the end the following:

"(2) Credit toward a prisoner's service of sentence shall not be vested unless the prisoner has earned a high school diploma or an equivalent degree.

"(3) The Attorney General shall ensure that the Bureau of Prisons has in effect an optional General Educational Development program for inmates who have not earned a high school diploma or its equivalent.".

MODIFICATION OF AMENDMENT OFFERED BY MR. FRANKS OF NEW JERSEY

Mr. FRANKS of New Jersey. Mr. Chairman, I ask unanimous consent to modify my amendment.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Add at the end the following:

"(4) Exemptions to the General Educational Development requirement may be made as deemed necessary by the Director of the Federal Bureau of Prisons.".

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

Mr. HUGHES. Mr. Chairman, reserving the right to object, I wonder if the gentleman from New Jersey [Mr. FRANKS] will respond to me.

As I understand it, the gentleman from New Jersey would modify the amendment that he has noticed by the following language, adding at the end, "Exemptions to the general educational development requirement may be made as deemed necessary by the Director of the Federal Bureau of Prisons." Is that what the gentleman added?

Mr. FRANKS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. Further reserving the right to object, I yield to the gentleman from New Jersey.

Mr. FRANKS of New Jersey. Mr. Chairman, that is correct. Yes, sir.

Mr. HUGHES. Mr. Chairman, further reserving the right to object, I wonder if the gentleman can respond to me: If the Director of the Federal Bureau of Prisons believes that the present policy and present exemptions are the ones that serve the interests of justice, can the Federal Director of the Bureau of Prisons keep it as it is, the regulations as they are?

Mr. FRANKS of New Jersey. If the gentleman will yield further, I have not spoken with the Director of the Federal Bureau of Prisons, I say to the gentleman from New Jersey [Mr. HUGHES]. It is our intention to try to create a new policy here, and I do not know.

Mr. HUGHES. Further reserving the right to object, what I am asking is: Is it the gentleman's intent that the Director of the Federal Bureau of Prisons use her exclusive judgment on the requirement of educational opportunities and requirements within the prison system, total discretion?

Mr. FRANKS of New Jersey. If the gentleman will yield further, it is my intent to give maximum discretion to the Director of the Bureau of Prisons. That is correct.

Mr. HUGHES. Mr. Chairman, I thank the gentleman. I withdraw my reservation of objection, and I rise in opposition to the gentleman's amendment.

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

There was no objection.

The CHAIRMAN. The amendment is modified.

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

Amendment, as modified, offered by Mr. FRANKS of New Jersey: Add at the end the following new title:

TITLE —INMATE REHABILITATION

SEC. . EDUCATION REQUIREMENT FOR EARLY RELEASE.

Section 3624(b) of title 18, United States Code, is amended—

(1) by inserting "(1)' after "behavior.—";

(2) by striking "Such credit toward service of sentence vests at the time that it is received. Credit that has vested may not later be withdrawn, and credit that has not been earned may not later be granted," and inserting "Credit that has not been earned may not later be granted,"; and

(3) by adding at the end the following:

"(2) Credit toward a prisoner's service of sentence shall not be vested unless the pris-

oner has earned a high school diploma or an equivalent degree.

(3) The Attorney General shall ensure that the Bureau of Prisons has in effect an optional General Educational Development program for inmates who have not earned a high school diploma or its equivalent.".

"(4) Exemptions to the General Educational Development requirement may be made as deemed necessary by the Director of the Federal Bureau of Prisons.".

The CHAIRMAN. Pursuant to the rule, the gentleman from New Jersey [Mr. FRANKS] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Is the gentleman from New Jersey [Mr. HUGHES] opposed to the amendment?

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

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] will be recognized for 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. FRANKS].

Mr. FRANKS of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

I would like to thank Chairman BROOKS and subcommittee Chairman HUGHES for agreeing to adopt the unanimous-consent agreement.

Under current law, Federal inmates are eligible to receive 54 days of credit toward early release for good behavior. This practice is called good time.

Under the present system, all inmates who do not have a high school diploma are required to enroll in a GED Program, which is available at every Federal prison in the Nation. The problem is that after 120 days, these individuals may withdraw from the program.

My amendment would require Federal inmates to earn a General Educational Development [GED] certificate as a condition of receiving early release from prison.

Under my amendment, inmates could continue to receive credit for good behavior during each year of incarceration. The credit, however, would not vest until completion of a GED Program.

About 60 percent of Federal prisoners have a high school diploma. But that means over 32,000 inmates lack these basic educational skills. The Education Division at the Federal Bureau of Prisons has assured me that this amendment could be met with existing financial resources by rotating class schedules and more extensive use of inmate tutors.

Let us face it.

Given the highly competitive nature of our economy, individuals who do not possess basic educational skills find it increasingly difficult to earn an honest living.

Yet, under the current provisions of the Federal early release program, we continue to release these prisoners back into our communities before their full sentence is served.

It is wrong, and shortsighted to release prisoners without providing them the opportunity to change the lifestyle which brought them into Federal custody to begin with.

This amendment would provide the incentive for Federal inmates to rise above the criminal elements in society by empowering them with a high school education.

The unanimous-consent request just adopted came as a result of certain objections raised by members of the committee. Under the terms of the amendment now before us, the Director of the Bureau of Prisons can create exemptions for the learning disabled, illegal aliens who are incarcerated in the Federal system, as well as those who have a specific job offer upon release but who have not attained a GED.

Mr. Chairman, this amendment, as currently drafted, takes an important step in the right direction. Today, we can provide a strong incentive for our prison population to continue their education. That translates into fewer repeat offenders and safer communities for everyone.

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

□ 1310

Mr. HUGHES. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to say that I have reconsidered my views on this amendment since the gentleman has amended his original language by unanimous consent. In its amended form, I believe I can now support it.

I applaud the apparent goal of the gentleman from New Jersey to insure that Federal prisoners do attain a high school education. We all agree on that. But I want to review the facts.

Since 1981, all Federal prisoners who do not have a high school diploma or its equivalent have been and continue to be required by the Bureau of Prisons to enroll in a literacy program for 120 days already. And if a prisoner has a documented disability precluding educational participation or progress, then a warden can waive the mandatory education requirement for that individual with no penalties. That is as it should be.

I think there is now room to consider all this in the amendment, we certainly will review it carefully during conference. The bureau's existing mandatory education system is an undisputed, proven success. In fiscal year 1993, 12,447 inmates were newly enrolled in the GED classes; 33,419 were enrolled in adult continuing education classes. I think this is useful. Now, we really do not want to create a system where white-collar criminals can accrue good time, and poor, uneducated white or minorities cannot. Is there any justification for forbidding any good-time credit for those who are model prisoners but who, because of a learning disability or a physical handicap, cannot earn a high school degree?

By the new language in the amendment, the gentleman appears to recognize the complexity of the problem.

Mr. HUGHES. Mr. Chairman, what time remains?

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] has 2 minutes remaining, and the gentleman from New Jersey [Mr. FRANKS] has 2 minutes remaining.

The gentleman from New Jersey [Mr. HUGHES] has the right to close.

Mr. FRANKS of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. MCCOLLUM], a distinguished member of the committee.

Mr. MCCOLLUM. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of this amendment, very strongly, and I urge my colleagues to vote for it. This is a very straightforward amendment that the gentleman from New Jersey [Mr. FRANKS] has offered, which says, in essence,that when you are a prisoner serving time in a prison, then you are going to have to get your high school diploma or the equivalent of it, the GED, before you are going to get your good time.

It is just as simple as that, before you can get out, even a day early, even if we go to every State in this country with truth-in-sentencing, you are still going to have to get a high school diploma or GED to get your good time. It is something that prisoners want to achieve. We need them to have an educational level that will allow them to do something constructive when they get out. I cannot think of a more important amendment, in the sense of trying to do something to make sure that we do not have so high a rate of recidivism, as Mr. FRANK's amendment.

So I strongly urge its adoption. It is an excellent amendment. It will provide the incentive that is missing now for prisoners to get their GED. And any of the other problems that are raised, and I think there are a few with it, I am sure that I think he has gone a long way toward correcting them with his amendment. I am sure we could clean it up at conference. We need to keep it. We need to have it.

I urge a "yes" vote.

Mr. HUGHES. Mr. Chairman, I reserve the balance of my time, and I intend to close.

Mr. FRANKS of New Jersey. Mr. Chairman, in line with the observations of the gentleman from Texas, Chairman BROOKS, I look forward to working with him to make certain that the application of this amendment is such that it allows the "good-time"

system to maintain itself. I know it plays a vitally important role in our system. But I think this amendment also sends an equally important signal, and that is that we are going to tie a relationship between the ability to access good time or early release to the efforts that can be undertaken by those who have the capacity to do so to improve their educational standing, which will make them better citizens once they are released. Good-time behavior in prison does not necessarily equate to good behavior once you get out. Hopefully, this creates a nexus between those two concepts.

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

Mr. HUGHES. Mr. Chairman, I yield myself the balance of my time.

Let me just say that my colleague from New Jersey, who is indeed a friend, I think has the best of intentions, and I support what the gentleman wants to do. But let me just point out a few problems with it.

I have worked with the gentleman now for a couple of days to try to get us to where we are. And I think what the gentleman has offered by way of modified amendment is a vast improvement over the original amendment.

But here is the problem: The prison system uses good time for discipline. You may remember that in 1986 we eliminated good time for other things. They use it for discipline.

The Bureau of Prisons has a very sophisticated reward system to ensure that individuals in the system, inmates, get a high school education. They have to. It is required that they take 120 days to try to get that high school equivalency. And if they do not continue on and get a high school degree or equivalency degree from high school, they are penalized. They do not get promoted in jobs, they do not get prison industry jobs, they are otherwise penalized by the Bureau of Prisons for not getting a high school education. It is ironic that what it would do basically is we have in our prison population 25 percent of the illegal aliens in our system, in many instances are illiterate. That is, many of them.

What the gentleman is saying is if his amendment were carried forward, we would say taxpayers are going to continue those illegal aliens in the system if they do not have a high school education. So we would be paying because they did not get a high school education. We could not deport them.

Now, granted, under the gentleman's amendment, the director of the Bureau of Prisons could exempt that category. But there is another problem with that. And that is that if they grant an exemption for them and you do not grant an exemption for, let us say, a plumber who because he is a slow learner her or she did not get a high school equivalency, we are not going to permit them to leave the prison system. So we are going to discriminate in favor of aliens and against Americans.

So while the gentleman has a vast improvement and we need to study it some more and see what the impact would be, we still have some problems with the gentleman's amendment. We will work with the gentleman.

The CHAIRMAN. All time has expired.

The question is on the amendment, as modified, offered by the gentleman from New Jersey [Mr. FRANKS].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 347, noes 82, not voting 8, as follows:

[Roll No. 142]

AYES—347

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Carr
Chapman
Clayton
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
English
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Fingerhut
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Menendez
Meyers
Mica
Michel
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (MA)
Neal (NC)
Nussle
Obey
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Unsoeld
Upton
Valentine
Vento
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—82

Becerra
Berman
Blackwell
Bonior
Brown (CA)
Cardin
Castle
Clay
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
de Lugo (VI)
DeFazio
Dellums
Dixon
Edwards (CA)
Engel
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gejdenson
Gillmor
Gonzalez
Hamburg
Hastings
Hilliard
Hughes
Jacobs
Kennelly
Kopetski
Kreidler
LaFalce
Lewis (GA)
Matsui
McDermott
Meek
Mfume
Miller (CA)
Mollohan
Nadler
Norton (DC)
Oberstar
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Rangel
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Stark
Stokes
Studds
Swift
Synar
Torres
Towns
Tucker
Underwood (GU)
Velazquez
Visclosky
Waters
Watt
Waxman
Woolsey
Yates

NOT VOTING—8

Andrews (NJ)
Fish
Gallo
Grandy
Lewis (CA)
Sharp
Washington
Whitten

□ 1338

Messrs. TOWNS, BROWN of California, and BERMAN changed their vote from "aye" to "no."

Messrs. McCLOSKEY, HYDE, SHUSTER, and CARR of Michigan changed their vote from "no" to "aye."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

Mr. DIXON. Mr. Chairman, today I rise in support of the Violent Crime Control and Law Enforcement Act of 1994 (H.R. 4092).

H.R. 4092 achieves a necessary and critical balance between crime prevention and punishment. While I do not agree with every provision contained in the crime bill—namely the expansion of the number of Federal crimes punishable by the death penalty, and the "three strikes, and you're out" provision—I believe it takes significant steps to prevent crime, and provides for some appropriate punishments for those who violate our laws. This bill is imperfect. However, it presents this country with an excellent opportunity to address the issue of violence in our communities. It also moves this country in a new direction that empowers Americans to live out their dreams without the fear of violence.

At the core of this bill are some very innovative prevention programs which are devoted to providing youth with employment, education, and recreation alternatives to crime and violence. For example, H.R. 4092 authorizes $1.3 billion over 5 years to the "Ounce of Prevention" program which would provide grants to organizations that have a coordinated team approach to reduce gang membership and provide alternatives to at-risk youth. The "Hope in Youth" program, which has several sites in my district in Los Angeles, would be eligible to receive grants to continue the organization's valiant and meritorious efforts to reduce gang membership and prevent new recruitment. The city of Los Angeles alone has over 49,000 gang members, and so far this year, there have been approximately 50 gang-related deaths.

In addition, the "Youth Employment and Skills" program would fund programs which create employment opportunities for young adults in areas with high crime and unemployment rates. The "Diversionary Drug Courts" are also an admirable component of this crime bill, and propose funding to State and local governments, as well as private organizations that develop programs of intensive judicial supervision over people with substance abuse problems. In total, this bill authorizes $7 billion for community programs intended to prevent crime. I urge my colleagues in conference to protect these provisions in this crime bill which recognizes the factors which lead to crime and which mitigate some of the discriminatory effects of previous misguided policies.

I also urge my colleagues to protect the amendment offered by Representatives ANTHONY C. BEILENSON, and HOWARD L. BERMAN to the anticrime bill once it goes to conference. This amendment would require the Federal Government to reimburse States and localities for the costs of incarcerating undocumented criminal immigrants who have been convicted of a felony in State or local courts beginning in fiscal year 1999. It is estimated that there are over 30,000 undocumented persons incarcerated in State prisons across the country, which translates to a financial burden to affected communities of approximately $600 million annually. Los Angeles County has estimated that 11 percent of its prison population is made up of undocumented persons, costing the county approximately $35 million annually. This amendment would provide much needed relief to States and local communities for the cost of incarcerating people who have entered our country in violation of Federal immigration laws.

This measure also contains provisions to punish those who violate our laws. To assist law enforcement agencies and increase criminal penalties, H.R. 4092 also provides funding to build additional correctional facilities. Under the measure, grants would be available to a State or group of States to develop, expand, or improve correctional facilities to ensure that prison space is available for violent offenders. In an effort to reduce the rate of recidivism, a State must establish programs for prison education and job training.

In addition, $3.5 billion would authorize grants to be provided to State and local governments to rehire police officers who have been laid-off, and to hire and train new law enforcement officers for community-oriented policing. This amount is expected to fund up to 50,000 police officers. These funds could be used to increase the number of police officers involved in crime prevention programs in the community, to reduce the time police officers spend in court, and to develop police policies and community programs focusing on crime prevention.

Clearly, there are punishment provisions in the crime bill which are controversial. However, if the Congress is going to pass legislation which permits capital punishment as a sentencing option for over 60 Federal offenses, we must also take steps that will diminish the possibility that innocent people will be executed. The Racial Justice Act would provide an effective remedy for race discrimination in individual capital cases. This act is the minimum protection necessary to guard against death sentences that are the result of racial discrimination. It would help eliminate racial considerations from improperly influencing the decision to impose the death penalty. Numerous studies, including a report released by the General Accounting Office in February of 1990, have documented the unacceptable role that racial considerations play at every stage of the death penalty process at the State level. At a time when the Congress is contemplating expanding the number of crimes punishable by the death penalty, the Racial Justice Act must be strongly supported and retained in conference.

Undoubtedly, there is an urgent need in this country for a multifaceted strategy to combat crime. H.R. 4092 seeks to achieve this balance. This measure represents an unprecedented effort to craft a comprehensive anticrime strategy that includes funding for more police officers, stiff punishments for truly violent offenders, and funding for necessary correctional facilities to ensure certainty of punishment. There are significant resources devoted to crime prevention through giving youth employment, education, and recreation alternatives to crime and violence. I urge the support of my colleagues for passage of the Violent Crime Control and Law Enforcement Act.

Please join me, Mr. Chairman, in voting for final passage of the Violent Crime Control and Law Enforcement Act of 1994.

Miss COLLINS of Michigan. Mr. Chairman, there is no question that crime is a horrendous problem for Americans of every color and economic station. Many people, from the central cities to the suburbs, are afraid to go out of their house at night.

There is no question that law breakers, fairly tried, should be punished. There is no question that government at every level should take stronger steps to prevent and reduce crime. We need to rid our neighborhoods of drugs. We need to stop gangs. We need to get assault weapons off the streets. I am prepared to take strong steps. Even though the bill includes many constructive provisions, the House crime bill before us is not the answer.

DEATH PENALTY AND "THREE STRIKES"

The most troubling aspect of the bill—and it is deeply troubling—is that it permits the death penalty for 66 new Federal offenses. Justice Harry A. Blackmun, a long-time death penalty supporter, made the following statement on February 22, 1994:

> Twenty years have passed since this Court declared that the death penalty must be imposed fairly, and with reasonable consistency or not at all, and, despite the effort of the states and courts to devise legal formulas and procedural rules to meet this daunting challenge, the death penalty remains fraught with arbitrariness, discrimination, caprice and mistake.

Also disturbing are the "three-strikes-and-you're-out" provisions. The bill mandates life imprisonment for a conviction of a federal violent felony if the defendant previously was convicted of two serious federal or state drug offenses or violent offenses with a potential sentence of 10 years. Again, this approach condemns people to prison in a racially biased system, giving them little chance for rehabilitation.

No responsible Member of Congress can vote for this bill without examining it in the context of the current criminal justice system. It is a system in which:

Eighty-nine percent of defendants selected for capital punishment under the Federal drug kingpin death penalty provisions have either been African-American or Mexican-American, despite the fact that 75 percent of those individuals convicted under the general drug kingpin statute were white.

Seventy-five percent of those convicted of participation in a drug enterprise under the Federal antidrug law have been white; 25 percent have been black. However, 78 percent of those receiving death penalty prosecutions have been black and only 11 percent have been white.

Twenty-five percent of young African-American men are caught up in the criminal justice system.

There are widespread racial disparities in the application of criminal penalties. A study of mandatory minimum sentences in Florida concluded that race was a major factor in imposing mandatory minimum sentences.

Members of the Congressional Black Caucus and I tried to craft House procedures to make the bill more acceptable. Last week, CBC members offered amendments to elimi-

nate some of the new death penalty provisions. Our efforts failed.

I cannot in good conscience vote for a bill that continues to sentence African-Americans and other minorities to a system that is so permeated with prejudice. I cannot in good conscience vote to send to the electric chair millions of people who many respected studies show do not get fair treatment in what is called our criminal justice system.

THE ROOT OF THE CRIME PROBLEM

The crime bill takes some good first steps toward preventing crime, but it fails to address the underlying causes of crime.

I represent a low-income, inner-city district where the per capita income is $9,443, where unemployment is double the national rate and among some young men, as high as 47 percent. I represent a district with a 37-percent poverty rate in a city where factories have closed and jobs have vanished, a city that has lost almost half its population.

I came to Congress to address these problems. I have introduced a bill to create jobs, to provide job training, to help communities solve their own problems, to create mentoring programs, for young people. These are the real crime prevention programs.

Of course, there are always misguided people in our society. But the answer to the crime problem is education, health care, substance abuse treatment, jobs, job training, role models, strong families.

The United States locks up more people per capita than any other country. A whopping 25 percent of young black men are tangled up in the criminal justice system. Homicide is the leading cause of death among young black men. These numbers are an indictment of a government at all levels, a government that is failing to reach large segments of society.

Last year, experts told us that we needed a $60 billion economic stimulus program. President Clinton proposed half that. Then the Senate, in their deficit-cutting mania, cutting it to $16 billion. I supported a full economic stimulus program because in my district, with unemployment among African-Americans hovering at 19 percent, it is the least we can do.

The crime bill, as reported, does include some constructive initiatives: intensive community services in high-crime areas; funds for after-school and summer youth programs; apprenticeship programs for young people; programs to reduce gangs and illegal drug use by juveniles; and grants to recruit police officers from under represented neighborhoods. These are good provisions; however, we will not be able to vote separately on these provisions.

I cannot support a bill that adds the death penalty for 66 crimes to a system that is so heavily biased against minorities, a system that is far from color blind.

President Clinton himself on the January 20 "Larry King Live" show said it well when he said,

> You've got to give these kids something to say yes to. That is we have got to go into these really distressed areas and rebuilding the bonds of family, community and work. There's got to be education opportunities, there's got to be job opportunities, got to be alternatives to imprisonment, like boot camps, there needs to be drug treatment and drug education programs. We can't have it all on the punishment * * * .

THE CRIME RECORD

Last year, I voted for the Brady handgun waiting period. I voted for $3.4 billion to put more police on the streets, I voted to use Federal grants to prosecute drunk drivers. I voted for grants to develop programs to reduce juvenile gangs, juvenile drug trafficking and juvenile delinquency. I voted for grants to improve cooperative efforts between law enforcement agencies and community groups to reduce crime. I voted for the National Child Protection Act. I voted for the arson prevention bill and for more substance abuse treatment for prisoners. I voted for the Violence Against Women Act which, among other things, makes interstate domestic violence a Federal crime.

I have introduced five bills to provide hope and opportunity to my people. These are a few examples of steps I am taking. I cannot vote for hysterical "get tough" crime bills that fail many Americans and perpetuate a highly discriminatory system.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in support of the Omnibus Crime Control Act of 1994. This is a tough, comprehensive initiative to stem the rising tide of crime in this country. Most importantly, however, this bill strikes a balance between punishment and prevention.

This bill is tough on criminals. It puts 100,000 more cops in our neighborhoods while also creating much-needed prison space. The bill helps States keep violent repeat offenders in jail and provides funding to combat violence against women. The "three strikes you're out" provision mandates life imprisonment for three time violent offenders. The death penalty is expanded to include 60 violent crimes, including the killing of law enforcement officers.

This crime bill also includes a balanced crime-prevention agenda including my amendment to increase the number of Boys and Girls Clubs in public housing. Programs are emphasized that keep youth away from crime such as midnight sports leagues, law enforcement scholarships and a police corps, which provides money for education in return for a 4-year commitment to police work. Today, those committing crimes are getting younger and younger. Over the past decade the number of juveniles arrested for murder increased 142 percent. Congress is taking a historic step in preventing crime by getting tough with criminals and, at the same time, taking measures to prevent at-risk-youth from becoming tomorrow's criminals.

Mr. Chairman, by passing this legislation, Congress is responding to the critical concern over rising crime statistics in this country. I urge my colleagues to support this bill and take an important step in the fight against crime.

Mr. SAWYER. Mr. Chairman, I rise today in strong support of H.R. 4092, a vigorous new Federal anticrime initiative that will help our States and cities get violent criminals off the streets and put more police officers on the streets. By adopting the strong anticrime measures in this bill, we will help reassure law-abiding Americans that we are determined to restrain the violent crime that now menaces our neighborhoods and threatens our families.

This bill will provide money to put 50,000 police officers on the streets of our cities and towns. This extra manpower will allow officers to get out of their patrol cars and onto a regular beat, where they can be more effective in both preventing and responding to crime.

I am especially pleased that this bill contains a substantial increase in Federal funds to assist State and local law-enforcement agencies, especially for prison construction. I was pleased to vote for the amendment, sponsored by Mr. CHAPMAN of Texas, that added an extra $10.5 billion to the $3 billion already in the bill for building new State and regional prisons.

Mr. Chairman, my State of Ohio now suffers from the Nation's worst rate of prison overcrowding: Ohio's prisons are at 182 percent of capacity. Such overcrowding poses a clear risk to prison officials. It greatly increases the likelihood of a riot, like the deadly explosion that occurred just 1 year ago at the maximum-security prison in Lucasville, OH, which left one prison guard dead and many others injured.

But much worse, chronic and severe overcrowding increases the risk that violent offenders may be released from prison too soon in order to make room for each newly convicted prisoner. Putting a dangerous offender back onto the streets puts our community at risk, and it undermines our legal system's obligation to mete out swift and sure punishment to criminals. The House version of the anticrime initiative backs up our "get tough" rhetoric with real dollars, aiding the urgent task of prison construction.

I am proud to support this realistic measure, which offers a tough, intelligent approach to providing the security all Americans deserve. Of course, reducing crime will require more than simply training more police officers and building more jail cells. This bill will allow us to take assertive, pro-active steps to prevent crime before it occurs. It will help to ease the tensions that give rise to crime by offering all our people opportunities for work. It will provide our young people with alternatives to gangs and crime. And it will provide training and treatment for those who want to escape the cycle of violence in our cities.

We need to restore the promise of opportunity and a realistic hope for prosperity to our communities. Investments in the potential of our people are the surest way to achieve this in the long run. Yet we must also take bold steps to make our streets and schools safe, so that our citizens can learn and work without fear. This crime bill will help us to achieve both of these goals. It deserves our strong support.

Mr. PORTMAN. Mr. Chairman, Americans across the country have identified crime as a critical issue for Congress to address. They expect comprehensive legislation to strengthen our criminal justice system.

I must reluctantly oppose the so-called anticrime package before us today because it falls short of the American people's legitimate expectations. Not only does it not help us combat the serious problem of crime in this country, I believe it may set back these efforts. And when they see what's in the bill, I don't think that our constituents back home will be fooled by its title. People are looking for serious legislation that really addresses the level of violence in this country, not half measures that only add to the difficulty of enforcing existing laws.

The crime problem Congress tried to address is in large measure the lack of deterrent or adequate punishment in the current system. Most offenders who have been convicted of a violent crime whip through the revolving door of justice and are back out on the streets in no time at all. On average, violent criminals in State prisons now serve only 37 percent of their actual sentences, and 40 percent of all violent offenders are given probationary sentences that do not require any prison time at all. This isn't deterrence. Criminals need to know that when they are sentenced they will serve time.

Perhaps more disturbing are the statistics on repeat offenders. Studies conclude that 6 percent of the criminals commit approximately 70 percent of the crimes. Setting violent offenders free without requiring them to serve hard time is almost a guarantee that someone, somewhere will become their next victim.

As a father and as a husband, I want to do all I can to protect my family and my neighborhood from violent crime. As representatives of families living across this Nation, our job is to make sure that we give law enforcement officers every advantage to protect families from violent criminals, especially those who have made crime their career.

The measure before us is seriously lacking in addressing the problem we face. Although I support certain aspects of the package such as increasing the number of offenses subject to the death penalty and initiating a version of three strikes and you're out, this bill is noteworthy for what it lacks. The House defeated efforts to include real truth in sentencing reforms so that convicted criminals serve out their full sentences. In fact, this measure weakens mandatory sentencing guidelines now in place. Also, there's nothing in the bill to make badly needed exclusionary rule reforms that will help give police and prosecutors additional crime fighting tools.

I am also deeply concerned about the ability to enforce the death penalty. Instead of strengthening the deterrent value of capital punishment, the House has further weakened it by agreeing to allow thousands of death row inmates to challenge their sentences on the basis of racial bias. All a death row inmate has to do is show that there was a statistical disparity based on his own race or the race of his victim. The bill would invalidate the capital sentence of any defendant who decided to raise a claim without regard to whether there was any evidence of racial discrimination in his or her case. This will seriously infringe upon our ability to use the death penalty. It certainly could take away the deterrent effect of imposing such a sentence.

Congress should send the message that criminals, not victims, should pay for crime. Furthermore, it should respond to the clear mandate for reform by enacting a tough, comprehensive package that will strengthen our criminal justice system. The measure under consideration today is not such a measure. Not even close. Enough tough talk. Now we need tough action.

Mrs. COLLINS of Illinois. Mr. Chairman, crime and all of the problems that come with it have caused considerable pain in parts of my district. There are neighborhoods and communities in both the inner-city and suburban areas of America where the crime rate is high and growing. Our citizens have expressed concern. They feel frightened for the safety of their children and themselves. In fact in a recent poll that I had taken in my district, crime was either the No. 1 or the No. 2 concern cited. So to say that my constituents and I and the rest of the citizen of this country are interested in finding a way to reduce the crime rate is quite an understatement.

I am torn about this bill because it includes some important crime fighting measures as well as others which I think will actually cause harm. One of the helpful provisions provides for 50,000 more law enforcement officers to walk the beats of our cities and towns. Undoubtedly this is welcome news to the local governments throughout the country, most of whose resources are stretched to the breaking point.

Similarly I believe that the $600 million funding stream for alternative punishments—i.e. boot camps, weekend incarceration, community service, et cetera—is a step in the right direction because we must look at alternative, cost-effective ways of dealing with youth offenders, especially if those ways hold some real promise of ending in rehabilitation.

The bill we are debating today also contains the modest step of making it illegal to sell or transfer a handgun, or ammunition for a handgun, to a person under 18 years of age. To tell you the truth, such commonsense measures should have already been on the law books, but their absence just goes to show you how far we have to go before we bring some sanity to our gun regulatory framework.

Today, women across America face an alarmingly high chance of becoming victims of violent crime. Perhaps one of the most frightening aspects of some of these crimes is that most women are raped, battered, or murdered in their own home by their husbands, boyfriends, or someone that they know. Unfortunately, the criminal court system fails to recognize the seriousness of these gender-based violations of personal safety and, as a result, women are often victims again when they seek the assistance of the police and/or redress of their grievances in the courts. Therefore, I am pleased that the Violence Against Women Act is an important part of this crime bill.

For these reasons, I compliment the chairman and members of the Judiciary Committee who have worked so hard in an effort to present us with some real crime prevention provisions. To that extent they have been successful in crafting a bill that will help our local communities; and I fully support the bill's preventive language.

On the other hand there are other portions of this bill that are extremely disappointing and downright frightening. At some points it appears that the framers have caved in to the popular, but misguided, pressure for retribution as a form of crime control.

For example the drafters of this bill seem to be of the mistaken belief that adding 60 new Federal offenses subject to death penalties will somehow lead to less crime. While the deterrent effect of the death penalty has never been clearly shown, we have all witnessed the discriminatory way that it has been used. Time and again we have seen how African-American men and women are disproportionately sentenced to death—even when one accounts for the crime committed. Since 1988, 33 of the 37 Federal death penalty defendants have been African-Americans. In the current administration which I look upon as being more enlightened regarding the unfairness in our judicial system, all of the defendants the Attorney General has approved for the death penalty have been African-American.

The General Accounting Office, Congress' own investigative arm, has concluded in its study that racism definitely affects the use of the death penalty in the United States. Further studies have found undeniably that in an alarming 82 percent of the time, the race of the victim influences whether or not the defendant is sentenced to death.

In addition, Justice Harry Blackmun only recently stated that,

> Twenty years have passed since this court declared that the death penalty must be imposed fairly, * * * and despite the effort of the states and courts to devise legal formulas and procedural rules to meet this daunting challenge, the death penalty remains fraught with arbitrariness, discrimination, caprice and mistake.

I cannot in good conscience sanction this injustice. I am aware that this bill supposedly includes some minor safeguards to help lessen the misuse of the death penalty but American history assures me that these are not enough. All of us understand that the very existence of these 60 new categories for death penalties will dramatically increase Government sanctioned killing. We all know that communities and public opinion can, does, and will pressure judges to invoke the death penalty whenever it is an option even though to do so is neither required nor warranted. I simply cannot and will not be a party to hysterical sentencing.

Be clear that my concern about the death penalty does not indicate a lack of concern about crime. We are all affected by the crime rate. Many among us are disproportionately affected. According to many studies the people of lowest economic means, who make up a portion of my constituents, are the most likely to be victims of crime; so if ever there were a group that is concerned about making the streets safe they are the ones.

Just this past weekend Secretary Cisneros of the Department of Housing and Urban Development met with the residents of the Robert Taylor Homes in my district to hear their very real concerns about guns and violence. Unfortunately they are not receiving the same level of protection enjoyed by every other neighborhood in Chicago. While I support President Clinton's efforts to devise a strategy for weapons searches by authorities in public housing which will pass constitutional tests, I also would support an infusion of funds and efforts to provide a better education, greater employment opportunities, adequate job training, et cetera for the residents.

Now the tremendous increase in the number of offenses that will call for the death penalty in this bill are not my only concern. I am also disturbed by the way African-Americans are often treated by law enforcement and judicial systems when the death sentence isn't imposed. It is a known fact that they are more likely to receive harsh punishments for the

same crimes committed by others. Studies continue to prove that African-Americans are 21 percent more likely to receive mandatory sentences than white people.

Now I don't want anyone to get the impression that I am soft on crime. I believe that those who commit crimes of any kind should be punished. However I am greatly disappointed that when it comes to young offenders the committee has seemingly decided to throw up its hands and admit defeat, by placing a provision in this bill stipulating that children as young as 13 will be allowed to be tried as adults. Obviously the adult men and women in this House who drafted this bill have decided that rather than to find out what has gone wrong with these kids, it is easier to write them off as lifetime felons and lock them away. What a cruel way to deal with kids who we have neglected, who we have refused to adequately educate, refused to adequately house, clothe and feed, who we have refused to offer even a modicum of understanding.

Mr. Chairman, it is for all of these reasons I find it somewhat difficult, but necessary to oppose this crime bill. Any crime measure that budgets more for prisons than job training is not sufficient to the task of fighting crime. Any bill which advocates new ways to put children in prison, but does not offer sufficient resources to educate these same children is deficient. Any bill which allows us to sentence more people to death but denies them our best guarantees for a fair trial is clearly unjust. I cannot support this bill and I urge my colleague to think very carefully before they cast a supporting vote for it.

Mr. WHEAT. Mr. Chairman, I rise today in strong support of H.R. 4092, the Violent Crime Control and Law Enforcement Act. More importantly, I rise in support of the right of each American to be free from fear.

A few days ago, I joined residents, community activists, and police officers in walking tours of two Missouri neighborhoods—St Louis' Soulard neighborhood, and the Prospect Avenue area of Kansas City. The residents of these neighborhoods are hard-working people who come from their day jobs and immediately start their second jobs—protecting their homes and children from fear, drugs, and crime.

The working people of St. Louis, Kansas City, and other cities, towns, and rural communities throughout Missouri, know that the deadly mixture of poverty, drugs, guns, and gangs has become a poison to their neighborhoods. They live with crime every day of their live. These law-abiding citizens—beset by lawlessness—have asked for our help. What can this House do?

In the short term, we must expand policing and tighten punishment to get the criminals off the streets. In the long term, we must make real efforts to prevent crime and combat the underlying forces that lead to criminal behavior. These efforts include the Ounce of Prevention and Youth Employment Services [YES] programs that are part of this bill. Also, we need to make fundamental improvements in education, emphasize economic development in our cities, and restructure assistance to the unemployed and underemployed.

In short, we must attack crime today with police, punishment, and prisons. We must also attack crime well into the future with schools, jobs, and hope. H.R. 4092 begins this important, two-pronged effort to bring order back to our society.

Mr. Chairman, the working people of this country have asked for—pleaded for—our help in making their neighborhoods safe once again. We can respond by approving the hiring of tens of thousands of new police officers trained for community policing.

They have asked for our help in stopping violent criminals who attack society again and again with impunity. Our firm response: We will provide money to help States build prisons to incarcerate repeat offenders, and we will pass a Federal "Three Strikes, You're Out" statute, targeted at the 7 percent of criminals who commit two-thirds of the violent crimes.

Too often today, kids who should be found with books, baseballs, and bicycles are found instead with UZIs, Street Sweepers, and Tec 9s. What can this House do to get these young people to trade their guns for books and their despair for hope?

We can join the struggle against the rising tide of violent juvenile offenders by approving millions of dollars in funding to help States implement alternative sentencing options for young people, including boot camps for nonviolent youth offenders who need strong discipline and firm guidance. Also, we must allow some juveniles to be tried as adults for violent crimes against society.

We can approve the Youth Handgun Safety Act, to get deadly weapons out of the hands of the children in which those guns are found with increasingly tragic consequences.

We can strike back at the purveyors of violent hate and intolerance by approving stiffer sentences for hate crimes, which are assaults against the foundation of our democracy.

Mr. Chairman, women and children are frequently victimized by the worst crimes in our society. Women are rightly afraid to walk the streets at any hour, and my home of Kansas City was recently reminded of the horrors of child abuse by the tragic deaths of 4-year-old Briiana Buersmeyer and 5-year-old Angel Melton at the hands of their mothers' boyfriends. The Crimes Against Children Registration Act and the Child Abuse Prevention Act might well save other children from the sad fate of Angel and Briiana.

By passing these provisions of H.R. 4092, along with the Violence Against Women Act, this House will be taking a stand on behalf of those who have so long been abused by the kind of violent, destructive crimes that have no place in any civilized society.

We can make these real, tangible efforts to strike back at the epidemic of crime that has infested too many American neighborhoods, and touched too many American families. H.R. 4092 lets the gun thugs and urban terrorists know that the tide is turning against their bloody reign of terror.

More police, fewer guns, stricter punishment—these initiatives will help bring law back to the streets now. H.R. 4092 isn't built on abstractions: this bill represents tough, pragmatic solutions to problems that the people of this country and my State struggle against every day. This bill isn't perfect and it doesn't represent a final solution, but it is a good start to a difficult task.

While the increased policing and the stricter punishment will allow us to make our streets safer in the short-term, we will also attack the root causes of crime with $7 billion in innovative prevention programs. I am an original cosponsor of the Family And Community Endeavor Schools [FACES] Act introduced by Representative GEPHARDT and included with other prevention programs in this bill. These prevention measures will help make our schools safe havens for the entire community, provide unique projects to attack the plague of drug addiction, and offer the employment skills and opportunities so desperately needed in crime-ravaged neighborhoods and towns.

Mr. Chairman, we are faced with a stark choice. We can politicize a national problem that crosses every boundary of party, philosophy, income, and race, or we can act together to take back our neighborhoods. We won't ever be in total agreement with all the provisions of an anticrime bill, but we must agree that our final goal is a safer, saner society. I urge the prompt passage of H.R. 4092.

Mr. FAZIO. Mr. Chairman, I rise in support of H.R. 4092, the Violent Crime Control and Law Enforcement Act, an important step toward confronting and addressing crime.

If this bill is enacted, a criminal who has already been convicted of two serious drug offenses, or violent offenses with a potential sentence of 10 years, will face life imprisonment if convicted of a third Federal violent felony. This provision—known as three-strikes-and-you're-out—will keep repeat violent offenders off the streets.

In recognition of the critical role that our communities, themselves, play in fighting crime, this bill provides grants for community policing. This support will enable State and local governments to rehire police officers who have been laid off, as well as hire and train new officers.

There are also measures to reduce the incidence of violence against women, and to punish those who commit crimes of violence against women. The Violent Crime Control and Law Enforcement Act also increases Federal penalties for assaults against children and it requires anyone who has committed a crime against a child—including sexual offense—to register with State law enforcement.

This crime bill supports programs that reduce gang membership and provide alternatives for youth who are at-risk. It also gives local governments fast access to flexible Federal funds for a variety of anticrime strategies. The counter the effect that poverty and despair have on our youth, the bill supports programs that provide employment opportunities for young adults in areas with high crime and unemployment rates. It also enables communities to develop midnight sports leagues for their youngsters. Other provisions in the bill provide for substance abuse treatment for Federal prisoners and increased sentences for Federal hate crimes.

The bill includes a number of provisions that attack crime in rural areas, including one which I introduced along with my colleague from Michigan [Mr. STUPAK], a former police officer. This measure will help ensure that rural communities do not lose ground as the rest of the country moves forward on new anticrime strategies. The Fazio-Stupak amend-

ment expresses the sense-of-Congress that rural areas should continue to receive the level of support that they had prior to enactment of this crime bill—that rural America should not receive less funding that it did in fiscal year 1994.

Last month, a delegation of law enforcement representatives from my congressional district was here in Washington attending the White House briefing on the crime bill. Immediately following the briefing, these representatives joined me in a private meeting with Attorney General Janet Reno and advised her of their concerns about the pending legislation. At the top of their list was their apprehension about losing the Federal funding that supports their narcotics task forces. Without this support, these communities are left wide open to drugs and the violence that accompanies this persistent problem.

Although, in response to input from rural law enforcement, a portion of these funds has been restored, it is important for us to maintain our previous level of support for this important component of the rural anticrime effort. The amendment puts Congress firmly on record that, as we attempt to attack crime in the cities and suburbs throughout America, rural communities do not get left behind.

Crime invades our communities and has a tremendous impact on the quality of life. It affects everything—from our health care costs, to our safety and security, to the quality and cost of educating our children. In response, we have a crime bill that balances the prevention and punishment necessary to tackle this problem. It focuses attention and resources on the State and local levels—the front-lines, where the bulk of the responsibility for responding to crime lies. And it moves us closer to meeting our overall goal of ensuring that justice is dispensed equally and fairly, and that punishment is also fair, fast and consistent.

The Violent Crime Control and Law Enforcement Act is a good beginning. But, this crime bill cannot do the job alone. We must be prepared to sustain the initial investments that this administration has begun to make in the roots of our society—in education, employment, health care, and other human services—if we are really going to turn this situation around. We must realize that, because crime is not an isolated problem, it cannot be dealt with in isolation.

The crime bill is not the cure-all, but it is definitely an important part of the overall solution. It is a good place to start, and the time is now. We should all be able to put aside our partisan differences and come together on behalf of what is good for this country—our communities, our families, and our children. I urge my colleagues, on both sides of the aisle, to join me in support of this crime bill, this crucial step in the healing process, and to support its final passage.

Mr. DOOLITTLE. Mr. Chairman, I rise today to express my opposition to H.R. 4092, the House crime bill. I have no reservations about my "nay" vote, although I realize that many Americans want crime legislation passed.

Mr. Chairman, the crime bill before the House is anemic. It reflects the enormous differences that exist between conservatives and liberals with regard to man, the State, and yes, criminal justice.

The Clinton administration, most notably Attorney General Janet Reno, believes that everybody is equally good. If a 22-year-old delinquent brutally rapes and murders an innocent victim, he is not a bad person who needs to be jailed for life or sentenced to death. Rather, we are told to look at the root causes of the criminal's behavior.

We are told that society is failing these poor criminals. To deter crime, the liberals say, the Federal Government needs to provide every American with a high-paying job, self-esteem, and adequate recreational opportunities.

If you don't believe me, look at the House crime bill. It includes a Great Society-style provision that calls for spending mainly on social welfare programs. It provides $6.9 billion in grants to crime-prone areas for recreation, job training, and other activities. The bill provides grants for after-school programs for inner-city youth and for midnight basketball games.

My opposition to this bill was not sealed, however, until yesterday, when the House failed to strike the Racial Justice Act from the legislation. I believe that this provision will result in the effective abolition of capital punishment. The Racial Justice Act permits a defendant to make a statistical showing that death sentences are being imposed or administered in a disproportionate manner based upon the defendant's race. The act also requires a prosecutor to rebut this statistical showing "by a preponderance of the evidence."

The Racial Justice Act requires prosecutors to prove a negative: That race was not the basis for any of the prosecutor's, jury's, or judge's decisions. The evidentiary difficulties and vast resources that will be required to make such a showing in every post-conviction capital case will undoubtedly preclude use of the death penalty.

This act disregards one of the fundamental precepts of our criminal justice system: that an individual is tried on the facts of his or her case, not on statistics from a sampling of unrelated crimes.

Furthermore, Mr. Speaker, the act overturns a number of U.S. Supreme Court cases, including McCleskey versus Kemp, in which the Court rejected a discrimination claim founded solely on statistics.

Lastly, this provision is inconsistent with meaningful habeas corpus reform.

Mr. Chairman, I oppose House crime bill primarily because it includes this pernicious Racial Justice Act. I would note that I am in good company. The Racial Justice Act is opposed by the attorney general of California and the California District Attorneys Association. In fact, the U.S. Senate rejected a measure similar to the Racial Justice Act for 3 consecutive years.

Again, Mr. Chairman, I oppose H.R. 4092, the House crime bill, and urge my colleagues to do the same.

Mr. BUNNING. Mr. Chairman, I rise today with a great deal of disappointment to oppose the crime bill which has been under consideration here in the people's House. We had the opportunity to give the American people a tough crime bill and even with the adoption of several good amendments to strengthen it the bill before us is still far too soft and full of pork.

In fact, it is so full of pork that I am surprised that it did not squeal and run out of the Chamber when it was brought to the floor. Once again, Members with pet projects that could not pass on their own have larded on the pork in a bill that they are certain will pass because it carries the "crime bill" label.

But, Mr. Chairman, even the pork would not be so bad if the rest of the bill truly returned deterrent power to the justice system. Criminals and victims alike should be fully certain that the justice system would provide a sure, swift, and severe punishment for criminal behavior. The American people are fed up with a system of justice that is kinder to criminals than it is to the victims of crime; and, quite frankly, so am I.

When I went home to Kentucky for the district work period at Easter the people who came to my open door meetings told me that they did not think that they should have to wait for a violent criminal to get a third conviction before we locked him away for good. They are right. The average law-abiding citizens of Kentucky and of this Nation deserve to be protected from the human predators that our criminal justice has consistently returned to the streets to commit more and more criminal acts.

Likewise, women in our society should not have to wait for some future crime bill for their legitimate concerns to be addressed. My colleague, the gentlelady from New York [Ms. MOLINARI] attempted to offer an amendment that would have established just penalties for assaults on women and children but the majority decided to ignore the issue rather than allow us to vote on it. The crime bill should address these concerns but it does not.

In its infinite wisdom the majority of the Rules Committee also decided to exclude the legitimate concerns of my good friend, the gentleman from Texas [Mr. SMITH] who wanted to offer an amendment dealing with the criminal acts of illegal aliens. This House should have addressed this issue in this bill.

I can only assume that we did not address these needs because we are more interested in passing anything rather than passing a bill that would protect victims of crime and really deter criminal acts. The crime bill is just another piece of feel-good legislation so that we can go home and crow about how we got tough on crime when it is mostly cosmetic change.

In fact, the changes are much more apparent than real in this bill. While we said much about the death penalty, we fit in a racial quota provision that virtually assures that the death penalty will never be imposed when the convicted criminal's race is brought into the sentencing by the defense counsel. This is outrageous. Race should never be a consideration in application of the law and especially in the penalty phase of a trial. Our society can never be colorblind as long as the courts are forced to consider race rather than content of the character. This type of provision has no place in the criminal justice system.

Mr. Chairman, we need a real crime control bill, not just window dressing. The American people are depending on us and we should not let them down on something this serious. let us defeat this bill and bring back one that will let the people know that we are on their side, not the criminals.

Mr. DORNAN. Mr. Chairman, I rise in strong opposition to H.R. 4092, the Omnibus Crime Control Act of 1994. This legislation will do absolutely nothing to deter violent crime in America. In all likelihood, passage of this legislation will put American citizens in greater harm of being victimized by dangerous street thugs. In fact, the crime bill is aptly named, because what the Democrats have done to it is a crime. And Bill Clinton's fingerprints are all over it.

It is no wonder the American people are angry and frustrated with the violent crime that is gripping our Nation. While the population of the United States increased 44 percent since 1960, violent crime has increased by more than 500 percent. And since the early 1950's, the expected punishment for committing a serious crime in the United States has been reduced by two-thirds. Yet over that same period, the total number of serious crimes has increased sevenfold. In addition, more than half of all violent criminals are put back on the streets while awaiting trial. Of those, 20 percent escape and 16 percent commit another crime. And for every 100 serious crimes committed, only 5 criminals go to jail.

Why has the crime rate exploded over the last three decades? Because we have allowed sociologists, psychologists, and psychiatrists to explain and excuse criminal behavior, so the punishment rarely fits the crime. Moreover, many of my colleagues continue to focus their attention on gun control as well as dubious and costly social programs as a way to reduce crime. Being good liberals, they believe that man is perfectible. Therefore, those who commit crimes are not criminals, but victims—of society, poverty, bigotry, et cetera, et cetera, et cetera. This has led to our current crime epidemic.

We need to stop focusing on criminals as victims of society and start focusing on the real victims—law-abiding citizens who are afraid to walk down their own street at night; children who routinely fall asleep to the sound of gunfire; students who are too frightened to go to school; and those whose neighborhoods are victimized by violent gangs and drug dealers. I should know. Many of my own constituents face these fears each and every day.

Unfortunately, our criminal justice system has become so lenient that criminals routinely serve pathetically short sentences and are allowed to walk free to abuse us again. For example, according to the FBI, in 1988 the median murder sentence for prisoners released that year was 15 years. The average time served, however, was only 3.5 years.

It is plainly obvious that criminals no longer fear the law. They know that it is unlikely that they will be caught. If and when they do get caught, they rarely get prison sentences. If they do go to prison, they know that they will be out in no time. Criminals laugh at the system. And embarrassingly enough, so do other nations.

Take the Fay caning case, where an 18-year old American living in Singapore has been charged with a 10-day spree of vandalism and sentenced to six strikes with a bamboo cane. President Clinton and the media have expressed their outrage, claiming it is a barbaric and tortuous method of punishment.

Yet last year, only 58 murders, 80 rapes, 1,008 robberies, and 3,162 car thefts occurred in Singapore. During the same period, the city of Los Angeles, with about the same population as Singapore, had 1,100 homicides, 1,855 rapes, 39,227 robberies and 65,541 stolen cars. And Singapore employs half the number of police officers as the city of Los Angeles. Singapore is also a city without litter, graffiti, and gangs. "Women confidently stroll the streets late at night," writes the Los Angeles Times reporter in Singapore. "The subway is clean, and muggings are rare. Gang warfare, significant scourge in the 1950's, has been stamped out."

Commenting on the Fay case, a Singapore official said the reason his country is tough on crime and criminals is because it does not want to become like New York City. Can you blame them? The deplorable condition of New York City is a direct result of liberal social policies that place the rights of criminals above victims and law-abiding citizens.

In the early days of America, criminals were subjected to public ridicule, public floggings, even public hangings. Syndicated columnist Cal Thomas recently stated, "Crime was dealt with harshly because it was seen as a threat to an orderly society. Now, we explain and excuse violent criminals because they were abused, or they are poor or otherwise disadvantaged." Indeed, since the 1960's liberals have been literally obsessed with root causes, such as poverty, deprivation, abuse, hopelessness, and alienation—30 years later, our Nation's crime rate has tripled. Is there no end to such misguided policies?

Having said this, I am deeply troubled by the weak, do-nothing crime bill we are considering today. It relies heavily on costly social welfare programs that will have absolutely no effect on criminal behavior whatsoever. We have tried these kinds of programs over the last three decades. They do not work and are a waste of precious resources.

Also, with the passage of the racial justice amendment, this legislation will virtually eliminate the death penalty by establishing racial quotas in death penalty cases. For instance, if you or a member of your family is murdered, the murderer can avoid the death penalty if, based on statistical evidence, in too many other cases, other killers received the death penalty for killing people of your own race. Try explaining this to one of your constituents whose family member just had their life snuffed out by an unremorseful street thug.

What disturbs me most about this provision, which is adamantly supported by the Congressional Black and Hispanic Caucuses, is that minorities—especially African-Americans—are overwhelmingly more likely to be victims of violent crime. Let us not forget the words of the Rev. Jesse Jackson who said, "there is nothing more painful to me * * * than to walk down the street and hear footsteps and start thinking about robbery—then look around and see somebody white and feel relieved." This statement reveals a great deal about crime in America—especially in our inner cities. And it is just outrageous that anyone would prioritize discrimination over victimization. How do these people sleep at night?

Equally disturbing are the provisions of this bill that allow convicted criminals to file appeal after appeal after appeal to avoid the death penalty. Indeed, this bill further liberalizes the interminable habeas corpus appeals process by relaxing the rules on when a defendant can file an appeal, among other things. What is so ironic is that the Democrats have added 66 new crimes that will soon be subject to the death penalty in this bill. Yet the language of this legislation makes the death penalty virtually unenforceable. Talk about a public relations scam.

This crime bill also makes changes in mandatory minimum sentencing guidelines that will ultimately result in the release of 16,000 criminals onto our streets who will be free to abuse us again. This provision will not control criminals. It will emancipate them.

If we are to reduce violent crime in America, we must operate under the assumption that people will change their behavior only if they believe the costs of criminal behavior are too high. What we need, therefore, is swift and sure justice with tough, mandatory sentences for criminals, including the death penalty for particularly heinous criminals. We also need an effective juvenile justice reform system that sends a powerful message to young people that criminal behavior is intolerable and will be punished severely. Furthermore, adequate prison facilities are necessary to ensure that all violent criminals are locked behind bars for a long time—and in many cases, forever.

That means we have to spend money on building adequate prison facilities. Indeed, the FBI Uniform Crime Reports show that, from 1980–91, the 10 States with the greatest increases in criminal incarceration rates experienced the greatest decreases in crime. If we can control violent criminals, we can control violent crime.

We must also put a stop to the endless appeals that have made a mockery of the death penalty, as well as reform the rules that allow criminals to go free on technicalities. And I want to see more cops on the beat, which is why I have been the lead supporter of the police corps bill. The police corps would establish an ROTC-type program for young people who want to build a career in law enforcement. Its inclusion in the crime bill will eventually result in 100,000 more cops on the streets of America.

Mr. Chairman, America's criminal justice system is failing as a result of bad public policy enacted by liberals who care more about criminals than they do about victims. This bill is a disgrace and an insult to the intelligence of the American people who are begging for protection from the threat of violence. I urge my colleagues to vote "no" on H.R. 4092.

Mr. VENTO. Mr. Chairman, I rise in support of H.R. 4092, the Violent Crime Control and Law Enforcement Act.

The problem of crime is one the greatest concerns of the American people. Some 22 million households are affected by crime each year. Violent crime has increased 25 percent in the past 5 years. Despite the fact that more criminals are in jail than ever before, millions of Americans do not feel safe in their neighborhoods and communities. Guns are even becoming common at schools and gang violence is spreading beyond the core city areas into suburbs and smaller towns. Citizens are upset about the erosion of public safety and they are demanding that something be done about it.

H.R. 4092, the Violent Crime Control and Law Enforcement Act, is a tough and comprehensive anticrime bill. It will provide us with many new tools and programs to help us fight crime in our communities. While I have concerns about some of the sentencing and certainly the death penalty provisions of the bill, on the whole I believe it is a strong bill which will help us address the problem of crime in our Nation. On the crime control and law enforcement side, the bill provides for 100,000 new police officers on the beat, funds for prison construction, a tempered "three strikes and you're out", provision grants to stop violence against women, Drug treatment for State and Federal prisoners and prohibitions on the sale of handguns to youth. I am pleased that the House version of the crime bill places a stronger emphasis on crime prevention than the Senate bill. The House bill contains $7 billion for prevention programs including model intensive grants, youth employment and skills training, local partnerships, antigang grants and some important provisions such as the police corps which were added on the House floor.

Mr. Chairman, while there are many features I would like to discuss about the crime bill, I would like to focus on the urban recreation and at-risk youth provisions which I authored along with Representative GEORGE MILLER, chairman of the Natural Resources Committee. This section is identical to the bill H.R. 4092, which passed the House of Representatives as a freestanding measure on March 22, 1994, by a vote of 361 to 59. The amendment has the support of over 50 national organizations including the U.S. Conference of Mayors, the Boys and Girls Clubs of America, the National Association of Police Athletic Leagues, major league baseball and the National Recreation and Park Association. It was added to H.R. 4092 as part of the Brooks en bloc amendment. I would like to thank Chairman BROOKS for including this provision in the en bloc amendment and for his leadership on this comprehensive anticrime bill.

The urban recreation and at-risk youth provisions of the crime bill recognize the important role that urban recreation programs play in developing positive values in our young people and in keeping them away from crime. Grants would be authorized to urban areas with a high prevalence of crime in order to expand park and recreation opportunities for at-risk urban youth. These grants would be available for rehabilitation of facilities, improvements to increase the security of urban parks and operating support for innovative and successful recreation programs. Such a program can be a highly effective tool in preventing crime and improving the quality of life of urban neighborhoods.

Many young people in urban areas have little or no access to sports and recreation because of badly deteriorated facilities or because of program cutbacks. Urban recreation has been grossly neglected as a national priority over the last decade. Ironically, recreation opportunities for low and middle income urban residents declined over the same period of time that health clubs proliferated for the higher income residents. Urban dwellers, especially those in economically distressed communities, are the most dependent on having public parks and recreation programs. Low-income residents do not have the time or financial resources to travel to distant parks for recreation purposes.

At a recent hearing of the Natural Resources Committee, testimony was provided by city park directors, policemen, boys and girls clubs and midnight basketball leagues about the effectiveness of urban recreation programs as a crime prevention measure. The reason why these programs are so vital to anticrime efforts is because they target the age group most prone to crime—youth; 50 to 60 percent of all crime in the United States is committed by people 10 to 20 years of age. The incidence of crime peaks between the ages of 16 and 18 and quickly drops after age 21. If we can reach young people through sport and recreation programs before they turn to a life of crime, we will save dollars and lives.

Urban park and recreation programs have been around since the creation of New York's Central Park in the 1850's. Even then, it was recognized that young people need safe places to recreate and constructive activities to occupy their time, in fact positive alternatives to antisocial behaviors. The wisdom of this approach is more true now than ever.

In 1978 Congress enacted a program to help distressed urban areas develop recreation opportunities. The Urban Park and Recreation Recovery [UPARR] Program provides matching grants to economically distressed cities for repair of park and recreation facilities and for innovative recreation-based programs for youth. While the UPARR Program has proven to be effective, it has suffered from a lack of stable funding. UPARR received no funding from 1985 to 1990, and the past 2 years it has received only $5 million annually. The number of requests from cities which have matching funds ready to go is two to three times what the UPARR Program is able to fund.

The Miller-Vento amendment was drafted to maximize cost efficiency and program effectiveness. First, it uses the administrative resources and procedures of the existing UPARR Program in order to minimize costs and bureaucracy. Second, it leverages additional resources by requiring a 30 percent local match. Third, it requires park and recreation officials to coordinate their efforts with law enforcement, social service agencies and nonprofit community organizations involved in youth crime prevention. Fourth, it is flexible enough to allow nonprofit organizations such as boys and girls clubs, police athletic leagues, and midnight basketball programs to receive funding assistance. Fifth, it requires eligible cities to submit a plan which states how they intend to improve recreation opportunities in crime ridden neighborhoods over the long-term. Finally, it requires facilities which have been improved as a result of this grant program to remain open for public recreation uses in perpetuity.

Congress has previously recognized the importance of recreation in preventing crime and delinquency. Amendments to the Juvenile Justice and Delinquency Prevention Act in 1992 and the National Affordable Housing Act have specifically included authorization for recreation program. There are other prevention programs in H.R. 4092 which mention recreation, and I am supportive of these provisions. The Miller-Vento approach is cost-effective because it builds on a successful existing program instead of creating new programs and bureaucracies to like other provisions of the House crime bill.

Mr. Chairman, I would also like to explain the Vento amendment which adds the Secretary of the Interior to the ounce of prevention council established by section 1010 of H.R. 4092. The ounce of prevention council as currently proposed would consist of the Attorney General, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Agriculture and the Director of the Office of National Drug Control Policy. The Ounce of Prevention Council advises the Secretary of Health and Human Services on making grants for various programs to communities which have high incidence of crime and juvenile delinquency. Program grants may be for education, recreation, job placement, or substance abuse programs.

The Vento amendment would add the Secretary of the Interior to the Ounce of Prevention Council because of the longstanding involvement of the Secretary of the Interior in recreation and youth programs. The principal statutory responsibility for outdoor recreation lies with the Secretary of the Interior as do the largest Federal programs promoting State and local recreation. These programs are the Land and Water Conservation Fund [LWCF] Act of 1965 and the Urban Park and Recreation Recovery Act [UPARR] of 1978. Together these two programs have provided over $3.5 billion in funds to State and local governments for the acquisition and development of park and recreation facilities and the provision of recreation programs and services. The Secretary of Interior has additional responsibilities and authorities for recreation and youth development through the Outdoor Recreation Act of 1963 and the Youth Conservation Corps Act of 1970.

The ounce of prevention grant program contained in subtitle B of the title X of H.R. 4092 proposes park and recreation programs and facilities in several sections. Recreation is an eligible use of program funds; programs can be carried out on State or local parks and recreation centers; and funds may be used to renovate recreation facilities. The Department of the Interior has operated recreation grant programs for a total of 45 years. This experience and the longstanding statutory responsibility of the Secretary of the Interior for recreation and youth programs makes the addition of the Secretary to the Ounce of Prevention Council an appropriate and meritorious idea.

Mr. Chairman, some provisions in the measure and the votes of the House concern me, they demonstrate that significant misunderstanding exist regarding the antisocial behavior and the criminal justice system. Federalizing a crime is not an automatic solution. The death penalty in my view is an admission of frustration not a solution. So often our society in modern America is insulated and isolated, there does not appear to be much empathy or understanding of the social conditions and plight of significant populations and sectors of

our society. The dehumanizing, antisocial behavior of the criminals and inexplicable actions should be met by the reason of law deliberation not retribution.

Mr. Chairman, despite my reservations about several provisions of the crime bill, I believe it is a strong and comprehensive bill which strikes a good balance between tougher law enforcement and crime prevention programs. I urge Members to vote in favor of H.R. 4092 and hope that a conference of the House and Senate can correct some of the outstanding problems with the House and Senate passed measures.

Ms. FURSE. Mr. Speaker, I want to take this opportunity to voice my support for the crime bill. It is a bill which is both tough and smart. It combines strong prevention initiatives, such as funding for antigang programs, and protection against domestic violence, as well as tough on crime measures like "three-strikes-and-you're-out" and truth in sentencing.

The truth in sentencing amendment is especially important. I worked with the author of this amendment, Representative CHAPMAN of Texas, to bring this important issue to the House floor. This amendment is so important to my home State of Oregon because of a tragic case involving the rape of a 4-year-old girl which was allegedly committed by a released convict, Russell Obremski. In 1969, Mr. Obremski embarked on a drug and alcohol binge which ended with the murder of two women. He was sentenced to two consecutive life terms. He was recently released having served only 25 years of his sentence. The truth in sentencing amendment I helped pass here in the House, had it been enacted in Oregon 25 years ago, would have kept Russell Obremski in jail, and this tragedy could have possibly been avoided. Had Oregon's truth in sentencing law been passed prior to 1968 rather than in 1989 it could have been avoided. The Oregon Department of Corrections fully supports this legislation.

While this crime bill is not perfect, I feel that it's a balance between working to stop crime before it occurs, and severely punishing those who have broken the law. It is fair and should be commended. Earlier this year I sent a survey on crime to the residents of my district and received nearly 10,000 responses. The message from Oregon was clear: people want something done about crime. This bill is a first step and I look forward to voting on final passage of the crime bill when it comes out of conference with the Senate so President Clinton can finally sign this much needed legislation into law.

Mr. BILIRAKIS. Mr. Chairman, in the past, I have noted here on the House floor that we really debate fear in this Chamber when we consider legislation to address crime. We talk a lot about the fear our constituents have when walking the streets of their neighborhoods; the fear they have for their safety and that of their children.

However, what we rarely seem to talk about is the fear the criminals should have regarding our Criminal Justice System. That's because they don't have any fear of a revolving-door system that too often sees them returned to the street to prey upon their victims again and again. They don't fear punishment that is uncertain and appeals that are endless. On the contrary, they are laughing at us and our system.

We have the opportunity now to give our Nation and our constituents a crime bill with teeth. We need to do that, Mr. Speaker, because violent crime is a booming business across our Nation today—up 500 percent since 1960. That's 500 percent. Not 5, not 50, but 500 percent, and that is a disgrace.

Every year, some 5 million people are victims of violent crime, a murder every 24 minutes, a rape every 6 minutes, a robbery every 55 seconds, an assault every 33 seconds. Yet, on average, violent offenders serve only 5½ years for murder, 3 years for rape, 2¼ years for robbery and 1.28 years for assault. That's a disgrace as well.

It is essential that Congress provide the tools to fight this scourage at all levels of society—from our borders to our school yards—and to provide severe and mandatory penalties for criminals.

We must instill fear and respect in those who would break our laws. Whether prisons should serve to rehabilitate or punish isn't really the issue. The issue is crime prevention, and I believe we can only achieve that by increasing both the likelihood and the certainty of legal sanctions.

Mr. Chairman, let's craft a tough anti-crime bill, and get it enacted into law. Let's do something for the thousands of Americans living in fear. Let's put fear back into the heart of the criminals who prey upon us all.

Mr. ENGEL. Mr. Speaker, I rise today in support of H.R. 4092, the Violent Crime Control and Law Enforcement Act. The bill contains provisions which show our strong commitment to combat the escalating crime problem in the United States.

With this in mind, though, I must voice my concern regarding specific provisions of the bill which were adopted. As an opponent of capital punishment, racial bias, and limited death row appeals, I strongly oppose the amendments which were offered by Representatives HYDE, GEKAS, and MCCOLLUM and ultimately passed by the House of Representatives. Mr. Speaker, these amendments restrict prisoners rights to judicial access which they are entitled under the U.S. Justice system.

On the other hand, I am pleased to see that the provision which bars execution of prisoners who demonstrate that their death sentence was imposed because of racial discrimination was retained in the bill. This provision permits the use of statistical evidence to demonstrate racial discrimination in imposing the death penalty, thus, it preserves an important element of balance and fairness.

In response to President Clinton's call for a "strong, smart, tough" crime package, I support H.R. 4092, because it represents the largest commitment of Federal dollars to the crime package in U.S. history. At the same time, though, I must make it clear that I have been, and will remain, opposed to provisions which limit citizens rights to judicial access, and I especially oppose the capital punishment provisions in the legislation.

Mr. SHAW. Mr. Speaker, although I voted for final passage of H.R. 4092, the Omnibus Crime Control Act, I recognize that this legislation remains flawed. Nonetheless, given the enormity of the problem of crime in communities around the country, I believe it is important that the bill be worked on in conference, so that we can craft a crime bill that will truly target criminals and make our streets safer.

There are many provisions contained in the text of the bill that should be dropped or substantially changed in conference committee. The most egregious is title IX, the Racial Justice Act, which would allow death sentences to be reversed retroactively based solely on racial statistics. The last thing this country needs is quota in our Criminal Justice System.

There are many other problems with the bill as it now stands, including inadequate truth-in-sentencing, weakened mandatory minimum sentences, a lack of exclusionary reforms ensuring criminals do not get off on technicalities when police gather evidence in good faith without a warrant, and a lack of constitutional procedures to streamline habeas procedures. Furthermore, it includes over $8 billion in "Great Society" grants for recreation job training, and social services, with no requirement that the funds be used for anticrime programs.

I am hopeful that the conferees will address my concerns in conference, as I and many of my colleagues are eager to see enacted a comprehensive crime bill that will effectively respond to America's serious crime problem.

Mr. DORNAN. Mr. Chairman, the following articles are most enlightening on violent crime in America:

CRIME SOLUTION—LOCK 'EM UP

(By Ben Wattenberg)

Thanks to angry American voters, the "crime issue" is prominent again, as it ought to be. It is our biggest problem. And there is something we can do about it—if the House and Senate can agree on a history LBJ-style crime strategy now being debated on Capitol Hill.

Putative solutions to the crime problem are rolling forth like a mighty stream. There is gun control. And drug rehabilitation for criminals. And greater use of the death penalty. And habeas corpus reform. And more cops active in "community policing." And "boot camps." The list goes on and on.

As it happens, I approve of most of the above catalog. I would like to see much of it enacted into law. But there is this sad fact: We don't know that these proposals will seriously cut the current scary rate of violent crime. The existing studies are thin and often contradictory.

Two things do seem fairly clear. First criminologists and crime policy wonks don't know much about what works. (No surprise.) Second, the thing that almost everyone intuitively knows is so simple that it barely needs repeating, except that it is often purposely ignored, particularly, alas, by the Clinton administration.

It is this: A Thug in Prison Cannot Shoot Your Sister.

PUTTING THUGS AWAY

Of course, this is not a new theory. But it was restated with clarity in 1992 in a short publication titled "The Case for More Incarceration" published by the Justice Department. It showed:

That incarceration is cheaper than letting a criminal out on the streets.

That although the crime rate is horrifically high, the actual rate of increase of violent crime has been going down since we started putting more people in prison.

That much violent crime is committed by people who have already been in the criminal

justice system (that is, people who have been arrested, convicted, or imprisoned, or who are on probation or parole).

That prison time served, despite some mandatory minimum sentencing laws, has gotten somewhat shorter.

That prisons do not create criminals.

The blacks and whites are treated equally and that the vast majority of law-abiding African-Americans would gain most from more incarceration of criminals because African-Americans are more likely to be the victims of violent crime.

Happily, the concept of getting thugs into prison and keeping them there longer is in the new crime bill that recently passed the Senate—by a vote of 95–4.

More remarkable is the manner in which the concept is embedded in the Senate bill. Until now the rap on almost all federal crime bills has been: "The feds can't do much: after all, violent crime is principally a state issue." Quite so: 97% of violent criminals are in state prisons.

Moreover, some of what the feds have done to state prisons has been harmful. Federal court rulings have determined that many state prisons are "overcrowded." That has made it difficult for state judges to get criminals behind bars and has boosted the "revolving door" justice that encourages parole boards to let criminals out of prison early.

That is a social tragedy. The typical violent offender in state prison serves only 40% of his sentence. The typical offender out on the street commits 12 serious crimes a year, exclusive of drug crimes, according to a Brookings Institute study, which estimate is lower than much other scholarship on the matter. If a thug with a 10-year sentence serves only four years, he will commit about 70 violent crimes during his unserved time! (Including, in theory, the murder of Michael Jordan's father and of 12-year-old Polly Klaas.)

The Senate crime bill deals with this state—federal dilemma by going back to the LBJ-style carrot-and-stick approach. Interestingly, it has been pushed most vigorously by conservative Republicans.

The feds pledge to build a series of "regional prisons," which may be new ones or perhaps remodeled military bases. The bill would provide between 50,000 and 100,000 new prison spaces over five years. The states, in turn, are invited to place their prisoners in these new facilities.

That's the carrot. The stick is that the Feds won't help unless the states reform their criminal codes in certain critical ways. The most important item is to stipulate that violent criminals serve 85% of their terms.

Now, a case can be made that the Senate bill is the first step toward "federalizing" the state prison system, and that the federal role will expend over time. Carrot & Sticking is what the feds did with certain aspects of the educational system, transportation, the environment and much more—often offering no particular expertise while intruding on state operations that sometimes didn't need help.

But prisons are different. The federal prison system, and the federal criminal code, are exemplary. The state systems are often derelict. The Senate bill can make the states do what they should be doing anyway, and what the public overwhelmingly favors: imprisoning violent offenders longer to lower the crime rate.

That's the Senate bill. The House, on the other hand, has passed only small pieces of legislation and may pass more. In theory there should be a conference committee report to reconcile the versions. But Jack Brooks (D., Texas), chairman of the House Judiciary Committee, has indicated that such a conference might be a long way off. Earlier crime bills have been gutted, diluted and turned into mush during conference negotiations.

The role of the Clinton administration in the prison aspect of this process has been strange. First, there is no Clinton crime bill. There was supposed to be one, with a provision for regional prisons. Then the White House said it was backing both Sen. Joseph Biden's Senate bill and Rep. Brook's House bill; Mr. Biden's had some rather mild provision for regional prisons, Mr. Brook's didn't. Then the word was that the White House was backing Mr. Brooks, because Attorney General Janet Reno labors under the quaint belief that by depopulating our prisons of "nonviolent offenders" we can then refill them with truly bad guys. (But 93% of prisoners are either violent or repeat offenders.)

The fact of the matter is that the president is (admirably) hawking just about every part of the legislation, much of it on the "prevention" side. But he remains studiously silent on the most critical aspect of all: incapacitating more criminals longer. What's going on?

It's said that liberals oppose more money for prisons. Why? Can they still possibly believe that there are no bad boys, only bad societies?

BLACK VICTIMS

It's said that the Black Caucus is in opposition because it will be blacks who will disproportionately serve the extra time. But who's killing blacks? Jesse Jackson said the other day that "there is nothing more painful to me * * * than to walk down the street and hear footsteps and start thinking about robbery—then look around and see somebody white and feel relieved." A key White House aide, Gene Sperling, is quoted as saying he'd rather spend money on poor kids than on prisons. But poor kids are getting shot at by people who should be in prison! The parents of those kids can't get jobs in the inner city because businesses flee from crime.

The idea of regional prisons, linking the states and the feds in a time of domestic crisis, can become law if Mr. Clinton pushes the House Democrats to get with the program. He can claim huge credit if he puts his shoulder to the wheel and it happens. If it fails, the fault will be his.

BEGGING FOR TYRANNY

(By Charles Colson)

A few months ago in this space, I wrote that the rapid secularizing of America would lead inevitably to tyranny. An ominous warning—though I was thinking of a process taking five to ten years. Little did I dream that events would so quickly overtake my prophecy.

America already had the highest rate of violent crime in the world, rising 560 percent in the past 30 years. But in recent months it has exploded. Every day's headlines report new outbreaks.

Three Dartmouth, Massachusetts, schoolboys surround a classmate and stab him to death—then laugh and trade high fives.

An Oakland teenager chases a woman down the street brandishing a knife, while onlookers chant, "Kill her! Kill her!"

A Long Island man starts shooting randomly on a commuter train, turning it into a death trap.

It is not just the extent of crime that terrorizes America but its random, gratuitous nature. In the past, lawbreakers were motivated by some recognizable human emotion: hatred, greed, envy. But today's headlines tell of youngsters who murder without motive, without remorse. What we are witnessing is the most terrifying threat to any society: Crime without conscience.

Polls show crime soaring to the top of public concern. Pundits are clamoring for action. And politicians are doing what politicians do best: spending more money. At this writing, Congress is wrestling with a bill to finance more cops and more prisons—to the tune of 22 billion dollars.

Having worked in hundreds of prisons around the world, I am convinced that this crisis will not be resolved by more cops and cells. The only real solution is the cultivation of conscience.

In The Moral Sense, criminologist James Q. Wilson contends that conscience is innate. This is, of course, what Paul teaches in Romans 2, that all people have a "law written on their hearts."

But conscience must be trained just as children must be trained to speak a language. It begins in the family, where parents teach their children by precept, by example, and by the behavior they require. As Aristotle wrote, "We become just by the practice of just actions."

But with divorce and dual careers, parents spend 40 percent less time with their children than parents did a generation ago. And their job is made harder by a loss of public standards of virtue. Modern thinkers have rejected the very idea of objective morality: Darwin, who reduced morals to an extension of animal instincts; Freud, who regarded repression of impulses as the source of neurosis; Marx, who disdained morality as an expression of self-interest.

Under this onslaught, commitment to a common morality has crumbled. Public-school teachers are trained to withhold moral judgment in classroom discussions. When children are raised in this climate, their moral sense remains unshaped, untutored. Like feral children who cannot speak, many children today cannot draw moral distinctions.

This is the hidden root of violent crime in America: Our culture has bred a generation without conscience. And it means that the front line in the war against crime is not in Congress or the courts. It runs through every living room in America, where parents teach their children right from wrong. It runs through every classroom, where teachers pass on a culture's common moral heritage. It runs through every film and movie, where virtue is either mocked or praised.

WHEN TRUTH RETREATS

Christians are uniquely equipped to bring this message to our secular neighbors. And we had better do so before it is too late. As Francis Schaeffer used to say, when truth retreats, tyranny advances. The loss of moral truth weakens social restraints, unleashing criminal impulses. And as crime soars, so does public fear. In the end, people welcome the strong arm of government to quell the chaos—at any price.

Shadows of impending tyranny darken the horizon. In Puerto Rico, the National Guard is conducting military-style raids on housing projects. At night, with helicopters whirring and searchlights beaming, camouflaged troops with M-16s are breaking down doors to confiscate arms and narcotics. Most Puerto Ricans support the action.

Here on the mainland, when D.C. Mayor Sharon Pratt Kelly asked for the National Guard to patrol the nation's capital, she was

applauded. Several cities have imposed curfews for young people—a form of martial law of dubious constitutionality. A Miami Herald poll found 71 percent support for police roadblocks to track down drugs—even though they violate the Fourth Amendment's protection against unreasonable search and seizure. People shell-shocked by incessant crime welcome higher levels of police intrusion.

Christians must move to the forefront of the debate over crime, which will surely intensify in the coming months. We must expose the illusion that security can be purchased through more police, more prisons, more draconian punishment. While these things play a role in containing crime, they are palliatives. We must aim our attack at the root. We must carry the crime debate onto moral grounds, where our secular culture fears to tread.

The task is urgent. If we do not learn to cultivate conscience—if truth continues to retreat—then tyranny will surely advance. To end the war of all against all, the state will unsheathe the power of the sword against every citizen.

And the saddest thing is that it will come as a welcome relief.

[From the Wall Street Journal]

CRIME: THE PEOPLE WANT REVENGE

(By Paul Johnson)

Britain and the U.S. between them created the modern concept of democracy. But there are times when I wonder whether democracy actually works in either country. My doubts become most pronounced when the topics of crime and its punishment come up, and I compare how they are actually dealt with by the authorities with what the public wants done.

"Wants" is the key word. For the essence of democracy is not one-person-one-vote. Most Africans have got that and what good does it do them? Nor is the essential question whether you have a presidency or a constitutional monarchy, and a congress or a parliament. These are details. What makes democracy real is a working system that translates the reasonable wishes of the mass of the people into the actual performance of government.

Cynics will say that no such system does or can exist—but that is nonsense. During the 19th century and for most of the 20th, the U.S. Congress and the British Parliament were remarkably effective in reforming and improving institutions in accordance with the wishes of the people. That is why both societies proved so stable and virtually impervious to the revolutionary shocks that made the modern history of so many other advanced countries unhappy.

LIFE AND LIBERTY

Now doubts have arisen and they are particularly nagging in the area of law and order. Governments have a fundamental obligation to do three things: manage a country's external defenses, uphold internal order and maintain an honest currency. Of course they can do many other things, but these are the three essentials because only government can do them. The more governments attempt to do, the more likely it is that one or another of these basic roles will be badly carried out. Usually it is the third that is forgotten, for activist governments tend to produce inflation, and hyperactive governments, as we see in Latin America, produce hyperinflation.

However, even in steady democracies like the U.S. and Britain, where inflation has never gotten out of hand and is, in fact, well under control at present, the feeling is growing that government now performs its second function very badly indeed. Throughout this century, governments in both countries have systematically taken on responsibilities for welfare, health, education, housing and even culture that were hitherto discharged by citizens themselves. At the same time, a reverse process has been taking place in the protection of life and property.

Government has become so ineffectual in this field that individuals have to act on their own behalf. Inner-city apartments have become miniature fortresses. Private security is one of the fastest-growing industries in both countries. In the U.S., the number of women carrying defensive weapons, chiefly handguns, has risen dramatically. A ubiquitous new institution in Britain (already common in the U.S.) is "neighborhood watch," a scheme whereby neighbors band together to protect each other's property. Vigilantism indeed is now making its appearance in Britain for the first time in centuries, to strong public approval, and in the U.S. citizens who gun down habitual criminals are acquitted by juries and become popular heroes.

Behind this grim reliance on self-protection and contemptuous cynicism for the efforts of government lie two convictions burned into the public consciousness. The first is a universal perception that crime, not least violent crime, has increased to the point where it is effectively out of the control of authority. Academic criminologists, wielding batteries of statistics, sometimes argue that this public perception is false and based on what they sneeringly term "anecdotal evidence." But what other kind of evidence do we have to go for our knowledge of most things? People form conclusions by what happens to them, their families, friends and neighbors; and if all, virtually without exception, are victims of crime, then they understandably conclude that the balance of advantage has decisively shifted to the criminal.

The statistics, as it happens, bear out this conclusion. Commenting on them, the chief constable of one of Britain's largest police authorities recently stated flatly that crime now pays in Britain. Surely this is one reason why the number of criminals, professional and amateur, is rising. It is probably true to say that, in both Britain and the U.S., crime is an industry growing even faster than private security.

Recently I have been rereading the remarkable studies that Henry Mayhew carried out in London in the 1840s, and published as "London Labour and the London Poor" (1851). His fourth volume deals comprehensively with the criminals of London, then a city of about 3 million people. He was able not only to identify every category and sub-type of criminal activity in the city but in almost every case to pinpoint their geographical location. What he was describing, in fact, was a specific criminal class, distinct from society as a whole and almost by definition firmly under its control. Crime could not finally be ended. But it could be contained, and eroded.

Today it would be impossible for a modern Mayhew to publish such a survey of New York or London or Los Angeles. It is not just that these cities are bigger (14.6 million, 9.1 million and 10.1 million people, respectively) but that crime is no longer localized: It is everywhere and permeates society. It starts earlier. Last February in Liverpool, two 10-year-olds abducted and cruelly murdered a two-year-old. In Los Angeles, 100,000 children under the age of 14 belong to gangs armed with lethal weapons. Crime also now affects the lives of the aged to a degree hitherto unknown. It is not uncommon, in London, for women over 80 to be raped and murdered by young thieves who break into their apartments to steal. Indeed, in cities on both sides of the Atlantic, the aged and defenseless in the inner cities have now lost their freedom of movement, just as young children can no longer be allowed to play in the streets.

Crime now transcends sex, as more and more women become both victims and perpetrators of it. Thanks principally to drug abuse, it transcends class and occupation and educational barriers. Everyday crime is no longer confined to inner-city ghettos. Figures released last week show that in Britain it is rising fastest in rural areas; old-fashioned, conservative shires like Wiltshire and Hampshire now produce devastating statistics of robbery with violence, rape and malicious wounding. In the U.S., crime has become routine in smaller cities and townships. Everyone, rich and poor, old and young, black and white, educated and illiterate, is now at the receiving end of crime—or perpetrating it.

Yet at a time when crime is having a more direct impact on the lives of us all than ever before, the treatment of it by authority is becoming less and less democratic. In both Britain and the U.S., opinion polls, conducted over many years, show that public opinion, in its attitude toward crime, is overwhelming repressive. As crime increases, ordinary people not surprisingly become more and more hostile toward criminals. They do not want to "understand" criminals; they are not ever much interested in reforming them. They want them punished, as severely and as cheaply as possible. Habitual and violent criminals they want taken out of society altogether, preferably for good. They favor punishment that is deterrent and retributive.

HANGING FOR MURDER

The attitude of ordinary people indeed is essentially vindictive: They desire revenge. That is why, for instance, large majorities in both Britain and the U.S. support capital punishment for murder. In Britain, where hanging for murder was abolished in the 1960s, the popular majority for its restoration has never fallen below about 75%.

But what authority actually does about dealing with crime bears no relation at all to popular wishes. In both countries, the liberals captured power over the administration of crime and punishment in the 1950s and have never relinquished it. On the contrary, their grip has tightened. As crime rises and affects the lives of more and more people, so liberal remedies are applied, with ever-increasing obstinacy and at mounting expense. The reasons lie in the nature of modern government, where lobbies, pressure groups and organized minorities exert more influence over specific areas of policy than the mass of the people.

This principle applies particularly in the field of crime. In both Britain and the U.S. a permanent working alliance exists between, on the one hand, liberals in academia and the media, and, on the other, their counterparts in government and its agencies, in private and trade union lobbies, in the courts and in law firms. In practice, these people draft the legislation that governments then sponsor and Congress and Parliament enact.

This legislation is overwhelmingly liberal in character and is designed essentially to protect the rights and interests of the

wrongdoer rather than those of the victim, who has no lobby. This explains, for instance, why the British Conservative government theoretically committed to a repressive line on crime, has in fact put through such ulitaliberal measures as the Children's Act of 1989 and the Criminal Justice Act of 1991.

Liberalism as the answer to rising crime has been applied in both the great demoracies now for the best part of half a century. It has been tested to destruction. It has failed everywhere, overwhelmingly and manifestly—except in one region; the minds of its advocates. For them liberalism is a religion, an article of faith, born of conviction and not susceptible to proof or disproof. And as they continue to control, in practice, the way in which society officially responds to crime in both countries, so they nourish the monster strolling in our midst by increasing its liberal diet.

Ordinary people, in the meantime, perceive that, in this central field, democracy does not work at all. They shrug their shoulders and set about protecting themselves, as their primitive ancestors did before the state had been invented. It is not a healthy state of affairs. In fact the failure of authority to carry out the public's wishes on crime is even more corrosive of society than rising crime itself.

[From the Wall Street Journal, Dec. 31, 1993]

HOW OUR TOWNS FIGHT CRIME

(By Amitai Etzioni)

While Washington sweats out the crime bill, communities from coast to coast are experimenting successfully with various antiviolence measures. Unfortunately, the American Civil Liberties Union is successfully slowing them down.

Examples of effective grass-roots efforts to combat crime abound. In New Jersey, the cities of Newark and Orange have introduced curfews prohibiting minors from being on the streets between 10 p.m. and 6 a.m. Exceptions are made for those passing through town, or on the way to or from a political or religious event. The law fosters parental responsibility by fining parents rather than arresting the children found roaming the streets after hours. Curfews keep minors out of harm's way and deprive drug dealers of their runners and lookouts during peak "business" hours.

Many neighborhoods have recently erected a variety of roadblocks. Oakland, Calif., set up 17 on roads leading to nearby Lake Merritt when residents complained of incessant cruising, public drunkenness and rude behavior. In a public housing project in Chicago, drive-by shootings and about half of the drug traffic were stopped when a fence was erected around the project. In Inkster, Mich., an open-air drug market was closed overnight when a local sheriff set up a roadblock and demanded to see a driver's license and proof of car ownership (documents drivers are required to carry by law).

Mere shaming also works. A neighborhood in Long Island was flooded with cruising men, who—looking for prostitutes—solicited passersby, even women working in their gardens. A community association wrote down their license plate numbers and sent letters to their homes. It proved a surprisingly effective deterrent.

ANTIDRUG PATROLS

Numerous communities across the country have formed crime watches—groups of citizens who agree to guard one another's property. When residents see suspicious movements in a neighbor's yard, they notify the authorities. A large number of neighborhoods have set up antidrug patrols. In Washington, D.C., multiracial Orange Hat patrols chase drug dealers out of their communities, by noting their license plate numbers and filming them with hand-held video recorders. In Washington's North Michigan Park, such a patrol helped snare corrupt cops who were protecting drug dealers. Another group in Washington recaptured the Meridian Hill Park from drug traffickers.

While these efforts basically reflect the work of volunteers or the initiative of local sheriffs, states also have been taking new steps. For instance, Washington state has passed a law requiring the continued detention of sex offenders, until medical authorities rule that they are "safe to be at large." And from New York City to Los Angeles, Community Policing programs are getting cops out of their cars, to walk the beats, to know closely the areas they are patrolling, and to develop closer relations with the locals.

None of these measures eliminates violent crime. There is no single measure or even group of measures that can ensure public safety 100%. But these measures do save lives, and if used more widely they could reduce both violence and the sense of being constantly menaced. Restoring basic civility, more and more social scientists agree, requires a return to basics: a reconstruction of the family; values education in schools; stronger neighborhood bonds; and possibly some kind of spiritual or religious revival.

Enter the civil libertarians.

A major reason anticrime measures such as these are not applied in more communities is that the ACLU and its army of lawyers hobbles them in courts and sours the public's reception to them. To prevail in the courts of law and of public opinion, one must understand the arguments the ACLU advances.

Typicially, the ACLU's opening volley is that the suggested anticrime steps are not cost-effective. Building jails is too expensive; drug rehabilitation is said to be cheaper. Keeping sex offenders in jail until they are safe to be released is a "waste of money." The ACLU does not buttress its points with specific statistics based on valid samples, data comparing a program to a control group, or other such social science evidence. It relies on anecdotes, newspaper clippings and select quotations from favored experts. Indeed, the fact that this line of argument is merely a smoke screen becomes evident once one presents data that the grass-roots anticrime approaches at issue are effective. The ACLU then immediately retreats to its main line of attack: It does not matter if the suggested measures are efficient—they are unconstitutional.

A common claim is that these new anticrime techniques are racist. When the police set up roadblocks in the Lake Meritt area, the San Francisco chapter of the ACLU argued that roadblocks are discriminatory, because more young people are stopped than old ones and more blacks than whites. The police countered that officers asked for IDs from everyone, and only barred nonresidents. The police did "admit" that once they became acquainted with some of the residents, officers simply waved them through.

The same argument is raised against crime databanks, which police across the country are finding a rich resource. The Colorado ACLU attacked Denver's police roster of gang members because more than half of those listed are black, while blacks constituted only 5% of the population, and Hispanics constituted about a third of the list, while they are only 12% of the city's population. The fact that most gang members in Denver are not white did not impress the ACLU, nor did the fact that a person who has no "contact" with the police is dropped from the roster after a specified period.

The ACLU views all roadblocks, screening gates (which are familiar to airline passengers but also increasingly serve schools, courthouses and legislatures), drug testing, examination of lockers in public schools, sobriety checkpoints and the like as violations of the Fourth Amendment's search and seizure protection. What the ACLU specifically objects to in all these situations is that people are being "searched" without there being a specific suspicion that they committed a crime; these are said to constitute searches of the innocent.

Note that the ACLU misstates the Fourth Amendment. It reads, "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. "What is reasonable is open to debate, but the courts have ruled again and again that at issue is a balance between individual rights to privacy and the public's interest in elementary safety.

Surely, no one wishes to intrude wantonly on people's privacy. But when planes full of Americans were being hijacked in the 1970s, the nation embraced screening gates and stopped the terrorists cold. The ACLU's warning that these gates would "condition Americans to a police state" has not proved any more true than its many other predictions about the dire results of improvements in public safety.

SUBJECTING LIBERTIES TO ORDER

The ACLU's gravest mistake is its assumption that the best way to protect liberties is by blocking moves that seek to enhance the role of public authorities. But the greatest threat to a free society is that if liberties cannot be subject to some order, there will be none. When people's most elementary needs—for protection of their lives and those of their loved ones—are not met, they are susceptible to appeals by demagogues. In desperation, they listen to suggestions, such as those of Chicago's former police superintendent Leroy Martin, to shoot drug dealers on sight without trial, and those of fellow citizens who wrote in desperation seeking "to suspend the Constitution until the war against drugs is won."

There is a faint hope that people will come to understand protecting public order is not antithetical to civil liberties but, on the contrary, a major precondition of a free society. People must learn to oppose the rigid and narrow interpretation of the Constitution advanced by the ACLU. Communities should be about to advance anticrime measures without the incessant threat of lawsuits.

Mr. LEVIN. Mr. Chairman, I rise in strong support of the Violent Crime Control and Law Enforcement Act of 1994 because we need desperately to turn back the clock on crime and violence in our society.

When residents in the 12th Congressional District—suburban Oakland and Macomb County communities—are afraid to jog at night, to go to the mall alone, or to allow their kids to play in the nearby park, we must say, enough is enough. It is intolerable that we no longer feel safe.

Why should we accept anything less for our own kids and grandkids than we ourselves enjoyed? I remember vividly, how as teenagers,

my brother and I felt safe—day or night—on the streets of our neighborhoods, playing ball in the park, or taking the bus to see the Detroit Red Wings.

We must turn back the clock on crime and violence.

We must act swiftly and smartly. We must marshall our resources to provide for both punishment and prevention.

We must do so in a way that is effective for communities both large and small. For example, when we add more community police, and we must do so, we must leave the decision of how to use them up to local law enforcement. One community may need to add law enforcement officers to their streets, while another would benefit by adding them to multijurisdictional task forces. In either case, the end result is the same—combating criminal activity in a manner that will prove most effective in our individual communities.

We also need to focus on our future, our children. We must stop dead in its tracks the spread of youth violence and drug abuse. We need the programs in this bill which provide constructive alternatives so that our young people don't get started in criminal activity. But, if they do, we need the boot camps this bill provides to prevent youthful, first-time, nonviolent offenders from taking even further steps toward violent action.

Most important, those who commit criminal acts should face swift and certain punishment. We need the provision in this bill which tells criminals that if you commit three violent offenses, your clock has run out. And we need the Federal funds this bill provides to build and run State prisons. Prison overcrowding is an outrageous excuse for granting parole.

If we are truly going to turn back the clock on crime and violence in our communities—and I believe we should accept nothing less—we must start today by passing this bill. I urge my colleagues to join me in support.

Mr. McCOLLUM. Mr. Chairman, during the House floor debate of the Violent Crime Control and Law Enforcement Act, H.R. 4092, I referred to several letters that were submitted regarding title VI and title IX of the crime bill. I want to thank the individuals and organizations that worked so diligently to provide guidance to Members of the House of Representatives during consideration of these important titles. Also, I would like to submit one letter in particular, that from the American Legislative Exchange Council [ALEC] to the RECORD.

I would also like to add that not only did I receive correspondence from ALEC on behalf of my truth in sentencing prison amendment which I offered in substitute for title VI of the crime bill, I also drew letters of support from: the National Troopers Coalition, Governor Allen, and John Walsh of America's most wanted.

Further, Mr. Chairman, I received letters from the following organizations in opposition to title IX, the Racial Justice Act, and in support of my amendment to substitute the Equal Justice Act for the Racial Justice Act: the National District Attorney's Association, 32 bipartisan State attorneys general; the National Troopers Coalition, the American Legislative Exchange Council; Hon. Michael Bowers, the attorney general of the State of Georgia, State attorney Lawson Lamar, the ninth judicial circuit of Florida, State attorney Norman Wolfinger, and the eighteenth judicial circuit of Florida.

AMERICAN LEGISLATIVE
EXCHANGE COUNCIL,
Washington, DC, April 19, 1994.

DEAR MEMBER OF CONGRESS: The United States House of Representatives is about to vote on H.R. 4092, the 1994 Crime Bill. There are several provisions of this legislation which cause significant concern for members of the American Legislative Exchange Council (ALEC).

As you may know, ALEC is the nation's largest, private, bipartisan association of state legislators. We count as members more than 2,500 Democratic and Republican lawmakers, who, together, represent more than 63 million Americans across all fifty states. Since 95 percent of all crime occurs within the jurisdiction of the states, ALEC members represent the front line in our collective work to control crime.

Yesterday, ALECs officers, and more than 100 of our members, wrote urging you to support significantly higher authorization levels for prison construction as embodied in amendments offered by Congressmen McCollum and Chapman (letter attached). This remains the highest possible priority for our members.

However, there are additional provisions in the Crime Bill which, if included in the final legislation, would so undermine state crime control efforts that ALEC members would be forced to urge you to vote against the entire Crime Bill regardless of the authorization level for prison construction and operations. These are the habeas corpus changes proposed by Congressmen Don Edwards and Craig Washington and the so-called "Racial Justice Act."

As currently written, these provisions of the Crime Bill would:

Relax rule governing habeas corpus petitions;

Establish onerous new mandates on the states, including a requirement that at least two lawyers be appointed to represent defendants;

Reverse several U.S. Supreme Court rulings which prohibit most appeals based on developments in law subsequent to a defendant's conviction;

Expand the appeals process for defendant's facing the death penalty; and

Allow a convict facing capital punishment to use, in court, statistics to demonstrate racial discrimination and thereby prompt a judge to impose a lighter sentence, even if no evidence is presented demonstrating that race was a factor in his particular case.

These changes would substantially weaken current law, lead to virtually endless appeals, and effectively end the death penalty in the 36 states that now have capital punishment.

Several amendments will be offered concerning these provisions of the Crime Bill, including those proposed by Congressmen Butler Derrick, Henry Hyde and Bill McCollum.

Although undoubtedly well-intentioned, the amendment proposed by Congressman Derrick does not remedy the problems raised by habeas language in the bill and would significantly weaken current law. After careful study, our members join the National District Attorney's Association in their conclusion that a vote for the Derrick amendment is not habeas reform but is a "vote to end the death penalty." As a result, we urge you to oppose the Derrick amendment.

Our members are convinced that the only amendment which ensures that habeas corpus defects in the Crime Bill are remedied is that offered by Congressman Henry Hyde to strike Title VIII. Similarly, we are convinced that the only amendment offered to remove the "racial justice" provisions is that offered by Congressman Bill McCollum to strike Title IX and substitute the equal justice provision to the exclusion of all other amendments. As a result, we urge you to support the Hyde and McCollum amendments.

Sincerely,

HAROLD BRUBAKER,
Representative, NC, ALEC National Chairman.

SAMUEL A. BRUNELLI,
ALEC Executive Director.

Attachment: "Dear Colleague" letter dated April 16, 1994.

AMERICAN LEGISLATIVE
EXCHANGE COUNCIL,
Washington, DC, April 16, 1994.

DEAR COLLEAGUE: The U.S. House of Representatives is about to vote on H.R. 4092, the 1994 Crime Bill. One of the most important provisions of that bill will give states the resources to incarcerate more violent criminals.

Unfortunately, the Bill as reported by the House Judiciary Committee contains a provision sponsored by Congressman William Hughes (D-NJ), which would apply inappropriate and counterproductive conditions on the $3 billion proposed for the states to construct and operate correctional facilities and programs. Congressman Hughes has been given permission by the House Rules Committee to offer an almost identical amendment to the Judiciary Committee bill on the floor of the House.

Both the Hughes provision of the Crime Bill and the Hughes Amendment are unacceptable to state legislators who are leading our nation's war on crime.

As structured, these provisions would require states to submit a corrections plan to the U.S. Department of Justice which must contain, among other things, diversion programs, particularly drug diversion programs, community corrections programs, and prisoner treatment programs. These provisions unacceptably empower the U.S. Justice Department to intrude on the operation of state correctional systems.

Of even greater concern is the possibility that this $3 billion could be used entirely for such programs without states building even one new prison bed for violent offenders. As America's state legislators and the nations front-line working for crime control, we know that more diversion from prison will mean more crime.

Alternative amendments to the Hughes corrections provisions will be offered by Congressmen Bill McCollum (R-FL) and Jim Chapman (D-TX). These amendments to the Crime Bill would provide over three times as much funding or state corrections facilities and programs which would enable the states to add over 100,000 new prison beds for violent offenders. It has been estimated that this additional capacity would allow for the imprisonment of every serious violent offender over the next ten years, preventing millions of violent crimes. Nothing else in the Crime Bill comes close to promising these kinds of significant crime control effects.

As the nation's largest bipartisan, individual membership group of state legislative leaders, we urge all Members of Congress to vote to defeat the Hughes Amendment of

H.R. 4092 and to vote for both the McCollum Amendment and the Chapman Amendment, each of which provides $10 billion or more to build prisons. Voting for both of these amendments will send a clear signal to the House-Senate Conference that a $22 billion Crime Bill should provide no less than $10 billion to do what the American people are demanding—get violent criminals off our streets.

Very truly yours,

HAROLD J. BRUBAKER,
National Chairman, NC.
RAY POWERS,
1st Vice Chairman, CO.
JIM NEAL,
2d Vice Chairman, DE.
DALE VAN VYVEN,
Treasurer, OH.
JOSEPH MANCHIN, III,
Secretary, WV.
WILLIAM J. RAGGIO,
Immediate Past National Chairman, NV.

Attachments: Additional signatories to the letter

ADDITIONAL SIGNATORIES

(Original signatures on file at ALEC)

Arkansas: Representative Bobby Hogue, Speaker Elect; Representative James Dietz; Representative E. Ray Stalnaker.

California: Senator Newton Russell.

Colorado: Senator Ray Powers, Representative Bud Moellenberg, Representative Ron May.

Delaware: Senator Jim Neal, Representative V. George Carey.

Georgia: Representative Kathy Ashe; Representative Earl Ehrhart; Representative Tom Lawrence.

Hawaii: Representative David Stegmaier.

Idaho: Representative Bruce Newcomb, House Majority Leader; Representative Donna Jones; Representative Celia Gould; Senator Mary Hartung, Assistant Senate Majority Leader; Representative Steve Antone.

Indiana: Representative Samuel Turpin; Representative Robert Behning; Senator Kent Adams.

Kansas: Representative Kenney King; Representative Bob Meade; Representative Jack Wempe; Senator Patricia Ranson; Representative Susan Wagle; Representative Jo Ann Pottorff.

Louisiana: Representative Donald Ray Kennard.

Maryland: Delegate Ellen Sauerbrey, House Minority Leader; Delegate Martha Klima.

Maine: Senator Jane Amero.

Michigan: Representative Carl Gnodtke; Senator Phil Hoffman.

Mississippi: Representative David Halbrook; Representative Ted Foster; Representative Joe McElwaine; Senator Walter Graham, President Pro Tem of the Senate; Senator Mike Gunn.

Missouri: Representative Sandra Kauffman.

Montana: Representative Steve Benedict; Senator Daryl Toews; Representative Shiell Anderson.

North Carolina: Representative Harold Brubaker, ALEC National Chairman; Representative Michael Wilkens; Representative Arlie Culp; Representative Nelson Cole; Representative Frank Mitchell; Senator Robert Shaw.

North Dakota: Representative Tom Freier, Assistant House Majority Leader; Representative Mike Timm; Representative John M. Dorso; Senator Meyer Kinnoin; Senator David Nething; Representative Alan Carlson.

New Hampshire: Representative Carl Johnson; Representative Francis Riley; Representative Gary Daniels; Representative George Wright; Representative Arthur Smith.

New Jersey: Assemblywoman Clare Farragher.

New Mexico: Representative Jerry Lee Alwin, Representative George Buffett, Senator Leonard Rawson, Senator Joe Carraro, Representative Earlene Roberts.

Nevada: Senator William Raggio, Senate Majority Leader; Assemblyman Pomroy Neighbors; Assemblywoman Kathy Augustine; Assemblyman John Regan; Assemblyman Lynn Hetrick.

New York: Senator Owen Johnson, Assemblyman Robert Straniere.

Ohio: Representative Dale Van Vyven.

Oklahoma: Senator Ben Robinson.

Oregon: Representative Carolyn Oakley, House Majority Whip.

Pennsylvania: Representative James Merry, Representative Don Snyder, Representative Jess Stairs, Representative George Saurman, Senator Charles Lemmond, Representative Paul Semmel.

South Dakota: Representative Della Wishard, Representative Cheryl Madden.

Texas: Representative Mary Denny, Representative Nancy Moffat, Representative David Swinford, Representative Warren Chisum, Representative Ray Allen, Representative Jerry Madden.

Virginia: Senator Joseph Benedetti, Senate Minority Leader.

Vermont: Senator Sarah Gear, Assistant Senate Majority Leader; Representative Howard Crawford; Representative William Cimonetti.

Washington: Representative Mike Padden.

Wisconsin: Representative Scott Jensen, Representative Mark Green, Representative Susan Vergeront, Representative Daniel Vrakas, Representative Judy Klusman.

West Virginia: Senator Joe Manchin III, Senator Leonard Anderson.

Wyoming: Representative Rick Tempest, Representative Glenda Stark, Representative Patricia Neagle.

□ 1340

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. KENNELLY) having assumed the Chair, Mr. TORRICELLI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4092) to control and prevent crime, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were 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. MCCOLLUM

Mr. McCOLLUM. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. McCOLLUM. Madam Speaker, I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McCOLLUM of Florida moves to recommit the bill (H.R. 4092) to the Committee on the Judiciary, with instructions to report the bill back to the House forthwith, with the following amendment:

Strike title IX and insert the following:

TITLE IX—EQUAL JUSTICE ACT

SEC. 901. SHORT TITLE.

This Act may be cited as the "Equal Justice Act".

Sec. 902. PROHIBITION OF RACIALLY DISCRIMINATORY POLICIES CONCERNING CAPITAL PUNISHMENT OR OTHER PENALTIES.

(a) GENERAL RULES.—The penalty of death and all other penalties shall be administered by the United States and by every State without regard to the race or color of the defendant or victim. Neither the United States nor any State shall prescribe any racial quota or statistical test for the imposition or execution of the death penalty or any other penalty.

(b) DEFINITIONS.—For purposes of this Act—

(1) the action of the United States or of a State includes the action of any legislative, judicial, executive, administrative, or other agency or instrumentality of the United States or a State, or of any political subdivision of the United States or a State;

(2) the term "State" has the meaning given in section 541 of title 18, United States Code; and

(3) the term "racial quota or statistical test" includes any law, rule, presumption, goal, standard for establishing a prima facie case, or mandatory or permissive inference that—

(A) requires or authorizes the imposition or execution of the death penalty or another penalty so as to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims; or

(B) requires or authorizes the invalidation of, or bars the execution of, sentences of death or other penalties based on the failure of a jurisdiction to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims in the imposition or execution of such sentences or penalties.

SEC. 903. GENERAL SAFEGUARDS AGAINST RACIAL PREJUDICE OR BIAS IN THE TRIBUNAL.

In a criminal trial in a court of the United States, or of any State—

(1) on motion of the defense attorney or prosecutor, the risk of racial prejudice or bias shall be examined on voir dire if there is a substantial likelihood in the circumstances of the case that such prejudice or bias will affect the jury either against or in favor of the defendant;

(2) on motion of the defense attorney or prosecutor, a change of venue shall be granted if an impartial jury cannot be obtained in the original venue because of racial prejudice or bias; and

(3) neither the prosecutor nor the defense attorney shall make any appeal to racial

prejudice or bias in statements before the jury.

SEC. 904. FEDERAL CAPITAL CASES.

(a) JURY INSTRUCTIONS AND CERTIFICATION.—In a prosecution for an offense against the United States in which a sentence of death is sought, and in which the capital sentencing determination is to be made by a jury, the judge shall instruct the jury that it is not to be influenced by prejudice or bias relating to the race or color of the defendant or victim in considering whether a sentence of death is justified, and that the jury is not to recommend the imposition of a sentence of death unless it has concluded that it would recommend the same sentence for such a crime regardless of the race or color of the defendant or victim. Upon the return of a recommendation of a sentence of death, the jury shall also return a certificate, signed by each juror, that the juror's individual decision was not affected by prejudice or bias relating to the race or color of the defendant or victim, and that the individual juror would have made the same recommendation regardless of the race or color of the defendant or victim.

(b) RACIALLY MOTIVATED KILLINGS.—In a prosecution for an offense against the United States for which a sentence of death is authorized, the fact that the killing of the victim was motivated by racial prejudice or bias shall be deemed an aggravating factor whose existence permits consideration of the death penalty, in addition to any other aggravating factors that may be specified by law as permitting consideration of the death penalty.

(c) KILLINGS IN VIOLATION OF CIVIL RIGHTS STATUTES.—Sections 241, 242, and 245(b) of title 18, United States Code, are each amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

SEC. 905. EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES.

(a) SECTION 241 AMENDMENT.—Section 241 of title 18, United States Code, is amended by striking "inhabitant of" and inserting "person in".

(b) SECTION 242 AMENDMENT.—Section 242 of title 18, United States Code, is amended by striking "inhabitant of" and inserting in lieu thereof "person in", and by striking "such inhabitant" and inserting "such person".

Mr. McCOLLUM (during the reading). Madam Speaker, I ask unanimous consent the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. McCOLLUM] is recognized for 5 minutes in support of his motion to recommit.

Mr. McCOLLUM. Madam Speaker, what we are here today right now for is on a motion to recommit with instructions. Those of us on our side of the aisle could have offered a lot of things in this motion to recommit that we have not done today.

We are very concerned, as you know, about the 40 years of consecutive control of this House by one political party, the Democrat party, and the fact you did not in your Committee on Rules allow us the opportunity to offer an amendment that would have changed the rules of evidence so we could have avoided in criminal cases a lot of technical impediments to getting convictions. We have been very upset we did not get out of your Committee on Rules the opportunity to offer an amendment that would help us deport criminal aliens, that comprise 25 percent of the prison population of this country. And a lot of us are concerned that we do not have in this bill sufficient guarantees that the States will actually go to truth in sentencing, to end the revolving door that is spinning out those that are repeat convicted violent felons in return for the grant money that is in this bill.

But we are not offering any of those things in this motion to recommit today. We are offering only one thing, because we think this is not a partisan issue. It is too important.

We are offering only one thing in this motion to recommit today, because we do not think that it is something that can be put on the table as a partisan matter. It is too darn important. It is a motion to recommit with instructions to revote the McCollum amendment on the Equal Justice Act that we had a vote on yesterday that was a virtual tie.

The reason why this is so important was expressed this morning in a headline in the Philadelphia Enquirer, and I call all of my colleagues' attention to it. The headline reads, "House approves racial bias test for death penalty." The subheadline reads, "Nearly 4,000 death row convicts could try to use the provision. Hundreds could escape execution."

The bottom line is that if this proposal I am offering right now fails to pass today, we will effectively end the death penalty in the 36 states of the Union where it is under law today applicable to give capital punishment.

Now, that is not just my view. That is a nonpartisan view. This is the view of some 7,000 State and local prosecutors who have expressed that to us from the National District Attorneys Association.

I have before me today a letter dated April 20 signed by William C. O'Malley from the National District Attorneys Association that says:

> We strongly urge the House of Representatives to recommit with instructions to repeal title IX, the Racial Justice Act of the crime bill, H.R. 4092.

This particular letter said:

> While this legislation is entitled to invoke racial connotations, it is in fact patently designed to end the use of the death penalty in this country.

That is what 7,000 district attorneys in this country say about the bill as it is unamended today. It says further that this legislation places an impossible burden on the prosecutors to prove a negative. It raises an inference of discrimination on the basis of statistics that are impossible for the prosecutor to overcome.

I would like to point out to my colleagues that this is not a black and white issue. This is a fact that even white capital punishment people on death row today could claim this and get out from under their particular burden of being on death row. It is a matter of jurisdiction, not case-by-case. Not the individual case question on discrimination, but if the jurisdiction has. It is a very wrong, wrong thing, that the States attorneys of this country understand is virtually impossible.

This is not a partisan issue, because there are 33 States attorneys general who want this same thing done today. They want this motion to recommit with instructions to pass, because they understand the death penalty will be effectively repealed. And 18 of the 33 signers of this attorneys general letter are Democrats. Eighteen of the 33.

This is not a partisan issue to the law enforcement community of this country. It is an issue to restore the death penalty as we know it.

I also have a letter from the Law Enforcement Alliance of America representing 40,000 law enforcement professionals, who say:

> The Nation's law enforcement professionals urge you to support Congressman McCOLLUM'S proposal to recommit this bill.

There is very little more that will anyone could say about this, except to say to Members that you are not going to vote on a procedural matter here today in the next couple of minutes. You are going to vote on a motion to recommit with instructions, the effect of which is to immediately amend this bill, to put the Equal Justice Act in place of what is in the bill today. That would end the death penalty. It is a vote on whether or not we are going to restore the death penalty, that would otherwise be removed by this bill.

Make no mistake about it: Not a single Member of this body can hide behind the fact that this vote might be technical or procedural in nature. As soon as this motion is carried, we will have final passage on this bill, as amended with these dastardly provisions of this bill that would strike the death penalty removed.

I urge my colleagues in no uncertain terms to send a message that the American public wants, that we do demand that we have back in the laws of this country and put in full force and effect the deterrent effect of the death penalty, and that we not allow in the name of so-called racial justice that we strike out the entire provisions of the death penalty.

I would remind you of one other thing: Despite what my good friend the Majority Leader said out here on the floor yesterday, this is retroactive. It does apply to every death row inmate

today in our prison system, and every single one of them, white or black, would be off the hook, unless you vote for the motion to recommit that I have offered today. Please vote yes. Please protect the death penalty. Let us not have a bad bill out here today.

□ 1350

Mr. BROOKS. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mrs. KENNELLY). The gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

Mr. BROOKS. Madam Speaker, I yield myself such time as I may consume.

This motion makes the sixth time that the other side of the aisle has seen fit to try and derail through procedural tactics the toughest, most carefully structured crime bill to come out of the House in 20 years. The effort to stall movement of the crime bill first began as an effort to try and defeat the rule at the very beginning of the debate, even though that rule permitted 68 amendments going to every major plank of the bill.

The same negative effort was next seen in a series of unprecedented motions to rise and to "strike after the enacting clause." All went down to inglorious and appropriate defeat.

At the end of the process, we now witness the latest reincarnation of their efforts to stop the crime bill with a motion to recommit with instructions.

As we all know, the motion to recommit contains language that has already been voted down by this body. Yet the other side persisted in denying the truth recognized by all objective observers. The bill now poised to pass the House represents a breakthrough effort to achieve a balance between hard-nosed punishment and forward-looking prevention.

I want to address the misleading headline about racial justice from the article the gentleman referred to from the Philadelphia Inquirer, an article where orientation seems to the right of Attila the Hun. The sub-headline blares out: 4,000 death row convicts could escape execution if racial justice is enacted.

Well, I want to tell my colleagues, just as I said it in committee, and as I said it on the floor; I will tell you again: I am going to support no retroactivity in that racial justice provision. It will not be in the conference report if I bring it back. Members can just bank on it. We are not going to have it in that conference report, if I sign it.

Now, another thing I want to tell Members, the wide array of Members from both sides of the aisle who have contributed substantially to this package need to stand firm and resist this last gasp attempt to split open and stall the crime legislation.

The product is one about which we can all be proud. It shows the value of expertise and experience in crafting legislation that will do the job at the community and neighborhood level and not just on the television screen with the 10-second sound bite.

Now, for the sixth time, I would ask my colleagues to opt for forward movement. Vote no on this procedural ploy. Let us get on with passing the crime bill.

Madam Speaker, I yield 30 seconds to the gentleman from New York [Mr. SCHUMER], the distinguished chairman of the Subcommittee on Crime and Criminal Justice.

Mr. SCHUMER. Madam Speaker, this is an historic moment. For the first time this body is recognizing the anguish out on the streets that hollers to us, do something about crime.

We are tough on punishment. We are smart on prevention. This bill should not be deterred by the ideologies of the far left or the far right.

The racial justice provision is fair and balanced without any retroactivity. We cannot turn this bill back to committee. This is an historic moment.

Reject the motion to recommit. Pass this bill and for once make America proud of this Congress.

Mr. BROOKS. Madam Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader of the Democratic Party in the U.S. Congress.

Mr. GEPHARDT. Madam Speaker, the final votes, the final judgment on this bill approaches. I urge Members to vote against the motion to recommit and to vote for the bill.

This is not a perfect bill from anyone's viewpoint in this Chamber, but I argue to my colleagues that it is a good bill for everyone here and for our country.

It encompasses punishment in terms of prisons and sentences and police, and it encompasses prevention in terms of drug treatment and education and training, to keep people from committing crimes before they move to do that.

Everyone knows we must do both, and everyone here has worked to put together a piece of legislation that is good for this country.

Yesterday we added racial justice, and it was the right thing to do. It will not be retroactive, but it will keep the respect and the faith of all of our people in our great criminal justice system.

When members vote, I hope they will not be looking at each provision and each process and each thing that they may like or not like but keep in their mind the young 11-year-old girl here in the District who said she dreams not of her prom dress but of the dress she will wear in her coffin, to think in their minds of the families of the children who have been killed, the victims of violence.

Vote against the motion to recommit. Vote for the bill and vote for the American people.

The SPEAKER pro tempore. 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. MCCOLLUM. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 235, not voting 5, as follows:

[Roll No. 143]

AYES—192

Allard	Gillmor	McKeon
Archer	Gilman	McMillan
Armey	Gingrich	Meyers
Bachus (AL)	Goodlatte	Mica
Baker (CA)	Goodling	Michel
Baker (LA)	Goss	Miller (FL)
Ballenger	Grams	Molinari
Barcia	Greenwood	Moorhead
Barrett (NE)	Gunderson	Myers
Bartlett	Hall (TX)	Nussle
Barton	Hancock	Orton
Bateman	Hansen	Oxley
Bentley	Hastert	Packard
Bereuter	Hefley	Paxon
Bilbray	Herger	Petri
Bilirakis	Hobson	Pickett
Bliley	Hoekstra	Pombo
Blute	Hoke	Porter
Boehner	Holden	Portman
Bonilla	Horn	Pryce (OH)
Browder	Houghton	Quillen
Bunning	Huffington	Ramstad
Burton	Hunter	Ravenel
Buyer	Hutchinson	Regula
Callahan	Hutto	Ridge
Calvert	Hyde	Roberts
Camp	Inglis	Rogers
Canady	Inhofe	Rohrabacher
Castle	Istook	Ros-Lehtinen
Clinger	Johnson (CT)	Roth
Coble	Johnson, Sam	Roukema
Collins (GA)	Kasich	Rowland
Combest	Kim	Royce
Condit	King	Santorum
Cox	Kingston	Sarpalius
Crane	Klink	Saxton
Crapo	Klug	Schaefer
Cunningham	Knollenberg	Schiff
Darden	Kolbe	Sensenbrenner
Deal	Kyl	Shaw
DeLay	Lancaster	Shuster
Diaz-Balart	Lazio	Sisisky
Dickey	Leach	Skeen
Doolittle	Lehman	Smith (MI)
Dornan	Levy	Smith (NJ)
Dreier	Lewis (FL)	Smith (OR)
Duncan	Lightfoot	Smith (TX)
Dunn	Linder	Snowe
Ehlers	Lipinski	Solomon
Emerson	Livingston	Spence
Everett	Lloyd	Stearns
Ewing	Machtley	Stenholm
Fawell	Manzullo	Stump
Fields (TX)	Margolies-Mezvinsky	Sundquist
Fowler	McCandless	Talent
Franks (CT)	McCollum	Tanner
Franks (NJ)	McCrery	Tauzin
Gallegly	McDade	Taylor (MS)
Gekas	McHugh	Taylor (NC)
Geren	McInnis	Thomas (CA)
Gilchrest		Thomas (WY)

Torkildsen
Upton
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—235

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Long
Lowey
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—5

Andrews (NJ)
Fish
Gallo
Grandy
Lewis (CA)

□ 1415

Mr. SISISKY changed his 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 (Mrs. KENNELLY). 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. McCOLLUM. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 285, noes 141, not voting 7, as follows:

[Roll No. 144]

AYES—285

Abercrombie
Ackerman
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clyburn
Coleman
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
DeFazio
DeLauro
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Ewing
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Foley
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastert
Hayes
Hefner
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCurdy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Obey
Olver
Ortiz
Orton
Pallone
Parker
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Sanders
Sangmeister
Santorum
Sawyer
Schenk
Schroeder
Schumer
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spence
Spratt
Stark
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walsh
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Young (FL)

NOES—141

Allard
Andrews (ME)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bliley
Boehner
Bunning
Burton
Callahan
Castle
Clay
Clinger
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Cox
Crane
Crapo
Deal
DeLay
Dellums
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Fawell
Fields (TX)
Ford (MI)
Gekas
Geren
Gingrich
Gonzalez
Goodlatte
Goodling
Goss
Grams
Gunderson
Hall (TX)
Hancock
Hansen
Hastings
Hefley
Herger
Hilliard
Hoekstra
Hoke
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kim
King
Kingston
Knollenberg
Kolbe
Kopetski
Kyl
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Livingston
Manzullo
McCollum
McCrery
McInnis
McKeon
McMillan
Michel
Miller (FL)
Mollohan
Moorhead
Myers
Nussle
Oberstar
Owens
Oxley
Packard
Paxon
Payne (NJ)
Penny
Petri
Pombo
Porter
Portman
Rangel
Roberts
Rohrabacher
Rush
Sabo
Sarpalius
Saxton
Schaefer
Schiff
Scott
Sensenbrenner
Serrano
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Stearns
Stenholm
Stokes
Stump
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Velazquez
Vucanovich
Walker
Washington
Waters
Watt
Waxman
Wolf
Yates
Young (AK)
Zeliff
Zimmer

NOT VOTING—7

Andrews (NJ)
Fish
Furse
Gallo
Grandy
Lewis (CA)
Slattery

□ 1432

Ms. VELAZQUEZ changed her vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. FURSE. Madam Speaker, I was inadvertently delayed during the passage of the bill, on the recorded vote on

final passage. Had I been here, I would have voted "aye," and I ask that the record show that I would have voted "aye" on final passage of H.R. 4092.

PERSONAL EXPLANATION

Mr. SLATTERY. Mr. Speaker, I was inadvertently detained and missed the vote on final passage on H.R. 4092.

Had I been present I would have voted "yea."

Mr. BROOKS. Madam Speaker, pursuant to the provisions of House Resolution 401, I call up from the Speaker's desk the bill, H.R. 3355, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

MOTION OFFERED BY MR. BROOKS

Mr. BROOKS. Madam Speaker, pursuant to House Resolution 401, I offer a motion.

The Clerk read as follows:

Mr. BROOKS moves to concur in the Senate amendments to the bill H.R. 3355 with amendments consisting of the text of the bill H.R. 4092 as passed by the House and to amend the title to read as follows: "The Violent Crime Control and Law Enforcement Act of 1994."

The text of House amendments to Senate amendment to H.R. 3355, as passed by the House is as follows:

House amendments to Senate amendment:

In lieu of the matter inserted by said amendment, insert:

SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF TITLES.

The following is the table of titles for this Act:

TITLE I—VICTIMS OF CRIME

TITLE II—APPLICABILITY OF MANDATORY MINIMUM PENALTIES IN CERTAIN CASES

TITLE III—ASSAULTS AGAINST CHILDREN

TITLE IV—CONSUMER PROTECTION

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

TITLE VI—VIOLENT OFFENDER INCARCERATION

TITLE VII—DEATH PENALTY

TITLE VIII—TRUTH IN SENTENCING

TITLE IX—RACIALLY DISCRIMINATORY CAPITAL SENTENCING

TITLE X—CRIME PREVENTION AND COMMUNITY JUSTICE

TITLE XI—YOUTH VIOLENCE

TITLE XII—CHILD SEXUAL ABUSE PREVENTION ACT OF 1994

TITLE XIII—JACOB WETTERLING CRIMES AGAINST CHILDREN REGISTRATION ACT

TITLE XIV—COMMUNITY POLICING

TITLE XV—DNA IDENTIFICATION

TITLE XVI—VIOLENCE AGAINST WOMEN

TITLE XVII—HATE CRIMES SENTENCING ENHANCEMENT

TITLE XVIII—USE OF FORMULA GRANTS TO PROSECUTE PERSONS DRIVING WHILE INTOXICATED

TITLE XIX—YOUTH HANDGUN SAFETY

TITLE XX—SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS

TITLE XXI—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

TITLE XXII—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

TITLE XXIII—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

TITLE XXIV—IMMIGRATION RELATED PROVISIONS AND CRIMINAL ALIENS

TITLE XXV—RURAL CRIME

TITLE XXVI—COMMISSION ON CRIME AND VIOLENCE

TITLE XXVII—POLICE CORPS AND LAW ENFORCEMENT SCHOLARSHIP ACT

TITLE XXVIII—NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION

TITLE XXIX—PROTECTING THE PRIVACY OF INFORMATION IN STATE MOTOR VEHICLE RECORDS

TITLE XXX—MISCELLANEOUS

TITLE I—VICTIMS OF CRIME

Subtitle A—Victims of Crime

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

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

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

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

(3) inserting after subdivision (a)(1)(C) the following:

"(D) if sentence is to be imposed for a crime of violence or sexual abuse, address the victim personally if the victim is present at the sentencing hearing and determine if the victim wishes to make a statement and to present any information in relation to the sentence.";

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

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

(6) adding at the end the following:

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

"(1) 'victim' means any individual against whom an offense for which a sentence is to be imposed has been committed, but the right of allocution under subdivision (a)(1)(D) may be exercised instead by—

"(A) a parent or legal guardian in case the victim is below the age of eighteen years or incompetent; or

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

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

"(2) 'crime of violence or sexual abuse' means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code.".

Subtitle B—Crime Victims' Fund

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

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

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

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

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

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

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

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

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

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

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

(4) striking paragraph (5).

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

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

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

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

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

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

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

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

SEC. 113. ADMINISTRATIVE COSTS FOR CRIME VICTIM COMPENSATION.

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

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

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

SEC. 114. GRANTS FOR DEMONSTRATION PROJECTS.

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

SEC. 115. ADMINISTRATIVE COSTS FOR CRIME VICTIM ASSISTANCE.

(a) CREATION OF EXCEPTION.—Section 1404(b)(2) of the Victims of Crime Act of 1984 (42

U.S.C. 10603(b)(2)) is amended by striking "An eligible" and inserting "Except as provided in paragraph (3), an eligible".

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

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

SEC. 116. MAINTENANCE OF EFFORT.

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

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

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

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

Subtitle C—Report on Battered Women's Syndrome

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

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

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

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

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

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

TITLE II—APPLICABILITY OF MANDATORY MINIMUM PENALTIES IN CERTAIN CASES

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

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

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

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

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

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

"(4) the defendant was not an organizer, leader, manager, or supervisor of others (as determined under the United States Sentencing Commission Guidelines Manual) in the offense; and

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

(b) SENTENCING COMMISSION AUTHORITY.—

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

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

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

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

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

SEC. 202. DIRECTION TO SENTENCING COMMISSION.

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

SEC. 203. SPECIAL RULE.

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

TITLE III—ASSAULTS AGAINST CHILDREN

SEC. 301. ASSAULTS AGAINST CHILDREN.

(a) SIMPLE ASSAULT.—Section 113(e) of title 18, United States Code, is amended by striking "by fine" and all that follows through the period and inserting "—

"(A) if the victim of the assault is an individual who has not attained the age of 16 years, by a fine under this title or imprisonment for not more than one year, or both; and

"(B) by a fine under this title or imprisonment for not more than three months, or both, in any other case.".

(b) ASSAULTS RESULTING IN SUBSTANTIAL BODILY INJURY.—Section 113 of title 18, United States Code, is amended by adding at the end the following:

"(7) Assault resulting in substantial bodily injury to an individual who has not attained the age of 16 years, by a fine under this title or imprisonment for not more than 5 years, or both.".

(c) TECHNICAL AND STYLISTIC CHANGES TO SECTION 113.—Section 113 of title 18, United States Code, is amended—

(1) in paragraph (b), by striking "of not more than $3,000" and inserting "under this title";

(2) in paragraph (c), by striking "of not more than $1,000" and inserting "under this title";

(3) in paragraph (d), by striking "of not more than $500" and inserting "under this title";

(4) by modifying the left margin of each of paragraphs (a) through (f) so that they are indented 2 ems;

(5) by redesignating paragraphs (a) through (f) as paragraphs (1) through (6); and

(6) by inserting "(a)" before "Whoever".

(d) DEFINITIONS.—Section 113 of title 18, United States Code, is amended by adding at the end the following:

"(b) As used in this subsection—

"(1) the term 'substantial bodily injury' means bodily injury which involves—

"(A) a temporary but substantial disfigurement; or

"(B) a temporary but substantial loss or impairment of the function of any bodily member, organ, or mental faculty; and

"(2) the term 'serious bodily injury' has the meaning given that term in section 1365 of this title.".

(e) ASSAULTS IN INDIAN COUNTRY.—Section 1153(a) of title 18, United States Code, is amended by inserting "(as defined in section 1365 of this title), an assault against an individual who has not attained the age of 16 years" after "serious bodily injury".

TITLE IV—CONSUMER PROTECTION

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

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

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

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

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

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

shall be punished as provided in paragraph (2).

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

"(b)(1) Whoever—

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

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

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

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

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

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

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

"(e)(1)(A) Any individual who has been convicted of any criminal felony involving dishonesty or a breach of trust, or who has been convicted of an offense under this section, and who willfully engages in the business of insurance whose activities affect interstate commerce or participates in such business, shall be fined as provided in this title or imprisoned not more than 5 years, or both.

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

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

"(f) As used in this section—

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

"(A) the writing of insurance, or

"(B) the reinsuring of risks,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(d)(1) Whoever—

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

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

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

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

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

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

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

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

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

"(c) IMPRISONMENT OF CERTAIN CRIMINALS.—

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

"(A) the person has been convicted (and those convictions have become final) on 2 or more prior occasions, in a court of the United States or of a State, of serious violent felonies or serious drug offenses, or any combination of such felonies and offenses; and

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

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

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

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

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

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

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

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

"(i) a Federal or State offense, by whatever designation and wherever committed, consisting of murder (as described in section 1111 of this title); manslaughter other than involuntary manslaughter (as described in section 1112 of this title); assault with intent to commit murder (as described in section 113(a) of this title); assault with intent to commit rape; aggravated sexual abuse and sexual abuse (as described in sections 2241 and 2242 of this title); abusive sexual contact (as described in sections 2244 (a)(1) and (a)(2) of this title); kidnapping; aircraft piracy (as described in section 902(i)(2) or 902(n)(2) of the Federal Aviation Act of 1958); robbery (as described in section 2111, 2113, or 2118 of this title); carjacking (as described in section 2119 of this title); extortion; arson; firearms use; or attempt, conspiracy, or solicitation to commit any of the above offenses; or

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

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

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

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

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

"(3) NONQUALIFYING FELONIES.—

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

"(i) no firearm or other dangerous weapon was used in the offense and no threat of use of a firearm or other dangerous weapon was involved in the offense; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) by inserting after such matter the following:

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

TITLE VI—VIOLENT OFFENDER INCARCERATION

SEC. 601. GRANTS FOR CORRECTIONAL FACILITIES.

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

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

(1) assurances that the State or States, have implemented, or will implement, correctional policies and programs, including truth in sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent ofenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public;

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

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

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

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

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

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

(c) CONSIDERATION.—The Attorney General, in making such grants, shall give consideration to the special burden placed on States which incarcerate a substantial number of inmates who are in the United States illegally.

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

SEC. 602. RULES AND REGULATIONS.

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

SEC. 603. TECHNICAL ASSISTANCE AND TRAINING.

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

SEC. 604. EVALUATION.

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

SEC. 605. DEFINITION.

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

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $600,000,000 for each of the fiscal years 1995

through 1999 to carry out the purposes of this title.

TITLE VII—DEATH PENALTY

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

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

"CHAPTER 228—DEATH SENTENCE

"Sec.
"3591. Sentence of death.
"3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Special provisions for Indian country.

"§3591. Sentence of death

"A defendant who has been found guilty of—

"(1) an offense described in section 794 or section 2381 of this title;

"(2) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at the hearing under section 3593—

"(A) intentionally killed the victim;

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

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

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

"(3) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section which involved not less than twice the quantity of controlled substance described in subsection (b)(2)(A) of that section or twice the gross receipts described in subsection (b)(2)(B) of that section; or

"(4) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer, or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of the enterprise or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or members of the family or household of such a person;

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(1) DEATH DURING COMMISSION OF ANOTHER CRIME.—The death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), section 36 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1118 (prisoners serving life term), section 1201 (kidnapping), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1203 (hostage taking), section 1992 (wrecking trains), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2381 (treason) of this title, or section 902 (i) or (n) of the Federal Aviation Act of 1958 (49 U.S.C. 1472 (i) or (n)) (aircraft piracy).

"(2) PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—For any offense, other than an offense for which a sentence of death is sought on the basis of section 924(c) of this title, as amended by this Act, the defendant has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm, as defined in section 921 of this title, against another person.

"(3) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute.

"(4) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(5) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(6) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMITTING OFFENSE.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(7) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(8) PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(9) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism.

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

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

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

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

"(14) HIGH PUBLIC OFFICIALS.—The defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice-President-elect, the Vice-President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(B) a Chief of State, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A) of this title, if the official is in the United States on official business; or

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

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

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

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

For purposes of this subparagraph, a 'law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution or adjudication of an offense, and includes those engaged in corrections, parole, or probation functions.

"(15) PRIOR CONVICTION OF SEXUAL ASSAULT OR CHILD MOLESTATION.—In the case of an offense under chapter 109A (sexual abuse) or chapter 110 (sexual abuse of children), the defendant has previously been convicted of a crime of sexual assault or crime of child molestation.

"(d) AGGRAVATING FACTORS FOR DRUG OFFENSE DEATH PENALTY.—In determining whether to recommend a sentence of death for an offense described in paragraph (3), (4), or (5) of section 3591, the jury, or if there is no jury, the court, shall consider any aggravating factor for which notice has been provided under section 3593 of this title, including the following factors:

"(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(2) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(3) PREVIOUS SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a sentence of five or more years of imprisonment was authorized by statute.

"(4) USE OF FIREARM.—In committing the offense, or in furtherance of a continuing criminal enterprise of which the offense was a part, the defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm, as defined in section 921 of this title, to threaten, intimidate, assault, or injure a person.

"(5) DISTRIBUTION TO PERSONS UNDER TWENTY-ONE.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 418 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(6) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 419 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(7) USING MINORS IN TRAFFICKING.—The offense or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 420 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(8) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant.

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

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

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

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

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

The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family, and may include oral testimony, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim and the victim's family, and any other relevant information. The court may also permit the attorney for the government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—If the attorney for the government has filed a notice as required under subsection (a) and the defendant is found guilty of or pleads guilty to an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

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

A jury impaneled pursuant to paragraph (2) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty or pleads guilty to an offense under section 3591, no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. The defendant may present any information relevant to a mitigating factor. The government may present any information relevant to an aggravating factor for which notice has been provided under subsection (a). The government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The government shall open the argument. The defendant shall be permitted to reply. The government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

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

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, an aggravating factor required to be considered under section 3592 is found to exist, the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist outweigh any mitigating factors. The jury, or if there is no jury, the court shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants. The jury shall be instructed that its recommendation concerning a sentence of death is to be based on the aggravating factor or factors and any mitigating factors which have been found, but that

the final decision concerning the balance of aggravating and mitigating factors is a matter for the jury's judgment.

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

"§3594. Imposition of a sentence of death

"Upon a recommendation under section 3593(e) that the defendant should be sentenced to death, the court shall sentence the defendant accordingly. Otherwise, the court shall impose any lesser sentence that is authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without possibility of release.

"§3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) The court of appeals shall address all substantive and procedural issues raised on the appeal of a sentence of death, and shall consider whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor and whether the evidence supports the special finding of the existence of an aggravating factor required to be considered under section 3592.

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

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

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

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

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

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

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

"§3596. Implementation of a sentence of death

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to the provisions of this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does provide for the implementation of a sentence of death, and the sentence shall be implemented in the latter State in the manner prescribed by such law.

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

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

"§3597. Use of State facilities

"(a) IN GENERAL.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELIGIOUS GROUNDS.—No employee of any State department of corrections, the United States Department of Justice, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any prosecution or execution under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participation' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.

"§3598. Special provisions for Indian country

"Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country as defined in section 1151 of this title, and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has elected that this chapter have effect over land and persons subject to its criminal jurisdiction.".

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

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

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

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

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

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

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

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

(4) KIDNAPPING.—Section 1201(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(5) NONMAILABLE INJURIOUS ARTICLES.—The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the paragraph.

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

(7) BANK ROBBERY.—Section 2113(e) of title 18, United States Code, is amended by striking "or punished by death if the verdict of the jury shall so direct" and inserting "or if death results shall be punished by death or life imprisonment".

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

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

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

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

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

(c) AIRCRAFT AND MOTOR VEHICLES.—Section 34 of title 18, United States Code, is amended by

striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the section.

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

(a) HOSTAGE TAKING.—Section 1203(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(b) MURDER FOR HIRE.—Section 1958(a) of title 18, United States Code, is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined under this title, or both".

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

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

(d) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking ", a fine of not more than $1,000,000 and imprisonment for life;" and inserting ", where death results, by death or imprisonment for life and a fine under this title, or both;".

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

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

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

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

"§2245. Sexual abuse resulting in death

"Whoever, in the course of an offense under this chapter, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 109A of title 18, United States Code, is amended by striking the item for section 2245 and adding the following:

"2245. Sexual abuse resulting in death.
"2246. Definitions for chapter.".

(g) DEATH PENALTY FOR SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(d) of title 18, United States Code, is amended by adding at the end the following: "Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

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

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

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

(3) inserting after subsection (b) the following:

"(c) Whoever kills or attempts to kill any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113 of this title.";

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

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

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

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

(i) DEATH PENALTY FOR MURDER OF FEDERAL WITNESSES.—Section 1512(a)(2)(A) of title 18, United States Code, is amended to read as follows:

"(A) in the case of murder as defined in section 1111 of this title, the death penalty or imprisonment for life, and in the case of any other killing, the punishment provided in section 1112 of this title; and".

(j) PROTECTION OF COURT OFFICERS AND JURORS.—Section 1503 of title 18, United States Code, is amended—

(1) by designating the current text as subsection (a);

(2) by striking "fined not more than $5,000 or imprisoned not more than five years, or both." and inserting "punished as provided in subsection (b).";

(3) by adding at the end the following:

"(b) The punishment for an offense under this section is—

"(1) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title;

"(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than twenty years, a fine under this title, or both; and

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

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

(k) FOREIGN MURDER OF UNITED STATES NATIONALS.—

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

"§1118. Foreign murder of United States nationals

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

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

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

"(d) As used in this section, the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

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

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

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

(l) DEATH PENALTY FOR CIVIL RIGHTS MURDERS.—

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

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

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

(4) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—Section 247(c)(1) of title 18, United States Code, is amended by inserting ", or may be sentenced to death" after "or both".

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

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

"§1119. Murder by a Federal prisoner

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

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

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

"(2) the term 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death; and

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following:

"1119. Murder by a Federal prisoner.".

SEC. 705. MURDER BY ESCAPED PRISONERS.

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

"§1120. Murder by escaped prisoners

"(a) IN GENERAL.—Whoever, having escaped from a Federal prison where such person was confined under a sentence for a term of life imprisonment, kills another shall be punished as provided in sections 1111 and 1112 of this title.

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"1120. Murder by escaped prisoners.".

SEC. 706. DRIVE-BY SHOOTINGS.

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

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

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

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

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

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

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

Section 924 of title 18, United States Code, is amended by adding at the end the following:

"(j) Whoever, in the course of a violation of subsection (c) of this section, causes the death of a person through the use of a firearm, shall—

"(1) if the killing is a murder as defined in section 1111 of this title, be punished by death or by imprisonment for any term of years or for life; and

"(2) if the killing is manslaughter as defined in section 1112 of this title, be punished as provided in that section.".

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

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

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

"(a) Whoever intentionally kills—

"(1) a State or local official, law enforcement officer, or other officer or employee while working with Federal law enforcement officials in furtherance of a Federal criminal investigation—

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

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

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

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

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

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

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

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

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

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following:

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

SEC. 709. PROHIBITION OF RETALIATORY KILLINGS OF WITNESSES, VICTIMS AND INFORMANTS.

Section 1513 of title 18, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting after the section heading a new subsection (a) as follows:

"(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

"(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

"(B) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole or release pending judicial proceedings given by a person to a law enforcement officer;

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under this subsection is—

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title; and

"(B) in the case of an attempt, imprisonment for not more than twenty years, a fine under this title, or both.".

SEC. 710. WEAPONS OF MASS DESTRUCTION.

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

"§2332a. Use of weapons of mass destruction

"(a) Whoever uses, or attempts or conspires to use, a weapon of mass destruction—

"(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States;

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

"(b) For purposes of this section—

"(1) the term 'national of the United States' has the meaning given in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(2) the term 'weapon of mass destruction' means—

"(A) any destructive device as defined in section 921 of this title;

"(B) poison gas;

"(C) any weapon involving a disease organism; or

"(D) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113A of title 18, United States Code, is amended by inserting after the item relating to section 2332 the following:

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

SEC. 711. VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"§36. Violence at international airports

"(a) Whoever unlawfully and intentionally, using any device, substance or weapon—

"(1) performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious bodily injury (as defined in section 1365 of this title) or death; or

"(2) destroys or seriously damages the facilities of an airport serving international civil aviation or a civil aircraft not in service located thereon or disrupts the services of the airport;

if such an act endangers or is likely to endanger safety at that airport, or attempts to do such an act, shall be fined under this title or imprisoned not more than twenty years, or both; and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) There is jurisdiction over the prohibited activity in subsection (a) if—

"(1) the prohibited activity takes place in the United States; or

"(2) the prohibited activity takes place outside of the United States and the offender is later found in the United States.

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

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

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

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"36. Violence at international airports.".

(c) EFFECTIVE DATE.—This section shall take effect on the later of—

(1) the date of the enactment of this Act; or

(2) the date the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971, has come into force and the United States has become a party to the Protocol.

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

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

"§2280. Violence against maritime navigation

"(a) Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship;

"(3) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;

"(4) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship;

"(5) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if such act is likely to endanger the safe navigation of a ship;

"(6) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safe navigation of a ship;

"(7) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in paragraphs (1) through (6); or

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

shall be fined under this title or imprisoned not more than twenty years, or both; and if the death of any person results, from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) Whoever threatens to do any act prohibited under paragraph (2), (3) or (5) of subsection (a), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safe navigation of the ship in question, shall be fined under this title or imprisoned not more than five years, or both.

"(c) There is jurisdiction over the prohibited activity in subsections (a) and (b)—

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

"(A) such activity is committed—

"(i) against or on board a ship flying the flag of the United States at the time the prohibited activity is committed;

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

"(iii) the activity takes place on a ship flying the flag of a foreign country or outside the United States, by a national of the United States or by a stateless person whose habitual residence is in the United States;

"(B) during the commission of such activity, a national of the United States is seized, threatened, injured or killed; or

"(C) the offender is later found in the United States after such activity is committed;

"(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; and

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

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

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

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

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

"(e) The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that there is on board that ship any person who has committed an offense under Article 3 of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation may deliver such person to the authorities of a State Party to that Convention. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action to take. When delivering the person to a country which is a State Party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of the master's intention to deliver such person and the reasons therefor. If the master delivers such person, the master shall furnish to the authorities of such country the evidence in the master's possession that pertains to the alleged offense.

"(f) As used in this section—

"(1) the term 'ship' means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles or any other floating craft; but such term does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up;

"(2) the term 'covered ship' means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country;

"(3) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) the term 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) the term 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands and all territories and possessions of the United States.

"§2281. Violence against maritime fixed platforms

"(a) Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety;

"(3) destroys a fixed platform or causes damage to it which is likely to endanger its safety;

"(4) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety;

"(5) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in paragraphs (1) through (4); or

"(6) attempts to do anything prohibited under paragraphs (1) through (5);

shall be fined under this title or imprisoned not more than twenty years, or both; and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) Whoever threatens to do anything prohibited under paragraph (2) or (3) of subsection (a), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safety of the fixed platform, shall be fined under this title or imprisoned not more than five years, or both.

"(c) There is jurisdiction over the prohibited activity in subsections (a) and (b) if—

"(1) such activity is committed against or on board a fixed platform—

"(A) that is located on the continental shelf of the United States;

"(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

"(C) in an attempt to compel the United States to do or abstain from doing any act;

"(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured or killed; or

"(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

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

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

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

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

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

"(1) 'continental shelf' means the sea-bed and subsoil of the submarine areas that extend beyond a country's territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea;

"(2) 'fixed platform' means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes;

"(3) 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands and all territories and possessions of the United States.".

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

"2280. Violence against maritime navigation

"2281. Violence against maritime fixed platforms".

(c) EFFECTIVE DATES.—This section and the amendments made by this section shall take effect on the later of—

(1) the date of the enactment of this Act; or

(2)(A) in the case of section 2280 of title 18, United States Code, the date the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation has come into force and the United States has become a party to that Convention; and

(B) in the case of section 2281 of title 18, United States Code, the date the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf has come into force and the United States has become a party to that Protocol.

SEC. 713. TORTURE.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter:

"CHAPTER 113B—TORTURE

"Sec.

2340. Definitions.

2340A. Torture.

2340B. Exclusive remedies.

"§2340. Definitions

"As used in this chapter—

"(1) the term 'torture' means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control;

"(2) the term 'severe mental pain or suffering' means the prolonged mental harm caused by or resulting from (A) the intentional infliction or threatened infliction of severe physical pain or suffering; (B) the administration or application, or threatened administration or application, of mind altering substances or other procedures

calculated to disrupt profoundly the senses or the personality; (C) the threat of imminent death; or (D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the senses or personality;

"(3) the term 'United States' includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301(38)).

"§2340A. Torture

"(a) Whoever, outside the United States and in a circumstance described in subsection (b) of this section, commits or attempts to commit torture—

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

"(2) if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

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

"(1) the alleged offender is a national of the United States; or

"(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or the alleged offender.

"§2340B. Exclusive remedies

"Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 113A the following new item:

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

(c) EFFECTIVE DATE.—This section shall take effect on the later of—

(1) the date of enactment of this section; or

(2) the date the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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

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

SEC. 715. PROTECTION OF JURORS AND WITNESSES IN CAPITAL CASES.

Section 3432 of title 18, United States Code, is amended by inserting before the period the following: ", except that such list of the veniremen and witnesses need not be furnished if the court finds by a preponderance of the evidence that providing the list may jeopardize the life or safety of any person".

SEC. 716. KIDNAPPING.

Section 1201(g)(1) of title 18, United States Code, is amended by inserting "to the penalty of death if the death of the victim results and, in any other case," after "shall be subject".

TITLE VIII—TRUTH IN SENTENCING

SEC. 801. GRANTS.

The Attorney General is authorized to provide grants to States to build, expand, or operate space in correctional facilities in order to increase the prison bed capacity in such facilities in order to reach the goals set forth in section.

SEC. 802. FEDERAL FUNDS.

(a) DISTRIBUTION OF FUNDS IN FISCAL YEAR 1995.—Of the total amount of funds appropriated under this title in fiscal year 1995, 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 I violent crimes reported by the States 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.

(b) DISTRIBUTION OF FUNDS IN FISCAL YEARS 1996 THROUGH 1999.—Seventy-five percent of the total amount of funds appropriated under this title in fiscal years 1996, 1997, 1998, and 1999 shall be allocated to each State according to the formula established in subsection (a) adjusted to reflect in each year the most recent data from the Federal Bureau of Investigation reporting part I violent crimes.

(c) GOOD FAITH EFFORT.—In order to be eligible for funding under subsections (a) and (b), a State shall submit an application and give the Attorney General assurances that it will make a good faith and cost effective effort to become eligible for a grant under subsection (d).

(d) TRUTH IN SENTENCING INCENTIVE FUND.—25 percent of the total amount of funds appropriated under this title in each of the fiscal years 1996, 1997, 1998, and 1999 shall be allocated to each eligible State according to the same ratios established in subsection (b) multiplied by the percentage change in the States' percentage of time to be served by the persons convicted of violent crimes divided by the average of all States' percentage change in percentage of time to be served by the persons convicted of violent crimes. States which have achieved a Truth in Sentencing standard of violent criminals serving 85 percent of prison time assessed shall receive the incentive funds based on the average of such percentage change ratios of all States multiplied by the States percentage of total Part I violent crime reported.

(e) ELIGIBILITY FOR TRUTH IN SENTENCING INCENTIVE FUND.—In order to be eligible for grants under subsection (d), a State must demonstrate that it has, since 1993—

(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.

(f) LAW CHANGES.—As evidence of such good faith effort to meet the goals contained in subsection (e), a State may make changes to its laws and regulations which may include—

(1) truth in sentencing laws which will require persons convicted of violent crimes to serve not less than 85 percent of the sentence imposed;

(2) mandatory prison sentences for persons convicted of the most serious violent crimes;

(3) pretrial detention for persons whose release it can be shown would pose a danger to any other person or the community;

(4) sentencing authority to allow the defendant's victims or the family of victims the opportunity to be heard regarding the issue of sentencing and provide that the victim or the victim's family will be notified whenever such defendant is to be released; or

(5) that a person who is convicted of a serious violent crime shall be sentenced to life imprisonment if—

(A) The person has been convicted on 2 or more prior occasions in a court of the United States or of a State of a serious violent crime, or of 1 or more serious violent crimes and 1 or more serious drug offenses; and

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

SEC. 803. 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 18, 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 I 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.

SEC. 804. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—For purposes of this title, there are authorized to be appropriated—

(1) $2,500,000,000 for fiscal year 1995;

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

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

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

(5) $2,000,000,000 for fiscal year 1999.

(b) LIMITATIONS ON FUNDS.—

(1) 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.

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

(3) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this section may not exceed 90 percent of the total costs of the program as described in the application.

(4) 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.

TITLE IX—RACIALLY DISCRIMINATORY CAPITAL SENTENCING

SEC. 901. AMENDMENT TO TITLE 28.

(a) PROCEDURE.—Part VI of title 28, United States Code, is amended by inserting after chapter 176 the following new chapter:

"CHAPTER 177—RACIALLY DISCRIMINATORY CAPITAL SENTENCING

"Sec.

"3501. Prohibition against the execution of a sentence of death imposed on the basis of race.

"3502. Access to data on death eligible cases.

"3503. Enforcement of the chapter.

"3504. Construction of chapter.

"§3501. Prohibition against the execution of a sentence of death imposed on the basis of race

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

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

"(c) RELEVANT EVIDENCE.—Evidence relevant to establish an inference that race was the basis

of a death sentence may include evidence that death sentences were, at the time pertinent under subsection (b), being imposed significantly more frequently in the jurisdiction in question—

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

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

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

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

"§3502. Access to data on death eligible cases

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

"§3503. Enforcement of the chapter

"In any proceeding brought under section 2254, the evidence supporting a claim under this chapter may be presented in an evidentiary hearing and need not be set forth in the petition. Notwithstanding section 2254, no determination on the merits of a factual issue made by a State court pertinent to any claim under section 3501 shall be presumed to be correct unless—

"(1) the State is in compliance with section 3502;

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

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

"§3504. Construction of chapter

"Nothing contained in this chapter shall be construed to affect in one way or the other the lawfulness of any sentence of death that does not violate section 3501.".

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

"177. Racially Discriminatory Capital Sentencing ..... 3501.".

SEC. 902. ACTIONS BEFORE ENACTMENT.

No person shall be barred from raising any claim under section 3501 of title 28, United States Code, as added by this Act, on the ground of having failed to raise or to prosecute the same or a similar claim before the enactment of the Act, nor by reason of any adjudication rendered before that enactment.

TITLE X—CRIME PREVENTION AND COMMUNITY JUSTICE

Subtitle A—Model Intensive Grant Programs

SEC. 1001. GRANT AUTHORIZATION.

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

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

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

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

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

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

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

(3) coordinate crime prevention programs funded under this program with other existing Federal programs to address the overall needs of communities that benefit from grants received under this title.

SEC. 1002. USES OF FUNDS.

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

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

SEC. 1003. PROGRAM REQUIREMENTS.

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

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

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

SEC. 1004. APPLICATIONS.

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

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

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

SEC. 1005. REPORTS.

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

SEC. 1006. DEFINITIONS.

For purposes of this subtitle:

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

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

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

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

SEC. 1007. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Ounce of Prevention Grant Programs

PART I—OUNCE OF PREVENTION GRANT PROGRAMS

SEC. 1010. OUNCE OF PREVENTION COUNCIL.

(a) IN GENERAL.—(1) The Secretary of Health and Human Services shall convene an interagency Task Force to be known as the Ounce of Prevention Council, which shall be chaired by the Attorney General, the Secretary of Education, and the Secretary of Health and Human Services, and which also shall include the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Agriculture, the Secretary of the Interior, and the Director of the Office of National Drug Control Policy.

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

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

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

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

(1) assistance in communities that are distressed as indicated by such factors as high incidences of crime, juvenile delinquency, gang

involvement, substance abuse, unemployment, school dropouts, or pregnancy among adolescents; and

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

SEC. 1011. OUNCE OF PREVENTION GRANT PROGRAM.

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

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

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

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

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

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

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

PART II—FAMILY AND COMMUNITY ENDEAVOR SCHOOLS GRANT PROGRAM

SEC. 1015. PROGRAM AUTHORITY.

(a) IN GENERAL.—

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

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

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

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

SEC. 1016. PROGRAM REQUIREMENTS.

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

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

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

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

(B) in compliance with all applicable local ordinances.

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

(1) shall use funds made available through the grant to provide, to children in the eligible community, services and activities that shall include supervised sports programs, and extracurricular and academic programs, that are offered—

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

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

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

(3) may use such funds—

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

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

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

SEC. 1017. ELIGIBLE COMMUNITY IDENTIFICATION.

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

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

SEC. 1018. APPLICATIONS.

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

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

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

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

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

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

(A) will—

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

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

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

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

(A) community leaders;

(B) businesses;

(C) local educational agencies;

(D) local officials;

(E) State officials; and

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

(6) contain an assurance that the community-based organization will use grant funds received under this section to provide children in the eligible community with activities and services that shall include supervised sports programs, and extracurricular and academic programs, in accordance with section 1016(b);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1019. ELIGIBILITY OF PARTICIPANTS.

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

(b) EXCLUSION.—

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

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

SEC. 1020. PEER REVIEW PANEL.

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

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

(1) A community-based organization.

(2) A local government.

(3) A local educational agency.

(4) The private sector.

(5) A charitable organization.

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

(1) grant funding under this section; and

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

SEC. 1021. INVESTIGATIONS AND INSPECTIONS.

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

SEC. 1022. FEDERAL SHARE.

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

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

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

(b) NON-FEDERAL SHARE.—

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

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

SEC. 1023. EVALUATION.

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

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

(2) the academic achievement of such children;

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

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

SEC. 1024. DEFINITIONS.

In this part the following definitions apply:

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

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

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

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

(i) Residents of the community.

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

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

(iv) Student organizations.

(v) Law enforcement agencies.

(vi) Public housing agencies.

(vii) State government.

(viii) Other public agencies.

(ix) Other interested parties.

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

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

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

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

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

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

PART III—ADMINISTRATION

SEC. 1025. TECHNICAL ASSISTANCE; TRAINING AND EVALUATION.

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

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

SEC. 1026. AUTHORIZATION OF APPROPRIATIONS.

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

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

Subtitle C—Police Partnerships for Children

SEC. 1030. DEFINITION.

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

SEC. 1031. GRANT AUTHORITY.

(a) PARTNERSHIP GRANTS.—The Attorney General, in consultation with the Secretary of Health and Human Services, may make grants to partnerships for—

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

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

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

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

SEC. 1032. ADMINISTRATION.

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

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

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

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

(A) certify that the applicant is a partnership as defined in section 1030, or a law enforcement

agency or public or private child or family services agency that is participating in a partnership and seeking support on behalf of the partnership;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1034. AUTHORIZATION OF APPROPRIATIONS.

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

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

Subtitle D—Midnight Sports

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

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

(b) ELIGIBLE ENTITIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) A high rate of high school dropouts.

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

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

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

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

(e) GRANT AMOUNT LIMITATIONS.—

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

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

(B) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight sports league program.

(2) NON-FEDERAL FUNDS.—For purposes of this subsection, the term "funds from non-Federal sources" includes amounts from nonprofit organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under subsection (a)) to carry out the program of the eligible entity, in-kind contributions to carry out the program (as determined by the Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, the Secretary of Education, and with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

(3) PROHIBITION ON SUBSTITUTION OF FUNDS.—Grants made under subsection (a), and amounts provided by States and units of general local government to supplement the grants, may not be used to replace other public funds previously used, or designated for use, under this section.

(4) MAXIMUM AND MINIMUM GRANT AMOUNTS.—The Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, and the Secretary of Education, may not make a grant under subsection (a) to any single eligible entity in an amount less than $50,000 or exceeding $125,000.

(5) DISBURSEMENT.—Each grant made under subsection (a)(1) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

(A) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.

(B) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

(f) APPLICATIONS.—To be eligible to receive a grant under subsection (a), an eligible entity shall submit to the Secretary of Housing and Urban Development an application in the form and manner required by the Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of

Labor, the Secretary of Education, and with the Advisory Committee, which shall include—

(1) a description of the midnight sports league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

(2) letters of agreement from service providers to provide training and counseling services required under subsection (d) and a description of such service providers;

(3) letters of agreement providing for facilities for sports games and counseling, training, and educational services required under subsection (d) and a description of the facilities;

(4) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight sports league; and

(5) evidence that the neighborhood or community served by the program meets the requirements of subsection (d)(3).

(g) SELECTION.—The Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, the Secretary of Education, and with the Advisory Committee, shall select eligible entities that submit applications under subsection (f) to receive grants under subsection (a). The Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, the Secretary of Education, and with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight sports league programs in suburban and rural areas.

(h) REPORTS.—The Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, and the Secretary of Education, shall require each eligible entity receiving a grant under subsection (a) to submit for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

(i) STUDY.—To the extent amounts are provided under appropriation Acts pursuant to subsection (k)(2), the Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, and the Secretary of Education, shall make a grant to one entity qualified to carry out a study under this subsection. The entity shall use such grant to carry out a scientific study of the effectiveness of midnight sports league programs under subsection (d) of eligible entities receiving grants under subsection (a). The Secretary of Housing and Urban Development, in consultation with the Attorney General, the Secretary of Labor, and the Secretary of Education, shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Secretary of Housing and Urban Development and the Attorney General not later than the expiration of the 2-year period beginning on the date that the grant under this subsection is made.

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

(1) the term "eligible entity" means an entity described under subsection (b)(1); and

(2) the term "federally assisted low-income housing" has the meaning given the term in section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) for grants under subsection (a), $10,000,000 in each of fiscal years 1995, 1996, 1997, 1998, and 1999; and

(2) for a study grant under subsection (i), $250,000 in fiscal year 1995.

Subtitle E—Drug Courts

SEC. 1041. GRANT AUTHORITY.

The Attorney General may make grants to units of State and local government, and to other public and private entities, for programs that involve continuing judicial supervision over specified categories of persons with substance abuse problems, and that involve the integrated administration of other sanctions and services including—

(1) testing for the use of controlled substances or other addictive substances;

(2) substance abuse treatment;

(3) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

(4) programmatic or health related aftercare services such as relapse prevention, education, vocational training, job placement, housing placement, and child care or other family support services.

SEC. 1042. ADMINISTRATION.

(a) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this subtitle.

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

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

(d) APPLICATIONS.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this subtitle shall—

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

(2) explain the applicant's inability to fund the program adequately without Federal assistance;

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

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

(5) certify that there has been appropriate consultation with all affected agencies, and that there will be appropriate coordination with all affected agencies in the implementation of the program;

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

(7) describe the methodology that will be utilized in evaluating the program.

SEC. 1043. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

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

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

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

SEC. 1044. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $280,000,000 in each of fiscal years 1995, 1996, 1997, 1998, and 1999 to carry out this subtitle.

Subtitle F—Assistance for Delinquent and At-Risk Youth

SEC. 1051. GRANT AUTHORITY.

(a) IN GENERAL.—(1) In order to prevent the commission of crimes or delinquent acts by juveniles, the Attorney General may make grants to public or private nonprofit organizations to support the development and operation of projects to provide residential services to youth, aged 11 to 19, who—

(A) have dropped out of school;

(B) have come into contact with the juvenile justice system; or

(C) are at risk of dropping out of school or coming into contact with the juvenile justice system.

(2) Such services shall include activities designed to—

(A) increase the self-esteem of such youth;

(B) assist such youth in making healthy and responsible choices;

(C) improve the academic performance of such youth pursuant to a plan jointly developed by the applicant and the school which each such youth attends or should attend; and

(D) provide such youth with vocational and life skills.

(b) APPLICATIONS.—(1) A public agency or private nonprofit organization which desires a grant under this section shall submit an application at such time and in such manner as the Attorney General may prescribe.

(2) Such application shall include—

(A) a description of the program developed by the applicant, including the activities to be offered;

(B) a detailed discussion of how such program will prevent youth from committing crimes or delinquent acts;

(C) evidence that such program—

(i) will be carried out in facilities which meet applicable State and local laws with regard to safety;

(ii) will include academic instruction, approved by the State or local educational agency, which meets or exceeds State and local standards and curricular requirements; and

(iii) will include instructors and other personnel who possess such qualifications as may be required by applicable State or local laws; and

(D) specific, measurable outcomes for youth served by the program.

(c) CONSIDERATION OF APPLICATIONS.—Not later than 60 days following the submission of applications, the Attorney General shall—

(1) approve each application and disburse the funding for each such application; or

(2) disapprove the application and inform the applicant of such disapproval and the reasons therefor.

(d) REPORTS.—A grantee under this section shall annually submit a report to the Attorney General that describes the activities and accomplishments of such program, including the degree to which the specific youth outcomes are met.

SEC. 1052. AUTHORIZATION OF APPROPRIATIONS.

For grants under section 1051, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1995 through 1999.

Subtitle G—Police Recruitment

SEC. 1061. GRANT AUTHORITY.

(a) IN GENERAL.—The Attorney General may make grants to qualified community organiza-

tions to assist in meeting the costs of qualified programs which are designed to recruit and retain applicants to police departments.

(b) QUALIFIED COMMUNITY ORGANIZATIONS.—An organization is a qualified community organization which is eligible to receive a grant under subsection (a) if the organization—

(1) is a non-profit organization; and

(2) has training and experience in—

(A) working with a police department and with teachers, counselors, and similar personnel,

(B) providing services to the community in which the organization is located,

(C) developing and managing services and techniques to recruit individuals to become members of a police department and to assist such individuals in meeting the membership requirements of police departments,

(D) developing and managing services and techniques to assist in the retention of applicants to police departments, and

(E) developing other programs that contribute to the community.

(c) QUALIFIED PROGRAMS.—A program is a qualified program for which a grant may be made under subsection (a) if the program is designed to recruit and train individuals from underepresented neighborhoods and localities and if—

(1) the overall design of the program is to recruit and retain applicants to a police department;

(2) the program provides recruiting services which include tutorial programs to enable individuals to meet police force academic requirements and to pass entrance examinations;

(3) the program provides counseling to applicants to police departments who may encounter problems throughout the application process; and

(4) the program provides retention services to assist in retaining individuals to stay in the application process of a police department.

(d) APPLICATIONS.—To qualify for a grant under subsection (a), a qualified organization shall submit an application to the Attorney General in such form as the Attorney General may prescribe. Such application shall—

(1) include documentation from the applicant showing—

(A) the need for the grant;

(B) the intended use of grant funds;

(C) expected results from the use of grant funds; and

(D) demographic characteristics of the population to be served, including age, disability, race, ethnicity, and languages used; and

(2) contain assurances satisfactory to the Attorney General that the program for which a grant is made will meet the applicable requirements of the program guidelines prescribed by the Attorney General under subsection (i).

(e) ACTION BY THE ATTORNEY GENERAL.—Not later than 60 days after the date that an application for a grant under subsection (a) is received, the Attorney General shall consult with the police department which will be involved with the applicant and shall—

(1) approve the application and disburse the grant funds applied for; or

(2) disapprove the application and inform the applicant that the application is not approved and provide the applicant with the reasons for the disapproval.

(f) GRANT DISBURSEMENT.—The Attorney General shall disburse funds under a grant under subsection (a) in accordance with regulations of the Attorney General which shall ensure—

(1) priority is given to applications for areas and organizations with the greatest showing of need;

(2) that grant funds are equitably distributed on a geographic basis; and

(3) the needs of underserved populations are recognized and addressed.

(g) GRANT PERIOD.—A grant under subsection (a) shall be made for a period not longer than 3 years.

(h) GRANTEE REPORTING.—(1) For each year of a grant period for a grant under subsection (a), the recipient of the grant shall file a performance report with the Attorney General explaining the activities carried out with the funds received and assessing the effectiveness of such activities in meeting the purpose of the recipient's qualified program.

(2) If there was more than one recipient of a grant, each recipient shall file such report.

(3) The Attorney General shall suspend the funding of a grant if the recipient of the grant does not file the report required by this subsection or uses the grant for a purpose not authorized by this section.

(i) GUIDELINES.—The Attorney General shall, by regulation, prescribe guidelines on content and results for programs receiving a grant under subsection (a). Such guidelines shall be designed to establish programs which will be effective in training individuals to enter instructional programs for police departments and shall include requirements for—

(1) individuals providing recruiting services;

(2) individuals providing tutorials and other academic assistance programs;

(3) individuals providing retention services; and

(4) the content and duration of recruitment, retention, and counseling programs and the means and devices used to publicize such programs.

SEC. 1062. AUTHORIZATION OF APPROPRIATIONS.

For grants under section 1061 there are authorized to be appropriated $6,000,000 for each of the fiscal years 1995 through 1999.

Subtitle H—National Triad Program

SEC. 1065. FINDINGS.

The Congress finds that—

(1) older Americans are among the most rapidly growing segments of our society;

(2) currently, older Americans comprise 15 percent of our society, and predictions are that by the turn of the century they will constitute 18 percent of the Nation's population;

(3) older Americans find themselves uniquely situated in the society, environmentally and physically;

(4) many older Americans are experiencing increased social isolation due to fragmented and distant familial relations, scattered associations, limited access to transportation, and other insulating factors;

(5) physical conditions such as hearing loss, poor eyesight, lessened agility, and chronic and debilitating illnesses often contribute to a senior citizen's susceptibility to criminal victimization;

(6) older Americans are too frequently the victims of abuse and neglect, violent crime, property crime, consumer fraud, medical quackery, and confidence games;

(7) studies have found that older Americans that are victims of violent crime are more likely to be injured and require medical attention than are younger victims;

(8) victimization data on crimes against older Americans are incomplete and out of date, and data sources are partial, scattered, and not easily obtained;

(9) although a few studies have attempted to define and estimate the extent of abuse and neglect of older Americans, both in their homes and in institutional settings, many experts believe that abuse and neglect crimes are substantially underreported and undetected;

(10) similarly, while some evidence suggests that older Americans may be targeted in a range of fraudulent schemes, neither the Uniform Crime Report nor the National Crime Survey collects data on individual- or household-level fraud;

(11) many law enforcement agencies do not have model practices for responding to the criminal abuse of older Americans;

(12) law enforcement officers and social service providers come from different disciplines and frequently bring different perspectives to the problem of crimes against older Americans;

(13) the differences in approaches can inhibit a genuinely effective response;

(14) there are a few efforts currently under way that seek to forge partnerships to coordinate criminal justice and social service approaches to victimization of older Americans;

(15) the Triad program, sponsored by the National Sheriffs' Association (NSA), the International Association of Chiefs of Police (IACP), and the American Association of Retired Persons (AARP), is one such effort;

(16) the Assistant Secretary for Aging, as the senior executive branch officer formulating older Americans policy, is an appropriate leader in efforts to reduce violent crime against older Americans; and

(17) recognizing that older Americans have the same fundamental desire as other members of our society to live freely, without fear or restriction due to the criminal element, the Federal Government should seek to expand efforts to reduce crime against this growing and uniquely vulnerable segment of our population.

SEC. 1066. PURPOSES.

The purposes of this subtitle are—

(1) to support a coordinated effort among law enforcement, older Americans organizations, and social service agencies to stem the tide of violence against older Americans and support media and nonmedia strategies aimed at increasing both public understanding of the problem and the older Americans' skills in preventing crime against themselves and their property; and

(2) to address the problem of crime against older Americans in a systematic and effective manner by promoting and expanding collaborative crime prevention programs, such as the Triad model, that assist law enforcement agencies and older Americans in implementing specific strategies for crime prevention, victim assistance, citizen involvement, and public education.

SEC. 1067. NATIONAL ASSESSMENT AND DISSEMINATION.

(a) IN GENERAL.—The Director of the National Institute of Justice in consultation with the Assistant Secretary for Aging shall conduct a qualitative and quantitative national assessment of—

(1) the nature and extent of crimes committed against older Americans and the effect of such crimes on the victims;

(2) the numbers, extent, and impact of violent crimes and nonviolent crimes (such as frauds and "scams") against older Americans and the extent of unreported crimes;

(3) the collaborative needs of law enforcement, health, and social service organizations, focusing on prevention of crimes against older Americans, to identify, investigate, and provide assistance to victims of those crimes; and

(4) the development and growth of strategies to respond effectively to the matters described in paragraphs (1), (2), and (3).

(b) MATTERS TO BE ADDRESSED.—The national assessment made pursuant to subsection (a) shall address—

(1) the analysis and synthesis of data from a broad range of sources in order to develop accurate information on the nature and extent of crimes against older Americans, including identifying and conducting such surveys and other data collection efforts as are needed and designing a strategy to keep such information current over time;

(2) institutional and community responses to elderly victims of crime, focusing on the problems associated with fear of victimization, abuse of older Americans, and hard-to-reach older Americans who are in poor health, are living alone or without family nearby, or living in high crime areas;

(3) special services and responses required by elderly victims;

(4) whether the experience of older Americans with some service organizations differs markedly from that of younger populations;

(5) the kinds of programs that have proven useful in reducing victimization of older Americans through crime prevention activities and programs;

(6) the kinds of programs that contribute to successful coordination among public sector agencies and community organizations in reducing victimization of older Americans; and

(7) the research agenda needed to develop a comprehensive understanding of the problems of crimes against older Americans, including the changes that can be anticipated in the crimes themselves and appropriate responses as the society increasingly ages.

(c) AVOIDANCE OF DUPLICATION.—In conducting the assessment under subsection (a), the Director of the National Institute of Justice, in consultation with the Assistant Secretary of Aging, shall draw upon the findings of existing studies and avoid duplication of efforts that have previously been made.

(d) DISSEMINATION.—Based on the results of the national assessment and analysis of successful or promising strategies in dealing with the problems described in subsection (b) and other problems, including coalition efforts such as the Triad programs described in section 1066, the Director of the National Institute of Justice, in consultation with the Assistant Secretary of Aging, shall disseminate the results through reports, publications, clearinghouse services, public service announcements, and programs of evaluation, demonstration, training, and technical assistance.

SEC. 1068. PILOT PROGRAMS.

(a) AWARDS.—The Director of the Bureau of Justice Assistance, in consultation with the Assistant Secretary of Aging, shall make grants to coalitions of local law enforcement agencies and older Americans to assist in the development of programs and execute field tests of particularly promising strategies for crime prevention services and related services based on the concepts of the Triad model, which can then be evaluated and serve as the basis for further demonstration and education programs.

(b) TRIAD COOPERATIVE MODEL.—(1) Subject to paragraph (2), a pilot program funded under this section shall consist of a cooperative model, which calls for the participation of the sheriff, at least 1 police chief, and a representative of at least 1 older Americans' organization within a county and may include participation by general service coalitions of law enforcement, victim service, and senior citizen advocate second service organizations. If there exists with the applicant county an area agency on aging as defined in section 102(17) of the Older Americans Act of 1965, the applicant county must include the agency as an organizational component in its program.

(2) If there is not both a sheriff and a police chief in a county or if the sheriff or a police chief do not participate, a pilot program funded under this section shall include in the place of the sheriff or police chief another key law enforcement official in the county such as a local prosecutor.

(c) APPLICATION.—A coalition that desires to establish a pilot program under this section shall submit to the Director of the Bureau of Justice Assistance an application that includes—

(1) a description of the community and its senior citizen population;

(2) assurances that Federal funds received under this title shall be used to provide additional and appropriate education and services to the community's older Americans;

(3) a description of the extent of involvement of each organizational component (chief, sheriff (or other law enforcement official), and senior organization representative) and focus of the program;

(4) a comprehensive plan including—

(A) a description of the crime problems facing older Americans and need for expanded law enforcement and victim assistance services;

(B) a description of the types of projects to be developed or expanded;

(C) a plan for an evaluation of the results of the program;

(D) a description of the resources (including matching funds, in-kind services, and other resources) available in the community to implement the program's development or expansion;

(E) a description of the gaps that cannot be filled with existing resources;

(F) an explanation of how the requested grant will be used to fill those gaps; and

(G) a description of the means and methods the applicant will use to reduce criminal victimization of older persons; and

(5) funding requirements for implementing a comprehensive plan.

(d) DISTRIBUTION OF GRANT AWARDS.—The Director of the Bureau of Justice Assistance, in consultation with the Assistant Secretary for Aging, shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards for pilot programs authorized under this subtitle.

(e) POST-GRANT PERIOD REPORT.—A grant recipient under this section shall, not later than 6 months after the conclusion of the grant period, submit to the Director of the Bureau of Justice Assistance a report that—

(1) describes the composition of organizations that participated in the pilot program;

(2) identifies problem areas encountered during the course of the pilot program;

(3) provides data comparing the types and frequency of criminal activity before and after the grant period and the effect of such criminal activity on older Americans in the community; and

(4) describes the grant recipient's plans and goals for continuance of the program after the grant period.

SEC. 1069. TRAINING ASSISTANCE, EVALUATION, AND DISSEMINATION AWARDS.

In conjunction with the national assessment under section 1067—

(1) the Director of the Bureau of Justice Assistance, in consultation with the Assistant Secretary for Aging, shall make awards to organizations with demonstrated ability to provide training and technical assistance in establishing crime prevention programs based on the Triad model, for purposes of aiding in the establishment and expansion of pilot programs under this section;

(2) the Director of the National Institute of Justice, in consultation with the Assistant Secretary of Aging, shall make awards to research organizations, for the purposes of—

(A) evaluating the effectiveness of selected pilot programs; and

(B) conducting the research and development identified through the national assessment as being critical; and

(3) the Director of the Bureau of Justice Assistance, in consultation with the Assistant Secretary for Aging, shall make awards to public service advertising coalitions, for the purposes of mounting a program of public service advertisements to increase public awareness and understanding of the issues surrounding crimes against older Americans and promoting ideas or programs to prevent them.

SEC. 1070. REPORT.

The Director of the Bureau of Justice Assistance, in consultation with the Assistant Secretary for Aging, and the Director of the National Institute of Justice shall submit to Congress an annual report (which may be included with the report submitted under section 102(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(b))) describing the results of the pilot programs conducted under section 1068.

SEC. 1071. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $2,000,000 to the Bureau of Justice Assistance for the purpose of making pilot program awards in that amount under section 1068;

(2) $1,000,000 to the Bureau of Justice Assistance for the purpose of funding the national training and technical assistance effort under sections 1967 and 1068;

(3) $1,000,000 to the Bureau of Justice Assistance and $1,000,000 to the Administration on Aging, for the purpose of developing public service announcements under sections 1067 and 1069;

(4) $2,000,000 to the National Institute of Justice for the purposes of conducting the national assessment, evaluating pilot programs, and carrying out the research agenda under sections 1067 and 1069; and

(5) to the extent that funds are not otherwise available for the purpose, such sums as are necessary to pay the administrative costs of carrying out this subtitle.

Subtitle I—Local Partnership Act

SEC. 1075. ESTABLISHMENT OF PAYMENT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title 31, United States Code, is amended by inserting after chapter 65 the following:

"CHAPTER 67—FEDERAL PAYMENTS

"Sec.
"6701. Payments to local governments.
"6702. Local Government Fiscal Assistance Fund.
"6703. Qualification for payment.
"6704. State area allocations; allocations and payments to territorial governments.
"6705. Local government allocations.
"6706. Income gap multiplier.
"6707. State variation of local government allocations.
"6708. Adjustments of local government allocations.
"6709. Information used in allocation formulas.
"6710. Public participation.
"6711. Prohibited discrimination.
"6712. Discrimination proceedings.
"6713. Suspension and termination of payments in discrimination proceedings.
"6714. Compliance agreements.
"6715. Enforcement by the Attorney General of prohibitions on discrimination.
"6716. Civil action by a person adversely affected.
"6717. Judicial review.
"6718. Audits, investigations, and reviews.
"6719. Reports.
"6720. Definitions and application.

"§6701. Payments to local governments

"(a) PAYMENT AND USE.—

"(1) PAYMENT.—The Secretary of the Treasury shall pay to each unit of general local government which qualifies for a payment under this chapter an amount equal to the sum of any amounts allocated to the government under this chapter for each payment period. The Secretary shall pay such amount out of the Local Government Fiscal Assistance Fund under section 6702.

"(2) USE.—Amounts paid to a unit of general local government under this section shall be

used by that unit for carrying out one or more programs of the unit related to—

"(A) education to prevent crime;

"(B) substance abuse treatment to prevent crime;

"(C) coordination of crime prevention programs funded under this title with other existing Federal programs to meet the overall needs of communities that benefit from funds received under this section; or

"(D) job program to prevent crime.

"(b) TIMING OF PAYMENTS.—They shall pay each amount allocated under this chapter to a unit of general local government for a payment period by the later of 60 days after the date the amount is available or the first day of the payment period.

"(c) ADJUSTMENTS.—(1) Subject to paragraph (2), the Secretary shall adjust a payment under this chapter to a unit of general local government to the extent that a prior payment to the government was more or less than the amount required to be paid.

"(2) The Secretary may increase or decrease under this subsection a payment to a unit of local government only if the Secretary determines the need for the increase or decrease, or the unit requests the increase or decrease, within one year after the end of the payment period for which the payment was made.

"(d) RESERVATION FOR ADJUSTMENTS.—The Secretary may reserve a percentage of not more than 0.5 percent of the amount under this section for a payment period for all units of general local government in a State if the Secretary considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of general local government in the State.

"(e) REPAYMENT OF UNEXPENDED AMOUNTS.—

"(1) REPAYMENT REQUIRED.—A unit of general local government shall repay to the Secretary, by not later than November 15, 1995, any amount that is—

"(A) paid to the unit from amounts appropriated for fiscal year 1995 under the authority of this section; and

"(B) not expended by the unit by October 31, 1995.

"(2) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Secretary as repayments under this subsection shall be deposited in the general fund of the Treasury as miscellaneous receipts.

"(f) EXPENDITURE WITH DISADVANTAGED BUSINESS ENTERPRISES.—

"(1) GENERAL RULE.—Of amounts paid to a unit of general local government under this chapter for a payment period, not less than 10 percent of the total combined amounts obligated by the unit for contracts and subcontracts shall be expended with—

"(A) small business concerns controlled by socially and economically disadvantaged individuals and women; and

"(B) historically Black colleges and universities and colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans or Native Americans.

"(2) EXCEPTION.—Paragraph (1) shall not apply to amounts paid to a unit of general local government to the extent the unit determines that the paragraph does not apply through a process that provides for public participation.

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

"(A) the term 'small business concern' has the meaning such term has under section 3 of the Small Business Act; and

"(B) the term 'socially and economically disadvantaged individuals' has the meaning such term has under section 8(d) of the Small Business Act and relevant subcontracting regulations promulgated pursuant to that section.

"(g) NONSUPPLANTING REQUIREMENT.—(1) Funds made available under this chapter to units of local government shall not be used to supplant State or local funds, but will be used to increase the amount of funds that would, in the absence of funds under this chapter, be made available from State or local sources.

"(2) The total level of funding available to a unit of local government for accounts serving eligible purposes under this chapter in the fiscal year immediately preceding receipt of a grant under this chapter shall be designated the 'base level account' for the fiscal year in which grant is received. Grants under this chapter in a given fiscal year shall be reduced on a dollar for dollar basis to the extent that a unit of local government reduces its base level account in that fiscal year.

"(3) The Secretary shall issue regulations to implement this subsection.

"§6702. Local Government Fiscal Assistance Fund

"(a) ADMINISTRATION OF FUND.—The Department of the Treasury has a Local Government Fiscal Assistance Fund, which consists of amounts appropriated to the Fund.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund $2,000,000,000 for fiscal years 1995 and 1996.

"§6703. Qualification for payment

"(a) IN GENERAL.—Under regulations issued by the Secretary, a unit of general local government qualifies for a payment under this chapter for a payment period only after establishing to the satisfaction of the Secretary that—

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

"(2) the government will use amounts in the trust fund (including interest) during a reasonable period specified in the regulations issued by the Secretary;

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

"(4) if at least 25 percent of the pay of individuals employed by the government in a public employee occupation is paid out of the trust fund, individuals in the occupation any part of whose pay is paid out of the trust fund will receive pay at least equal to the prevailing rate of pay for individuals employed in similar public employee occupations by the government;

"(5) if at least 25 percent of the costs of a construction project are paid out of the trust fund, laborers and mechanics employed by contractors or subcontractors on the project will receive pay at least equal to the prevailing rate of pay for similar construction in the locality as determined by the Secretary of Labor under the Act of March 3, 1931 (46 Stat. 1494 et seq.; popularly known as the Davis-Bacon Act), and the Secretary of Labor shall act on labor standards under this paragraph in a manner that is in accordance with Reorganization Plan No. 14 of 1950 (64 Stat. 1267) and section 2 of the Act of June 13, 1934 (48 Stat. 948);

"(6) the government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Secretary after consultation with the Comptroller General of the United States;

"(7) after reasonable notice to the government, the government will make available to the Secretary and the Comptroller General of the United States, with the right to inspect, records the Secretary reasonably requires to review compliance with this chapter or the Comptroller General of the United States reasonably requires to review compliance and operations under section 6718(b); and

"(8) the government will make reports the Secretary reasonably requires, in addition to the annual reports required under section 6719(b).

"(b) REVIEW BY GOVERNORS.—A unit of general local government shall give the chief executive officer of the State in which the government is located an opportunity for review and comment before establishing compliance with subsection (a).

"(c) SANCTIONS FOR NONCOMPLIANCE.—(1) If the Secretary decides that a unit of general local government has not complied substantially with subsection (a) or regulations prescribed under subsection (a), the Secretary shall notify the government. The notice shall state that if the government does not take corrective action by the 60th day after the date the government receives the notice, the Secretary will withhold additional payments to the government for the current payment period and later payment periods until the Secretary is satisfied that the government—

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

"(B) will comply with subsection (a) and regulations prescribed under subsection (a).

"(2) Before giving notice under paragraph (1), the Secretary shall give the chief executive officer of the unit of general local government reasonable notice and an opportunity for a proceeding.

"(3) The Secretary may make a payment to a unit of general local government notified under paragraph (1) only if the Secretary is satisfied that the government—

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

"(B) will comply with subsection (a) and regulations prescribed under subsection (a).

"§6704. State area allocations; allocations and payments to territorial governments

"(a) FORMULA ALLOCATION BY STATE.—For each payment period, the Secretary shall allocate to each State out of the amount appropriated for the period under the authority of section 6702(b) (minus the amounts allocated to territorial governments under subsection (e) for the payment period) an amount bearing the same ratio to the amount appropriated (minus such amounts allocated under subsection (e)) as the amount allocated to the State under this section bears to the total amount allocated to all States under this section. The Secretary shall—

"(1) determine the amount allocated to the State under subsection (b) or (c) of this section and allocate the larger amount to the State; and

"(2) allocate the amount allocated to the State to units of general local government in the State under sections 6705 and 6706.

"(b) GENERAL FORMULA.—(1) The amount allocated to a State under this subsection for a payment period is the amount bearing the same ratio to $5,300,000,000 as—

"(A) the population of the State, multiplied by the general tax effort factor of the State (determined under paragraph (2)), multiplied by the relative income factor of the State (determined under paragraph (3)), multiplied by the relative rate of the labor force unemployed in the State (determined under paragraph (4)); bears to

"(B) the sum of the products determined under subparagraph (A) of this paragraph for all States.

"(2) The general tax effort factor of a State for a payment period is—

"(A) the net amount of State and local taxes of the State collected during the years used by the Secretary of Commerce in the most recent Bureau of the Census general determination of State and local taxes made before the beginning of the payment period; divided by

"(B) the total income of individuals, as determined by the Secretary of Commerce for national income accounts purposes, attributed to the State for the same years.

"(3) The relative income factor of a State is a fraction in which—

"(A) the numerator is the per capita income of the United States; and

"(B) the denominator is the per capita income of the State.

"(4) The relative rate of the labor force unemployed in a State is a fraction in which—

"(A) the numerator is the percentage of the labor force of the State that is unemployed (as determined by the Secretary of Labor for general statistical purposes); and

"(B) the denominator is the percentage of the labor force of the United States that is unemployed (as determined by the Secretary of Labor for general statistical purposes).

"(c) ALTERNATIVE FORMULA.—The amount allocated to a State under this subsection for a payment period is the total amount the State would receive if--

"(1) $1,166,666,667 were allocated among the States on the basis of population by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the population of the State bears to the population of all States;

"(2) $1,166,666,667 were allocated among the States on the basis of population inversely weighted for per capita income, by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as—

"(A) the population of the State, multiplied by a fraction in which—

"(i) the numerator is the per capita income of all States; and

"(ii) the denominator is the per capita income of the State; bears to

"(B) the sum of the products determined under subparagraph (A) for all States;

"(3) $600,000,000 were allocated among the States on the basis of income tax collections by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the income tax amount of the State (determined under subsection (d)(1)) bears to the sum of the income tax amounts of all States;

"(4) $600,000,000 were allocated among the States on the basis of general tax effort by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the general tax effort amount of the State (determined under subsection (d)(2)) bears to the sum of the general tax effort amounts of all States;

"(5) $600,000,000 were allocated among the States on the basis of unemployment by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as—

"(A) the labor force of the State, multiplied by a fraction in which—

"(i) the numerator is the percentage of the labor force of the State that is unemployed (as determined by the Secretary of Labor for general statistical purposes); and

"(ii) the denominator is the percentage of the labor force of the United States that is unemployed (as determined by the Secretary of Labor for general statistical purposes);

bears to

"(B) the sum of the products determined under subparagraph (A) for all States; and

"(6) $1,166,666,667 were allocated among the States on the basis of urbanized population by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the urbanized population of the State bears to the urbanized population of all States. In this paragraph, the term 'urbanized population' means the population of an area consisting of a central city or cities of at least 50,000 inhabitants and the surrounding closely settled area for the city or cities considered as an urbanized area by the Secretary of Commerce for general statistical purposes.

"(d) INCOME TAX AMOUNT AND TAX EFFORT AMOUNT.—(1) The income tax amount of a State for a payment period is 15 percent of the net amount collected during the calendar year ending before the beginning of the payment period from the tax imposed on the income of individuals by the State and described as a State income tax under section 164(a)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 164(a)(3)). The income tax amount for a payment period shall be at least 1 percent but not more than 6 percent of the United States Government individual income tax liability attributed to the State for the taxable year ending during the last calendar year ending before the beginning of the payment period. The Secretary shall determine the Government income tax liability attributed to the State on the same basis as the Secretary of the Treasury determines that liability for general statistical purposes.

"(2) The general tax effort amount of a State for a payment period is the amount determined by multiplying—

"(A) the net amount of State and local taxes of the State collected during the years used by the Secretary of Commerce in the most recent Bureau of the Census general determination of State and local taxes made before the beginning of the payment period; by

"(B) the general tax effort factor of the State determined under subsection (b)(2).

"(e) ALLOCATION FOR PUERTO RICO, GUAM, AMERICAN SAMOA, AND THE VIRGIN ISLANDS.—(1)(A) For each payment period for which funds are available for allocation under this chapter, the Secretary shall allocate to each territorial government an amount equal to the product of 1 percent of the amount of funds available for allocation multiplied by the applicable territorial percentage.

"(B) For the purposes of this paragraph, the applicable territorial percentage of a territory is equal to the quotient resulting from the division of the territorial population of such territory by the sum of the territorial population for all territories.

"(2) The governments of the territories shall make payments to local governments within their jurisdiction from sums received under this subsection as they consider appropriate.

"(3) For purposes of this subsection—

"(A) the term 'territorial government' means the government of a territory;

"(B) the term 'territory' means Puerto Rico, Guam, American Samoa, and the Virgin Islands; and

"(C) the term 'territorial population' means the most recent population for each territory as determined by the Bureau of Census.

"§6705. Local government allocations

"(a) INDIAN TRIBES AND ALASKAN NATIVES VILLAGES.—If there is in a State an Indian tribe or Alaskan native village having a recognized governing body carrying out substantial governmental duties and powers, the Secretary shall allocate to the tribe or village, out of the amount allocated to the State under section 6704, an amount bearing the same ratio to the amount allocated to the State as the population of the tribe or village bears to the population of the State. The Secretary shall allocate amounts under this subsection to Indian tribes and Alaskan native villages in a State before allocating amounts to units of general local government in the State under subsection (b).

"(b) OTHER LOCAL GOVERNMENT ALLOCATIONS.—(1) The Secretary shall allocate among the units of general local government in a State (other than units receiving allocations under subsection (a)) the amount allocated to the State under section 6704 (as that amount is reduced by allocations under subsection (a)). Of the amount to be allocated, the Secretary shall allocate a portion equal to ½ of such amount in accordance with section 6706(1), and shall allocate a portion equal to ½ of such amount in accordance with section 6706(2). A unit of general local government shall receive an amount equal to the sum of amounts allocated to the unit from each portion.

"(2) From each portion to be allocated to units of local government in a State under paragraph (1), the Secretary shall allocate to a unit an amount bearing the same ratio to the funds to be allocated as—

"(A) the population of the unit, multiplied by the general tax effort factor of the unit (determined under paragraph (3)), multiplied by the income gap of the unit (determined under paragraph (4)), bears to

"(B) the sum of the products determined under subparagraph (A) for all units in the State for which the income gap for that portion under paragraph (4) is greater than zero.

"(3)(A) Except as provided in subparagraph (C), the general tax effort factor of a unit of general local government for a payment period is—

"(i) the adjusted taxes of the unit; divided by

"(ii) the total income attributed to the unit.

"(B) If the amount determined under subparagraphs (A) (i) and (ii) for a unit of general local government is less than zero, the general tax effort factor of the unit is deemed to be zero.

"(C)(i) Except as otherwise provided in this subparagraph, the adjusted taxes of a unit of general local government are the taxes imposed by the unit for public purposes (except employee and employer assessments and contributions to finance retirement and social insurance systems and other special assessments for capital outlay), as determined by the Secretary of Commerce for general statistical purposes and adjusted (under regulations of the Secretary) to exclude amounts properly allocated to education expenses.

"(ii) The Secretary shall, for purposes of clause (i), include that part of sales taxes transferred to a unit of general local government that are imposed by a county government in the geographic area of which is located the unit of general local government as taxes imposed by the unit for public purposes if—

"(I) the county government transfers any part of the revenue from the taxes to the unit of general local government without specifying the purpose for which the unit of general local government may expend the revenue; and

"(II) the chief executive officer of the State notifies the Secretary that the taxes satisfy the requirements of this clause.

"(iii) The adjusted taxes of a unit of general local government shall not exceed the maximum allowable adjusted taxes for that unit.

"(iv) The maximum allowable adjusted taxes for a unit of general local government is the allowable adjusted taxes of the unit minus the excess adjusted taxes of the unit.

"(v) The allowable adjusted taxes of a unit of general government is the greater of—

"(I) the amount equal to 2.5, multiplied by the per capita adjusted taxes of all units of general local government of the same type in the State, multiplied by the population of the unit; or

"(II) the amount equal to the population of the unit, multiplied by the sum of the adjusted taxes of all units of municipal local government in the State, divided by the sum of the populations of all the units of municipal local government in the State.

"(vi) The excess adjusted taxes of a unit of general local government is the amount equal to—

"(I) the adjusted taxes of the unit, minus

"(II) 1.5 multiplied by the allowable adjusted taxes of the unit;

except that if this amount is less than zero then the excess adjusted taxes of the unit is deemed to be zero.

"(vii) For purposes of this subparagraph—

"(I) the term 'per capita adjusted taxes of all units of general local government of the same type' means the sum of the adjusted taxes of all units of general local government of the same type divided by the sum of the populations of all units of general local government of the same type; and

"(II) the term 'units of general local government of the same type' means all townships if the unit of general local government is a township, all municipalities if the unit of general local government is a municipality, all counties if the unit of general local government is a county, or all unified city/county governments if the unit of general local government is a unified city/county government.

"(4)(A) Except as provided in subparagraph (B), the income gap of a unit of general local government is—

"(i) the number which applies under section 6706, multiplied by the per capita income of the State in which the unit is located; minus

"(ii) the per capita income of the geographic area of the unit.

"(B) If the amount determined under subparagraph (A) for a unit of general local government is less than zero, then the relative income factor of the unit is deemed to be zero.

"(c) SMALL GOVERNMENT ALLOCATIONS.—If the Secretary decides that information available for a unit of general local government with a population below a number (of not more than 500) prescribed by the Secretary is inadequate, the Secretary may allocate to the unit, in lieu of any allocation under subsection (b) for a payment period, an amount bearing the same ratio to the total amount to be allocated under subsection (b) for the period for all units of general local government in the State as the population of the unit bears to the population of all units in the State.

"§6706. Income gap multiplier

"For purposes of determining the income gap of a unit of general local government under section 6705(b)(4)(A), the number which applies is—

"(1) 1.6, with respect to ½ of any amount allocated under section 6704 to the State in which the unit is located; and

"(2) 1.2, with respect to the remainder of such amount.

"§6707. State variation of local government allocations

"(a) STATE FORMULA.—A State government may provide by law for the allocation of amounts among units of general local government in the State on the basis of population multiplied by the general tax effort factors or income gaps of the units of general local government determined under sections 6705 (a) and (b) or a combination of those factors. A State government providing for a variation of an allocation formula provided under sections 6705 (a) and (b) shall notify the Secretary of the variation by the 30th day before the beginning of the first payment period in which the variation applies. A variation shall—

"(1) provide for allocating the total amount allocated under sections 6705 (a) and (b);

"(2) apply uniformly in the State; and

"(3) apply only to payment periods beginning before October 1, 1995.

"(b) CERTIFICATION.—A variation by a State government under this section may apply only if the Secretary certifies that the variation complies with this section. The Secretary may certify a variation only if the Secretary is notified of the variation at least 30 days before the first payment period in which the variation applies.

"§6708. Adjustments of local government allocations

"(a) MAXIMUM AMOUNT.—The amount allocated to a unit of general local government for a payment period may not exceed the adjusted taxes imposed by the unit of general local government as determined under section 6705(b)(3). Amounts in excess of adjusted taxes shall be paid to the Governor of the State in which the unit of local government is located.

"(b) DE MINIMIS ALLOCATIONS.—If the amount allocated to a unit of general local government (except an Indian tribe or an Alaskan native village) for a payment period would be less than $5,000 but for this subsection or is waived by the governing authority of the unit of general local government, the Secretary shall pay the amount to the Governor of the State in which the unit is located.

"(c) USE OF PAYMENTS TO STATES.—The Governor of a State shall use all amounts paid to the Governor under subsections (a) and (b) for programs described in section 6701(a)(2) in areas of the State where are located the units of general local government with respect to which amounts are paid under subsection (b).

"§6709. Information used in allocation formulas

"(a) USE OF MOST RECENT INFORMATION.—Except as provided in this section, the Secretary shall use the most recent available information provided by the Secretary of Commerce and the Secretary of Labor before the beginning of the payment period to determine an allocation under this chapter. If the Secretary decides that the information is not current or complete enough to provide for a fair allocation, the Secretary may use additional information (including information based on estimates) as provided under regulations of the Secretary.

"(b) POPULATION DATA.—(1) The Secretary shall determine population on the same basis that the Secretary of Commerce determines resident population for general statistical purposes.

"(2) The Secretary shall request the Secretary of Commerce to adjust the population information provided to the Secretary as soon as practicable to include a reasonable estimate of the number of resident individuals not counted in the 1990 census or revisions of the census. The Secretary shall use the estimates in determining allocations for the payment period beginning after the Secretary receives the estimates. The Secretary shall adjust population information to reflect adjustments made under section 118 of the Act of October 1, 1980 (Public Law 96–369, 94 Stat. 1357).

"(c) ADDITIONAL DATA LIMITATIONS.—The Secretary may not—

"(1) in determining an allocation for a payment period, use information on tax collections for years more recent than the years used by the Secretary of Commerce in the most recent Bureau of the Census general determination of State and local taxes made before the beginning of that period; or

"(2) consider a change in information used to determine an allocation for a period of 60 months if the change—

"(A) results from a major disaster declared by the President under section 401 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

"(B) reduces the amount of an allocation.

"§6710. Public participation

"(a) HEARINGS.—(1) A unit of general local government expending payments under this chapter shall hold at least one public hearing on the proposed use of the payment in relation to its entire budget. At the hearing, persons shall be given an opportunity to provide written and oral views to the governmental authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment to the entire budget. The government shall hold the hearing at a time and a place that allows and encourages public attendance and participation.

"(2) A unit of general local government holding a hearing required under this subsection or by the budget process of the government shall try to provide senior citizens and senior citizen organizations with an opportunity to present views at the hearing before the government makes a final decision on the use of the payment.

"(b) DISCLOSURE OF INFORMATION.—(1) By the 10th day before a hearing required under subsection (a)(1) is held, a unit of general local government shall—

"(A) make available for inspection by the public at the principal office of the government a statement of the proposed use of the payment and a summary of the proposed budget of the government; and

"(B) publish in at least one newspaper of general circulation the proposed use of the payment with the summary of the proposed budget and a notice of the time and place of the hearing.

"(2) By the 30th day after adoption of the budget under State or local law, the government shall—

"(A) make available for inspection by the public at the principal office of the government a summary of the adopted budget, including the proposed use of the payment; and

"(B) publish in at least one newspaper of general circulation a notice that the information referred to in subparagraph (A) is available for inspection.

"(c) WAIVERS OF REQUIREMENTS.—Under regulations of the Secretary, a requirement—

"(1) under subsection (a)(1) may be waived if the budget process required under the applicable State or local law or charter provisions—

"(A) ensures the opportunity for public attendance and participation contemplated by subsection (a); and

"(B) includes a hearing on the proposed use of a payment received under this chapter in relation to the entire budget of the government; and

"(2) under subsection (b)(1)(B) and paragraph (2)(B) may be waived if the cost of publishing the information would be unreasonably burdensome in relation to the amount allocated to the government from amounts available for payment under this chapter, or if publication is otherwise impracticable.

"(d) EXCEPTION TO 10-DAY LIMITATION.—If the Secretary is satisfied that a unit of general local government will provide adequate notice of the proposed use of a payment received under this chapter, the 10-day period under subsection (b)(1) may be changed to the extent necessary to comply with applicable State or local law.

"(e) APPLICATION TO GOVERNMENTS WITHOUT BUDGETS.—The Secretary shall prescribe regulations for applying this section to units of general local government that do not adopt budgets.

"§6711. Prohibited discrimination

"(a) GENERAL PROHIBITION.—No person in the United States shall be excluded from participating in, be denied the benefits of, or be subject to discrimination under, a program or activity of a unit of general local government because of race, color, national origin, or sex if the government receives a payment under this chapter.

"(b) ADDITIONAL PROHIBITIONS.—The following prohibitions and exemptions also apply to a program or activity of a unit of general local government if the government receives a payment under this chapter:

"(1) A prohibition against discrimination because of age under the Age Discrimination Act of 1975.

"(2) A prohibition against discrimination against an otherwise qualified handicapped in-

dividual under section 504 of the Rehabilitation Act of 1973.

"(3) A prohibition against discrimination because of religion, or an exemption from that prohibition, under the Civil Rights Act of 1964 or title VIII of the Act of April 11, 1968 (popularly known as the Civil Rights Act of 1968).

"(c) LIMITATIONS ON APPLICABILITY OF PROHIBITIONS.—Subsections (a) and (b) do not apply if the government shows, by clear and convincing evidence, that a payment received under this chapter is not used to pay for any part of the program or activity with respect to which the allegation of discrimination is made.

"(d) INVESTIGATION AGREEMENTS.—The Secretary shall try to make agreements with heads of agencies of the United States Government and State agencies to investigate noncompliance with this section. An agreement shall—

"(1) describe the cooperative efforts to be taken (including sharing civil rights enforcement personnel and resources) to obtain compliance with this section; and

"(2) provide for notifying immediately the Secretary of actions brought by the United States Government or State agencies against a unit of general local government alleging a violation of a civil rights law or a regulation prescribed under a civil rights law.

"§6712. Discrimination proceedings

"(a) NOTICE OF NONCOMPLIANCE.—By the 10th day after the Secretary makes a finding of discrimination or receives a holding of discrimination about a unit of general local government, the Secretary shall submit a notice of noncompliance to the government. The notice shall state the basis of the finding or holding.

"(b) INFORMAL PRESENTATION OF EVIDENCE.—A unit of general local government may present evidence informally to the Secretary within 30 days after the government receives a notice of noncompliance from the Secretary. Except as provided in subsection (e), the government may present evidence on whether—

"(1) a person in the United States has been excluded or denied benefits of, or discriminated against under, the program or activity of the government, in violation of section 6711(a);

"(2) the program or activity of the government violated a prohibition described in section 6711(b); and

"(3) any part of that program or activity has been paid for with a payment received under this chapter.

"(c) TEMPORARY SUSPENSION OF PAYMENTS.—By the end of the 30-day period under subsection (b), the Secretary shall decide whether the unit of general local government has not complied with section 6711 (a) or (b), unless the government has entered into a compliance agreement under section 6714. If the Secretary decides that the government has not complied, the Secretary shall notify the government of the decision and shall suspend payments to the government under this chapter unless, within 10 days after the government receives notice of the decision, the government—

"(1) enters into a compliance agreement under section 6714; or

"(2) requests a proceeding under subsection (d)(1).

"(d) ADMINISTRATIVE REVIEW OF SUSPENSIONS.—(1) A proceeding requested under subsection (c)(2) shall begin by the 30th day after the Secretary receives a request for the proceeding. The proceeding shall be before an administrative law judge appointed under section 3105 of title 5, United States Code. By the 30th day after the beginning of the proceeding, the judge shall issue a preliminary decision based on the record at the time on whether the unit of general local government is likely to prevail in showing compliance with section 6711 (a) or (b).

"(2) If the administrative law judge decides at the end of a proceeding under paragraph (1) that the unit of general local government has—

"(A) not complied with section 6711 (a) or (b), the judge may order payments to the government under this chapter terminated; or

"(B) complied with section 6711 (a) or (b), a suspension under section 6713(a)(1)(A) shall be discontinued promptly.

"(3) An administrative law judge may not issue a preliminary decision that the government is not likely to prevail if the judge has issued a decision described in paragraph (2)(A).

"(e) BASIS FOR REVIEW.—In a proceeding under subsections (b) through (d) on a program or activity of a unit of general local government about which a holding of discrimination has been made, the Secretary or administrative law judge may consider only whether a payment under this chapter was used to pay for any part of the program or activity. The holding of discrimination is conclusive. If the holding is reversed by an appellate court, the Secretary or judge shall end the proceeding.

"§6713. Suspension and termination of payments in discrimination proceedings

"(a) IMPOSITION AND CONTINUATION OF SUSPENSIONS.—(1) The Secretary shall suspend payment under this chapter to a unit of general local government—

"(A) if an administrative law judge appointed under section 3105 of title 5, United States Code, issues a preliminary decision in a proceeding under section 6712(d)(1) that the government is not likely to prevail in showing compliance with section 6711 (a) and (b);

"(B) if the administrative law judge decides at the end of the proceeding that the government has not complied with section 6711 (a) or (b), unless the government makes a compliance agreement under section 6714 by the 30th day after the decision; or

"(C) if required under section 6712(c).

"(2) A suspension already ordered under paragraph (1)(A) continues in effect if the administrative law judge makes a decision under paragraph (1)(B).

"(b) LIFTING OF SUSPENSIONS AND TERMINATIONS.—If a holding of discrimination is reversed by an appellate court, a suspension or termination of payments in a proceeding based on the holding shall be discontinued.

"(c) RESUMPTION OF PAYMENTS UPON ATTAINING COMPLIANCE.—The Secretary may resume payment to a unit of general local government of payments suspended by the Secretary only—

"(1) as of the time of, and under the conditions stated in—

"(A) the approval by the Secretary of a compliance agreement under section 6714(a)(1); or

"(B) a compliance agreement entered into by the Secretary under section 6714(a)(2);

"(2) if the government complies completely with an order of a United States court, a State court, or administrative law judge that covers all matters raised in a notice of noncompliance submitted by the Secretary under section 6712(a);

"(3) if a United States court, a State court, or an administrative law judge decides (including a judge in a proceeding under section 6712(d)(1)), that the government has complied with sections 6711 (a) and (b); or

"(4) if a suspension is discontinued under subsection (b).

"(d) PAYMENT OF DAMAGES AS COMPLIANCE.—For purposes of subsection (c)(2), compliance by a government may consist of the payment of restitution to a person injured because the government did not comply with section 6711 (a) or (b).

"(e) RESUMPTION OF PAYMENTS UPON REVERSAL BY COURT.—The Secretary may resume payment to a unit of general local government of payments terminated under section 6712(d)(2)(A) only if the decision resulting in the termination is reversed by an appellate court.

"§6714. Compliance agreements

"(a) TYPES OF COMPLIANCE AGREEMENTS.—A compliance agreement is an agreement—

"(1) approved by the Secretary, between the governmental authority responsible for prosecuting a claim or complaint that is the basis of a holding of discrimination and the chief executive officer of the unit of general local government that has not complied with section 6711 (a) or (b); or

"(2) between the Secretary and the chief executive officer.

"(b) CONTENTS OF AGREEMENTS.—A compliance agreement—

"(1) shall state the conditions the unit of general local government has agreed to comply with that would satisfy the obligations of the government under sections 6711 (a) and (b);

"(2) shall cover each matter that has been found not to comply, or would not comply, with section 6711 (a) or (b); and

"(3) may be a series of agreements that dispose of those matters.

"(c) AVAILABILITY OF AGREEMENTS TO PARTIES.—The Secretary shall submit a copy of a compliance agreement to each person who filed a complaint referred to in section 6716(b), or, if an agreement under subsection (a)(1), each person who filed a complaint with a governmental authority, about a failure to comply with section 6711 (a) or (b). The Secretary shall submit the copy by the 15th day after an agreement is made. However, if the Secretary approves an agreement under subsection (a)(1) after the agreement is made, the Secretary may submit the copy by the 15th day after approval of the agreement.

"§6715. Enforcement by the Attorney General of prohibitions on discrimination

"The Attorney General may bring a civil action in an appropriate district court of the United States against a unit of general local government that the Attorney General has reason to believe has engaged or is engaging in a pattern or practice in violation of section 6711 (a) or (b). The court may grant—

"(1) a temporary restraining order;

"(2) an injunction; or

"(3) an appropriate order to ensure enjoyment of rights under section 6711 (a) or (b), including an order suspending, terminating, or requiring repayment of, payments under this chapter or placing additional payments under this chapter in escrow pending the outcome of the action.

"§6716. Civil action by a person adversely affected

"(a) AUTHORITY FOR PRIVATE SUITS IN FEDERAL OR STATE COURT.—If a unit of general local government, or an officer or employee of a unit of general local government acting in an official capacity, engages in a practice prohibited by this chapter, a person adversely affected by the practice may bring a civil action in an appropriate district court of the United States or a State court of general jurisdiction. Before bringing an action under this section, the person must exhaust administrative remedies under subsection (b).

"(b) ADMINISTRATIVE REMEDIES REQUIRED TO BE EXHAUSTED.—A person adversely affected shall file an administrative complaint with the Secretary or the head of another agency of the United States Government or the State agency with which the Secretary has an agreement under section 6711(d). Administrative remedies are deemed to be exhausted by the person after the 90th day after the complaint was filed if the Secretary, the head of the Government agency, or the State agency—

"(1) issues a decision that the government has not failed to comply with this chapter; or

"(2) does not issue a decision on the complaint.

"(c) AUTHORITY OF COURT.—In an action under this section, the court—

"(1) may grant—

"(A) a temporary restraining order;

"(B) an injunction; or

"(C) another order, including suspension, termination, or repayment of, payments under this chapter or placement of additional payments under this chapter in escrow pending the outcome of the action; and

"(2) to enforce compliance with section 6711 (a) or (b), may allow a prevailing party (except the United States Government) a reasonable attorney's fee.

"(d) INTERVENTION BY ATTORNEY GENERAL.—In an action under this section to enforce compliance with section 6711 (a) or (b), the Attorney General may intervene in the action if the Attorney General certifies that the action is of general public importance. The United States Government is entitled to the same relief as if the Government had brought the action and is liable for the same fees and costs as a private person.

"§6717. Judicial review

"(a) APPEALS IN FEDERAL COURT OF APPEALS.—A unit of general local government which receives notice from the Secretary about withholding payments under section 6703(c), suspending payments under section 6713(a)(1)(B), or terminating payments under section 6712(d)(2)(A), may apply for review of the action of the Secretary by filing a petition for review with the court of appeals of the United States for the circuit in which the government is located. The petition shall be filed by the 60th day after the date the notice is received. The clerk of the court shall immediately send a copy of the petition to the Secretary.

"(b) FILING OF RECORD OF ADMINISTRATIVE PROCEEDING.—The Secretary shall file with the court a record of the proceeding on which the Secretary based the action. The court may consider only objections to the action of the Secretary that were presented before the Secretary.

"(c) COURT ACTION.—The court may affirm, change, or set aside any part of the action of the Secretary. The findings of fact by the Secretary are conclusive if supported by substantial evidence in the record. If a finding is not supported by substantial evidence in the record, the court may remand the case to the Secretary to take additional evidence. Upon such a remand, the Secretary may make new or modified findings and shall certify additional proceedings to the court.

"(d) REVIEW ONLY BY SUPREME COURT.—A judgment of a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28, United States Code.

"§6718. Audits, investigations, and reviews

"(a) INDEPENDENT AUDIT.—(1) Except as provided in this section, a unit of general local government that receives a payment under this chapter shall have an independent audit made of the financial statements of the government at least as often as is required by paragraph (2) to determine compliance with this chapter. The audit shall be carried out under generally accepted government auditing standards issued by the Comptroller General of the United States.

"(2) Paragraph (1) does not apply to a unit of general local government for a fiscal year in which the government receives less than $25,000 under this chapter. A unit of general local government which receives at least $25,000 but not more than $100,000 under this chapter for a fiscal year shall have an audit made in accordance with paragraph (1) at least once every 3 years. A government which receives more than $100,000 under this chapter for a fiscal year shall have an audit made in accordance with paragraph (1) for such fiscal year, except that, if the government operates on a biennial fiscal period, such audit may be made biennially but shall cover the financial statement or statements for, and compliance with the requirements of the chapter during, both years within such period.

"(3) An audit of financial statements of a unit of general local government carried out under another law of the United States for a fiscal year is deemed to be in compliance with paragraph (1) for that year if the audit substantially complies with the requirements of paragraph (1).

"(b) WAIVER BY LOCAL GOVERNMENT.—A unit of general local government may waive application of subsection (a)(1) if—

"(1) the financial statements of the government are audited by independent auditors under State or local law at least as often as would be required by subsection (a)(2);

"(2) the government certifies that the audit is carried out under generally accepted auditing standards issued by the Comptroller General of the United States;

"(3) the auditing provisions of the State or local law are applicable to the payment period to which the waiver applies; and

"(4) the government submits to the Secretary a brief description of the auditing standards used under the relevant State or local law and specification of the payment period to which the waiver applies.

"(c) WAIVER BY SECRETARY.—Under regulations of the Secretary, the Secretary may waive any requirement under subsection (a)(1) or (b) for a unit of general local government for a fiscal year if the Secretary decides that the financial statements of the government for the year—

"(1) cannot be audited, and the government shows substantial progress in making the statements auditable; or

"(2) have been audited by a State agency that does not follow generally accepted auditing standards issued by the Comptroller General of the United States or that is not independent, and the State agency shows progress in meeting those auditing standards or in becoming independent.

"(d) SERIES OF AUDITS.—A series of audits carried out over a period of not more than 3 years covering the total amount in the financial accounts of a unit of general local government is deemed to be a single audit under subsections (a)(1) and (b) of this section.

"(e) AUDIT OPINION.—An opinion of an audit carried out under this section shall be provided to the Secretary in the form and at times required by the Secretary. No later than 30 days following the completion of the audit, the unit of general local government shall make the audit report available for public inspection.

"(f) INVESTIGATIONS BY SECRETARY.—(1) The Secretary shall maintain regulations providing reasonable and specific time limits for the Secretary to—

"(A) carry out an investigation and make a finding after receiving a complaint referred to in section 6716(b), a determination by a State or local administrative agency, or other information about a possible violation of this chapter;

"(B) carry out audits and reviews (including investigations of allegations) about possible violations of this chapter; and

"(C) advise a complainant of the status of an audit, investigation, or review of an allegation by the complainant of a violation of section 6711 (a) or (b) or other provision of this chapter.

"(2) The maximum time limit under paragraph (1)(A) is 90 days.

"(g) REVIEWS BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall carry out reviews of the activities of the Secretary, State governments, and units of general local government necessary for the Congress to evaluate compliance and operations under this chapter.

"§6719. Reports

"(a) REPORTS BY SECRETARY OF TREASURY TO CONGRESS.—Before June 2 of each year, the Secretary personally shall report to the Congress on—

"(1) the status and operation of the Local Government Fiscal Assistance Fund during the prior fiscal year; and

"(2) the administration of this chapter, including a complete and detailed analysis of—

"(A) actions taken to comply with sections 6711 through 6715, including a description of the kind and extent of noncompliance and the status of pending complaints;

"(B) the extent to which units of general local government receiving payments under this chapter have complied with sections 6702 and 6718 (a), (b), and (d), including a description of the kind and extent of noncompliance and actions taken to ensure the independence of audits conducted under subsections (a), (b), and (d) of section 6718;

"(C) the way in which payments under this chapter have been distributed in the jurisdictions receiving payments; and

"(D) significant problems in carrying out this chapter and recommendations for legislation to remedy the problems.

"(b) REPORTS BY UNITS OF GENERAL LOCAL GOVERNMENT TO SECRETARY OF TREASURY.—(1) At the end of each fiscal year, each unit of general local government which received a payment under this chapter for the fiscal year shall submit a report to the Secretary. The report shall be submitted in the form and at a time prescribed by the Secretary and shall be available to the public for inspection. The report shall state—

"(A) the amounts and purposes for which the payment has been appropriated, expended, or obligated in the fiscal year;

"(B) the relationship of the payment to the relevant functional items in the budget of the government; and

"(C) the differences between the actual and proposed use of the payment.

"(2) The Secretary shall provide a copy of a report submitted under paragraph (1) by a unit of general local government to the chief executive officer of the State in which the government is located. The Secretary shall provide the report in the manner and form prescribed by the Secretary.

"(c) REGULATIONS.—The Secretary shall prescribe regulations for applying this section to units of general local government that do not adopt budgets.

"§6720. Definitions and application

"(a) DEFINITIONS.—In this chapter—

"(1) 'unit of general local government' means—

"(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of general local government as determined by the Secretary of Commerce for general statistical purposes; and

"(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers;

"(2) 'payment period' means each 1-year period beginning on October 1 of 1994 and 1995;

"(3) 'State and local taxes' means taxes imposed by a State government or unit of general local government or other political subdivision of a State government for public purposes (except employee and employer assessments and contributions to finance retirement and social insurance systems and other special assessments for capital outlay) as determined by the Secretary of Commerce for general statistical purposes;

"(4) 'State' means any of the several States and the District of Columbia;

"(5) 'income' means the total money income received from all sources as determined by the Secretary of Commerce for general statistical purposes;

"(6) 'per capita income' means—

"(A) in the case of the United States, the income of the United States divided by the population of the United States;

"(B) in the case of a State, the income of that State, divided by the population of that State; and

"(C) in the case of a unit of general local government, the income of that unit of general local government divided by the population of the unit of general local government;

"(7) 'finding of discrimination' means a decision by the Secretary about a complaint described in section 6716(b), a decision by a State or local administrative agency, or other information (under regulations prescribed by the Secretary) that it is more likely than not that a unit of general local government has not complied with section 6711 (a) or (b);

"(8) 'holding of discrimination' means a holding by a United States court, a State court, or an administrative law judge appointed under section 3105 of title 5, United States Code, that a unit of general local government expending amounts received under this chapter has—

"(A) excluded a person in the United States from participating in, denied the person the benefits of, or subjected the person to discrimination under, a program or activity because of race, color, national origin, or sex; or

"(B) violated a prohibition against discrimination described in section 6711(b); and

"(9) 'Secretary' means the Secretary of the Treasury.

"(b) TREATMENT OF SUBSUMED AREAS.—If the entire geographic area of a unit of general local government is located in a larger entity, the unit of general local government is deemed to be located in the larger entity. If only part of the geographic area of a unit is located in a larger entity, each part is deemed to be located in the larger entity and to be a separate unit of general local government in determining allocations under this chapter. Except as provided in regulations prescribed by the Secretary, the Secretary shall make all data computations based on the ratio of the estimated population of the part to the population of the entire unit of general local government.

"(c) BOUNDARY AND OTHER CHANGES.—If a boundary line change, a State statutory or constitutional change, annexation, a governmental reorganization, or other circumstance results in the application of sections 6704 through 6708 in a way that does not carry out the purposes of sections 6701 through 6708, the Secretary shall apply sections 6701 through 6708 under regulations of the Secretary in a way that is consistent with those purposes.".

(b) DEFICIT NEUTRALITY.—Any appropriation to carry out the amendment made by this subtitle to title 31, United States Code, for fiscal year 1995 or 1996 shall be offset by cuts elsewhere in appropriations for that fiscal year.

SEC. 1076. CLERICAL AMENDMENT.

The table of chapters at the beginning of subtitle V of title 31, United States Code, is amended by adding after the item relating to chapter 65 the following:

"67. FEDERAL PAYMENTS ..... 6701".

Subtitle J—Youth Employment and Skills Crime Prevention

SEC. 1081. STATEMENT OF PURPOSE.

(a) PURPOSE.—The purpose of this subtitle is to reduce crime in neighborhoods with high incidences of crime and poverty through intensive programs that provide employment opportunities for young adults in those neighborhoods.

(b) DEFINITION.—As used in this subtitle, "high crime area" means an area with severe crime problems, including a high incidence of violent crime or drug trafficking.

SEC. 1082. PROGRAM AUTHORIZED.

The Secretary of Labor in conjunction with the Attorney General and the Secretary of Housing and Urban Development, and in consultation with appropriate other Federal officials, may make grants to local governments to fund targeted youth employment and skills development projects to help reduce crime in target areas as defined in section 1083.

SEC. 1083. PROGRAM TARGET AREA.

The target area or areas of each grant shall be neighborhoods which are high crime areas with high unemployment among young adults and other serious economic and social problems.

SEC. 1084. PARTICIPANTS.

(a) ELIGIBLE POPULATION.—Young adults residing or attending school in the target area shall be eligible to participate in programs funded under this subtitle if they are between 16 and 25 years of age. In certain circumstances, as determined by the Attorney General and the Secretaries of Labor and Housing and Urban Development (referred to in this subtitle as the "Secretaries"), young adults up to age 30 and youths of age 14 or 15 may also be eligible to participate.

(b) RESPONSIBLE BEHAVIOR BY PARTICIPANTS.—Continued participation in a program under this subtitle shall be conditioned, during participation in the program, on the following:

(1) Avoiding crime, including illegal drug use.

(2) Regular attendance and satisfactory performance at work.

(3) Paying child support when paternity has been established and the participant has an income.

(4) In-school young adults in high school remaining in school until graduation.

(5) Requiring young adults ages 16–17 who have dropped out of high school and who have not obtained a General Equivalency Diploma (GED) to return to school or an alternative education program.

SEC. 1085. ALLOWABLE ACTIVITIES.

(a) EXPENDITURE OF FUNDS.—Funds awarded under this subtitle shall be expended only for crime prevention related activities undertaken to carry out an approved application, such as—

(1) apprenticeship programs linking work and learning;

(2) on-the-job training in the private sector;

(3) youth conservation and service corps;

(4) programs emphasizing neighborhood infrastructure, such as YouthBuild and employment of public housing residents;

(5) work experience in private nonprofit organizations and public agencies;

(6) entrepreneurial and microenterprise development;

(7) crime prevention and security measures for profit and not-for-profit businesses employing substantial numbers of youth from high crime areas;

(8) transportation links to jobs in the labor market area;

(9) initiatives to increase the educational attainment, occupational skills, and career aspirations of target area young adults, including work-based learning; and

(10) job placement and related case management, followup, and other supportive services.

(b) WORK EXPERIENCE PROGRAMS.—Work experience programs funded under this subtitle shall—

(1) pay wages in accordance with the Fair Labor Standards Act and relevant State law;

(2) include adequate supervision, equipment, and materials and supplies to accomplish useful work projects;

(3) include a private sector job development component to facilitate the transition of participants to private sector jobs, which shall include developing portfolios of skill attainment, mentorship opportunities, and other efforts to increase job networks for participants; and

(4) include an extensive job placement component.

(c) 2-YEAR LIMITATION.—The combination of all subsidized employment for a participant shall not exceed 2 years.

SEC. 1086. APPLICATION FOR GRANTS.

(a) APPLICATION PLAN.—To be eligible to receive a grant under this subtitle, a chief local elected official, with the timely review and comment of the Governor, shall apply to the Secretary of Labor for a Youth Employment and Skills Crime Prevention grant by submitting an application that contains a plan for reducing crime by substantially increasing the employment levels of young adults in the target area. Such a plan shall—

(1) describe the measurable outcomes that will be used to evaluate the local success of the program, including reduced crime and substance abuse, increased private sector employment, reduced school dropout rates, and increased educational attainment;

(2) specify the organization that will administer the program;

(3) describe the specific employment programs that will be offered by the program;

(4) describe the public/private partnership that will promote collaboration between the State and local governments, private sector, public housing authorities, local residents, community-based organizations, and nonprofit organizations, including linkage with community policing, gang prevention activities, and juvenile justice or delinquency prevention initiatives;

(5) specify how the public and private sectors will work together to assist youths and young adults to make the transition from subsidized to unsubsidized jobs;

(6) describe how links to jobs throughout the labor market area will be provided;

(7) specify the manner in which the job network for youths and young adults will be expanded by mentors and other programs; and

(8) such other information as the Secretary of Labor in conjunction with the Attorney General and Secretary of Housing and Urban Development may require.

(b) COORDINATION WITH OTHER FEDERAL PROGRAMS.—The application must demonstrate that the proposed Youth Employment and Skills Crime Prevention program will build upon and be coordinated with other Federal initiatives relating to such matters as crime control and prevention, youth employment, education, economic development, community service, or social services.

(c) LEVERAGING AND LINKAGES.—As a condition of a grant award, local areas shall establish linkages with the local private sector, local employment and job training programs, and other appropriate entities to enhance the provision of services under this subtitle. Such activities may include leveraging by and linkages with—

(1) the local private sector to—

(A) develop a mentoring program to improve the job network for young adults in the target area;

(B) develop a specified number of career-track jobs for young adults graduating from high school and college in the target area;

(C) develop part-time jobs to support young adults while they are receiving job training, or secondary or post-secondary education; and

(D) develop apprenticeship programs with unions that provide matching funds to create training and employment opportunities;

(2) the local service delivery area under the Job Training Partnership Act to identify funds—

(A) for on-the-job training and work-based training programs, based on successful program models, for residents of the target area;

(B) to develop a summer jobs program for in-school young adults residing in the target area;

(C) for new youth initiatives in the target area; and

(D) for child care and supportive services;

(3) local programs to provide employment services and supportive services, such as transportation service to link target area residents to jobs in the labor market area; and

(4) the local educational agency to provide activities that will support the program and assist in achieving the goals specified in the application.

SEC. 1087. AWARD PRIORITIES.

In evaluating the applications submitted under this subtitle, the Secretaries and the Attorney General shall give priority to applications that—

(1) demonstrate extensive community support and linkages to crime prevention programs and employment related programs;

(2) target areas that include public and assisted housing projects;

(3) demonstrate evidence of severe social and economic problems;

(4) demonstrate the highest quality program design, implementation plan, and goals to be achieved; and

(5) include other Federal and non-Federal funding, including State, local, or private resources.

SEC. 1088. GRANT DURATION AND NUMBER.

(a) DURATION OF GRANTS.—Grants shall be for 1 year, and renewable for each of the 4 succeeding years.

(b) NUMBER OF GRANTS.—There shall be no more than 10 grants awarded under this subtitle.

SEC. 1089. FEDERAL RESPONSIBILITIES.

(a) IN GENERAL.—The Secretary of Labor in conjunction with the Attorney General and the Secretary of Housing and Urban Development shall establish a system of performance measures for assessing programs established pursuant to this subtitle.

(b) EVALUATION.—The Secretary of Labor in conjunction with the Attorney General and the Secretary of Housing and Urban Development shall conduct a rigorous national evaluation of Youth Employment and Skills Crime Prevention programs funded under this subtitle that will track and assess the effectiveness of those programs, and include an evaluation of the extent to which such programs reduce crime and substance abuse, enhance the employment and earnings of participants, promote entrepreneurship, reduce dropout rates, and increase educational attainment. The evaluation may include cost-benefit analyses and shall utilize sound statistical methods and techniques.

(c) TECHNICAL ASSISTANCE.—The Secretary of Labor in conjunction with the Attorney General and the Secretary of Housing and Urban Development may provide appropriate technical assistance to carry out Youth Employment and Skills Crime Prevention programs under this subtitle.

(d) ADMINISTRATION.—The technical assistance and evaluations authorized by this section may be carried out directly by the Secretary of Labor or through grants, contracts, or other cooperative arrangements with the Attorney General, the Secretary of Housing and Urban Development, or other entities or agencies.

SEC. 1090. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Labor $75,000,000 for fiscal year 1995, $100,000,000 for fiscal year 1996, $110,000,000 for fiscal year 1997, $115,000,000 for fiscal year 1998, and $125,000,000 for fiscal year 1999 to carry out this subtitle.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to remain available for obligation until expended.

(c) EVALUATIONS AND TECHNICAL ASSISTANCE.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary of Labor in conjunction with the Attorney General and the Secretary of Housing and Urban Development may reserve not more than 5 percent of such amounts for each fiscal year to carry out evaluations and technical assistance.

SEC. 1091. SANCTIONS.

The Secretary of Labor may terminate or suspend financial assistance, in whole or in part, to a recipient or refuse to extend a grant for a recipient, if the Secretary of Labor in conjunction with the Attorney General and the Secretary of Housing and Urban Development determines that the recipient has failed to meet the requirements of this subtitle, or any regulations or guidelines under this subtitle, or any approved application submitted pursuant to this subtitle.

SEC. 1092. LABOR STANDARDS.

Labor standards under the Job Training Partnership Act (29 U.S.C. 1553) shall apply to programs under this subtitle.

SEC. 1093. REGULATIONS OR GUIDELINES.

The Secretary of Labor in conjunction with the Attorney General and the Secretary of Housing and Urban Development shall issue such regulations or guidelines as may be necessary to carry out the purposes of this subtitle.

SEC. 1094. WAIVERS.

The Secretary of Labor in conjunction with the Attorney General and the Secretary of Housing and Urban Development may prescribe regulations or guidelines that establish criteria for waiver of application requirements of programs to the extent that they duplicate or conflict with the requirements specified in similar laws.

SEC. 1095. PROHIBITION ON PRIVATE RIGHTS OF ACTION.

Nothing in this subtitle shall be construed to establish a right for any person to bring an action to obtain services under this subtitle.

SEC. 1096. ACCEPTANCE OF GIFTS, AND OTHER MATTERS.

The Secretaries and Attorney General are authorized, in carrying out this subtitle, to accept, purchase, or lease in the name of the Department of Justice or the Department of Labor or the Department of Housing and Urban Development, and employ or dispose of in furtherance of the purposes of this subtitle, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.

Subtitle K—Miscellaneous

SEC. 1098. MULTIJURISDICTIONAL GANG TASK FORCES.

Section 504(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "victims assistance programs, or multijurisdictional gang task forces" after "drug task forces".

SEC. 1098A. EXTENSION OF BYRNE GRANT FUNDING.

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995, 1996, 1997, 1998, and 1999, to carry out the programs under parts D and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

SEC. 1098B. BENEFITS FOR CHAPLAINS.

(a) IN GENERAL.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by redesignating paragraphs (2) through (7) as (3) through (8), respectively;

(2) by inserting after paragraph (1) the following:

"(2) chaplain means any individual serving as an officially recognized or designated member of a legally organized volunteer fire department or legally organized police department, or an officially recognized public employee of a legally organized fire or police department who was responding to a fire, rescue, or police emergency."; and

(3) in paragraph (8), as redesignated by paragraph (1) of this Act, by striking "or rescue squad or ambulance crew" and inserting "rescue squad or ambulance crew, or chaplain".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and shall apply to injuries or deaths that occur in the line of duty on or after such date.

Subtitle L—Hope in Youth Program

SEC. 1099A. FINDINGS.

The Congress finds the following:

(1) Larger cities around the country, particularly those involved in empowerment zones, are attempting to empower low-income and ethnic minority communities.

(2) Programs that involve local government and local community leaders and which include significant participation by service providers, service participants, and service funders, as equal partners in the design and direction of a myriad of social service support programs have been among the most effective demonstration models.

(3) Programs that attempt to link disenfranchised and disconnected citizens through an umbrella organization that provides guidance to public and private service providers have proven to be an effective strategy for empowering local low-income communities.

(4) Families in low-income communities have not attained their full potential as productive citizens, and Federal efforts thus far, have been insufficient to assist them in fully realizing that potential.

SEC. 1099B. PROGRAM AUTHORITY.

The Secretary of Health and Human Services (in this subtitle referred to as the "Secretary") may make grants to eligible may make grants to eligible service providers in one or more political subdivisions of a State containing an area designated as an empowerment zone, as authorized under the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66), that have submitted an approved plan to establish advisory organizations in low-income communities within the political subdivision containing an empowerment zone which will serve as umbrella agencies for strategic planning and evaluation of service programs serving the low-income communities in which the advisory organization operates.

SEC. 1099C. PROGRAM REQUIREMENTS.

Each advisory organization established as described in section 1099B shall—

(1) provide a permanent multi-issue forum for public policy discussion which will serve as part of a stable infrastructure of community outreach and support,

(2) develop a mechanism by which local support service providers may be evaluated and assessed in the level of service they provide to the community, and which establishes a method for advisory organization participants to review and participate in efforts to maintain or increase the quality of services provided by such providers,

(3) create a Family Outreach Team approach which provides a youth worker, a parent worker, and a school-parent organizer to provide training in outreach, mentoring, community or-

ganizing and peer counseling and mentoring to locally recruited volunteers in a particular area. The Family Outreach Team assists such volunteers in outreach, development and coordination of service delivery from among the service providers in the area, including the schools,

(4) establish processes by which local public agencies can effectively involve the private sector in the provision of services that meet the needs of local communities,

(5) establish processes of coalition building in which diverse groups within low-income communities attempt to work cooperatively to meet the collective needs of low-income communities, and

(6) create a training program to foster community-based leadership in low-income communities.

SEC. 1099D. ELIGIBLE PROVIDERS.

Consortia of public and private nonprofit local social service organizations that have a proven ability to involve disparate populations of low-income citizens and competing service providers are eligible to receive grants under section 1099B.

SEC. 1099E. APPLICATIONS.

Applications may be submitted, for approval by the Secretary, by eligible service providers at such time and in such manner as the Secretary may reasonably require. Such applications shall contain—

(1) assurances that selection of participants, organizations, and citizens will not be on the basis of religious preference or affiliation,

(2) assurances that participating organizations and citizens will not offer services based on any religious preference or affiliation, and

(3) assurances that such service provides will, to the extent practicable, involve participation by citizens not traditionally involved in such activities, including homeless individuals, alcohol- and drug-addicted individuals, and gang involved or violent youth.

SEC. 1099F. EVALUATION.

The Secretary shall commence a program to evaluate the success and effectiveness of this program 2 years after the program has received an appropriation, and such evaluation shall be completed no later than 1 year after the second program year has been completed. A report thereon shall be submitted to the Congress within 60 days of the completion of the evaluation.

SEC. 1099G. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as are necessary for each of fiscal years 1996, 1997, and 1998 to carry out this subtitle.

Subtitle M—Gang Prevention Services for Boys and Girls

SEC. 1099H. FINDINGS.

The Congress finds that—

(1) services provided through existing federally supported gang prevention programs do not adequately address the needs of boys and girls in communities with high levels of gang activity and other barriers to service (such as large concentrations of minority populations that have limited English speaking proficiency, geographically isolated populations, and communities in which social service providers are limited or nonexistent);

(2) children that are exposed to gang activity at an early age are more likely to become gang-involved than children who are exposed to such activity later in life, or children that are never exposed to such activity;

(3) gangs are increasingly targeting younger children for recruitment, especially children at middle schools and elementary schools;

(4) Federal studies indicate that violent crime has increased more significantly in the gang population compared to the adult population; and

(5) small community-based service agencies with strong ties to the educational and law enforcement systems offer the best chance to prevent young children from becoming involved in gangs.

SEC. 1099I. PROGRAM AUTHORITY.

The Administrator of the Office of Juvenile Justice and Delinquency Prevention (hereafter referred to as the "Administrator"), in consultation with the Department of Education and the Department of Health and Human Resources, may make grants to eligible service providers to carry out programs that prevent young children from becoming gang involved. In making such grants, the Administrator shall give a priority to eligible service providers that have a proven track record of serving young children and have an overall budget of not more than $750,000 a fiscal year, prior to receiving a grant under this section.

SEC. 1099J. PROGRAM REQUIREMENTS.

The eligible service providers receiving a grant under section 1099I shall—

(1) provide a comprehensive array of support services to assist the participants to reach their full potential as a contributing law-abiding citizen (such support services may include, but not be limited to: education and health services; career development training; music/art/drama activities; physical fitness training; life skills training; mental health counseling; and job placement counseling);

(2) to the extent practical, involve the parents and other family members of participating children, and the members of local organizations that support the educational and law enforcement institutions of the community, as is appropriate, in the administration and operation of the gang prevention program;

(3) utilize community resources and related support services as needed in the operation of the program;

(4) accept referrals from public institutions, as is appropriate, such as law enforcement, mental health, local school systems, and other entities of local government; and

(5) utilize volunteer staff, including participants in programs funded under the National and Community Service Program, Public Law 103-62, to the maximum extent practicable in the operation of the program.

SEC. 1099K. ELIGIBLE PROVIDERS.

Community-based service providers, as defined in the Juvenile Justice and Delinquency Prevention Act of 1974, that have a proven track record of providing services to children ages 5 to 18 shall be eligible to apply for funds under this subtitle. A priority shall be given to those service providers that have a history of providing services uniquely designed to meet the needs of young children such as the Boys and Girls Clubs of America or service providers that display the potential for providing such targeted services.

SEC. 1099L. ELIGIBLE PARTICIPANTS.

Children that have the potential, because of community composition and other factors, to come into contact with gangs, or who have a family member that has come into contact with a gang, and are not more than 18 years old at the time of entry into the program, shall be eligible to receive services provided by programs receiving assistance under this subtitle.

SEC. 1099M. APPLICATIONS PROCESS.

Eligible service providers may submit to the Administrator, for approval, an application in such form at such time as the Administrator deems appropriate.

SEC. 1099N. EVALUATION.

The Administrator shall conduct an evaluation of the effectiveness of the program model grants authorized under this subtitle, and the extent to which it can be replicated by other local communities. The Administrator shall report to the Congress no later than January 1, 1999, on the details of such evaluations.

SEC. 1099O. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal years 1996, 1997, and 1998 to carry out this subtitle.

Subtitle N—Anticrime Youth Councils

SEC. 1099P. PURPOSE.

The purpose of this subtitle is to provide for the establishment of youth anticrime councils to give intermediate and secondary school students a structured forum through which to work with community organizations, law enforcement officials, government and media representatives, and school administrators and faculty to address issues regarding youth and violence. The purpose of such councils is to empower local youth and ensure that their recommendations for preventing youth involvement in crime and violence will be heard and possibly incorporated into community anticrime strategies.

SEC. 1099Q. AUTHORITY TO MAKE GRANTS.

The Administrator of the Office of Juvenile Justice and Delinquency Prevention (in this subtitle referred to as the "Administrator") may make grants to public and nonprofit community-based organizations to establish regional anticrime youth councils each of which is composed of intermediate and secondary school students who represent all the schools in a separate congressional district.

SEC. 1099R. APPLICATIONS FOR GRANTS.

To request a grant under section 1099Q, a public and nonprofit community-based organization shall submit to the Administrator an application in such form and containing such information as the Administrator may require by rule, including assurances that—

(1) the anticrime youth council with respect to which such grant is requested will be—

(A) selected by a teacher or administrator of an intermediate or secondary school in the congressional district involved, in consultation with teachers and administrators of other intermediate and secondary schools in such district,

(B) composed of not more than 5 students from each of the intermediate and secondary schools in such district, selected as described in paragraph (1) from among individuals who have first-hand knowledge of issues and problems relating to students who attend schools in such district,

(C) supervised by an individual who—

(i) is familiar with issues regarding youth violence,

(ii) has strong ties to the communities in such district and to the organizations with which such council will interact, and

(iii) will be responsible for coordinating the dissemination of information to such council, supervising council meetings, and acting as a liaison between such council and communities in such district, and

(D) meet not less frequently than monthly—

(i) to discuss issues of concern, including youth crime, school violence, job creation, and recreation, and

(ii) to develop creative solutions for assisting community organizations, law enforcement officials, school officials, government officials, and others to address such issues, and

(2) the applicant will submit to the Administrator a report, not later than 180 days after the first year for which such applicant receives a grant under section 1099Q, that—

(A) specifies the number of students and schools involved and represented on such council,

(B) specifies the number of organizations and individuals that council and its subcommittees met with,

(C) specifies the number of grants, policies, and programs submitted to the youth council for review and recommendation,

(D) contains evidence that—

(i) the community has consulted such council and adopted its recommendations, and

(ii) a grant review process has been established within a school system or police department that includes an evaluation by the youth council,

(E) describes the effect that participation on such council has had on the student representatives, (such as improved school attendance and academic performance, and decreased criminal involvement),

(F) describes the effect that participation on such council has had on the participating schools (such as decrease in incidence of school violence),

(G) describes the extent to which other students attended council and subcommittee meetings, and participated as members of the audience in such council's activities,

(H) describes the extent to which family service, youth service, and the education, police, health, and judicial departments within such district coordinate anticrime efforts as a result of the recommendations and programs of such council, and

(I) describes the extent to which such council raises public awareness and knowledge, via the media, about youth violence and such council's efforts to help prevent it.

SEC. 1099S. SELECTION OF GRANT RECIPIENTS.

For the purpose of selecting eligible applicants to receive grants under section 1099Q, the Administrator shall take into consideration—

(1) the extent to which all schools in a congressional district are represented on the proposed youth anticrime council,

(2) the extent to which youth crime and violence are an issue of concern in such district,

(3) the extent to which the community is committed to coordinating and meeting with the youth councils, and

(4) the extent to which the students selected to serve on such council are representative of the geographical area and knowledgeable about the issues that such council will consider.

SEC. 1099T. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal years 1996, 1997, and 1998, to carry out this subtitle.

Subtitle O—Urban Recreation and At-Risk Youth

SEC. 1099U. FINDINGS.

Section 1002 of the Urban Park and Recreation Recovery Act of 1978 is amended by striking "and" at the end of subsection (d), by striking the period at the end of subsection (e) and inserting "; and" and by adding the following at the end thereof:

"(f) the quality of life in urban areas has suffered because of decline in the availability of park and recreation systems, including land, facilities, and services;

"(g) the deterioration of urban park and recreation facilities is due in part to the underfunding of Federal grant programs intended to assist in the revitalization of urban recreation facilities and allow us to take back our parks from crime, vandalism, and dilapidation;

"(h) the urban neighborhoods eligible for assistance under this title have deteriorated, in part, due to the rapid increase in violent crime among youth;

"(i) accessible, well-maintained recreational facilities and services have been shown to significantly decrease the incidence of violent crime among youth and can be an effective tool in efforts to prevent crime, increase public safety and improve the quality of life of urban residents; and

"(j) urban sport and recreation programs teach important values and life skills including teamwork, individual responsibility, respect, leadership, and self-esteem which help prevent young people from engaging in criminal behavior.".

SEC. 1099V. PURPOSE OF ASSISTANCE.

Section 1003 of the Urban Park and Recreation Recovery Act of 1978 is amended by adding the following at the end thereof: "It is further the purpose of this title to improve recreation facilities and expand recreation services in urban areas with a high incidence of crime and to help deter crime through the expansion of recreation opportunities for at-risk youth. It is the further purpose of this section to increase the security of urban parks and to promote collaboration between local agencies involved in parks and recreation, law enforcement, youth social services, and juvenile justice system.".

SEC. 1099W. DEFINITIONS.

Section 1004 of the Urban Park and Recreation Recovery Act of 1978 is amended by inserting the following new subsection after subsection (c) and by redesignating subsections (d) through (j) as (e) through (k) respectively:

"(d) 'at-risk youth recreation grants' means—

"(1) rehabilitation grants,

"(2) innovation grants, or

"(3) matching grants for continuing program support for programs of demonstrated value or success in providing constructive alternatives to youth at risk for engaging in criminal behavior, including grants for operating, or coordinating recreation programs and services; in neighborhoods and communities with a high prevalence of crime, particularly violent crime or crime committed by youthful offenders; in addition to the purposes specified in subsection (b), rehabilitation grants referred to in paragraph (1) of this subsection may be used for the provision of lighting, emergency phones or other capital improvements which will improve the security of urban parks;".

SEC. 1099X. CRITERIA FOR SELECTION.

Section 1005 of the Urban Park and Recreation Recovery Act of 1978 is amended by striking "and" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; and" and by adding the following at the end thereof:

"(8) in the case of at-risk youth recreation grants, the Secretary shall give a priority to each of the following criteria:

"(A) Programs which are targeted to youth who are at the greatest risk of becoming involved in violence and crime.

"(B) Programs which teach important values and life skills, including teamwork, respect, leadership, and self-esteem.

"(C) Programs which offer tutoring, remedial education, mentoring, and counseling in addition to recreation opportunities.

"(D) Programs which offer services during late night or other nonschool hours.

"(E) Programs which demonstrate collaboration between local park and recreation, juvenile justice, law enforcement, and youth social service agencies and nongovernmental entities, including the private sector and community and nonprofit organizations.

"(F) Programs which leverage public or private recreation investments in the form of services, materials, or cash.

"(G) Programs which show the greatest potential of being continued with non-Federal funds or which can serve as models for other communities.".

SEC. 1099Y. PARK AND RECREATION ACTION RECOVERY PROGRAMS.

Section 1007(b) of the Urban Park and Recreation Recovery Act of 1978 is amended by adding the following at the end thereof: "In order to be eligible to receive 'at-risk youth recreation grants' a local government shall amend its 5-year action program to incorporate the goal of reducing crime and juvenile delinquency and to provide a description of the implementation strategies to achieve this goal. The plan shall also address how the local government is coordinating its recreation programs with crime prevention efforts of law enforcement, juvenile corrections, and youth social service agencies.".

SEC. 1099Z. MISCELLANEOUS AND TECHNICAL AMENDMENTS.

(a) PROGRAM SUPPORT.—Section 1013 of the Urban Park and Recreation Recovery Act of 1978 is amended by inserting "(a) IN GENERAL.—" after "1013" and by adding the following new subsection at the end thereof:

"(b) PROGRAM SUPPORT.—Not more than 25 percent of the amounts made available under this title to any local government may be used for program support.".

(b) EXTENSION.—Section 1003 of the Urban Park and Recreation Recovery Act of 1978 is amended by striking "for a period of five years" and by striking "short-term".

Subtitle P—Boys and Girls Clubs in Public Housing

SEC. 1099AA. ESTABLISHMENT.

The Secretary for Housing and Urban Development, in consultation with the Attorney General, shall enter into contracts with the Boys and Girls Clubs of America, a national nonprofit youth organization to establish Boys and Girls Clubs in public housing.

SEC. 1099BB. REPORT.

By May 1 of each fiscal year for which funds for this section are provided, the Secretary of Housing and Urban Development shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives that details the progress of establishing boys and girls clubs in public housing and the effectiveness of the programs in reducing drug abuse and gang violence.

SEC. 1099CC. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated the following sums to carry out this subtitle—

(1) $12,000,000 for fiscal year 1995;

(2) $12,000,000 for fiscal year 1996; and

(3) $12,000,000 for fiscal year 1997.

Subtitle Q—Community-Based Justice Grants for Local Prosecutors

SEC. 1099DD. GRANT AUTHORIZATION.

The Attorney General may make grants to local prosecutors for the purpose of supporting the creation or expansion of community-based justice programs.

SEC. 1099EE. USE OF FUNDS.

Grants made by the Attorney General under this section shall be used—

(1) to fund programs that require the cooperation and coordination of prosecutors, school officials, police, probation officers, youth and social service professionals, and community members in the effort to reduce the incidence of, and increase the successful identification and speed of prosecution of, young violent offenders;

(2) to fund programs in which prosecutors focus on the offender, not simply the specific offense, and impose individualized sanctions, designed to deter that offender from further antisocial conduct, and impose increasingly serious sanctions on a young offender who continues to commit offenses; and

(3) to fund programs that coordinate criminal justice resources with educational, social service, and community resources to develop and deliver violence prevention programs, including

mediation and other conflict resolution methods, treatment, counselling, educational, and recreational programs that create alternatives to criminal activity.

SEC. 1099FF. APPLICATIONS.

(a) ELIGIBILITY.—In order to be eligible to receive a grant under this part for any fiscal year, a local prosecutor, in conjunction with the mayor from the jurisdiction in which the program will be placed, shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(b) REQUIREMENTS.—Each applicant shall include—

(1) a request for funds for the purposes described in section 1099EE;

(2) a description of the communities to be served by the grant, including the nature of the youth crime and violence problems within such communities;

(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this section; and

(4) statistical information in such form and containing such information that the Attorney General may require.

(c) COMPREHENSIVE PLAN.—Each applicant shall include a comprehensive plan that shall contain—

(1) a description of the youth violent crime problem;

(2) an action plan outlining how the applicant will achieve the purposes as described in section 1;

(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources; and

(4) a description of how the requested grant will be used to fill gaps.

SEC. 1099GG. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

(a) ADMINISTRATIVE COST LIMITATION.—The Attorney General shall use not more than 5 percent of the funds available under this program for the purposes of administration and technical assistance.

(b) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

(1) the Attorney General determines that the funds made available to the recipient during the previous years were used in a manner required under the approved application; and

(2) the Attorney General determines that an additional grant is necessary to implement the community prosecution program described in the comprehensive plan required by section 2.

SEC. 1099HH. AWARD OF GRANTS.

The Attorney General shall consider the following facts in awarding grants:

(1) Demonstrated need and evidence of the ability to provide the services described in the plan required under section 1099FF.

(2) The Attorney General shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

SEC. 1099II. REPORTS.

(a) REPORT TO ATTORNEY GENERAL.—Local prosecutors that receive funds under this subtitle shall submit to the Attorney General a report not later than March 1 of each year that describes progress achieved in carrying out the plan described under section 2(c).

(b) REPORT TO CONGRESS.—The Attorney General shall submit to the Congress a report by October 1 of each year in which grants are made available under this subtitle which shall contain a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants, and an evaluation of programs established under this subtitle.

SEC. 1099JJ. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for each of the fiscal years 1995 through 1999 to carry out the purposes of this subtitle.

SEC. 1099KK. DEFINITIONS.

The term "young violent offender" means individuals, ages 7–22, who have committed crimes of violence, weapons offenses, drug distribution, hate crimes and civil rights violations, and offenses against personal property of another.

TITLE XI—YOUTH VIOLENCE

SEC. 1101. PROSECUTION AS ADULTS OF CERTAIN JUVENILES FOR CRIMES OF VIOLENCE.

(a) PROSECUTION AS ADULTS.—The 4th undesignated paragraph of section 5032 of title 18, United States Code, is amended by striking "; however" and inserting ". In the application of the preceding sentence, if the crime of violence is an offense under section 113(a), 113(b), 113(c), 1111, 1113, or, if the juvenile possessed a firearm during the offense, section 2111, 2113, 2241(a), or 2241(c) of this title, 'thirteen' shall be substituted for 'fifteen' and 'thirteenth' shall be substituted for 'fifteenth'. Notwithstanding sections 1152 and 1153 of this title, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to the preceding sentence for any offense the Federal jurisdiction for which is predicated solely on Indian country as defined in section 1151 of this title, and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has elected that the preceding sentence have effect over land and persons subject to its criminal jurisdiction. However".

(b) FEDERAL PRIORITY IN DEALING WITH CERTAIN CRIMES.—The first undesignated paragraph of section 5032 of title 18, United States Code, is amended by inserting " or an offense that is a crime of violence under section 113(a), 113(b), 113(c), 1111, 1113, or if the juvenile possessed a firearm during the offense, section 2111, 2113, 2241(a), or 2241(c) of this title" after "not exceed six months".

SEC. 1102. COMMENCEMENT OF JUVENILE PROCEEDING.

Section 5032 of title 18, United States Code, is amended by striking "Any proceedings against a juvenile under this chapter or as an adult shall not be commenced until" and inserting "A juvenile shall not be transferred to adult prosecution nor shall a hearing be held under section 5037 (disposition after a finding of juvenile delinquency) until".

SEC. 1103. SEPARATION OF JUVENILE FROM ADULT OFFENDERS.

Section 5039 of title 18, United States Code, is amended by inserting ", whether pursuant to an adjudication of delinquency or conviction for an offense," after "committed" the first place it appears.

TITLE XII—CHILD SEXUAL ABUSE PREVENTION ACT OF 1994

SEC. 1201. PENALTIES FOR INTERNATIONAL TRAFFICKING IN CHILD PORNOGRAPHY.

(a) IMPORT RELATED OFFENSE.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following new section:

"§2259. Production of sexually explicit depictions of a minor for importation into the United States

"(a) USE OF MINOR.—A person who, outside the United States, employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor with the intent that the minor engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, intending that the visual depiction will be imported into the United States or into waters within 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

"(b) USE OF VISUAL DEPICTION.—A person who, outside the United States, knowingly receives, transports, ships, distributes, sells, or possesses with intent to transport, ship, sell, or distribute any visual depiction of a minor engaging in sexually explicit conduct (if the production of the visual depiction involved the use of a minor engaging in sexually explicit conduct), intending that the visual depiction will be imported into the United States or into waters within a distance of 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

"(c) PENALTIES.—A person who violates subsection (a) or (b), or conspires or attempts to do so—

"(1) shall be fined under this title, imprisoned not more than 10 years, or both; and

"(2) if the person has a prior conviction under this chapter or chapter 109A, shall be fined under this title, imprisoned not more than 20 years, or both.".

(b) TECHNICAL AMENDMENT.—

(1) CHAPTER ANALYSIS.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by adding at the end the following new item:

"2259. Production of sexually explicit depictions of a minor for importation into the United States.".

(2) FINE PROVISIONS.—Section 2251(d) of title 18, United States Code, is amended—

(A) by striking "not more than $100,000, or" and inserting "under this title,";

(B) by striking "not more than $200,000, or" and inserting "under this title,"; and

(C) by striking "not more than $250,000" and inserting "under this title".

(c) SECTION 2251 PENALTY ENHANCEMENT.—Section 2251(d) of title 18, United States Code, is amended by striking "this section" the second place it appears and inserting "this chapter or chapter 109A".

(d) SECTION 2252 PENALTY ENHANCEMENT.—Section 2252(b)(1) of title 18, United States Code, is amended by striking "this section" and inserting "this chapter or chapter 109A".

(e) CONSPIRACY AND ATTEMPT.—Sections 2251(d) and 2252(b) of title 18, United States Code, are each amended by inserting ", or attempts or conspires to violate," after "violates" each place it appears.

(f) RICO AMENDMENT.—Section 1961(1) of title 18, United States Code, is amended by striking "2251–2252" and inserting "2251, 2252, and 2259".

(g) TRANSPORTATION OF MINORS.—Chapter 117 of title 18, United States Code, is amended—

(1) by adding at the end the following new section:

"§2425. Travel with intent to engage in a sexual act with a juvenile

"A person who travels in interstate commerce, or conspires to do so, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, or conspires to do so, for the purpose of engaging in any sexual act (as defined in section 2245) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States shall be fined under this title, imprisoned not more than 10 years, or both."; and

(2) in the table of sections at the beginning, by adding at the end the following new item:

"2425. Travel with intent to engage in a sexual act with a juvenile.".

SEC. 1202. SENSE OF CONGRESS CONCERNING STATE LEGISLATION REGARDING CHILD PORNOGRAPHY.

It is the sense of the Congress that each State that has not yet done so should enact legislation prohibiting the production, distribution, receipt, or simple possession of materials depicting a person under 18 years of age engaging in sexually explicit conduct (as defined in section 2256 of title 18, United States Code) and providing for a maximum imprisonment of at least 1 year and for the forfeiture of assets used in the commission or support of, or gained from, such offenses.

TITLE XIII—JACOB WETTERLING CRIMES AGAINST CHILDREN REGISTRATION ACT

SEC. 1301. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—The Attorney General shall establish guidelines for State programs requiring any person who is convicted of a criminal offense against a victim who is a minor to register a current address with a designated State law enforcement agency for 10 years after release from prison, or being placed on parole, supervised release, or probation.

(2) DEFINITION.—For purposes of this subsection, the term "criminal offense against a victim who is a minor" means any criminal offense that consists of—

(A) kidnapping of a minor, except by a parent;

(B) false imprisonment of a minor, except by a parent;

(C) criminal sexual conduct toward a minor;

(D) solicitation of a minor to engage in sexual conduct;

(E) use of a minor in a sexual performance;

(F) solicitation of a minor to practice prostitution;

(G) any conduct that by its nature is a sexual offense against a minor; or

(H) an attempt to commit an offense described in any of subparagraphs (A) through (G) of this paragraph, if the State—

(i) makes such an attempt a criminal offense; and

(ii) chooses to include such an offense in those which are criminal offenses against a victim who is a minor for the purposes of this section.

(b) REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, SUPERVISED RELEASE, OR PROBATION.—An approved State registration program established under this section shall contain the following requirements:

(1) DUTY OF STATE PRISON OFFICIAL OR COURT.—If a person who is required to register under this section is released from prison, or placed on parole, supervised release, or probation, a State prison officer, or in the case of probation, the court, shall—

(A) inform the person of the duty to register and obtain the information required for such registration;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing within 10 days;

(C) inform the person that if the person changes residence to another State, the person shall register the new address with the law enforcement agency with whom the person last registered, and the person is also required to register with a designated law enforcement agency in the new State not later than 10 days after establishing residence in the new State, if the new State has a registration requirement;

(D) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(E) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(2) TRANSFER OF INFORMATION TO STATE AND THE F.B.I.—The officer, or in the case of a person placed on probation, the court, shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit the conviction data and fingerprints to the Federal Bureau of Investigation.

(3) ANNUAL VERIFICATION.—On each anniversary of a person's initial registration date during the period in which the person is required to register under this section, the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person. The person shall mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form. The verification form shall be signed by the person, and state that the person still resides at the address last reported to the designated State law enforcement agency. If the person fails to mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form, the person shall be in violation of this section unless the person proves that the person has not changed his or her residence address.

(4) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESS.—Any change of address by a person required to register under this section reported to the designated State law enforcement agency shall immediately be reported to the appropriate law enforcement agency having jurisdiction where the person is residing. The designated law enforcement agency shall, if the person changes residence to another State, notify the person of the law enforcement agency with which the person must register in the new State, if the new State has a registration requirement.

(5) PRIVACY OF DATA.—The information collected under a State registration program shall be treated as private data on individuals and may be disclosed only to law enforcement agencies for investigative purposes or to government agencies conducting confidential background checks with fingerprints on applicants for child care positions or other positions involving contact with children.

(c) REGISTRATION FOR CHANGE OF ADDRESS TO ANOTHER STATE.—A person who has been convicted of an offense which triggered registration in a State shall register the new address with a designated law enforcement agency in another State to which the person moves not later than 10 days after such person establishes residence in the new State, if the new State has a registration requirement.

(d) REGISTRATION FOR 10 YEARS.—A person required to register under this section shall continue to comply with this section until 10 years have elapsed since the person was released from prison, or placed on parole, supervised release, or probation.

(e) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to so register and keep such registration current shall be subject to criminal penalties in any State in which the person has so failed.

(f) COMPLIANCE.—

(1) COMPLIANCE DATE.—Each State shall have 3 years from the date of the enactment of this Act in which to implement this section.

(2) INELIGIBILITY FOR FUNDS.—The allocation of funds under section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) received by a State not complying with the guidelines issued under this section 3 years after the date of enactment of this Act may be reduced by 10 percent and the unallocated funds shall be reallocated to the States in compliance with this section.

TITLE XIV—COMMUNITY POLICING

SEC. 1401. COMMUNITY POLICING; "COPS ON THE BEAT".

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part W (as added by section 2301(a)) the following new part:

"PART X—PUBLIC SAFETY AND COMMUNITY POLICING; 'COPS ON THE BEAT'

"SEC. 2401. AUTHORITY TO MAKE PUBLIC SAFETY AND COMMUNITY POLICING GRANTS.

"(a) GRANT AUTHORIZATION.—The Attorney General is authorized to make grants to States and units of local government, and to other public and private entities, to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

"(b) REHIRING AND HIRING GRANT PROJECTS.—Grants made under the authority of subsection (a) of this section may be used for programs, projects, and other activities to—

"(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing; and

"(2) hire and train new, additional career law enforcement officers (including cadets and trainees) for deployment in community-oriented policing across the Nation.

"(c) ADDITIONAL GRANT PROJECTS.—Grants made under the authority of subsection (a) of this section also may include programs, projects, and other activities to—

"(1) increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive crime control and prevention by redeploying officers to such activities;

"(2) provide specialized training to law enforcement officers to enhance their conflict resolution, mediation, problem solving, service, and other skills needed to work in partnership with members of the community;

"(3) increase police participation in multidisciplinary early intervention teams;

"(4) develop new technologies to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime;

"(5) develop and implement innovative programs to permit members of the community to assist State and local law enforcement agencies in the prevention of crime in the community;

"(6) establish innovative programs to reduce, and keep to a minimum, the amount of time that law enforcement officers must be away from the community while awaiting court appearances;

"(7) establish and implement innovative programs to increase and enhance proactive crime control and prevention programs involving law enforcement officers and young persons in the community;

"(8) develop and establish new administrative and managerial systems to facilitate the adoption of community-oriented policing as an organization-wide philosophy; and

"(9) establish, implement, and coordinate crime prevention and control programs (involving law enforcement officers working with community members) with other existing Federal programs that serve the community and community members to better address the comprehensive needs of such community and its members.

"(d) PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.—In awarding grants under this part, the Attorney General may give preferential consideration to grants for hiring and rehiring additional career law enforcement officers that involve a non-Federal contribution exceeding the 25 percent minimum under subsection (h) of this section.

"(e) TECHNICAL ASSISTANCE.—(1) The Attorney General may provide technical assistance to States and units of local government, and to other public and private entities, in furtherance of the purposes of this part.

"(2) The technical assistance provided by the Attorney General may include the development of a flexible model that will define for States and units of local government, and other public and private entities, definitions and strategies associated with community or problem-oriented policing and methodologies for its implementation.

"(3) The technical assistance provided by the Attorney General may include the establishment and operation of training centers or facilities, either directly or by contracting or cooperative arrangements. The functions of the centers or facilities established under this paragraph may include instruction and seminars for police executives, managers, trainers, and supervisors concerning community or problem-oriented policing and improvements in police-community interaction and cooperation that further the purposes of this part.

"(f) UTILIZATION OF DEPARTMENT OF JUSTICE OFFICES AND SERVICES.—The Attorney General may utilize any office or service of the Department of Justice in carrying out this part.

"(g) MINIMUM AMOUNT.—Each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to subsection (a) of this section not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to such subsection. As used in this subsection, 'qualifying State' means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this part.

"(h) MATCHING FUNDS.—The portion of the costs of a program, project, or activity provided by a grant under subsection (a) of this section may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding one year for hiring or re-hiring career law enforcement officers, the Federal share shall decrease from year to year, looking towards the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 2402(c)(8) of this part.

"(i) ALLOCATION OF FUNDS.—The funds available under this part shall be allocated as provided in section 1001(a)(19)(B) of this title.

"(j) TERMINATION OF GRANTS FOR HIRING OFFICERS.—The authority under subsection (a) of this section to make grants for the hiring and rehiring of additional career law enforcement officers shall lapse at the conclusion of six years from the date of enactment of this part. Prior to the expiration of this grant authority, the Attorney General shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Attorney General may have for amendments to this part and related provisions of law in light of the termination of the authority to make grants for the hiring and rehiring of additional career law enforcement officers.

"SEC. 2402. APPLICATIONS.

"(a) IN GENERAL.—No grant may be made under this part unless an application has been submitted to, and approved by, the Attorney General.

"(b) FORM AND CONTENT OF APPLICATION.—An application for a grant under this part shall be submitted in such form, and contain such information, as the Attorney General may prescribe by regulation or guidelines.

"(c) COMPLIANCE WITH REGULATIONS OR GUIDELINES.—In accordance with the regulations or guidelines established by the Attorney General, each application for a grant under this part shall—

"(1) include a long-term strategy and detailed implementation plan that reflects consultation with community groups and appropriate private and public agencies and reflects consideration of the statewide strategy under section 503(a)(1) of this part;

"(2) demonstrate a specific public safety need;

"(3) explain the locality's inability to address the need without Federal assistance;

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

"(5) certify that there has been appropriate coordination with all affected agencies;

"(6) outline the initial and ongoing level of community support for implementing the proposal including financial and in-kind contributions or other tangible commitments;

"(7) specify plans for obtaining necessary support and continuing the proposed program, project, or activity following the conclusion of Federal support; and

"(8) if the application is for a grant for hiring or rehiring additional career law enforcement officers—

"(A) specify plans for the assumption by the grantee of a progressively larger share of the cost in the course of time, looking towards the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support;

"(B) assess the impact, if any, of the increase in police resources on other components of the criminal justice system;

"(C) explain how the grant will be utilized to re-orient the affected law enforcement agency's mission towards community-oriented policing or enhance its involvement in or commitment to community-oriented policing; and

"(D) ensure that, to the extent practicable, grantees seek and recruit members of racial, ethnic, and gender minority groups whose representation in the law enforcement agency for which funds are sought is less than in the general population qualified for such employment in such jurisdiction.

"SEC. 2403. REVIEW OF APPLICATIONS BY STATE OFFICE.

"(a) IN GENERAL.—Except as provided in subsection (c) or (d), an applicant for a grant under this part shall submit an application to the State office designated under section 507 of this title in the State in which the applicant is located for initial review.

"(b) INITIAL REVIEW OF APPLICATION.—The State office referred to in subsection (a) of this section shall review applications for grants under this part submitted to it, based upon criteria specified by the Attorney General by regulation or guidelines, and rank such applications based upon the criteria specified by the Attorney General. The State office referred to in subsection (a) of this section shall submit the list along with all grant applications and supporting materials received to the Attorney General.

"(c) DIRECT APPLICATION TO THE ATTORNEY GENERAL BY CERTAIN MUNICIPALITIES.—Notwithstanding subsection (a) of this section, municipalities whose population exceeds 100,000 may submit an application for a grant under this part directly to the Attorney General. For purposes of this subsection, 'municipalities whose population exceeds 100,000' means units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 100,000, and consortia or associations that include one or more such units of local government or law enforcement agencies.

"(d) DIRECT APPLICATION TO THE ATTORNEY GENERAL BY OTHER APPLICANTS.—Notwithstanding subsection (a) of this section, if a State chooses not to carry out the functions described in subsection (b) of this section, an applicant in the State may submit an application for a grant under this part directly to the Attorney General.

"SEC. 2404. RENEWAL OF GRANTS.

"(a) IN GENERAL.—Except for grants made for hiring or rehiring additional career law enforcement officers, a grant under this part may be renewed for up to two additional years after the first fiscal year during which a recipient receives its initial grant if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

"(b) GRANTS FOR HIRING.—Grants made for hiring or rehiring additional career law enforcement officers may be renewed for up to five years, subject to the requirements of subsection (a) of this section, but notwithstanding the limitation in that subsection concerning the number of years for which grants may be renewed.

"(c) MULTI-YEAR GRANTS.—A grant for a period exceeding one year may be renewed as provided in this section, except that the total duration of such a grant including any renewals may not exceed three years, or six years if it is a grant made for hiring or rehiring additional career law enforcement officers.

"SEC. 2405. LIMITATION ON USE OF FUNDS.

"(a) NON-SUPPLANTING REQUIREMENT.—Funds made available under this part to States or units of local government shall not be used to supplant State or local funds, but will be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State or local sources.

"(b) ADMINISTRATIVE COSTS.—No more than 5 percent of the funds available under this part may be used for the costs of States in carrying out the functions described in section 2403(b) or other administrative costs.

"(c) NON-FEDERAL COSTS.—States and units of local government may use assets received through the assets forfeiture equitable sharing program to cover the non-Federal portion of programs, projects, and activities funded under this part.

"(d) HIRING COSTS.—Funding provided under this part for hiring or rehiring a career law enforcement officer may not exceed $75,000, unless the Attorney General grants a waiver from this limitation.

"SEC. 2406. PERFORMANCE EVALUATION.

"(a) EVALUATION COMPONENTS.—

"(1) Each program, project, or activity funded under this part shall contain an evaluation component, developed pursuant to guidelines established by the Attorney General.

"(2) The evaluations required by paragraph (1) shall include outcome measures that can be used to determine the effectiveness of the funded programs, projects, activities and a description of the geographic dispersion, and racial, ethnic, and gender diversity of rehired and new employees. Outcome measures may include crime and victimization indicators, quality of life measures, community perceptions, and police perceptions of their own work.

"(b) PERIODIC REVIEW AND REPORTS.—The Attorney General shall review the performance of each grant recipient under this part. The Attorney General may require a grant recipient to submit to the Attorney General the results of the evaluations required under subsection (a) and such other data and information as the Attorney General deems reasonably necessary to carry out the responsibilities under this subsection.

"SEC. 2407. REVOCATION OR SUSPENSION OF FUNDING.

"If the Attorney General determines, as a result of the reviews required by section 2406 of this part, or otherwise, that a grant recipient under this part is not in substantial compliance with the terms and requirements of an approved grant application submitted under section 2402 of this part, the Attorney General may revoke or suspend funding of that grant, in whole or in part.

"SEC. 2408. ACCESS TO DOCUMENTS.

"(a) BY THE ATTORNEY GENERAL.—The Attorney General shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this part, as well as the pertinent books, documents, papers, or records of States and units of local government, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this part.

"(b) BY THE COMPTROLLER GENERAL.—The provisions of subsection (a) of this section shall also apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

"SEC. 2409. GENERAL REGULATORY AUTHORITY.

"The Attorney General is authorized to promulgate regulations and guidelines to carry out this part.

"SEC. 2410. DEFINITION.

"For the purposes of this part, the term 'career law enforcement officer' means a person hired on a permanent basis who is authorized by law or by a State or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711, et seq.) is amended by inserting after the matter relating to part W (as added by section 2301(b)) the following:

"PART X—PUBLIC SAFETY AND COMMUNITY POLICING; 'COPS ON THE BEAT'

"Sec. 2401. Authority to make public safety and community policing grants.
"Sec. 2402. Applications.
"Sec. 2403. Review of applications by State office.
"Sec. 2404. Renewal of grants.
"Sec. 2405. Limitation on use of funds.
"Sec. 2406. Performance evaluation.
"Sec. 2407. Revocation or suspension of funding.
"Sec. 2408. Access to documents.
"Sec. 2409. General regulatory authority.
"Sec. 2410. Definition.".

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) in paragraph (3) by striking "and O." and inserting "O, P, Q, R, S, T, U, V, W, and X."; and

(2) by adding after paragraph (18) (as added by section 2302) the following:

"(19)(A) There are authorized to be appropriated to carry out part X, to remain available until expended, $200,000,000 for fiscal year 1994 and $650,000,000 for each of the fiscal years 1995, 1996, 1997, 1998, and 1999.

"(B) Of funds available under part X in any fiscal year, up to 5 percent may be used for technical assistance under section 2401(e) or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of the purposes of part X, and up to 5 percent may be used for the costs of States in carrying out the functions described in section 2403(b) or other administrative costs. Of the remaining funds, 50 percent shall be allocated for grants pursuant to applications submitted as provided in section 2403(a) or (d), and 50 percent shall be allocated for grants pursuant to applications submitted as provided in section 2403(c). Of the funds available in relation to grants pursuant to applications submitted as provided in section 2403(a) or (d), at least 85 percent shall be applied to grants for the purposes specified in section 2401(b), and no more than 15 percent may be applied to other grants in furtherance of the purposes of part X. Of the funds available in relation to grants pursuant to applications submitted as provided in section 2403(c), at least 85 percent shall be applied to grants for the purposes specified in section 2401(b), and no more than 15 percent may be applied to other grants in furtherance of the purposes of part X.

"(C) Notwithstanding the provisions of section 2403, no funds allocated for grants pursuant to applications submitted as provided under subsections (a) or (d) of section 2403 shall be allocated for grants to a municipality (as defined in section 2403(c)).".

TITLE XV—DNA IDENTIFICATION

SEC. 1501. SHORT TITLE.

This title may be cited at the "DNA Identification Act of 1994".

SEC. 1502. FUNDING TO IMPROVE THE QUALITY AND AVAILABILITY OF DNA ANALYSES FOR LAW ENFORCEMENT IDENTIFICATION PURPOSES.

(a) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended—

(1) in paragraph (20) by striking "and" at the end,

(2) in paragraph (21) by striking the period at the end and inserting a semicolon, and

(3) by adding at the end the following:

"(22) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (hereinafter in this title referred to as 'DNA') for identification purposes; and".

(b) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end thereof the following new paragraph:

"(12) If any part of a grant made under this part is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

"(A) DNA analyses performed at such laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 3 of the DNA Identification Act of 1994;

"(B) DNA samples obtained by, and DNA analyses performed at, such laboratory will be accessible only—

"(i) to criminal justice agencies for law enforcement identification purposes;

"(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

"(iii) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

"(C) such laboratory, and each analyst performing DNA analyses at such laboratory, will undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 3 of the DNA Identification Act of 1994.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following:

"(11) There are authorized to be appropriated for each of the fiscal years 1994 through 1998 $10,000,000 for grants to the States for DNA analysis.".

SEC. 1503. QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.

(a) PUBLICATION OF QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall appoint an advisory board on DNA quality assurance methods. The Director shall appoint members of the board from among nominations proposed by the head of the National Academy of Sciences and professional societies of crime laboratory officials. The advisory board shall include as members scientists from State and local forensic laboratories, molecular geneticists and population geneticists not affiliated with a forensic laboratory, and a representative from the National Institute of Standards and Technology. The advisory board shall develop, and if appropriate, periodically revise, recommended standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(2) The Director of the Federal Bureau of Investigation, after taking into consideration such recommended standards, shall issue (and revise from time to time) standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(3) The standards described in paragraphs (1) and (2) shall specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories. The standards shall also include a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

(4) Until such time as the advisory board has made recommendations to the Director of the Federal Bureau of Investigation and the Director has acted upon those recommendations, the quality assurance guidelines adopted by the technical working group on DNA analysis methods shall be deemed the Director's standards for purposes of this section.

(b) ADMINISTRATION OF THE ADVISORY BOARD.—For administrative purposes, the advisory board appointed under subsection (a) shall be considered an advisory board to the Director of the Federal Bureau of Investigation. Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a). The board shall cease to exist on the date 5 years after the initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

SEC. 1504. INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.

(a) IN GENERAL.—The Director of the Federal Bureau of Investigation may establish an index of—

(1) DNA identification records of persons convicted of crimes;

(2) analyses of DNA samples recovered from crime scenes; and

(3) analyses of DNA samples recovered from unidentified human remains.

(b) CONTENT OF INDEX.—Such index may include only information on DNA identification records and DNA analyses that are—

(1) based on analyses performed in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 3 of the DNA Identification Act of 1994;

(2) prepared by laboratories, and DNA analysts, that undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 3 of the DNA Identification Act of 1994; and

(3) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(C) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) EXCHANGE SUBJECT TO CANCELLATION.—The exchange of records authorized by this section is subject to cancellation if the quality control and privacy requirements described in subsection (b) of this section are not met.

SEC. 1505. FEDERAL BUREAU OF INVESTIGATION.

(a) PROFICIENCY TESTING REQUIREMENTS.—

(1) GENERALLY.—Personnel at the Federal Bureau of Investigation who perform DNA analyses shall undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 3(a). Within one year of the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory. As used in this paragraph, the term "blind external test" means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(2) REPORT.—For five years after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on the Judiciary of the House and Senate an annual report on the results of each of the tests referred to in paragraph (1).

(b) PRIVACY PROTECTION STANDARDS.—

(1) GENERALLY.—Except as provided in paragraph (2), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(A) to criminal justice agencies for law enforcement identification purposes; or

(B) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged.

(2) EXCEPTION.—If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) CRIMINAL PENALTY.—(1) Whoever—

(A) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(B) willfully discloses such information in any manner to any person or agency not entitled to receive it;

shall be fined not more than $100,000.

(2) Whoever, without authorization, willfully obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency shall be fined not more than $100,000.

SEC. 1506. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Federal Bureau of Investigation $4,500,000 for each of fiscal years 1994 through 1998 to carry out sections 1503, 1504, and 1505 of this Act.

TITLE XVI—VIOLENCE AGAINST WOMEN

SEC. 1600. SHORT TITLE.

This title may be cited as the "Violence Against Women Act of 1994".

Subtitle A—Safe Streets for Women

SEC. 1601. SHORT TITLE.

This subtitle may be cited as the "Safe Streets for Women Act of 1994".

SEC. 1602. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by—

(1) redesignating part Q as part R;

(2) redesignating section 1701 as section 1801; and

(3) adding after part P the following new part:

"PART Q—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"SEC. 1701. PURPOSE OF THE PROGRAM AND GRANTS.

"(a) GENERAL PROGRAM PURPOSE.—The purpose of this part is to assist States, Indian tribes, and other eligible entities to develop effective law enforcement and prosecution strategies to combat violent crimes against women.

"(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—Grants under this part shall provide funds for personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women to reduce the rate of violent crime against women and specifically, for the purposes of—

"(1) training law enforcement officers and prosecutors to identify and respond more effectively to violent crimes against women, including crimes of sexual assault and domestic violence;

"(2) developing, training, or expanding units of law enforcement officers and prosecutors that specifically target violent crimes against women, including the crimes of sexual assault and domestic violence;

"(3) developing and implementing more effective police and prosecution policies, protocols, orders, or services specifically devoted to the prevention of, identification of, and response to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(4) developing, installing, or expanding data collection systems, including computerized systems, linking police, prosecutors, and courts or identifying and tracking arrests, protection orders, prosecutions, and convictions for the crimes of sexual assault and domestic violence;

"(5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs, developing or improving delivery of victim services to racial, cultural, ethnic, and language minorities, providing specialized domestic violence court advocates in courts where a significant number of protective orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence; and

"(6) aiding Indian tribe grantees, exclusively, in financing the Violence Against Women Act of 1994.

"SEC. 1702. STATE GRANTS.

"(a) GENERAL GRANTS.—The Director of the Bureau of Justice Assistance (hereinafter in this part referred to as the 'Director') is authorized to make grants to States, Indian tribes, units of local government, tribal organizations, and nonprofit nongovernmental victim services programs in the States or Indian country.

"(b) APPLICATION REQUIREMENTS.—Applications shall include—

"(1) documentation from prosecution, law enforcement, and victim services programs to be assisted that demonstrates—

"(A) the need for grant funds;

"(B) the intended use of grant funds; and

"(C) the expected results;

"(2) proof of compliance with the requirements for the payment of forensic medical exams provided pursuant to section 1603 of the Violence Against Women Act of 1994, except that Indian tribes are exempt from such requirement; and

"(3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases pursuant to section 1604 of the Violence Against Women Act of 1994.

"(c) QUALIFICATION.—Upon satisfying the terms of subsection (b), an eligible entity shall be eligible for funds provided under this part by—

"(1) certifying that funds received under this part shall be used for the purposes outlined in section 1701(b);

"(2) certifying that grantees shall develop a plan, implement such plan, and otherwise consult and coordinate with nonprofit nongovernmental domestic violence and sexual assault victim services programs, law enforcement officials, victim advocates, prosecutors, and defense attorneys;

"(3) providing documentation from the individuals and groups listed under paragraph (2) regarding their participation in development of a plan and involvement in the application process, as well as how such individuals and groups will be involved in implementation of the plan;

"(4) providing assurances that the plan developed under paragraph (2) shall meet the needs of racial, cultural, ethnic, and language minority populations;

"(5) providing assurances that prosecution, law enforcement, and nonprofit nongovernmental victim services programs in the community to be served by such plan each receive an equitable percentage of any funds allocated under this part; and

"(6) providing assurances that any Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(d) DISBURSEMENT OF FUNDS.—

"(1) IN GENERAL.—Not later than 60 days after the receipt of an application under this part, the Director shall either disburse the appropriate sums provided for under this part or shall inform the applicant regarding why the application does not conform to the requirements of this section.

"(2) RESPONSIBILITY OF DIRECTOR.—In disbursing funds under this part, the Director shall issue regulations—

"(A) to distribute funds equitably on a geographic basis, including nonurban and rural areas of varying geographic size; and

"(B) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas.

"(e) GRANTEE REPORTING.—(1) Not later than March 31 of each year during which funds are received under this part, the grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of such activities in achieving the purposes of this part.

"(2) The grantee shall arrange for assessments of the grantee's program from all organizations and government entities that were involved in the design of the grant plan.

"(3) Such assessments must be sent directly to the Director by the assessing entity.

"(f) SUSPENSION OF FUNDING.—The Director shall suspend funding for an approved application if—

"(1) an applicant fails to submit an annual performance report;

"(2) funds provided under this part are expended for purposes other than those set forth under this part; or

"(3) grant reports or accompanying assessments demonstrate to the Director that the program is ineffective or financially unsound.

"SEC. 1703. GENERAL DEFINITIONS.

"For purposes of this part—

"(1) the term 'domestic violence' means crimes of violence committed against a victim by a current or former spouse of the victim, an individual with whom the victim shares a child in common, an individual who is cohabiting with or has cohabited with the victim as a spouse, an individual similarly situated to a spouse, or any other individual who is protected under domestic or family violence laws of the jurisdiction that receives a grant under this part;

"(2) the term 'eligible entity' means a State, unit of local government, Indian tribe, and a nonprofit, nongovernmental victims services program;

"(3) the term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians;

"(4) the term 'Indian country' has the meaning given to such term by section 1151 of title 18, United States Code;

"(5) the term 'sexual assault' means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim; and

"(6) the term 'victim services program' means a nongovernmental nonprofit program that assists domestic violence or sexual assault victims, including nongovernmental nonprofit organizations such as rape crisis centers, battered women's shelters, and other sexual assault and domestic violence programs, including nonprofit nongovernmental organizations assisting domestic violence and sexual assault victims through the legal process.

"SEC. 1704. GENERAL TERMS AND CONDITIONS.

"(a) NONMONETARY ASSISTANCE.—In addition to the assistance provided under section 1702, the Attorney General may request any Federal agency, with or without reimbursement, to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) to support State, tribal, and local assistance efforts under this part.

"(b) BUREAU REPORTING.—Not later than 180 days after the end of each fiscal year for which grants are made under this part, the Director shall submit to the Congress a report that includes, for each State and Indian tribe—

"(1) the amount of grants made under this part;

"(2) a summary of the purposes for which grants were provided and an evaluation of progress; and

"(3) an evaluation of the effectiveness of programs established with funds under this part.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), is amended by adding at the end the following:

"(12) There are authorized to be appropriated for each of the fiscal years 1994 and 1995, $200,000,000 to carry out the purposes of part Q, with not less than 8 percent of such appropriation allotted specifically for Indian tribes.".

(c) ADMINISTRATIVE PROVISIONS.—(1) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "and O" and inserting "O, Q,".

(2) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "or O" and inserting "O, Q,".

(d) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the matter relating to part Q and inserting the following:

"PART Q—GRANT TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"Sec. 1701. Purpose of the program and grants.
"Sec. 1702. State grants.
"Sec. 1703. General definitions.
"Sec. 1704. General terms and conditions.

"PART R—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings.".

SEC. 1603. RAPE EXAM PAYMENTS.

(a) RESTRICTION OF FUNDS.—No State is entitled to funds under this title unless the State incurs the full out of pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault.

(b) MEDICAL COSTS.—A State shall be deemed to incur the full out of pocket cost of forensic medical exams for victims of sexual assault if such State—

(1) provides such exams to victims free of charge to the victim;

(2) arranges for victims to obtain such exams free of charge to the victims; or

(3) reimburses victims for the cost of such exams, if—

(A) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;

(B) the State permits victims to apply to the State for reimbursement for not less than one year from the date of the exam;

(C) the State provides reimbursement not later than 90 days after written notification of the victim's expense; and

(D) the State provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.

SEC. 1604. FILING COSTS FOR CRIMINAL CHARGES.

No State is entitled to funds under this title unless the State certifies that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges against the domestic violence offender, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena.

SEC. 1605. EQUITABLE TREATMENT OF RAPE CASES.

No State is entitled to funds under this title unless the State can certify that its laws and policies treat sex offenses committed by offenders who are known to, cohabitants of, social companions of, or related by blood or marriage to, the victim no less severely than sex offenses committed by offenders who are strangers to the victim.

SEC. 1606. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ASSAULTS AGAINST WOMEN.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1602, is further amended by—

(1) redesignating part R as part S;

(2) redesignating section 1801 as section 1901; and

(3) adding after part Q the following new part:

"PART R—RAPE PREVENTION PROGRAMS

"SEC. 1801. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') is authorized to make grants—

"(1) to provide educational seminars, particularly developed with emphasis on seminars for elementary and secondary school age children, designed to develop an awareness of what acts meet the legal definition of rape;

"(2) to provide programs for elementary and secondary school age children that teach nonviolent conflict resolution, self defense, or other relevant skills;

"(3) to operate telephone hotlines for callers with questions regarding sexual assault and rape;

"(4) to design and disseminate training programs for professionals, including the development and dissemination of protocols for the routine identification, treatment, and appropriate referral of victims of sexual assault by hospital emergency personnel and other professionals;

"(5) to develop treatment programs for convicted sex offenders and make such programs available to the local community and to Federal and State prisons;

"(6) to prepare and disseminate informational materials designed to educate the community regarding sexual assault and prevention; and

"(7) to develop other projects to increase awareness and prevention of sexual assault, including efforts to increase awareness of sexual assault prevention among racial, ethnic, cultural and language minorities.

"SEC. 1802. APPLICATIONS.

"(a) IN GENERAL.—To be eligible to receive a grant under this part, a duly authorized representative of an eligible entity shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) ASSURANCES.—Each application must contain an assurance that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(c) REQUIRED PLAN.—Each application shall include a plan that contains—

"(1) a description of the projects to be developed;

"(2) a description of how funds would be spent;

"(3) a statement of staff qualifications and demonstrated expertise in the field of rape prevention and education; and

"(4) a statement regarding the ability to serve community needs and language minority populations in providing ethnically and culturally and linguistically appropriate programs where necessary.

"SEC. 1803. REPORTS.

"(a) GRANTEE REPORTING.—Upon completion of the grant period under this subpart, each grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of such activities in achieving the purposes of this subpart. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report.

"(b) BUREAU REPORTING.—Not later than 180 days after the end of each fiscal year for which grants are made under this subpart, the Director shall submit to the Congress a report that includes, for each grantee—

"(1) the amount of grants made under this subpart;

"(2) a summary of the purposes for which grants were provided and an evaluation of progress; and

"(3) an evaluation of the effectiveness of programs established with funds under this part.

"SEC. 1804. DEFINITIONS.

"For purposes of this part—

"(1) the term 'eligible entity' means a nonprofit, nongovernmental organization that directly serves or provides advocacy on behalf of victims of rape or sexual assault; and

"(2) the term 'sexual assault prevention and education' means education and prevention efforts directed at reducing the number of sexual assaults.".

(b) AUTHORIZATION OF APPROPRIATION.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), is amended by adding at the end the following:

"(13) There are authorized to be appropriated to carry out the purposes of part R, $60,000,000 for fiscal year 1994, $75,000,000 for fiscal year 1995, and $100,000,000 for fiscal year 1996.".

(c) ADMINISTRATIVE PROVISIONS.—(1) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 1602 of this Act, is amended by striking "O, and Q" and inserting "O, Q, and R".

(2) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 1602 of this Act, is amended by striking "O, or Q" and inserting "O, Q, or R".

(d) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1602, is amended by striking the matter relating to part R and inserting the following:

"PART R—RAPE PREVENTION PROGRAMS

"Sec. 1801. Grant authorization.
"Sec. 1802. Applications.
"Sec. 1803. Reports.
"Sec. 1804. Definitions.

"PART S—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1901. Continuation of rules, authorities, and proceedings.".

SEC. 1607. NATIONAL INSTITUTE OF JUSTICE TRAINING PROGRAMS.

(a) IN GENERAL.—The National Institute of Justice, after consultation with victim advocates and individuals who have expertise in treating sex offenders, shall establish criteria and develop training programs to assist probation and parole officers and other personnel who work with released sex offenders in the areas of—

(1) case management;

(2) supervision; and

(3) relapse prevention.

(b) TRAINING PROGRAMS.—The Director of the National Institute of Justice shall attempt, to the extent practicable, to make training programs developed under subsection (a) available in geographically diverse locations throughout the country.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for each of the fiscal years 1994 and 1995 to carry out the provisions of this section.

SEC. 1608. INFORMATION PROGRAMS.

The Attorney General shall compile information regarding sex offender treatment programs and ensure that information regarding community treatment programs in the community into which a convicted sex offender is released is made available to each person serving a sentence of imprisonment in a Federal penal or correctional institution for a commission of an offense under chapter 109A of title 18 of the United States Code or for the commission of a similar offense, including halfway houses and psychiatric institutions.

SEC. 1609. VICTIM COMPENSATION.

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

"§2247. Mandatory restitution for sex offenses

"(a) IN GENERAL.—Notwithstanding section 3663 of this title, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—

"(1) IN GENERAL.—The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim the full amount of the victim's losses as determined by the court, pursuant to paragraph (3) of this subsection; and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) DEFINITIONS.—As used in this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) lost income;

"(D) attorneys' fees, plus any costs incurred in obtaining a civil protection order;

"(E) temporary housing;

"(F) transportation;

"(G) necessary child care;

"(H) language translation services; and

"(I) any other losses suffered by the victim as a proximate result of the offense.

"(3) MANDATORY NATURE OF ORDER.—(A) Restitution orders under this section are mandatory. A court may not decline to issue an order under this section because of—

"(i) the economic circumstances of the defendant; or

"(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(B) Subparagraph (A) of this paragraph does not apply if—

"(i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

"(ii) the court enters in its order the amount of the victim's losses, and provides a nominal restitution award.

"(4) CONSIDERATION OF ECONOMIC CIRCUMSTANCES.—

"(A) IN GENERAL.—Notwithstanding paragraph (3) of this subsection, the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid, including—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the defendant, including obligations to dependents.

"(B) LUMP-SUM OR PARTIAL PAYMENT.—An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals. The order shall also provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(5) SETOFF.—Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) PROOF OF CLAIM.—

"(1) IN GENERAL.—Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or delegate), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or delegate) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or delegate) shall advise the victim that the victim may file a separate affidavit.

"(2) OBJECTIONS.—If, after notifying the defendant of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) of this subsection shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or such Attorney's delegate) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) ADDITIONAL DOCUMENTATION AND TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section, shall be maintained to the greatest extent possible.

"(4) FINAL DETERMINATION OF LOSSES.—In the event that the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1) of this section, the United States Attorney (or delegate) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 109A of title 18, United States Code, is amended by adding at the end the following:

"2247. Mandatory restitution for sex offenses.".

SEC. 1610. CAMPUS SEXUAL ASSAULT STUDY.

(a) STUDY.—The Attorney General shall provide for a national baseline study to examine the scope of the problem of campus sexual assaults and the effectiveness of institutional and legal policies in addressing such crimes and protecting victims. The Attorney General may utilize the Bureau of Justice Statistics, the Na-

tional Institute of Justice, and the Office for Victims of Crime in carrying out this section.

(b) REPORT.—Based on the study required by subsection (a), the Attorney General shall prepare a report including an analysis of—

(1) the number of reported allegations and estimated number of unreported allegations of campus sexual assaults, and to whom the allegations are reported (including authorities of the educational institution, sexual assault victim service entities, and local criminal authorities);

(2) the number of campus sexual assault allegations reported to authorities of educational institutions which are reported to criminal authorities;

(3) the number of campus sexual assault allegations that result in criminal prosecution in comparison with the number of noncampus sexual assault allegations that result in criminal prosecution;

(4) Federal and State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of policies and practices of educational institutions in addressing campus sexual assaults and protecting victims, including consideration of—

(A) the security measures in effect at educational institutions, such as utilization of campus police and security guards, control over access to grounds and buildings, supervision of student activities and student living arrangements, control over the consumption of alcohol by students, lighting, and the availability of escort services;

(B) the articulation and communication to students of the institution's policies concerning sexual assaults;

(C) policies and practices that may prevent or discourage the reporting of campus sexual assaults to local criminal authorities, or that may otherwise obstruct justice or interfere with the prosecution of perpetrators of campus sexual assaults;

(D) the nature and availability of victim services for victims of campus sexual assaults;

(E) the ability of educational institutions' disciplinary processes to address allegations of sexual assault adequately and fairly;

(F) measures that are taken to ensure that victims are free of unwanted contact with alleged assailants, and disciplinary sanctions that are imposed when a sexual assault is determined to have occurred; and

(G) the grounds on which educational institutions are subject to lawsuits based on campus sexual assaults, the resolution of these cases, and measures that can be taken to avoid the likelihood of lawsuits;

(6) an assessment of the policies and practices of educational institutions that are most effective in addressing campus sexual assaults and protecting victims, including policies and practices relating to the particular issues described in paragraph (5); and

(7) any recommendations the Attorney General may have for reforms to address campus sexual assaults and protect victims more effectively, and any other matters that the Attorney General deems relevant to the subject of the study and report required by this section.

(c) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted to the Committees on Education and Labor and the Judiciary of the House of Representatives and the Committees on Labor and Human Resources and the Judiciary of the Senate not later than September 1, 1995.

(d) DEFINITION.—For purposes of this subtitle, "campus sexual assaults" means sexual assaults committed against or by students or employees of institutions of postsecondary education and occurring at such institutions or during activities connected with such institutions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $200,000 to carry out the study required by this section.

Subtitle B—Safe Homes for Women

SEC. 1621. SHORT TITLE.

This subtitle may be cited as the "Safe Homes for Women Act".

SEC. 1622. INTERSTATE ENFORCEMENT.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 110 the following new chapter:

"CHAPTER 110A—DOMESTIC VIOLENCE

"Sec. 2261. Interstate domestic violence.
"Sec. 2262. Violation of protection order.
"Sec. 2263. Pretrial release of defendant.
"Sec. 2264. Restitution.
"Sec. 2265. Full faith and credit given to protection orders.
"Sec. 2266. Definitions for chapter.

"§2261. Interstate domestic violence

"(a) Whoever travels across a State line or enters or leaves Indian country with the intent to contact that person's spouse or intimate partner, and in the course of that contact intentionally commits a crime of violence and thereby causes bodily injury to such spouse or intimate partner, shall be punished as provided in subsection (b) of this section.

"(b) The punishment for a violation of subsection (a) of this section is a fine under this title, or imprisonment—

"(1) for life or any term of years, if the offender murders the victim;

"(2) for not more than 20 years, if the offender causes serious bodily injury to the victim;

"(3) for not more than 10 years, if the offender uses a dangerous weapon during the offense;

"(4) as provided for the applicable conduct under chapter 109A, if the offense constitutes sexual abuse, as described under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

"(5) for not more than 5 years, in any other case;

or both such fine and imprisonment.

"§2262. Violation of protection order

"(a) Whoever travels across a State line or enters or leaves Indian country with the intent to engage in conduct that—

"(1)(A) violates a protection order, any portion of which involves protection against credible threats of violence, repeated harassment, or bodily injury, to the person or persons for whom the protection order was issued, and—

"(B) violates that portion of such protection order; or

"(2) would violate paragraph (1) of this subsection if the conduct occurred in the jurisdiction in which such order was issued;

and does engage in such conduct shall be punished as provided in subsection (b) of this section.

"(b) The punishment for a violation of subsection (a) of this section is a fine under this title, or imprisonment—

"(1) for life or any term of years, if the offender murders the victim;

"(2) for not more than 20 years, if the offender causes serious bodily injury to the victim;

"(3) for not more than 10 years, if the offender uses a dangerous weapon during the offense;

"(4) as provided for the applicable conduct under chapter 109A, if the offense constitutes sexual abuse, as described under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

"(5) for not more than 5 years, in any other case;

or both such fine and imprisonment.

"§2263. Pretrial release of defendant

"In any proceeding pursuant to section 3142 of this title for the purpose of determining whether a defendant charged under this chapter shall be released pending trial, or for the purpose of determining conditions of such release, the alleged victim shall be given an opportunity to be heard regarding the danger posed by the defendant.

"§2264. Restitution

"(a) IN GENERAL.—In addition to any fine or term of imprisonment provided under this chapter, and notwithstanding the terms of section 3663 of this title, the court shall order restitution to the victim of an offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—

"(1) IN GENERAL.—The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim the full amount of the victim's losses as determined by the court, pursuant to paragraph (3) of this subsection; and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) DEFINITION.—As used in this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) lost income;

"(D) attorneys' fees, plus any costs incurred in obtaining a civil protection order;

"(E) temporary housing;

"(F) transportation;

"(G) necessary child care;

"(H) language translation services; and

"(I) any other losses suffered by the victim as a proximate result of the offense.

"(3) MANDATORY NATURE OF ORDER.—(A) Restitution orders under this section are mandatory. A court may not decline to issue an order under this section because of—

"(i) the economic circumstances of the defendant; or

"(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(B) Subparagraph (A) of this paragraph does not apply if—

"(i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

"(ii) the court enters in its order the amount of the victim's losses, and provides a nominal restitution award.

"(4) CONSIDERATION OF ECONOMIC CIRCUMSTANCES.—

"(A) IN GENERAL.—Notwithstanding paragraph (3) of this subsection, the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid, including—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the offender, including obligations to dependents.

"(B) LUMP-SUM OR PARTIAL PAYMENT.—An order under this section may direct the defendant to make a single lump-sum payment, or partial payments at specified intervals. The order shall provide that the defendant's restitutionary

obligation takes priority over any criminal fine ordered.

"(5) SETOFF.—Any amount paid to a victim under this section shall be setoff against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) PROOF OF CLAIM.—

"(1) IN GENERAL.—Within 60 days after conviction and, in any event, no later than 10 days before sentencing, the United States Attorney (or such Attorney's delegate), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the delegate) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the delegate) shall advise the victim that the victim may file a separate affidavit and assist the victim in the preparation of that affidavit.

"(2) OBJECTIONS.—If, after notifying the defendant of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) of this subsection shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or such Attorney's delegate) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) ADDITIONAL DOCUMENTATION OR TESTIMONY.—If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section, shall be maintained to the greatest extent possible.

"(4) FINAL DETERMINATION OF LOSSES.—In the event that the victim's losses are not ascertainable 10 days before sentencing as provided in paragraph (1) of this subsection, the United States Attorney (or such Attorney's delegate) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 90 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) RESTITUTION AND CRIMINAL PENALTIES.—An award of restitution to the victim of an offense under this chapter is not a substitute for imposition of punishment under this chapter.

"§2265. Full faith and credit given to protection orders

"(a) FULL FAITH AND CREDIT.—Any protection order issued that is consistent with subsection (b) of this section by the court of one State or Indian tribe (the issuing State or Indian tribe) shall be accorded full faith and credit by the court of another State or Indian tribe (the enforcing State or Indian tribe) and enforced as if it were the order of the enforcing State or tribe.

"(b) PROTECTION ORDER.—A protection order issued by a State or tribal court is consistent with this subsection if—

"(1) such court has jurisdiction over the parties and matter under the law of such State or Indian tribe; and

"(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

"(c) CROSS OR COUNTER PETITION.—A protection order issued by a State or tribal court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

"(1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

"(2) a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.

"§2266. Definitions for chapter

"As used in this chapter—

"(1) the term 'spouse or intimate partner' includes—

"(A) a spouse, a former spouse, a person who shares a child in common with the abuser, a person who cohabits or has cohabited with the abuser as a spouse, and any other person similarly situated to a spouse; and

"(B) any other person, other than a minor child, who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides;

"(2) the term 'protection order' includes any injunction or other order issued for the purpose of preventing violent or threatening acts by one spouse against his or her spouse, former spouse, or intimate partner, including temporary and final orders issued by civil and criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of an abused spouse or intimate partner;

"(3) the term 'State' includes a State of the United States, the District of Columbia, a commonwealth, territory, or possession of the United States;

"(4) the term 'travel across State lines' does not include travel across State lines by an individual who is a member of an Indian tribe when such individual remains at all times in the territory of the Indian tribe of which the individual is a member;

"(5) the term 'bodily harm' means any act, except one done in self-defense, that results in physical injury or sexual abuse; and

"(6) the term 'Indian country' has the meaning given to such term by section 1151 of this title.".

(b) TABLE OF CHAPTERS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item for chapter 110 the following new item:

"110A. Domestic violence ..... 2261.".

SEC. 1623. ENCOURAGING ARREST POLICIES.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1606, is further amended by—

(1) redesignating part S as part T;

(2) redesignating section 1901 as section 2001; and

(3) adding after part R the following new part:

"PART S—GRANTS TO ENCOURAGE ARREST POLICIES

"SEC. 1901. ARREST POLICIES.

"(a) GENERAL PROGRAM PURPOSE.—The purpose of this part is to encourage States, Indian tribes, and units of local government to treat domestic violence as a serious violation of criminal law. The Director of the Bureau of Justice Assistance may make grants to eligible States, Indian tribes, or units of local government for the following:

"(1) To implement mandatory arrest or proarrest programs, including mandatory arrest programs for protective order violations.

"(2) To develop policies, and training in police departments to improve tracking of cases involving domestic violence.

"(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, or judges.

"(4) To strengthen legal advocacy service programs for victims of domestic violence.

"(5) To educate judges in criminal and other courts about domestic violence and to improve judicial handling of such cases.

"(b) ELIGIBILITY.—Eligible grantees are States, Indian tribes, or units of local government that—

"(1) certify that their laws or official policies—

"(A)(i) encourage or mandate arrest of domestic violence offenders based on probable cause that violence has been committed; or

"(ii) certify that all their law enforcement personnel have received domestic violence training conducted by a State Domestic Violence Coalition as defined in section 10410(b) of title 42, United States Code; and

"(B) mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;

"(2) demonstrate that their laws, policies, or practices, and training programs discourage dual arrests of offender and victim;

"(3) certify that their laws, policies, and practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed finding of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense;

"(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena; and

"(5) certify that their laws and policies treat sex offenses committed by offenders who are known to, cohabitants of, or social companions of or related by blood or marriage to, the victim no less severely than sex offenses committed by offenders who are strangers to the victim.

"SEC. 1902. APPLICATIONS.

"(a) APPLICATION.—An eligible grantee shall submit an application to the Director that shall—

"(1) describe plans to implement policies described in subsection (b);

"(2) identify the agency or office or groups of agencies or offices responsible for carrying out the program; and

"(3) include documentation from nonprofit, private sexual assault and domestic violence programs demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

"(b) PRIORITY.—In awarding grants under this part, the Director shall give priority to an applicant that—

"(1) does not currently provide for centralized handling of cases involving domestic violence by policy, prosecutors, and courts; and

"(2) demonstrates a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence.

"SEC. 1903. REPORTS.

"Each grantee receiving funds under this part shall submit a report to the Director evaluating the effectiveness of projects developed with funds provided under this part and containing such additional information as the Director may prescribe.

"SEC. 1904. DEFINITIONS.

"For purposes of this part—

"(1) the term 'domestic violence' means a crime of violence against a victim committed by a current or former spouse of the victim, an individual with whom the victim shares a child in common, an individual who cohabits with or has cohabited with the victim as a spouse, or any other individual similarly situated to a spouse, or any other person who is protected under the domestic or family violence laws of the eligible State, Indian tribe, municipality, or local government entity; and

"(2) the term 'protection order' includes any injunction issued for the purpose of preventing violent or threatening acts of domestic violence including temporary and final orders issued by civil and criminal courts (other than support or child custody provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), is amended by adding at the end the following:

"(14) There are authorized to be appropriated $25,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out the purposes of part S.".

(c) ADMINISTRATIVE PROVISIONS.—(1) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 1606 of this Act, is amended by striking "O, Q, and R" and inserting "O, Q, R, and S".

(2) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 1606 of this Act, is amended by striking "O, Q, or R" and inserting "O, Q, R, or S".

(d) EFFECTIVE DATE.—The eligibility requirements provided in this section shall take effect 1 year after the date of enactment of this subtitle.

(e) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1606, is further amended by striking the matter relating to part S and inserting the following:

"PART S—GRANTS TO ENCOURAGE ARREST POLICIES

"Sec. 1901. Arrest policies.
"Sec. 1902. Applications.
"Sec. 1903. Reports.
"Sec. 1904. Definitions.

"PART T—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2001. Continuation of rules, authorities, and proceedings.".

Subtitle C—Domestic Violence

SEC. 1624. FINDINGS.

The Congress finds that—

(1) domestic violence is the leading cause of injury to women in the United States between the ages of 15 and 44;

(2) firearms are used by the abuser in 7 percent of domestic violence incidents and produces an adverse effect on interstate commerce; and

(3) individuals with a history of domestic abuse should not have easy access to firearms.

SEC. 1625. PROHIBITION AGAINST DISPOSAL OF FIREARMS TO, OR RECEIPT OF FIREARMS BY, PERSONS WHO HAVE COMMITTED DOMESTIC ABUSE.

(a) INTIMATE PARTNER DEFINED.—Section 921(a) of title 18, United States Code, is amended by inserting at the end the following:

"(30) The term 'intimate partner' means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.".

(b) PROHIBITION AGAINST DISPOSAL OF FIREARMS.—Section 922(d) of such title is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; or"; and

(3) by inserting after paragraph (7) the following:

"(8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury, except that this paragraph shall only apply to a court order that (A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate, and (B) includes a finding that such person represents a credible threat to the physical safety of such intimate partner.".

(c) PROHIBITION AGAINST RECEIPT OF FIREARMS.—Section 922(g) of such title is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by inserting "or" at the end of paragraph (7); and

(3) by inserting after paragraph (7) the following:

"(8) who is subject to a court order that—

"(A) was issued after a hearing of which such person received actual or constructive notice, and at which such person had an opportunity to participate;

"(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury; and

"(C) includes a finding that such person represents a credible threat to the physical safety of such intimate partner;".

(d) STORAGE OF FIREARMS.—Section 926(a) of such title is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by inserting after paragraph (2) the following:

"(3) regulations providing for effective receipt and secure storage of firearms relinquished by or seized from persons described in subsection (d)(8) or (g)(8) of section 922.".

(e) RETURN OF FIREARMS.—Section 924(d)(1) of such title is amended by striking "the seized" and inserting "or lapse of or court termination of the restraining order to which he is subject, the seized or relinquished".

SEC. 1626. ALIEN SPOUSE PETITIONING RIGHTS FOR IMMEDIATE RELATIVE OR SECOND PREFERENCE STATUS.

(a) IN GENERAL.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)—

(A) by inserting "(i)" after "(A)",

(B) by redesignating the second sentence as clause (ii), and

(C) by adding at the end the following new clause:

"(iii) An alien who is the spouse of a citizen of the United States, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who has resided in the United States with the alien's spouse may file a petition with the Attorney General under this subparagraph for classification of the alien (and children of the alien) under such section if the alien demonstrates to the Attorney General that—

"(I) the alien is residing in the United States, the marriage between the alien and the spouse was entered into in good faith by the alien, and during the marriage the alien or a child of the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's spouse, or

"(II) the alien is residing in the United States with the alien's spouse, the alien has been married to and residing with the spouse for a period of not less than 3 years, and the alien's spouse has failed to file a petition under clause (i) on behalf of the alien."; and

(2) in subparagraph (B)—

(A) by inserting "(i)" after "(B)", and

(B) by adding at the end the following new clause:

"(ii) An alien who is the spouse of an alien lawfully admitted for permanent residence, who is eligible for classification under section 203(a)(2)(A), and who has resided in the United States with the alien's legal permanent resident spouse may file a petition with the Attorney General under this subparagraph for classification of the alien (and children of the alien) under such section if the alien demonstrates to the Attorney General that the conditions described in subclause (I) or (II) of subparagraph (A)(iii) are met with respect to the alien.".

(b) CONFORMING AMENDMENTS.—(1) Section 204(a)(2) of such Act (8 U.S.C. 1154(a)(2)) is amended—

(A) in subparagraph (A), by striking "filed by an alien who," and inserting "for the classification of the spouse of an alien if the alien,", and

(B) in subparagraph (B), by striking "by an alien whose prior marriage" and inserting "for the classification of the spouse of an alien if the prior marriage of the alien".

(2) Section 201(b)(2)(A)(i) of such Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking "204(a)(1)(A)" and inserting "204(a)(1)(A)(ii)".

(c) SURVIVAL RIGHTS TO PETITION.— Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

"(h) The legal termination of a marriage may not be the basis for revocation under section 205 of a petition filed under subsection (a)(1)(A)(iii)(I) or a petition filed under subsection (a)(1)(B)(ii) pursuant to conditions described in subsection (a)(1)(A)(iii)(I).".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 1994.

SEC. 1627. USE OF CREDIBLE EVIDENCE IN SPOUSAL WAIVER APPLICATIONS.

(a) IN GENERAL.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended by inserting after the second sentence the following: "In acting on applications under this paragraph, the Attorney General shall consider any credible evidence submitted in support of the application (whether or not the evidence is supported by an evaluation of a licensed mental health professional). The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to applications made before, on, or after such date.

SEC. 1628. SUSPENSION OF DEPORTATION.

Section 244(a) of the Immigration and Nationality Act (8 U.S.C. 1254(a)) is amended—

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

(2) at the end of paragraph (2) by striking the period and inserting "; or"; and

(3) by inserting after paragraph (2) the following:

"(3) is deportable under any law of the United States except section 241(a)(1)(G) and the provisions specified in paragraph (2); is physically present in the United States; has been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a United States citizen or lawful permanent resident; and proves that during all of such time in the United States the alien was and is a person of good moral character; and is a person whose deportation would, in the opinion of the Attorney General, result in extreme hardship to the alien or the alien's parent or child.".

Subtitle D—Miscellaneous Provisions

SEC. 1641. REPORT ON CONFIDENTIALITY OF ADDRESSES FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) REPORT.—The Attorney General shall conduct a study of the means by which abusive spouses may obtain information concerning the addresses or locations of estranged or former spouses, notwithstanding the desire of the victims to have such information withheld to avoid further exposure to abuse. Based on the study, the Attorney General shall transmit a report to Congress including—

(1) the findings of the study concerning the means by which information concerning the addresses or locations of abused spouses may be obtained by abusers; and

(2) analysis of the feasibility of creating effective means of protecting the confidentiality of information concerning the addresses and locations of abused spouses to protect such persons from exposure to further abuse while preserving access to such information for legitimate purposes.

(b) USE OF COMPONENTS.—The Attorney General may use the National Institute of Justice and the Office for Victims of Crime in carrying out this section.

SEC. 1642. REPORT ON RECORDKEEPING RELATING TO DOMESTIC VIOLENCE.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall complete a study of, and shall submit to Congress a report and recommendations on, problems of recordkeeping of criminal complaints involving domestic violence. The study and report shall examine—

(1) the efforts that have been made by the Department of Justice, including the Federal Bureau of Investigation, to collect statistics on domestic violence; and

(2) the feasibility of requiring that the relationship between an offender and victim be reported in Federal records of crimes of aggravated assault, rape, and other violent crimes.

SEC. 1643. ESTABLISHMENT OF TASK FORCE.

Not later than 30 days after the date of enactment of this Act, the Attorney General shall establish a task force to be known as the Attorney General's Task Force on Violence Against Women (referred to in this subtitle as the "Task Force").

SEC. 1644. GENERAL PURPOSES OF TASK FORCE.

(a) GENERAL PURPOSE OF THE TASK FORCE.—The Task Force shall review Federal, State, and local strategies for preventing and punishing violent crimes against women, including the enhancement and protection of the rights of the victims of such crimes, and make recommendations to improve the response to such crimes.

(b) FUNCTIONS.—The Task Force shall perform such functions as the Attorney General deems appropriate to carry out the purposes of the Task Force, including—

(1) evaluating the adequacy of, and making recommendations regarding, current law enforcement efforts at the Federal and State levels to reduce the rate of violent crimes against women;

(2) evaluating the adequacy of, and making recommendations regarding, the responsiveness of State prosecutors and State courts to violent crimes against women;

(3) evaluating the adequacy of State and Federal rules of evidence, practice, and procedure to ensure the effective prosecution and conviction of violent offenders against women and to protect victims from abuse in legal proceedings, making recommendations, where necessary, to improve those rules;

(4) evaluating the adequacy of pretrial release, sentencing, incarceration, and post-conviction release for crimes that predominantly affect women, such as rape and domestic violence;

(5) evaluating the adequacy of, and making recommendations regarding, the adequacy of State and Federal laws on sexual assault and the need for a more uniform statutory response to sex offenses, including sexual assaults and other sex offenses committed by offenders who are known or related by blood or marriage to the victim;

(6) evaluating the adequacy of, and making recommendations regarding, the adequacy of State and Federal laws on domestic violence and the need for a more uniform statutory response to domestic violence;

(7) evaluating the adequacy of, and making recommendations regarding, the adequacy of current education, prevention, and protection services for women victims of violent crimes;

(8) assessing the issuance, formulation, and enforcement of protective orders, whether or not related to a criminal proceeding, and making recommendations for their more effective use in domestic violence and stalking cases;

(9) assessing the problem of stalking and persistent menacing and recommending an effective Federal response to the problem;

(10) evaluating the adequacy of, and making recommendations regarding, the national public awareness and the public dissemination of information essential to the prevention of violent crimes against women;

(11) evaluating the treatment of women as victims of violent crime in the State and Federal criminal justice system, and making recommendations to improve such treatment; and

(12) assessing the problem of sexual exploitation of women and youths through prostitution and in the production of pornography, and recommending effective means of response to the problem.

SEC. 1645. MEMBERSHIP.

(a) CHAIR; NUMBER AND APPOINTMENT.—The Task Force shall be chaired by the Attorney General (or designee). Not later than 60 days after the date of the enactment of this Act, after consultation with the Secretary of Health and Human Services, the Secretary of Education, and the Secretary of Housing and Urban Development, the Attorney General shall select up to 14 other members to serve on the Task Force.

(b) PARTICIPATION.—The Attorney General (or designee) shall select, without regard to political affiliation, members who are specially qualified to serve on the Task Force based on their involvement in efforts to combat violence against women, assistance or service to victims of such violence, or other pertinent experience or expertise. The Attorney General shall ensure that the Task Force includes a broad base of participation by including members with backgrounds in such areas as law enforcement, victim services and advocacy, legal defense and prosecution, judicial administration, medical services, and counseling.

(c) VACANCIES.—The Attorney General may fill any vacancy that occurs on the Task Force.

SEC. 1646. TASK FORCE OPERATIONS.

(a) MEETINGS.—The Task Force shall hold its first meeting on a date specified by the Attorney General (or designee), but shall not be later than 60 days after the date of the enactment of this Act. After the initial meeting, the Task Force shall meet at the call of the Attorney General (or designee), but shall meet at least 6 times.

(b) PAY.—Members of the Task Force who are officers or employees or elected officials of a government entity shall receive no additional compensation by reason of their service on the Task Force.

(c) PER DIEM.—Except as provided in subsection (b), members of the Task Force shall be allowed travel and other expenses including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

SEC. 1647. REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date on which the Task Force is fully constituted under section 1645, the Task Force shall prepare and submit a final report to the President and to congressional committees that have jurisdiction over legislation addressing violent crimes against women, including the crimes of domestic and sexual assault.

(b) CONTENTS.—The final report submitted under paragraph (1) shall contain a detailed statement of the activities of the Task Force and of the findings and conclusions of the Task Force, including such recommendations for legislation and administrative action as the Task Force considers appropriate.

SEC. 1648. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—

(1) APPOINTMENT.—The Task Force shall have an Executive Director who shall be appointed by the Attorney General (or designee), with the approval of the Task Force.

(2) COMPENSATION.—The Executive Director shall be compensated at a rate not to exceed the maximum rate of the basic pay payable for a position above GS–15 of the General Schedule contained in title 5, United States Code.

(b) STAFF.—With the approval of the Task Force, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Task Force.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The Executive Director and the additional personnel of the Task Force appointed under subsection (b) may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) CONSULTANTS.—Subject to such rules as may be prescribed by the Task Force, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $200 per day.

SEC. 1649. POWERS OF TASK FORCE.

(a) HEARINGS.—For the purposes of carrying out this subtitle, the Task Force may conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Task Force considers appropriate. The Task Force may administer oaths for testimony before the Task Force.

(b) DELEGATION.—Any member or employee of the Task Force may, if authorized by the Task Force, take any action that the Task Force is authorized to take under this subtitle.

(c) ACCESS TO INFORMATION.—The Task Force may request directly from any executive department or agency such information as may be necessary to enable the Task Force to carry out this subtitle, on the request of the Attorney General (or designee).

(d) MAILS.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 1650. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $500,000 for fiscal year 1994.

SEC. 1651. TERMINATION.

The Task Force shall cease to exist 30 days after the date on which its final report is submitted under section 1647.

SEC. 1652. PAYMENT OF COST OF STD TESTING FOR VICTIMS IN SEX OFFENSE CASES.

Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by adding at the end the following: "The Attorney General shall authorize the Director of the Office of Victims of Crime to provide for the payment of the cost of up to two tests of the victim for sexually transmitted diseases, including, but not limited to gonorrhea, herpes, chlamydia, syphilis, and HIV, during the 12 months following sexual assaults that pose a risk of transmission, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of sexually transmitted diseases to the victim as the result of the assault.".

SEC. 1653. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

(a) FINDINGS.—Congress finds that—

(1) 4,000,000 women are battered by their partners each year, of which 4,000 die as a result of such abuse;

(2) victims of domestic violence need access to resources which will refer such victims and their children to safe homes and shelters; and

(3) there is a need for a national domestic violence hotline to provide information and assistance to victims of domestic violence because a privately funded national domestic violence hotline which handled more than 65,000 crisis calls annually no longer exists.

(b) IN GENERAL.—The Attorney General, through the Bureau of Justice Assistance, shall provide a grant to a nonprofit private organization to establish and operate a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence. A grant provided under this subsection may extend over a period of not more than 3 fiscal years and the provision of payments under such grant shall be subject to annual approval by the Attorney General and subject to the availability of appropriations for the fiscal year involved to make the payments.

(c) APPLICATION.—

(1) IN GENERAL.—The Attorney General may not provide a grant under subsection (b) unless an application that meets the requirements of paragraph (2) has been approved by the Attorney General.

(2) REQUIREMENTS.—An application meets the requirements of this paragraph if the application—

(A) contains such agreements, assurances, and information, and is in such form and submitted in such manner as the Attorney General shall prescribe through notice in the Federal Register;

(B) demonstrates that the applicant has nationally recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence, including support from advocacy groups, particularly State coalitions and recognized national domestic violence groups;

(C) demonstrates that the applicant has a commitment to diversity, including the hiring of and provision of services to ethnic, racial, cultural, and non-English speaking minorities, in addition to older individuals and individuals with disabilities;

(D) demonstrates that the applicant has the ability to integrate the hotline into existing services provided by the applicant to victims of domestic violence;

(E) includes a complete description of the applicant's plan for the establishment and operation of the hotline, including a description of—

(i) the hiring criteria and training program for hotline personnel;

(ii) the methods for the creation, maintenance, and updating of a resource database for the hotline;

(iii) a plan for providing service on a 24-hour-a-day basis to non-English speaking callers, including hotline personnel who speak Spanish;

(iv) a plan for access to the hotline by individuals with hearing impairments; and

(v) a plan for publicizing the availability of the hotline; and

(F) contains such other information as the Attorney General may require.

(d) SELECTION.—The Attorney General shall select a nonprofit private organization to receive a grant under subsection (b) which has been in existence for at least 5 years from the date of submission of the application by the organization.

(e) USES.—A grant made under subsection (b) shall be used to establish and operate a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence. In establishing and operating the hotline, a nonprofit private organization shall—

(1) contract with a carrier for the use of a toll-free telephone line;

(2) employ, train, and supervise personnel to answer incoming calls and provide counseling and referral services to callers on a 24-hour-a-day basis;

(3) establish, maintain, and update a database of information relating to services for victims of domestic violence, including information on the availability of shelters that serve battered women; and

(4) publicize the hotline to potential users throughout the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $1,000,000 for each of the fiscal years 1994 through 1996.

(2) AVAILABILITY.—Funds authorized to be appropriated under paragraph (1) shall remain available until expended.

SEC. 1654. GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1623 of this Act, is amended by—

(1) redesignating part T as part U;

(2) redesignating section 2001 as section 2101; and

(3) adding after part S the following new part:

"PART T—GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

"SEC. 2001. GRANT AUTHORITY.

"The Director shall provide grants to establish projects in local communities involving many sectors of each community to coordinate intervention and prevention of domestic violence.

"SEC. 2002. APPLICATIONS.

"(a) IN GENERAL.—An organization that desires to receive a grant under this section shall submit to the Director an application, in such form and in such manner as the Director may reasonably require that—

"(1) demonstrates that the applicant will serve a community leadership function, bringing together opinion leaders from each sector of the community to develop a coordinated community consensus opposing domestic violence;

"(2) demonstrates a community action component to improve and expand current intervention and prevention strategies through increased communication and coordination among all affected sectors;

"(3) includes a complete description of the applicant's plan for the establishment and operation of the community project, including a description of—

"(A) the method for identification and selection of an administrative committee made up of persons knowledgeable in domestic violence to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

"(B) the method for identification and selection of project staff and a project evaluator;

"(C) the method for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (b)(2);

"(D) the method for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council focusing on each of the sectors; and

"(E) a plan for developing outreach and public education campaigns regarding domestic violence; and

"(4) contains such other information, agreements, and assurances as the Director may require.

"(b) ELIGIBILITY.—To be eligible for a grant under this section, such application shall include—

"(1) an assurance that the applicant is a nonprofit private organization organized for the purpose of coordinating community projects for the intervention in and prevention of domestic violence; and

"(2) an assurance that such nonprofit organization includes representation from pertinent sectors of the local community, including—

"(A) health care providers;

"(B) the education community;

"(C) the religious community;

"(D) the justice system;

"(E) domestic violence program advocates;

"(F) human service entities such as State child services divisions; and

"(G) business and civic leaders.

"SEC. 2003. AWARD OF GRANTS.

"(a) TERM.—A grant provided under this section may extend over a period of not more than 3 fiscal years.

"(b) CONDITIONS ON PAYMENT.—Payments under a grant under this section shall be subject to—

"(1) annual approval by the Director; and

"(2) availability of appropriations.

"(c) GEOGRAPHICAL DISPERSION.—The Director shall award grants under this section to organizations in communities geographically dispersed throughout the country.

"SEC. 2004. USES OF FUNDS.

"(a) IN GENERAL.—A grant made under subsection (a) shall be used to establish and operate a community project to coordinate intervention and prevention of domestic violence.

"(b) REQUIREMENTS.—In establishing and operating a project, a nonprofit private organization shall—

"(1) establish protocols to improve and expand domestic violence intervention and prevention strategies among all affected sectors;

"(2) develop action plans to direct responses within each community sector that are in conjunction with development in all other sectors; and

"(3) provide for periodic evaluation of the project with a written report and analysis to assist application of this concept in other communities.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(15) There are authorized to be appropriated to carry out part T $20,000,000 for fiscal year 1994 and such sums as are necessary for each of the fiscal years 1995, 1996, and 1997, to remain available until expended.".

(c) ADMINISTRATIVE PROVISIONS.—(1) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 1623 of this Act, is amended by striking "O, Q, R, and S" and inserting "O, Q, R, S, and T".

(2) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 1623 of this Act, is amended by striking "O, Q, R, or S" and inserting "O, Q, R, S, or T".

(d) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1623 of this Act, is amended by striking the matter relating to part T and inserting the following:

"PART T—GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

"Sec. 2001. Grant authority.
"Sec. 2002. Applications.
"Sec. 2003. Award of grants.
"Sec. 2004. Uses of funds.".

Subtitle E—Equal Justice for Women in the Courts

SEC. 1661. GRANTS AUTHORIZED.

The State Justice Institute is authorized to award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States in training judges and court personnel in the laws of the States on rape, sexual assault, domestic violence, and other crimes of violence motivated by gender.

SEC. 1662. TRAINING PROVIDED BY GRANTS.

Training provided pursuant to grants made under this subtitle may include current information, existing studies, or current data on—

(1) the nature and incidence of rape and sexual assault by strangers and nonstrangers, marital rape, and incest;

(2) the underreporting of rape, sexual assault, and child sexual abuse;

(3) the physical, psychological, and economic impact of rape and sexual assault on the victim, the costs to society, and the implications for sentencing;

(4) the psychology of sex offenders, their high rate of recidivism, and the implications for sentencing;

(5) the historical evolution of laws and attitudes on rape and sexual assault;

(6) sex stereotyping of female and male victims of rape and sexual assault, racial stereotyping of rape victims and defendants, and the impact of such stereotypes on credibility of witnesses, sentencing, and other aspects of the administration of justice;

(7) application of rape shield laws and other limits on introduction of evidence that may subject victims to improper sex stereotyping and harassment in both rape and nonrape cases, including the need for sua sponte judicial intervention in inappropriate cross-examination;

(8) the use of expert witness testimony on rape trauma syndrome, child sexual abuse accommodation syndrome, post-traumatic stress syndrome, and similar issues;

(9) the legitimate reasons why victims of rape, sexual assault, domestic violence, and incest may refuse to testify against a defendant;

(10) the nature and incidence of domestic violence;

(11) the physical, psychological, and economic impact of domestic violence on the victim, the costs to society, and the implications for court procedures and sentencing;

(12) the psychology and self-presentation of batterers and victims and the negative implications for court proceedings and credibility of witnesses;

(13) sex stereotyping of female and male victims of domestic violence, myths about presence or absence of domestic violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice;

(14) historical evolution of laws and attitudes on domestic violence;

(15) proper and improper interpretations of the defenses of self-defense and provocation, and the use of expert witness testimony on battered woman syndrome;

(16) the likelihood of retaliation, recidivism, and escalation of violence by batterers, and the potential impact of incarceration and other meaningful sanctions for acts of domestic violence including violations of orders of protection;

(17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer, to report domestic violence or to follow through on complaints, including the influence of lack of support from police, judges, and court personnel, and the legitimate reasons why victims of domestic violence may refuse to testify against a defendant and should not be held in contempt;

(18) the need for orders of protection, and the negative implications of mutual orders of protection, dual arrest policies, and mediation in domestic violence cases; and

(19) recognition of and response to gender-motivated crimes of violence other than rape, sexual assault and domestic violence, such as mass or serial murder motivated by the gender of the victims.

SEC. 1663. COOPERATION IN DEVELOPING PROGRAMS.

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this subtitle are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

SEC. 1664. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 1994, $600,000 to carry out the purposes of sections 1661 through 1664. Of amounts appropriated under this section, the State Justice Institute shall expend no less than 40 percent on model programs regarding domestic violence and no less than 40 percent on model programs regarding rape and sexual assault.

SEC. 1665. AUTHORIZATIONS OF CIRCUIT STUDIES; EDUCATION AND TRAINING GRANTS.

(a) STUDY.—In order to gain a better understanding of the nature and the extent of gender bias in the Federal courts, the circuit judicial councils are encouraged to conduct studies of the instances of gender bias in their respective circuits. The studies may include an examination of the effects of gender on—

(1) the treatment of litigants, witnesses, attorneys, jurors, and judges in the courts, including before magistrate and bankruptcy judges;

(2) the interpretation and application of the law, both civil and criminal;

(3) treatment of defendants in criminal cases;

(4) treatment of victims of violent crimes;

(5) sentencing;

(6) sentencing alternatives, facilities for incarceration, and the nature of supervision of probation, parole, and supervised release;

(7) appointments to committees of the Judicial Conference and the courts;

(8) case management and court sponsored alternative dispute resolution programs;

(9) the selection, retention, promotion, and treatment of employees;

(10) appointment of arbitrators, experts, and special masters;

(11) the admissibility of past sexual history in civil and criminal cases; and

(12) the aspects of the topics listed in section 1662 that pertain to issues within the jurisdiction of the Federal courts.

(b) CLEARINGHOUSE.—The Judicial Conference of the United States shall designate an entity within the Judicial Branch to act as a clearinghouse to disseminate any reports and materials issued by the gender bias task forces under subsection (a) and to respond to requests for such reports and materials. The gender bias task forces shall provide this entity with their reports and related material.

(c) MODEL PROGRAMS.—The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, shall—

(1) include in the educational programs it presents and prepares, including the training programs for newly appointed judges, information on issues related to gender bias in the courts including such areas as are listed in subsection (a) along with such other topics as the Federal Judicial Center deems appropriate;

(2) prepare materials necessary to implement this subsection; and

(3) take into consideration the findings and recommendations of the studies conducted pursuant to subsection (a), and to consult with individuals and groups with relevant expertise in gender bias issues as it prepares or revises such materials.

SEC. 1666. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated—

(1) $600,000 to the Salaries and Expenses Account of the Courts of Appeals, District Courts, and other Judicial Services, to carry out section 1665(a), to be available until expended through fiscal year 1996;

(2) $100,000 to the Federal Judicial Center to carry out section 1665(c) and any activities designated by the Judicial Conference under section 1665(b); and

(3) such sums as are necessary to the Administrative Office of the United States Courts to carry out any activities designated by the Judicial Conference under section 1665(b).

(b) THE JUDICIAL CONFERENCE OF THE UNITED STATES.—(1) The Judicial Conference of the United States Courts shall allocate funds to Federal circuit courts under this subtitle that—

(A) undertake studies in their own circuits; or

(B) implement reforms recommended as a result of such studies in their own or other circuits, including education and training.

(2) Funds shall be allocated to Federal circuits under this subtitle on a first come first serve basis in an amount not to exceed $100,000 on the first application. If within 6 months after the date on which funds authorized under this Act become available, funds are still available, circuits that have received funds may reapply for additional funds, with not more than $200,000 going to any one circuit.

SEC. 1667. EXPERT TESTIMONY OF DOMESTIC VIOLENCE.

(a) FINDINGS.—The Congress finds that—

(1) State criminal courts often fail to admit expert testimony offered by a defendant concerning the nature and effect of physical, sexual, and mental abuse to assist the trier of fact in assessing the behavior, beliefs, or perceptions of such defendant in a domestic relationship in which abuse has occurred;

(2) the average juror often has little understanding of the nature and effect of domestic violence on such a defendant's behavior, beliefs, or perceptions, and the lack of understanding can result in the juror blaming the woman for her victimization;

(3) the average juror is often unaware that victims of domestic violence are frequently in greater danger of violence after they terminate or attempt to terminate domestic relationships with their abuser;

(4) myths, misconceptions, and victim-blaming attitudes are often held not only by the average lay person but also by many in the criminal justice system, insofar as the criminal justice system traditionally has failed to protect women from violence at the hands of men;

(5) specialized knowledge of the nature and effect of domestic violence is sufficiently established to have gained the general acceptance which is required for the admissibility of expert testimony;

(6) although both men and women can be victims of physical, sexual, and mental abuse by their partners in domestic relationships, the most frequent victims are women; and

(7) a woman is more likely to be assaulted and injured, raped, or killed by her current or former male partner than by any other type of assailant, and over one-half of all women murdered are killed by their current or former male partners.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the executive branch, working through the State Justice Institute, should examine programs which would allow the States to consider—

(1) that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, be admissible when offered in a State court by a defendant in a criminal case to assist the trier of fact in understanding the behavior, beliefs, or perceptions of such defendant in a domestic relationship in which abuse has occurred;

(2) that a witness be qualified to testify as an expert witness based upon her or his knowledge, skill, experience, training, or education, and be permitted to testify in the form of an opinion or otherwise; and

(3) that expert testimony about a domestic relationship be admissible to include testimony of relationships between spouses, former spouses, cohabitants, former cohabitants, partners or former partners, and between persons who are in, or have been in, a dating, courtship, or intimate relationship.

TITLE XVII—HATE CRIMES SENTENCING ENHANCEMENT

SEC. 1701. DIRECTION TO COMMISSION.

(a) IN GENERAL.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes. In carrying out this section, the United States Sentencing Commission shall assure reasonable consistency with other guidelines, avoid duplicative punishments for substantially the same offense, and take into account any mitigating circumstances which might justify exceptions.

(b) DEFINITION.—As used in this section, the term "hate crime" is a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property which is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person.

TITLE XVIII—USE OF FORMULA GRANTS TO PROSECUTE PERSONS DRIVING WHILE INTOXICATED

SEC. 1801. GRANT PROGRAM DESCRIPTION.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(23) programs for the prosecution of driving while intoxicated and the enforcement of other laws relating to alcohol use and the operation of motor vehicles.".

TITLE XIX—YOUTH HANDGUN SAFETY

SEC. 1901. FINDINGS AND DECLARATIONS.

The Congress finds and declares that—

(1) Crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem.

(2) Problems with crime at the local level are exacerbated by the interstate movement of drugs, funds, and criminal gangs.

(3) Firearms and ammunition, and handguns in particular, move easily in interstate commerce, as documented in numerous hearings in both the Judiciary Committee of the House of Representatives and Judiciary Committee of the Senate.

(4) In fact, even before the sale of a handgun, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce.

(5) While criminals freely move from State to State, ordinary citizens may fear to travel to or through certain parts of the country due to the concern that violent crime is not under control, and foreigners may decline to travel in the United States for the same reason.

(6) Just as the hardened drug kingpins begin their life in the illicit drug culture by exposure to drugs at a young age, violent criminals often start their criminal careers on streets where the ready availability of guns to young people results in the acceptability of their random use.

(7) Violent crime and the use of illicit drugs go hand-in-hand, and attempts to control one without controlling the other may be fruitless.

(8) Individual States and localities find it impossible to handle the problem by themselves; even States and localities that have made a strong effort to prevent, detect, and punish crime find their effort unavailing due in part to the failure or inability of other States and localities to take strong measures.

(9) Inasmuch as illicit drug activity and related violent crime overflow State lines and national boundaries, the Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to combat these problems.

(10) The Congress finds that it is necessary and appropriate to assist the States in controlling crime by stopping the commerce in handguns with juveniles nationwide, and allowing the possession of handguns by juveniles only when handguns are possessed and used for legitimate purposes under appropriate conditions.

SEC. 1902. PROHIBITION OF THE POSSESSION OF A HANDGUN OR AMMUNITION BY, OR THE PRIVATE TRANSFER OF A HANDGUN OR AMMUNITION TO, A JUVENILE.

(a) OFFENSE.—Section 922 of title 18, United States Code, as amended by section 706(a) of this Act, is amended by adding at the end the following:

"(w)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a juvenile, or to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(3) This subsection does not apply—

"(A) to a temporary transfer of a handgun or ammunition to a juvenile, or to the possession or use of a handgun or ammunition by a juvenile, if the handgun and ammunition are possessed and used by the juvenile—

"(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

"(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm;

"(iii) with the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

"(iv) in accordance with State and local law;

"(B) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in subparagraph (A)(i) is to take place, and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor;

"(C) to a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

"(D) to a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

"(E) to the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.".

(b) PENALTIES.—Section 924(a) of title 18, United States Code, as amended by section 706(b) of this Act, is amended by adding at the end the following:

"(7)(A)(i) A juvenile who violates section 922(w) shall be fined under this title, imprisoned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation.

"(ii) A juvenile is described in this clause if—

"(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(w)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(w) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

"(B) A person other than a juvenile who knowingly violates section 922(w)—

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

"(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a

crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.".

(d) TECHNICAL AMENDMENT OF JUVENILE DELINQUENCY PROVISIONS IN TITLE 18, UNITED STATES CODE.—

(1) SECTION 5031.—Section 5031 of title 18, United States Code, is amended by inserting "or a violation by such person of section 922(w)" before the period at the end.

(2) SECTION 5032.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph by inserting "or (w)" after "922(p)"; and

(B) in the fourth undesignated paragraph by inserting "or section 922(w) of this title," before "criminal prosecution on the basis".

(e) TECHNICAL AMENDMENT OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking "which do not constitute violations of valid court orders" and inserting "(other than an offense that constitutes a violation of a valid court order or a violation of section 922(w) of title 18, United States Code, or a similar State law)".

(f) MODEL LAW.—The Attorney General, acting through the Director of the National Institute for Juvenile Justice and Delinquency Prevention, shall—

(1) evaluate existing and proposed juvenile handgun legislation in each State;

(2) develop model juvenile handgun legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as the result of the evaluation; and

(4) report to Congress by December 31, 1994, findings and recommendations concerning the need or appropriateness of further action by the Federal Government.

TITLE XX—SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS

SEC. 2001. SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS.

Section 3621 of title 18, United States Code, is amended—

(1) in the last sentence of subsection (b), by striking ", to the extent practicable,"; and

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

"(e) SUBSTANCE ABUSE TREATMENT.—

"(1) PHASE-IN.—In order to carry out the requirement of the last sentence of subsection (b) of this section, that every prisoner with a substance abuse problem have the opportunity to participate in appropriate substance abuse treatment, the Bureau of Prisons shall provide substance abuse treatment—

"(A) for not less than 50 percent of eligible prisoners by the end of fiscal year 1995, with priority for such treatment accorded based on an eligible prisoner's proximity to release date;

"(B) for not less than 75 percent of eligible prisoners by the end of fiscal year 1996, with priority for such treatment accorded based on an eligible prisoner's proximity to release date; and

"(C) for all eligible prisoners by the end of fiscal year 1997 and thereafter, with priority for such treatment accorded based on an eligible prisoner's proximity to release date.

"(2) INCENTIVE FOR PRISONERS' SUCCESSFUL COMPLETION OF TREATMENT PROGRAM.—

"(A) GENERALLY.—Any prisoner who, in the judgment of the Director of the Bureau of Prisons, has successfully completed a program of residential substance abuse treatment provided under paragraph (1) of this subsection, shall remain in the custody of the Bureau for such time (as limited by subparagraph (B) of this paragraph) and under such conditions, as the Bureau deems appropriate. If the conditions of confinement are different from those the prisoner would have experienced absent the successful completion of the treatment, the Bureau shall periodically test the prisoner for substance abuse and discontinue such conditions on determining that substance abuse has recurred.

"(B) PERIOD OF CUSTODY.—The period the prisoner remains in custody after successfully completing a treatment program shall not exceed the prison term the law would otherwise require such prisoner to serve, but may not be less than such term minus one year.

"(3) REPORT.—The Bureau of Prisons shall transmit to the Committees on the Judiciary of the Senate and the House of Representatives on January 1, 1995, and on January 1 of each year thereafter, a report. Such report shall contain—

"(A) a detailed quantitative and qualitative description of each substance abuse treatment program, residential or not, operated by the Bureau;

"(B) a full explanation of how eligibility for such programs is determined, with complete information on what proportion of prisoners with substance abuse problems are eligible; and

"(C) a complete statement of to what extent the Bureau has achieved compliance with the requirements of this title.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out this subsection.

"(5) DEFINITIONS.—As used in this subsection—

"(A) the term 'residential substance abuse treatment' means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set forth from the general prison population—

"(i) directed at the substance abuse problems of the prisoner; and

"(ii) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems; and

"(B) the term 'eligible prisoner' means a prisoner who is—

"(i) determined by the Bureau of Prisons to have a substance abuse problem; and

"(ii) willing to participate in a residential substance abuse treatment program.".

TITLE XXI—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

SEC. 2101. CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1654 of this Act is amended—

(1) by redesignating part U as part Y;

(2) by redesignating section 2101 as section 2501; and

(3) by inserting after part T the following:

"PART U—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"SEC. 2101. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

"(b) ALTERNATIVE METHODS.—The alternative methods of punishment referred to in subsection (a) should ensure certainty of punishment for young offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young offenders who can be punished more effectively in an environment other than a traditional correctional facility, including—

"(1) alternative sanctions that create accountability and certainty of punishment for young offenders;

"(2) boot camp prison programs that include education and job training activities such as programs modeled, to the extent practicable, after activities carried out under part B of title IV of the Job Training Partnership Act (relating to Job Corps) (29 U.S.C. 1691 et seq.);

"(3) technical training and support for the implementation and maintenance of State and local restitution programs for young offenders;

"(4) innovative projects, such as projects consisting of education and job training activities for incarcerated young offenders, modeled, to the extent practicable, after activities carried out under part B of title IV of the Job Training Partnership Act (relating to Job Corps) (29 U.S.C. 1691 et seq.);

"(5) correctional options, such as community-based incarceration, weekend incarceration, and electronic monitoring of offenders;

"(6) community service programs that provide work service placement for young offenders at non-profit, private organizations and community organizations;

"(7) demonstration restitution projects that are evaluated for effectiveness;

"(8) innovative methods that address the problems of young offenders convicted of serious substance abuse (including alcohol abuse, and gang-related offenses), including technical assistance and training to counsel and treat such offenders; and

"(9) the provision for adequate and appropriate after care programs for the young offenders, such as substance abuse treatment, education programs, vocational training, job placement counseling, and other support programs upon release.

"SEC. 2102. STATE APPLICATIONS.

"(a) IN GENERAL.—(1) To request a grant under this part, the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(b) STATE OFFICE.—The office designated under section 507 of this title—

"(1) shall prepare the application as required under subsection (a); and

"(2) shall administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 2103. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Director, in consultation with the Director of the National Institute of Corrections, shall make a grant under section 2101(a) to carry out the projects described in the application submitted by such applicant under section 2102 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application, the Director has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 2102 shall be considered approved, in whole or in part, by the Director not later than 45 days after first received unless the Director informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects, other than alternative facilities described in section 2101(b).

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Director shall not disapprove any

application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 2104. LOCAL APPLICATIONS.

"(a) IN GENERAL.—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 2102(b).

"(2) Such application shall be considered approved, in whole or in part, by the State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If such application is approved, the unit of local government is eligible to receive such funds.

"(b) DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.—A State that receives funds under section 2101 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 45 days after the Director has approved the application submitted by the State and has made funds available to the State. The Director shall have the authority to waive the 45-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

"SEC. 2105. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE DISTRIBUTION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

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

"(b) LOCAL DISTRIBUTION.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in such State for the purposes specified under section 2101 that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for correctional programs in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for correctional programs in such preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by such State for purposes specified under section 2101.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for such fiscal year will not be used by such State or that a State is not eligible to receive funds under section 2101, the Director shall award such funds to units of local government in such State giving priority to the units of local government that the Director considers to have the greatest need.

"(c) GENERAL REQUIREMENT.—Notwithstanding the provisions of subsections (a) and (b), not less than two-thirds of funds received by a State under this part shall be distributed to units of local government unless the State applies for and receives a waiver from the Director of the Bureau of Justice Assistance.

"(d) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 2102(a) for the fiscal year for which the projects receive assistance under this part.

"(e) CONSIDERATION.—Notwithstanding subsections (a) and (b), in awarding grants under this part, the Director shall consider as an important factor whether a State has in effect throughout such State a law or policy which—

"(1) requires that a juvenile who is in possession of a firearm or other weapon on school property or convicted of a crime involving the use of a firearm or weapon on school property—

"(A) be suspended from school for a reasonable period of time; and

"(B) lose driving license privileges for a reasonable period of time; and

"(2) bans firearms and other weapons in a 100-yard radius of school property, but the State may allow exceptions for school-sponsored activities, as well as other reasonable exceptions.

"(f) DEFINITION.—For purposes of this part, 'juvenile' means 18 years of age or younger.

"SEC. 2106. EVALUATION.

"(a) IN GENERAL.—(1) Each State and local unit of government that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the National Institute of Justice.

"(2) The Director may waive the requirement specified in paragraph (1) if the Director determines that such evaluation is not warranted in the case of the State or unit of local government involved.

"(b) DISTRIBUTION.—The Director shall make available to the public on a timely basis evaluations received under subsection (a).

"(c) ADMINISTRATIVE COSTS.—A State and local unit of government may use not more than 5 percent of funds it receives under this part to develop an evaluation program under this section.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by inserting after the matter relating to part T (as added by section 1654) the following:

"PART U—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"Sec. 2101. Grant authorization.
"Sec. 2102. State applications.
"Sec. 2103. Review of State applications.
"Sec. 2104. Local applications.
"Sec. 2105. Allocation and distribution of funds.
"Sec. 2106. Evaluation.

"PART Y—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 2501. Continuation of rules, authorities, and proceedings.".

(c) DEFINITION.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)), is amended by adding after paragraph (23) the following:

"(24) the term 'young offender' means an individual, convicted of a crime, 22 years of age or younger—

"(A) who has not been convicted of—

"(i) a crime of sexual assault; or

"(ii) a crime involving the use of a firearm in the commission of the crime; and

"(B) who has no prior convictions for a crime of violence (as defined by section 16 of title 18, United States Code) punishable by a period of 1 or more years of imprisonment; and".

(d) TECHNICAL AMENDMENTS.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)) is amended—

(1) in paragraph (21), by adding a semicolon at the end;

(2) in paragraph (22), by striking "and" at the end; and

(3) in paragraph (23) by striking the period at the end and inserting a semicolon.

SEC. 2102. AUTHORIZATION OF APPROPRIATION.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended by adding at the end the following:

"(16) There are authorized to be appropriated $200,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out the projects under part U.".

SEC. 2103. SENSE OF THE CONGRESS.

It is the sense of the Congress that States should impose mandatory sentences for crimes involving the use of a firearm or other weapon on school property or within a 100-yard radius of school property.

TITLE XXII—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

SEC. 2201. JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS.

(a) The Omnibus Crime Control and Safe Streets Act of 1968, is amended by inserting after part U (as added by section 2101(a)) the following new part:

"PART V—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

"SEC. 2201. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director is authorized to make grants to States and units of local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective programs, including education, prevention, treatment and enforcement programs to reduce—

"(1) the formation or continuation of juvenile gangs; and

"(2) the use and sale of illegal drugs by juveniles.

"(b) USES OF FUNDS.—The grants made under this section may be used for any of the following specific purposes:

"(1) To reduce the participation of juveniles in drug related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools.

"(2) To reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles.

"(3) To develop new and innovative means to address the problems of juveniles convicted of serious, drug-related and gang-related offenses;

"(4) To reduce juvenile drug- and gang-related activity in public housing projects.

"(5) To provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to identify drug-dependent or gang-involved juvenile offenders and to provide appropriate counseling and treatment to such offenders.

"(6) To promote the involvement of all juveniles in lawful activities, including—

"(A) school programs that teach that drug and gang involvement are wrong; and

"(B) programs such as youth sports and other activities, including girls and boys clubs, scout troops, and little leagues.

"(7) To facilitate Federal and State cooperation with local school officials to develop education, prevention and treatment programs for juveniles who are likely to participate in drug trafficking, drug use or gang-related activities.

"(8) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system; with the highest possible priority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers.

"(9) To provide education and treatment programs for youth exposed to severe violence in their homes, schools, or neighborhoods.

"(10) To establish sports mentoring and coaching programs in which athletes serve as role models for youth to teach that athletics provide a positive alternative to drug and gang involvement.

"(11) To develop new programs that specifically address the unique crime, drug, and alcohol-related challenges faced by juveniles living at or near International Ports of Entry and in other international border communities, including rural localities.

"(12) To identify promising new juvenile drug demand reduction and enforcement programs, to replicate and demonstrate these programs to serve as national, regional or local models that could be used, in whole or in part, by other public and private juvenile justice programs, and to provide technical assistance and training to public or private organizations to implement similar programs.

"(13) To coordinate violence, gang, and juvenile drug prevention programs with other existing Federal programs that serve community youth to better address the comprehensive needs of such youth.

"(14) To reduce the incidence of graffiti and to promote graffiti removal, prevention, and education programs.

"(c) FEDERAL SHARE.—(1) The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in applications submitted under this section for the fiscal year for which the projects receive assistance under this part.

"(2) The Director may waive the 25 percent matching requirement under paragraph (1), upon making a determination that such waiver is equitable due to the financial circumstances affecting the ability of the applicant to meet such requirements.

"SEC. 2202. APPLICATIONS.

"A State or unit of local government applying for grants under this part shall submit an application to the Director in such form and containing such information as the Director shall reasonably require.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by inserting after the matter relating to part U (as added by section 2101(b)) the following:

"PART V—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

"Sec. 2201. Grant authorization.
"Sec. 2202. Applications.".

SEC. 2202. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), is amended by adding at the end the following:

"(17) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1994 and 1995 to carry out the projects under part V.".

TITLE XXIII—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

SEC. 2301. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS.

(a) RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by inserting after part V (as added by section 2201(a)) the following:

"PART W—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

"SEC. 2301. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States and units of local government for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities, as well as within local correctional facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment.

"SEC. 2302. STATE APPLICATIONS.

"(a) IN GENERAL.—(1) To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State Alcohol and Drug Abuse agency (and, if appropriate, between representatives of local correctional agencies and representatives of either the State alcohol and drug abuse agency or any appropriate local alcohol and drug abuse agency).

"(b) SUBSTANCE ABUSE TESTING REQUIREMENT.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or similar testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.

"(c) ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT.—

"(1) To be eligible for a preference under this part, a State must ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with aftercare services.

"(2) State aftercare services must involve the coordination of the correctional facility treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, half-way house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the substance abuse treatment program.

"(3) To qualify as an aftercare program, the head of the substance abuse treatment program, in conjunction with State and local authorities and organizations involved in substance abuse treatment, shall assist in placement of substance abuse treatment program participants with appropriate community substance abuse treatment facilities when such individuals leave the correctional facility at the end of a sentence or on parole.

"(d) STATE OFFICE.—The Office designated under section 507 of this title—

"(1) shall prepare the application as required under this section; and

"(2) shall administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 2303. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Director shall make a grant under section 2301 to carry out the projects described in the application submitted under section 2302 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application the Director has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 2302 shall be considered approved, in whole or in part, by the Director not later than 45 days after first received unless the Director informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects.

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Director shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 2304. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) ALLOCATION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

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

"(b) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 2302 for the fiscal year for which the projects receive assistance under this part.

"SEC. 2305. EVALUATION.

"Each State that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in such form and containing such information as the Director may reasonably require.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by inserting after the matter relating to part V (as added by section 2201(b)) the following:

"PART W—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

"Sec. 2301. Grant authorization.
"Sec. 2302. State applications.
"Sec. 2303. Review of State applications.
"Sec. 2304. Allocation and distribution of funds.
"Sec. 2305. Evaluation.".

(c) DEFINITIONS.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)) is amended by adding after paragraph (24) (as added by section 2101(c)) the following:

"(25) the term 'residential substance abuse treatment program' means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment facilities set apart from the general prison population—

"(A) directed at the substance abuse problems of the prisoner; and

"(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems.".

SEC. 2302. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), is amended by adding at the end the following:

"(18) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out the projects under part W.".

TITLE XXIV—IMMIGRATION RELATED PROVISIONS AND CRIMINAL ALIENS

Subtitle A—Criminal Aliens

SEC. 2401. CONGRESSIONAL FINDINGS.

The Congress makes the following findings:

(1) The Federal Government is responsible for controlling illegal immigration into the United States.

(2) Many States and localities are burdened with the financial costs of housing and processing aliens who are unlawfully within the United States and who are charged with violating criminal statutes.

(3) The Immigration and Naturalization Service is not permitted under current law to accept local and State assistance in its deportation responsibilities.

(4) Many communities with criminal alien populations would like to expedite the deportation of aliens who are charged with violating criminal statutes and who are either unlawfully within the United States or willing to submit to voluntary deportation under safeguard.

SEC. 2402. AUTHORITY TO ACCEPT CERTAIN ASSISTANCE.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, the Attorney General, in the discretion of the Attorney General, is authorized to accept, hold, administer, and utilize gifts of property and services (which may not include cash assistance) for the purpose of assisting the Immigration and Naturalization Service in carrying out the deportation of aliens who are subject to charges for misdemeanor or felony crimes under State or Federal law and who are either unlawfully within the United States or willing to submit to voluntary deportation under safeguard. Any property acquired pursuant to this section shall be acquired in the name of the United States.

(b) LIMITATION.—The Attorney General shall terminate or rescind the exercise of the authority under subsection (a) if the Attorney General determines that the exercise of such authority has resulted in discrimination in law enforcement on the basis of race, color, or national origin.

SEC. 2403. INCARCERATION OF UNDOCUMENTED CRIMINAL ALIENS.

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

"(j) INCARCERATION.—

"(1) If the chief official of the State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the incarceration of an undocumented criminal alien (sentenced to a determinate term of imprisonment) submits a written request to the Attorney General, the Attorney General shall, as determined by the Attorney General—

"(A) enter into a contractual arrangement which provides for compensation to the State or a political subdivision of the State, as may be appropriate, with respect to the incarceration of such undocumented criminal alien for such determinate sentence of imprisonment, or

"(B) take the undocumented criminal alien into the custody of the Federal Government and incarcerate such alien for such determinate sentence of imprisonment.

"(2) Compensation under paragraph (1)(A) shall be determined by the Attorney General and may not exceed the median cost of incarceration of a prisoner in all maximum security facilities in the United States as determined by the Bureau of Justice Statistics.

"(3) For purposes of this subsection, the term 'undocumented criminal alien' means an alien who—

"(A) has been convicted of a felony and sentenced to a term of imprisonment, and

"(B)(i) entered the United States without inspection or at any time or place other than as designated by the Attorney General,

"(ii) was the subject of exclusion or deportation proceedings at the time he or she was taken into custody by the State or a political subdivision of the State, or

"(iii) was admitted as a nonimmigrant and at the time he or she was taken into custody by the State or a political subdivision of the State has failed to maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 248, or to comply with the conditions of any such status.

"(4)(A) In carrying out paragraph (1), the Attorney General shall give priority to the Federal incarceration of undocumented criminal aliens who have committed aggravated felonies.

"(B) The Attorney General shall ensure that undocumented criminal aliens incarcerated in Federal facilities pursuant to this subsection are held in facilities which provide a level of security appropriate to the crimes for which they were convicted.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 1994.

(c) LIMITATION.—The authority created in section 242(j) of the Immigration and Nationality Act (as added by subsection (a)) shall be subject to appropriation until October 1, 1998.

Subtitle B—Immigration Provisions

SEC. 2411. EXPEDITED DEPORTATION FOR DENIED ASYLUM APPLICANTS.

(a) The Attorney General may provide for the expeditious adjudication of asylum claims and the expeditious deportation of asylum applicants whose applications have been finally denied, unless the applicant remains in an otherwise valid nonimmigrant status.

(b) There are authorized to be appropriated to carry out this section, such sums as are necessary for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

SEC. 2412. IMPROVING BORDER CONTROLS.

(a) There are authorized to be appropriated such sums as are necessary to increase the Immigration and Naturalization Service's resources for the Border Patrol, the Inspections Program, and the Deportation Branch to apprehend illegal aliens who attempt clandestine entry into the United States or entry into the United States with fraudulent documents or who remain in the country after their nonimmigrant visas expire.

(b) The Attorney General shall report to the Congress every two years on the programs referred to in subsection (a).

SEC. 2413. EXPANDED SPECIAL DEPORTATION PROCEEDINGS.

(a) Subject to the availability of appropriations, the Attorney General may expand the program authorized by section 242A(d) of the Immigration and Nationality Act to ensure that such aliens are immediately deportable upon their release from incarceration.

(b) There are authorized to be appropriated such sums as necessary to carry out this section for each of fiscal years 1995 through 1998.

(c) The Attorney General shall report to the Congress every two years on the program referred to in subsection (a).

SEC. 2414. CONSTRUCTION OF INS SERVICE PROCESSING CENTERS TO DETAIN CRIMINAL ALIENS.

There are authorized to be appropriated such sums as are necessary in fiscal year 1996 to construct or contract for the construction of 2 Immigration and Naturalization Service Processing Centers to detain criminal aliens.

Subtitle C—Border Patrol Agents

SEC. 2421. BORDER PATROL AGENTS.

In addition to such amounts as are otherwise authorized to be appropriated, there is authorized to be appropriated for each of the fiscal years 1995, 1996, 1997, 1998, and 1999 for salaries and expenses of the Border Patrol such amounts as may be necessary to provide for an increase in the number of agents of the Border Patrol by 6,000 full-time equivalent agent positions (and necessary support personnel positions) beyond the number of such positions authorized for the Border Patrol as of October 1, 1993.

Subtitle D—Passport and Visa Offenses Penalties Improvements

SEC. 2431. PASSPORT AND VISA OFFENSES PENALTIES IMPROVEMENT.

(a) IN GENERAL.—Chapter 75 of title 18, United States Code, is amended—

(1) in section 1541, by striking "not more than $500 or imprisoned not more than one year" and inserting "under this title or imprisoned not more than 10 years";

(2) in each of sections 1542, 1543, and 1544, by striking "not more than $2,000 or imprisoned not more than five years" and inserting "under this title or imprisoned not more than 10 years";

(3) in section 1545, by striking "not more than $2,000 or imprisoned not more than three years" and inserting "under this title or imprisoned not more than 10 years";

(4) in section 1546(a), by striking "five years" and inserting "10 years";

(5) in section 1546(b), by striking "in accordance with this title, or imprisoned not more than two years" and inserting "under this title or imprisoned not more than 10 years"; and

(6) by adding at the end the following:

"§1547. Alternative imprisonment maximum for certain offenses

"Notwithstanding any other provision of this title, the maximum term of imprisonment that may be imposed for an offense under this chapter (other than an offense under section 1545)—

"(1) if committed to facilitate a drug trafficking crime (as defined in 929(a) of this title) is 15 years; and

"(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title) is 20 years.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 75 of title 18, United States Code, is amended by adding at the end the following new item:

"1547. Alternative imprisonment maximum for certain offenses.".

TITLE XXV—RURAL CRIME

Subtitle A—Drug Trafficking in Rural Areas

SEC. 2501. AUTHORIZATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"(9) There are authorized to be appropriated to carry out part O $50,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.".

(b) AMENDMENT TO BASE ALLOCATION.—Section 1501(a)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "$100,000" and inserting "$250,000".

SEC. 2502. RURAL CRIME AND DRUG ENFORCEMENT TASK FORCES.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, shall establish a Rural Crime and Drug Enforcement Task Force in each of the Federal judicial districts which encompass significant rural lands. Assets seized as a result of investigations initiated by a Rural Drug Enforcement Task Force shall be used primarily to enhance the operations of the task force and its participating State and local law enforcement agencies.

(b) TASK FORCE MEMBERSHIP.—The task forces established under subsection (a) shall be chaired by the United States Attorney for the respective Federal judicial district. The task forces shall include representatives from—

(1) State and local law enforcement agencies;

(2) the Drug Enforcement Administration;

(3) the Federal Bureau of Investigation;

(4) the Immigration and Naturalization Service;

(5) the Customs Service;

(6) the United States Marshals Service; and

(7) law enforcement officers from the United States Park Police, United States Forest Service and Bureau of Land Management, and such other Federal law enforcement agencies as the Attorney General may direct.

SEC. 2503. CROSS-DESIGNATION OF FEDERAL OFFICERS.

(a) IN GENERAL.—The Attorney General may cross-designate up to 100 law enforcement officers from each of the agencies specified under section 1502(b)(6) of the Omnibus Crime Control and Safe Streets Act of 1968 with jurisdiction to enforce the provisions of the Controlled Substances Act on non-Federal lands and title 18 of the United States Code to the extent necessary to effect the purposes of this Act.

(b) ADEQUATE STAFFING.—The Attorney General shall, subject to the availability of appropriations, ensure that each of the task forces established in accordance with this title are adequately staffed with investigators and that additional investigators are provided when requested by the task force.

SEC. 2504. RURAL DRUG ENFORCEMENT TRAINING.

(a) SPECIALIZED TRAINING FOR RURAL OFFICERS.—The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction devoted to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (a) $1,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

SEC. 2505. MORE AGENTS FOR THE DRUG ENFORCEMENT ADMINISTRATION.

There are authorized to be appropriated for the hiring of additional Drug Enforcement Administration agents $20,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

Subtitle B—Drug Free Truck Stops and Safety Rest Areas

SEC. 2511. DRUG FREE TRUCK STOPS AND SAFETY REST AREAS.

(a) SHORT TITLE.—This section may be cited as the "Drug Free Truck Stop Act".

(b) AMENDMENT TO CONTROLLED SUBSTANCES ACT.—

(1) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 408 the following new section:

"TRANSPORTATION SAFETY OFFENSES

"SEC. 409. (a) DEFINITIONS.—In this section—

"(1) the term 'safety rest area' means a roadside facility with parking facilities for the rest or other needs of motorists; and

"(2) the term 'truck stop' means a facility (including any parking lot appurtenant thereto) that—

"(A) has the capacity to provide fuel or service, or both, to any commercial motor vehicle (as defined under section 12019 of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2716)) operating in commerce (as defined in that section); and

"(B) is located within 2,500 feet of the National System of Interstate and Defense Highways or the Federal-Aid Primary System.

"(b) FIRST OFFENSE.—A person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or safety rest area is (except as provided in subsection (b)) subject to—

"(1) twice the maximum punishment authorized by section 401(b); and

"(2) twice any term of supervised release authorized by section 401(b) for a first offense.

"(c) SUBSEQUENT OFFENSE.—A person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or a safety rest area after a prior conviction or convictions under subsection (a) have become final is subject to—

"(1) 3 times the maximum punishment authorized by section 401(b); and

"(2) 3 times any term of supervised release authorized by section 401(b) for a first offense.".

(2) TECHNICAL AMENDMENTS.—

(A) CROSS REFERENCE.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by inserting "409," before "418," each place it appears.

(B) TABLE OF CONTENTS.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by striking the item relating to section 409 and inserting the following new item:

"Sec. 409. Transportation safety offenses.".

(c) SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987 (28 U.S.C. 994 note), the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide an appropriate enhancement of punishment for a defendant convicted of violating section 409 of the Controlled Substances Act, as added by subsection (b).

Subtitle C—Rural Domestic Violence and Child Abuse Enforcement

SEC. 2521. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

(a) GRANTS.—The Attorney General may make grants to units of State and local governments of rural States, and to other public or private entities of rural States—

(1) to implement, expand, and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence and child abuse;

(2) to provide treatment and counseling to victims of domestic violence and child abuse; and

(3) to work in cooperation with the community to develop education and prevention strategies directed toward such issues.

(b) DEFINITION.—In this section, the term "rural State" has the meaning stated in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(B)).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1995, 1996, and 1997.

(2) ADDITIONAL FUNDING.—In addition to funds received under a grant under subsection (a), a law enforcement agency may use funds received under a grant under section 1402 to accomplish the objectives of this section.

Subtitle D—Sense of Congress Regarding Funding for Rural Areas

SEC. 2531. FUNDING FOR RURAL AREAS.

It is the sense of Congress that—

(1) the Attorney General should ensure that funding for programs in this Act is distributed such that rural areas continue to receive comparable support for their broad-based crime fighting initiatives;

(2) rural communities should not receive less funding than they received in fiscal year 1994 for anti-crime initiatives as a result of any legislative or administrative actions; and

(3) to the maximum extent possible, funding for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program should be maintained at its fiscal year 1994 level.

TITLE XXVI—COMMISSION ON CRIME AND VIOLENCE

SEC. 2601. FINDINGS.

The Congress finds that—

(1) there is no more important responsibility of government than the protection of the lives and property of its citizens;

(2) a violent crime occurs every 22 seconds in America;

(3) the Nation's law enforcement personnel and criminal justice system lack the resources they need to fully maintain law and order;

(4) the proliferation of drugs and guns in the last 3 decades has dramatically changed the nature of crime;

(5) it has been 27 years since the Brown Commission redefined the Federal Government's response to crime in America; and

(6) the Nation must commit itself to an energetic, innovative assault on the epidemic of crime in our society, including—

(A) alternative forms of sentencing to guarantee swift and sure punishment of criminals, including the Nation's growing number of youth offenders;

(B) initiatives by the public and private sectors designed to identify and alleviate the causes of criminal behavior; and

(C) an examination of current laws and law enforcement practices to determine where and how resources may be best utilized to fight crime, reduce burdens on courts and jails, and stop recidivism.

SEC. 2602. ESTABLISHMENT OF COMMISSION ON CRIME AND VIOLENCE.

(a) ESTABLISHMENT.—There is established a commission to be known as the "National Commission on Crime and Violence in America" (referred to as the "Commission").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 22 members, of whom—

(A) 6 shall be appointed by the President;

(B) 8 shall be appointed by the Speaker of the House of Representatives, of whom 2 shall be appointed on the recommendation of the minority leader; and

(C) 8 shall be appointed by the President pro tempore of the Senate, of whom 6 shall be appointed on the recommendation of the majority leader and 2 shall be appointed on the recommendation of the minority leader.

(2) GOALS IN MAKING APPOINTMENTS.—In appointing members of the Commission, the President, Speaker, President pro tempore, and the majority and minority leaders shall seek to ensure that—

(A) the membership of the Commission reflect the racial, ethnic, and gender diversity of the United States; and

(B) members are specially qualified to serve on the Commission by reason of their education, training, expertise, or experience in—

(i) sociology;

(ii) psychology;

(iii) law;

(iv) law enforcement;

(v) social work; and

(vi) ethnography and urban poverty, including health care, housing, education, and employment.

(3) DEADLINE.—Members of the Commission shall be appointed within 60 days after the date of enactment of this Act.

(4) TERM.—Members shall serve on the Commission through the date of its termination under section 8.

(5) MEETINGS.—The Commission—

(A) shall have its headquarters in the District of Columbia; and

(B) shall meet at least once each month for a business session.

(6) QUORUM.—Twelve members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—Not later than 15 days after the members of the Commission are appointed, the members shall designate a Chairperson and Vice Chairperson of the Commission.

(8) VACANCIES.—A vacancy in the Commission shall be filled not later than 30 days after the Commission is informed of the vacancy in the manner in which the original appointment was made.

(9) COMPENSATION.—

(A) NO PAY, ALLOWANCE, OR BENEFIT.—Members of the Commission shall receive no pay, allowances, or benefits by reason of their service on the Commission.

(B) TRAVEL EXPENSES.—A member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

SEC. 2603. DUTIES.

The Commission shall—

(1) review the effectiveness of traditional criminal justice approaches in preventing and controlling crime and violence;

(2) examine the impact that changes to Federal and State law have had in controlling crime and violence;

(3) examine the impact of changes in Federal immigration laws and policies and increased development and growth along United States international borders on crime and violence in the United States, particularly among our Nation's youth;

(4) examine the problem of youth gangs and provide recommendations on how to reduce youth involvement in violent crime;

(5) examine the extent to which assault weapons and high power firearms have contributed to violence and murder in the United States;

(6) convene hearings in various parts of the country to receive testimony from a cross section of criminal justice professionals, business leaders, elected officials, medical doctors, and other citizens that wish to participate;

(7) review all segments of the criminal justice system, including the law enforcement, prosecution, defense, judicial, corrections components, in developing the crime control and antiviolence plan;

(8) develop a comprehensive and effective crime control and antiviolence plan that will serve as a blueprint for action in the 1990's;

(9) bring attention to successful models and programs in crime prevention, crime control, and antiviolence;

(10) reach out beyond the traditional criminal justice community for ideas when developing the comprehensive crime control and antiviolence plan;

(11) recommend improvements in the coordination of Federal, State, local, and international border crime control efforts;

(12) make a comprehensive study of the economic and social factors leading to or contributing to crime and violence and specific proposals for legislative and administrative actions to reduce crime and violence and the elements that contribute to crime and violence; and

(13) recommend means of allocating finite correctional facility space and resources to the most serious and violent offenders, with the goal of achieving the most cost-effective crime control and protection of the community and public safety, after—

(A) examining the issue of disproportionate incarceration rates among black males and any other minority group disproportionately represented in Federal and State correctional populations; and

(B) considering increased use of alternatives to incarceration that offer a reasonable prospect of equal or better crime control at equal or less cost than incarceration.

SEC. 2604. STAFF AND SUPPORT SERVICES.

(a) DIRECTOR.—

(a) APPOINTMENT.—After consultation with the members of the Commission, the Chairperson shall appoint a director of the Commission (referred to in this title as the "Director").

(2) COMPENSATION.—The Director shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, the Director may appoint such personnel as the Director considers to be appropriate.

(c) CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, personnel of that agency to the Commission to assist in carrying out its duties.

(f) PHYSICAL FACILITIES.—The Administrator of the General Services Administration shall provide suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

SEC. 2605. POWERS.

(a) HEARINGS.—The Commission may conduct public hearings or forums at its discretion, at any time and place it is able to secure facilities and witnesses, for the purpose of carrying out its duties.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure from any Federal agency or entity in the executive or legislative branch such materials, resources, statistical data, and other information as is necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of a Federal agency or entity shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 2606. REPORTS.

(a) MONTHLY REPORTS.—The Commission shall submit monthly activity reports to the President and the Congress.

(b) INTERIM REPORT.—Not later than 1 year before the date of its termination, the Commission shall submit an interim report to the President and the Congress containing—

(1) a detailed statement of the findings and conclusions of the Commission;

(2) recommendations for legislative and administrative action based on the Commission's activities to date;

(3) an estimation of the costs of implementing the recommendations made by the Commission; and

(4) a strategy for disseminating the report to Federal, State, and local authorities.

(c) FINAL REPORT.—Not later than the date of its termination, the Commission shall submit to the Congress and the President a final report with a detailed statement of final findings, conclusions, recommendations, and estimation of costs and an assessment of the extent to which recommendations included in the interim report under subsectin (b) have been implemented.

(d) PRINTING AND PUBLIC DISTRIBUTION.—Upon receipt of each report of the Commission under this section, the President shall—

(1) order the report to be printed; and

(2) make the report available to the public.

SEC. 2607. TERMINATION.

The Commission shall terminate on the date that is 2 years after the date on which members of the Commission have met and designated a Chairperson and Vice Chairperson.

TITLE XXVII—POLICE CORPS AND LAW ENFORCEMENT SCHOLARSHIP ACT

SEC. 2701. PURPOSES.

The purposes of this title are to—

(1) address violent crime by increasing the number of police with advanced education and training on community patrol; and

(2) provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement.

SEC. 2702. DEFINITIONS.

For purposes of this title—

(1) the term "academic year" means a traditional academic year beginning in August or September and ending in the following May or June;

(2) the term "dependent child" means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer's death—

(A) was no more than 21 years old; or

(B) if older than 21 years, was in fact dependent on the child's parents for at least one-half of the child's support (excluding educational expenses), as determined by the Director;

(3) the term "Director" means the Director of the Office of the Police Corps and Law Enforcement Education appointed under section 2711;

(4) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree in legal- or criminal justice-related studies; or

(B) a course of graduate study legal or criminal justice studies following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses;

(5) the term "institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(6) the term "participant" means a participant in the Police Corps program selected pursuant to section 2714;

(7) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands; and

(8) the term "State Police Corps program" means a State police corps program that meets the requirements of section 2717.

Subtitle A—Police Corps

SEC. 2711. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS AND LAW ENFORCEMENT EDUCATION.

(a) ESTABLISHMENT.—There is established in the Department of Justice, under the general

authority of the Attorney General, an Office of the Police Corps and Law Enforcement Education.

(b) APPOINTMENT OF DIRECTOR.—The Office of the Police Corps and Law Enforcement Education shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the Police Corps program established by this subtitle and shall have authority to promulgate regulations to implement this subtitle.

SEC. 2712. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.

(a) LEAD AGENCY.—A State that desires to participate in the Police Corps program under this subtitle shall designate a lead agency that will be responsible for—

(1) submitting to the Director a State plan described in subsection (b); and

(2) administering the program in the State.

(b) STATE PLANS.—A State plan shall—

(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the program;

(2) contain assurances that the State shall advertise the assistance available under this subtitle;

(3) contain assurances that the State shall screen and select law enforcement personnel for participation in the program; and

(4) meet the requirements of section 2717.

SEC. 2713. SCHOLARSHIP ASSISTANCE.

(a) SCHOLARSHIPS AUTHORIZED.—(1) The Director may award scholarships to participants who agree to work in a State or local police force in accordance with agreements entered into pursuant to subsection (d).

(2)(A) Except as provided in subparagraph (B), each scholarship payment made under this section for each academic year shall not exceed—

(i) $7,500; or

(ii) the cost of the educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of scholarship assistance received by any one participant under this section shall not exceed $30,000.

(3) Participants who receive scholarship assistance under this section shall continue to receive such scholarship payments only during such periods as the Director finds that the recipient is maintaining satisfactory progress as determined by the institution of higher education the recipient is attending.

(4)(A) The Director shall make scholarship payments under this section directly to the institution of higher education that the student is attending.

(B) Each institution of higher education receiving a payment on behalf of a participant pursuant to subparagraph (A) shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution.

(b) REIMBURSEMENT AUTHORIZED.—(1) The Director may make payments to a participant to reimburse such participant for the costs of educational expenses if the student agrees to work in a State or local police force in accordance with the agreement entered into pursuant to subsection (d).

(2)(A) Each payment made pursuant to paragraph (1) for each academic year of study shall not exceed—

(i) $7,500; or

(ii) the cost of educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of payments made pursuant to subparagraph (A) to any 1 student shall not exceed $30,000.

(c) USE OF SCHOLARSHIP.—Scholarships awarded under this under subsection shall only be used to attend a 4-year institution of higher education, except that—

(1) scholarships may be used for graduate and professional study; and

(2) if a participant has enrolled in the program upon or after transfer to a 4-year institution of higher education, the Director may reimburse the participant for the participant's prior educational expenses.

(d) AGREEMENT.—(1)(A) Each participant receiving a scholarship or a payment under this section shall enter into an agreement with the Director.

(B) An agreement under subparagraph (A) shall contain assurances that the participant shall—

(i) after successful completion of a baccalaureate program and training as prescribed in section 2715, work for 4 years in a State or local police force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member;

(ii) complete satisfactorily—

(I) an educational course of study and receipt of a baccalaureate degree (in the case of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of graduate study); and

(II) Police Corps training and certification by the Director that the participant has met such performance standards as may be established pursuant to section 2715; and

(iii) repay all of the scholarship or payment received plus interest at the rate of 10 percent if the conditions of clauses (i) and (ii) are not complied with.

(2)(A) A participant who receives a scholarship or payment under this section shall not be considered to be in violation of the agreement entered into pursuant to paragraph (1) if the recipient—

(i) dies; or

(ii) becomes permanently and totally disabled as established by the sworn affidavit of a qualified physician.

(B) If the participant who has received a scholarship is unable to comply with the repayment provision set forth in paragraph (1)(B)(ii) because of a physical or emotional disability or for good cause as determined by the Director, the Director may substitute community service in a form prescribed by the Director for the required repayment.

(C) The Director shall expeditiously seek repayment from a participant who violates an agreement described in paragraph (1).

(e) DEPENDENT CHILD.—(1) A dependent child of an individual referred to in paragraph (2) shall be entitled to the scholarship assistance authorized in this section for any course of study in any accredited institution of higher education. Such dependent child shall not incur any repayment obligation in exchange for the scholarship assistance provided in this section.

(2) For purposes of paragraph (1), an individual is a law enforcement officer—

(A) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer;

(B) who is not a participant in the Police Corps program, but who serves in a State for which the Director has approved a State Police Corps plan; and

(C) who is killed in the course of performing police duties.

(f) APPLICATION.—Each participation desiring a scholarship or payment under this section shall submit an application as prescribed by the Director in such manner and accompanied by such information as the Director may reasonably require.

SEC. 2714. SELECTION OF PARTICIPANTS.

(a) IN GENERAL.—Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

(b) SELECTION CRITERIA AND QUALIFICATIONS.—(1) In order to participate in a State Police Corps program, a participant shall—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to section 2717 (c)(5), including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State or local police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

(D) be a good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2)(A) Until the date that is 5 years after the date of enactment of this title, up to 10 percent of the applicants accepted into a State Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 2716, and such a participant shall be subject to the same benefits and obligations under this subtitle as other participants, including those stated in subsection (b)(1)(E) and (F).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of

section 2716, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(3) It is the intent of this subtitle that there shall be no more than 20,000 participants in each graduating class. The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall assure, as nearly as possible, annual graduating classes of 20,000. In a year in which applications are received a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 20,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

(c) RECRUITMENT OF MINORITIES.—Each State participating in the Police Corps program shall make special efforts to seek and recruit applicants from among members of all racial, ethnic or gender groups. This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b).

(d) ENROLLMENT OF APPLICANT.—(1) An applicant shall be accepted into a State Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, a 4-year institution of higher education—

(A) as a full-time student in an undergraduate program; or

(B) for purposes of taking a graduate course.

(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(e) LEAVE OF ABSENCE.—(1) A participant in a State Police Corps program who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

(2) A participant who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such leave of absence by the State.

(3) A participant who requests a leave of absence from educational study or training for a period not to exceed 30 months to serve on an official church mission may be granted such leave of absence.

(f) ADMISSION OF APPLICANTS.—An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

SEC. 2715. POLICE CORPS TRAINING.

(a) IN GENERAL.—(1) The Director shall establish programs of training for State Police Corps participants. Such programs may be carried out at up to 3 training centers established for this purpose and administered by the Director, or by contracting with existing State training facilities. The Director shall contract with a State training facility upon request of such facility if the Director determines that such facility offers a course of training substantially equivalent to the Police Corps training program described in this subtitle.

(2) The Director may enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces) to obtain the services of persons qualified to participate in and contribute to the training process.

(3) The Director may enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

(4) The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials, and the provision of subsistence, quarters, and medical care to participants.

(b) TRAINING SESSIONS.—A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, one during the summer following completion of sophomore year and one during the summer following completion of junior year. If a participant enters the program after sophomore year, the participant shall complete 16 weeks of training at times determined by the Director.

(c) FURTHER TRAINING.—The 16 weeks of State Police Corps training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned. Each State plan approved by the Director under section 2717 shall include assurances that following completion of a participant's course of education each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned. The time spent by a participant in such additional training, but not the time spent in State Police Corps training, shall be counted toward fulfillment of the participant's 4-year service obligation.

(d) COURSE OF TRAINING.—The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

(e) EVALUATION OF PARTICIPANTS.—A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be required to meet performance standards prescribed by the Director at the conclusion of each training session in order to remain in the Police Corps program.

(f) STIPEND.—The Director shall pay participants in training sessions a stipend of $250 a week during training.

SEC. 2716. SERVICE OBLIGATION.

(a) SWEARING IN.—Upon satisfactory completion of the participant's course of education and training program established in section 2715 and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

(b) RIGHTS AND RESPONSIBILITIES.—A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant is a member, including those contained in applicable agreements with labor organizations and those provided by State and local law.

(c) DISCIPLINE.—If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 2713, the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 2713(d)(1)(B)(iii) shall not apply.

(d) LAYOFFS.—If the police force of which the participant is a member lays off the participant such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 2713, the Director may permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 2713(d)(1)(B)(iii) shall not apply.

SEC. 2717. STATE PLAN REQUIREMENTS.

A State Police Corps plan shall—

(1) provide for the screening and selection of participants in accordance with the criteria set out in section 2714;

(2) State procedures governing the assignment of participants in the Police Corps program to State and local police forces (no more than 10 percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

(3) provide that participants shall be assigned to those geographic areas in which—

(A) there is the greatest need for additional law enforcement personnel; and

(B) the participants will be used most effectively;

(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

(5) provide that to the extent feasible, a participant's assignment shall be made at the time the participant is accepted into the program, subject to change—

(A) prior to commencement of a participant's fourth year of undergraduate study, under such circumstances as the plan may specify; and

(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

(6) provide that no participant shall be assigned to serve with a local police force—

(A) whose size has declined by more than 5 percent since June 21, 1989; or

(B) which has members who have been laid off but not retired;

(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

(8) ensure that participants will receive effective training and leadership;

(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the State Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the police force of which the participant is a member.

SEC. 2718. ASSISTANCE TO STATES AND LOCALITIES EMPLOYING POLICE CORPS OFFICERS.

Each jurisdiction directly employing State Police Corps participants during the 4-year term of service prescribed by section 2716 shall receive $10,000 on account of each such participant at the completion of each such year of service, but—

(1) no such payment shall be made on account of service in any State or local police force—

(A) whose average size, in the year for which payment is to be made, not counting State Police Corps participants assigned under section 2715, has declined more than 2 percent since January 1, 1993; or

(B) which has members who have been laid off but not retired; and

(2) no such payment shall be made on account of any State Police Corps participant for years

of service after the completion of the term of service prescribed in section 2716.

SEC. 2719. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—

(1) $100,000,000 for fiscal year 1995 and $250,000,000 for fiscal year 1996; and

(2) such sums as are necessary for each of the fiscal years 1997, 1998, and 1999.

SEC. 2720. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than April 1 of each year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate.

(b) CONTENTS.—A report under subsection (a) shall—

(1) state the number of current and past participants in the State Police Corps program, broken down according to the levels of educational study in which they are engaged and years of service they have served on police forces (including service following completion of the 4-year service obligation);

(2) describe the geographic, racial, and gender dispersion of participants in the State Police Corps program; and

(3) describe the progress of the State Police Corps program and make recommendations for changes in the program.

Subtitle B—Law Enforcement Scholarship Program

SEC. 2731. ALLOTMENT.

From amounts appropriated under section 2739, the Director shall allot—

(1) 80 percent of such amounts to States on the basis of the number of law enforcement officers in each State compared to the number of law enforcement officers in all States; and

(2) 20 percent of such amounts to States on the basis of the shortage of law enforcement personnel and the need for assistance under this subtitle in the State compared to the shortage of law enforcement personnel and the need for assistance under this subtitle in all States.

SEC. 2732. ESTABLISHMENT OF PROGRAM.

(a) USE OF ALLOTMENT.—

(1) IN GENERAL.—A State that receives an allotment pursuant to section 2731 shall use the allotment to pay the Federal share of the costs of—

(A) awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education; and

(B) providing—

(i) full-time employment in summer; or

(ii) part-time (not to exceed 20 hours per week) employment for a period not to exceed 1 year.

(2) EMPLOYMENT.—The employment described in paragraph (1)(B)—

(A) shall be provided by State and local law enforcement agencies for students who are juniors or seniors in high school or are enrolled in an institution of higher education and who demonstrate an interest in undertaking a career in law enforcement;

(B) shall not be in a law enforcement position; and

(C) shall consist of performing meaningful tasks that inform students of the nature of the tasks performed by law enforcement agencies.

(b) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall pay to each State that receives an allotment under section 2731 the Federal share of the cost of the activities described in the application submitted pursuant to section 2735.

(2) FEDERAL SHARE.—The Federal share shall not exceed 60 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of scholarships and student employment provided under this subtitle shall be supplied from sources other than the Federal Government.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the programs conducted pursuant to this subtitle and shall, in consultation with the Assistant Secretary for Postsecondary Education, issue rules to implement this subtitle.

(d) ADMINISTRATIVE EXPENSES.—A State that receives an allotment under section 2731 may reserve not more than 8 percent of the allotment for administrative expenses.

(e) SPECIAL RULE.—A State that receives an allotment under section 2731 shall ensure that each scholarship recipient under this subtitle be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office of which the scholarship recipient is a member.

(f) SUPPLEMENTATION OF FUNDING.—Funds received under this subtitle shall only be used to supplement, and not to supplant, Federal, State, or local efforts for recruitment and education of law enforcement personnel.

SEC. 2733. SCHOLARSHIPS.

(a) PERIOD OF AWARD.—Scholarships awarded under this subtitle shall be for a period of 1 academic year.

(b) USE OF SCHOLARSHIPS.—Each individual awarded a scholarship under this subtitle may use the scholarship for educational expenses at an institution of higher education.

SEC. 2734. ELIGIBILITY.

(a) SCHOLARSHIPS.—A person shall be eligible to receive a scholarship under this subtitle if the person has been employed in law enforcement for the 2-year period immediately preceding the date on which assistance is sought.

(b) INELIGIBILITY FOR STUDENT EMPLOYMENT.—A person who has been employed as a law enforcement officer is ineligible to participate in a student employment program carried out under this subtitle.

SEC. 2735. STATE APPLICATION.

(a) IN GENERAL.—Each State desiring an allotment under section 2731 shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

(b) CONTENTS.—An application under subsection (a) shall—

(1) describe the scholarship program and the student employment program for which assistance under this subtitle is sought;

(2) contain assurances that the lead agency will work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out this subtitle;

(3) contain assurances that the State will advertise the scholarship assistance and student employment it will provide under this subtitle and that the State will use such programs to enhance recruitment efforts;

(4) contain assurances that the State will screen and select law enforcement personnel for participation in the scholarship program under this subtitle;

(5) contain assurances that under such student employment program the State will screen and select, for participation in such program, students who have an interest in undertaking a career in law enforcement;

(6) contain assurances that under such scholarship program the State will make scholarship payments to institutions of higher education on behalf of persons who receive scholarships under this subtitle;

(7) with respect to such student employment program, identify—

(A) the employment tasks that students will be assigned to perform;

(B) the compensation that students will be paid to perform such tasks; and

(C) the training that students will receive as part of their participation in the program;

(8) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

(9) contain assurances that the State will promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in institutions of higher education.

SEC. 2736. LOCAL APPLICATION.

(a) IN GENERAL.—A person who desires a scholarship or employment under this subtitle shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require.

(b) CONTENTS.—An application under subsection (a) shall describe—

(1) the academic courses for which a scholarship is sought; or

(2) the location and duration of employment that is sought.

(c) PRIORITY.—In awarding scholarships and providing student employment under this subtitle, each State shall give priority to applications from persons who are—

(1) members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligible for employment in law enforcement in the State;

(2) pursuing an undergraduate degree; and

(3) not receiving financial assistance under the Higher Education Act of 1965.

SEC. 2737. SCHOLARSHIP AGREEMENT.

(a) IN GENERAL.—A person who receives a scholarship under this subtitle shall enter into an agreement with the Director.

(b) CONTENTS.—An agreement described in subsection (a) shall—

(1) provide assurances that the scholarship recipient will work in a law enforcement position in the State that awarded the scholarship in accordance with the service obligation described in subsection (c) after completion of the scholarship recipient's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the scholarship recipient will repay the entire scholarship in accordance with such terms and conditions as the Director shall prescribe if the requirements of the agreement are not complied with, unless the scholarship recipient—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which the scholarship recipient may seek employment in the field of law enforcement in a State other than the State that awarded the scholarship.

(c) SERVICE OBLIGATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a person who receives a scholarship under this subtitle shall work in a law enforcement position in the State that awarded the scholarship for a period of 1 month for each credit hour for which funds are received under the scholarship.

(2) SPECIAL RULE.—For purposes of satisfying the requirement of paragraph (1), a scholarship recipient shall work in a law enforcement position in the State that awarded the scholarship for not less than 6 months but shall not be re-

quired to work in such a position for more than 2 years.

SEC. 2738. DEFINITIONS.

For purposes of this subtitle—

(1) the term "Director" means the Director of the Bureau of Justice Assistance;

(2) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of an associate degree;

(B) a course of education leading to the award of baccalaureate degree; or

(C) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, and related expenses;

(3) the term "institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term "law enforcement position" means employment as an officer in a State or local police force or correctional institution; and

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 2739. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle $30,000,000 for each of fiscal years 1995, 1996, 1997, 1998, and 1999.

(b) USES OF FUNDS.—Of the funds appropriated under subsection (a) for a fiscal year—

(1) 80 percent shall be available to provide scholarships described in section 2732(a)(1)(A); and

(2) 20 percent shall be available to provide employment described in sections 2732(a)(1)(B) and 2732(a)(2).

TITLE XXVIII—NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION

SEC. 2801. AUTHORIZING ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.

(a) ACCESS.—The Attorney General shall amend existing regulations (published at 28 C.F.R. 20.33(a)) to authorize the dissemination of information from existing national crime information databases, including the National Crime Information Center and III ("Triple I"), to courts and court personnel, civil or criminal, for use in domestic violence or stalking cases. Nothing in this subsection shall be construed to permit any person or court access to criminal history record information for any other purpose or for any other civil case other than for use in a stalking or domestic violence case.

(b) ENTRY.—The Attorney General shall amend existing regulations to permit Federal and State criminal justice agencies, assigned to input information into national crime information databases, to include arrests, warrants, and orders for the protection of parties from stalking or domestic violence, whether issued by a criminal, civil, or family court. Such amendment shall include a definition of criminal history information that covers warrants, arrests, and orders for the protection of parties from stalking or domestic violence. Nothing in this subsection shall be construed to permit access to such information for any purpose which is different than the purposes described in subsection (a).

(c) PROCEDURES.—The regulations required by subsection (a) shall be proposed no later than 90 days after the date of enactment of this Act, after appropriate consultation with the Director of the Federal Bureau of Investigation, the officials charged with managing the National Crime Information Center, and the National Crime Information Center Advisory Policy Board. Final regulations shall be issued no later than 180 days after the date of the enactment of this Act.

SEC. 2802. NONSERIOUS OFFENSE BAR.

The Attorney General shall amend existing regulations to specify that the term "nonserious offenses", as used in 28 C.F.R. 20.32, does not include stalking or domestic violence offenses. Nothing in this section is intended to change current regulations requiring that juvenile offenses shall be excluded from national crime information databases unless the juvenile has been tried as an adult.

SEC. 2803. PERFORMANCE GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General, through the Director of the Bureau of Justice Assistance, is authorized to provide performance grants to the States to improve processes for entering data about stalking and domestic violence into national crime information databases.

(b) ELIGIBILITY.—Eligible grantees under subsection (a) are States that provide, in their application, that all criminal justice agencies within their jurisdiction shall enter into the National Crime Information Center all records of (1) warrants for the arrest of persons violating civil protection orders intended to protect victims from stalking or domestic violence; (2) arrests of persons violating civil protection orders intended to protect victims from stalking or domestic violence; and (3) orders for the protection of persons from violence, including stalking and domestic violence.

(c) PERFORMANCE-BASED DISTRIBUTION.—Eligible grantees under subsection (a) shall be awarded 25 percent of their grant moneys upon application approval as "seed money" to cover start-up costs for the project funded by the grant. Upon successful completion of the performance audit provided in subsection (d), the grantees shall be awarded the remaining sums in the grant.

(d) PERFORMANCE AUDIT.—Within 6 months after the initial 25 percent of a grant is provided, the State shall report to the Federal Bureau of Investigation and the Bureau of Justice Assistance, the number of records included in national crime information databases as a result of the grant funding, including separate data for warrants, arrests, and protective orders. If the State can show a substantial increase in the number of records entered, then it shall be eligible for the entire amount. However, the Director shall suspend funding for an approved application if an applicant fails to submit a 6 month performance report or if funds are expended for purposes other than those set forth under this title. Federal funds may be used to supplement, not supplant, State funds.

(e) GRANT AMOUNT.—From amounts appropriated, the amount of grants under subsection (a) shall be—

(1) $75,000 to each State; and

(2) that portion of the then remaining available money to each State that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

SEC. 2804. APPLICATION REQUIREMENTS.

The application requirements provided in section 513 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) shall apply to grants made under this title. In addition, applications shall include documentation showing—

(1) the need for grant funds and that State funding does not already cover these operations;

(2) intended use of the grant funds, including a plan of action to increase record input; and

(3) an estimate of expected results from the use of the grant funds.

SEC. 2805. DISBURSEMENT.

(a) GENERAL RULE.—No later than 30 days after the receipt of an application under this title, the Director shall either disburse the appropriate sums provided for under this title or shall inform the applicant why the application does not conform to the terms of section 513 of the Omnibus Crime Control and Safe Streets Act of 1968 or to the requirements of section 2804 of this title.

(b) REGULATIONS.—In disbursing moneys under this title, the Director of the Bureau of Justice Assistance shall issue regulations to ensure that grantees give priority to the areas with the greatest showing of need.

SEC. 2806. FEDERAL NONMONETARY ASSISTANCE.

In addition to the assistance provided under the performance grant program, the Attorney General may direct any Federal agency, with or without reimbursement, to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local law enforcement efforts to combat stalking and domestic violence.

SEC. 2807. AUTHORIZATION.

There are authorized to be appropriated for each of the fiscal years 1994, 1995, and 1996, $2,000,000 to carry out the purposes of the Performance Grant Program under this title.

SEC. 2808. TRAINING PROGRAMS FOR JUDGES.

The National Institute of Justice, in conjunction with a nationally recognized nonprofit organization expert in stalking and domestic violence cases, shall conduct training programs for judges to ensure that any judge issuing an order in stalking or domestic violence cases has all available criminal history and other information, whether from State or Federal sources.

SEC. 2809. RECOMMENDATIONS ON INTRASTATE COMMUNICATION.

The National Institute of Justice, after consulting a nationally recognized nonprofit associations expert in data sharing among criminal justice agencies and familiar with the issues raised in stalking and domestic violence cases, shall recommend proposals about how State courts may increase intrastate communication between family courts, juvenile courts, and criminal courts.

SEC. 2810. INCLUSION IN NATIONAL INCIDENT-BASED REPORTING SYSTEM.

Not later than 2 years after the date of enactment of this Act, the Attorney General, in coordination with the Federal Bureau of Investigation and the States, shall compile data regarding stalking civil protective orders and other forms of domestic violence as part of the National Incident-Based Reporting System (NIBRS).

SEC. 2811. REPORT TO CONGRESS.

The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that reports information on the incidence of stalking and other forms of domestic violence, and evaluates the effectiveness of State anti-stalking efforts and legislation.

SEC. 2812. DEFINITIONS.

As used in this title—

(1) the term "national crime information databases" refers to the National Crime Information Center and its incorporated criminal history databases, including III ("Triple I");

(2) the term "stalking" includes any conduct that would, if proven, justify the issuance of an order of protection under the stalking, or other, laws of the State in which it occurred; and

(3) the term "domestic violence" includes any conduct that would, if proven, justify the issuance of an order of protection under the domestic violence, or other, laws of the State in which it occurred.

TITLE XXIX—PROTECTING THE PRIVACY OF INFORMATION IN STATE MOTOR VEHICLE RECORDS

SEC. 2901. SHORT TITLE.

This title may be cited as the "Driver's Privacy Protection Act of 1994".

SEC. 2902. PROHIBITION ON RELEASE AND USE OF CERTAIN PERSONAL INFORMATION FROM STATE MOTOR VEHICLE RECORDS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 121 the following:

"CHAPTER 123—PROHIBITION ON RELEASE AND USE OF CERTAIN PERSONAL INFORMATION FROM STATE MOTOR VEHICLE RECORDS

"§2721. Prohibition on release and use of certain personal information from State motor vehicle records

"(a) IN GENERAL.—Except as provided in subsection (b), a State department of motor vehicles, and any officer, employee, or contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the department in connection with a motor vehicle record.

"(b) PERMISSIBLE USES.—Personal information referred to in subsection (a) of this section shall be disclosed for paragraphs (1) and (2) to carry out the purpose of the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act, and may be disclosed for paragraphs (3) through (14), as follows:

"(1) For use by any Federal, State, or local agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.

"(2) For use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alteration, recall or advisory, and motor vehicle customer satisfaction.

"(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only—

"(A) to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

"(B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

"(4) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.

"(5) For use in research activities, including survey research, and for use in producing statistical reports, provided that the personal information is not published or redisclosed and provided that the personal information is not used to direct solicitations or marketing offers at the individuals whose personal information is disclosed under this paragraph.

"(6) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.

"(7) For the purpose of providing notice to the owners of towed or impounded vehicles.

"(8) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.

"(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710 et seq.).

"(10) For use in connection with the operation of private toll transportation facilities.

"(11) For any other purpose in response to requests for individual motor vehicle records if the motor vehicle department has provided in a clear and conspicuous manner to the individual to whom the information pertains an opportunity to prohibit such disclosures.

"(12) For bulk distribution for marketing or solicitations if the motor vehicle department has implemented methods and procedures to ensure—

"(A) that individuals are provided an opportunity, in a clear and conspicuous manner, to prohibit such disclosure; and

"(B) that the information will be used, rented, or sold solely for bulk distribution for marketing and solicitations, and that such solicitations will not be directed at those individuals who have requested in a timely fashion that they not be directed at them.

'Methods and procedures' includes the motor vehicle department's use of a mail preference list to remove from its records before bulk distribution the names and personal information of those individuals who have requested that solicitations not be directed at them.

"(13) For use by any requestor, if the requestor demonstrates it has obtained the written consent of the individual to whom the information pertains.

"(14) For any other purpose specifically authorized under the law of the State that holds the record, if such purpose is related to the operation of a motor vehicle or public safety.

"(c) RESALE OR REDISCLOSURE.—Any authorized recipient of personal information may resell or redisclose the information for any use permitted under subsection (b). Any authorized recipient (except a recipient under subsections (b)(11) or (12)) that resells or redisclosures personal information covered by this title must keep for a period of 5 years records identifying each person or entity that receives information and the permitted purpose for which the information will be used.

"(d) WAIVER PROCEDURES.—A State motor vehicle department may establish and carry out procedures under which the department or its agents, upon receiving a request for personal information that does not fall within one of the exceptions in subsection (b), may mail a copy of the request to the individual about whom the information was requested, informing such individual of the request, together with a statement to the effect that the information will not be released unless the individual waives such individual's right to privacy under this section.

"§2722. Additional unlawful acts

"(a) PROCUREMENT FOR UNLAWFUL PURPOSE.—It shall be unlawful for any person knowingly to obtain or disclose personal information, from a motor vehicle record, for any purpose not permitted under section 2721(b) of this title.

"(b) FALSE REPRESENTATION.—It shall be unlawful for any person to make false representation to obtain any personal information from an individual's motor vehicle record.

"§2723. Criminal penalty

"Any person that knowingly violates this chapter shall be fined under this title.

"§2724. Civil action

"(a) CAUSE OF ACTION.—A person who knowingly obtains, discloses or uses personal information, derived from a motor vehicle record, for a purpose not permitted under this chapter shall be liable to the individual to whom the information pertains, who may bring a civil action in a United States district court.

"(b) REMEDIES.—The court may award—

"(1) actual damages, but not less than liquidated damages in the amount of $2,500;

"(2) punitive damages upon proof of willful or reckless disregard of the law;

"(3) reasonable attorneys' fees and other litigation costs reasonably incurred; and

"(4) such other preliminary and equitable relief as the court determines to be appropriate.

"§2725. Definitions

"As used in this chapter—

"(1) the term 'motor vehicle record' means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by a department of motor vehicles;

"(2) the term 'personal information' means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information, but such term does not include information on vehicular accidents, driving violations, and driver's status; and

"(3) the term 'person' means an individual, organization or entity, but does not include a State or agency thereof.".

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

"123. Prohibition on release and use of certain personal information from State motor vehicle records ..... 2271"

SEC. 2903. EFFECTIVE DATE.

This title shall take effect 3 years after the date of enactment. In the interim, personal information covered by this title may be released consistent with State law or practice.

TITLE XXX—MISCELLANEOUS

Subtitle A—Display of Flags at Half Staff

SEC. 3001. DISPLAY OF FLAGS AT HALF STAFF.

(a) PUBLIC LAW 87-726.—The first section of Public Law 87-726 (36 U.S.C. 167) is amended—

(1) by striking "(2)" and inserting "(3)";

(2) by inserting after clause (1) the following new clause: "(2) directing the officials of the Government to display at half-staff the flag of the United States on all Government buildings on such day, as provided by section 3(m) of the Act of June 22, 1942 (Chapter 435; 56 Stat. 377; 36 U.S.C. 175),";

(3) by striking "(3)" and inserting "(4)"; and

(4) by inserting in paragraph (4) ", including the display at half-staff of the flag of the United States" after "activities".

(b) ACT OF JUNE 22, 1942.—Section 3(m) of the Act of June 22, 1942 (Chapter 435; 56 Stat. 377; 36 U.S.C. 175) is amended by inserting "The flag shall be flown at half-staff on Peace Officers Memorial Day, unless that day is also Armed Forces Day." after "a Member of Congress.".

Subtitle B—Sense of Congress With Respect to Violence Against Truckers

SEC. 3005. SENSE OF CONGRESS WITH RESPECT TO VIOLENCE AGAINST TRUCKERS.

(a) FINDINGS.—Congress finds that—

(1) there are 8,000,000 workers in the trucking industry in the United States, some working for large carriers and some for small carriers, some for private carriers and some owner operators, all assisting the free flow commerce by transporting all types of commodities that enter, leave, or move within this country;

(2) unemployment, crime, and drug use have contributed to an increase of violence against commercial truckers, an increase that has gone unrecognized by the public at large;

(3) few State or local authorities report violent crimes against truckers as such to the Federal Bureau of Investigation, statistics do not reflect this fast-growing and increasingly violent segment of crime;

(4) the Federal Bureau of Investigation investigated 282 truck hijackings involving crimes of violence in 1993, not including attempted crimes and crimes addressed by State, county, and local authorities;

(5) the Federal Government in large measure finances the highway system the trucking industry uses, collecting large sums in taxes from the industry, and licenses and regulates the industry and its drivers, entailing a concomitant responsibility to protect them against crime; and

(6) Federal law provides protections to truckers in among others, sections 33 and 1951 of title 18, United States Code, but currently Federal prosecutions are not undertaken unless certain monetary thresholds of loss are met.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) when there is Federal jurisdiction, Federal authorities should prosecute to the fullest extent of the law murders, rapes, burglaries, kidnappings and assaults committed against commercial truckers; and

(2) appropriate Federal agencies should acknowledge this problem and place a priority on evaluating how best to prevent these crimes and apprehend those involved, and continue to coordinate their activities with multi-jurisdictional authorities to combat violent crimes committed against truckers.

Subtitle C—Financial Institution Fraud

SEC. 3011. FINANCIAL INSTITUTION FRAUD.

Section 528 of Public Law 101-509, approved November 5, 1990, is amended by striking "with the authority of the Resolution Trust Corporation or its successor" at the end of subsection (b)(2) and inserting "on December 31, 2004".

Subtitle D—Authorization of Appropriations

SEC. 3016. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the activities of the Bureau of Alcohol, Tobacco and Firearms, the United States Customs Service, the Financial Crimes Enforcement Network, the Federal Law Enforcement Training Center, the Criminal -Investigation Division of the Internal Revenue Service, and the United States Secret Service, in addition to sums authorized elsewhere in this Act, not to exceed $210,000,000 for each of the fiscal years 1995, 1996, 1997, 1998, and 1999 to help meet the Department of the Treasury's increased law enforcement activities.

Subtitle E—Conversion of Closed Military Installations

SEC. 3021. CONVERSION OF THREE CLOSED MILITARY INSTALLATIONS INTO FEDERAL PRISON FACILITIES.

(a) STUDY OF SUITABLE BASES.—The Secretary of Defense and the Attorney General shall jointly conduct a study of all military installations selected before the date of the enactment of this Act to be closed pursuant to a base closure law for the purpose of evaluating the suitability of any of these installations, or portions of these installations, for conversion into Federal prison facilities. As part of the study, the Secretary and the Attorney General shall identify the three military installations so evaluated that are most suitable for conversion into Federal prison facilities.

(b) SUITABILITY FOR CONVERSION.—In evaluating the suitability of a military installation for conversion into a Federal prison facility, the Secretary of Defense and the Attorney General shall consider the estimated cost to convert the installation into a prison facility, the proximity of the installation to overcrowded Federal and State prison facilities, and such other factors as the Secretary and the Attorney General consider to be appropriate.

(c) TRANSFER TO ATTORNEY GENERAL.—Notwithstanding any other provision of law regarding disposal of military installations selected to be closed pursuant to a base closure law, the Secretary of Defense shall transfer, without reimbursement, jurisdiction over the three installations identified under subsection (a) to the Attorney General for conversion into Federal prison facilities. The Federal prison facilities established using these installations shall be designed to incarcerate persons convicted of a Federal violent felony. Upon a space available basis, the Attorney General may accept transfers from overcrowded State prisons if the persons to be transferred had previously been convicted of a Federal violent felony or are serving a sentence of more than 20 years.

(d) TIME FOR STUDY.—The study required by subsection (a) shall be completed not later than 180 days after the date of the enactment of this Act.

(e) DEFINITIONS.—For purpose of this section:

(1) The term "base closure law" means—

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); or

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The term "violent felony" has the meaning given that term in section 3581(c)(2) of title 18, United States Code.

SUBTITLE F—COMMISSION MEMBERSHIP AND APPOINTMENT

SEC. 3026. COMMISSION MEMBERSHIP AND APPOINTMENT.

(a) MEMBERSHIP.—Section 211(B)(f) of Public Law 101-515 (104 Stat. 2123) is amended to read as follows:

"(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 25 members as follows:

"(1) Seven individuals appointed from national law enforcement organizations representing law enforcement officers, of whom—

"(A) two shall be appointed by the Speaker of the House of Representatives;

"(B) two shall be appointed by the majority leader of the Senate;

"(C) one shall be appointed by the minority leader of the House of Representatives;

"(D) one shall be appointed by the minority leader of the Senate; and

"(E) one shall be appointed by the President.

"(2) Seven individuals appointed from national law enforcement organizations representing law enforcement management, of whom—

"(A) two shall be appointed by the Speaker of the House of Representatives;

"(B) two shall be appointed by the majority leader of the Senate;

"(C) one shall be appointed by the minority leader of the House of Representatives;

"(D) one shall be appointed by the minority leader of the Senate; and

"(E) one shall be appointed by the President.

"(3) Two individuals appointed with academic expertise regarding law enforcement issues, of whom—

"(A) one shall be appointed by the Speaker of the House of Representatives and the majority leader of the Senate; and

"(B) one shall be appointed by the minority leader of the Senate and the minority leader of the House of Representatives.

"(4) Two Members of the House of Representatives, appointed by the Speaker and the minority leader of the House of Representatives.

"(5) Two Members of the Senate, appointed by the majority leader and the minority leader of the Senate.

"(6) One individual involved in Federal law enforcement from the Department of the Treasury, appointed by the President.

"(7) One individual from the Department of Justice, appointed by the President.

"(8) One individual representing a State or local governmental entity, such as a Governor, mayor, or State attorney general, to be appointed by the majority leader of the Senate.

"(9) One individual representing a State or local governmental entity, such as a Governor, mayor, or State attorney general, to be appointed by the Speaker of the House of Representatives.

"(10) One individual representing a State or local governmental entity, such as a Governor, mayor, or State attorney general, to be appointed by the President.".

(b) REPORT.—Section 211(B)(p) of Public Law 101-515 (104 Stat. 2124) is amended by striking "the expiration" and all that follows through "this Act," and inserting "March 31, 1996,".

SEC. 3027. CONFORMING AMENDMENT.

Section 3404(a) of Public Law 101-647 (42 U.S.C. 3721 note) is repealed.

Subtitle G—Explosives Crime Penalties

SEC. 3031. ENHANCED PENALTY FOR SECOND OFFENSE OF USING AN EXPLOSIVE TO COMMIT A FELONY.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate amendments to the sentencing guidelines to appropriately enhance penalties in a case in which a defendant convicted under section 844(h) of title 18, United States Code, has previously been convicted under that section.

SEC. 3032. THEFT OF EXPLOSIVES.

Section 844 of title 18, United States Code, is amended by adding at the end the following:

"(k) A person who steals any explosives materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce shall be imprisoned for not more than 10 years, fined under this title, or both.".

SEC. 3033. POSSESSION OF EXPLOSIVES BY FELONS AND OTHERS.

Section 842(i) of title 18, United States Code, is amended by inserting "or possess" after "to receive".

SEC. 3034. THEFT OF EXPLOSIVES FROM LICENSEE.

Section 844 of title 18, United States Code, as amended by section 3032 of this Act, is amended by adding at the end the following:

"(l) A person who steals any explosive material from a licensed importer, licensed manufacturer, licensed dealer, or permittee shall be fined under this title, imprisoned not more than 10 years, or both.".

SEC. 3035. DISPOSING OF EXPLOSIVES TO PROHIBITED PERSONS.

Section 842(d) of title 18, United States Code, is amended by striking "licensee" and inserting "person".

Subtitle H—Traveler Protection

SEC. 3041. AUTHORITY TO INVESTIGATE VIOLENT CRIMES AGAINST TRAVELERS.

(a) Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

"§540A. Investigation of violent crimes against travelers

"(a) Upon the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General and the Federal Bureau of Investigation may assist in the investigation of a felony crime of violence in violation of the law of any State in which the victim appears to have been selected because he or she is a traveler. In a case in which the traveler is from a foreign nation, the Department of Justice and, where appropriate, the Department of

State shall assist the prosecuting and law enforcement officials of a State or political subdivision to the fullest extent possible in securing from abroad such evidence or other information as may be needed for the effective investigation and prosecution of the crime.

"(b) For purpose of this section—

"(1) the term 'felony crime of violence' means an offense punishable by more than one year in prison that has as an element the use, attempted use, or threatened use of physical force against the person of another;

"(2) and for purposes of section 540, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

"(3) the term 'traveler' means a person who is not a resident of the State in which the crime of violence occurred.".

(b) The chapter analysis for chapter 33 of title 28, United States Code, is amended by adding at the end the following:

"540A. Investigation of violence crimes against travelers.".

Subtitle I—Study and Report by Attorney General

SEC. 3046. STUDY AND REPORT BY ATTORNEY GENERAL.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Attorney General shall make a study and submit a report of the results of that study to the Congress. Such study shall—

(1) address how to ease the overcrowding at traditional style prisons by allowing for the processing of new convicts and the housing of non-violent, elderly, and short-term Federal, State, and local inmates in prefabricated, temporary, or portable structures within a secure area; and

(2) determine what legal requirements may exist on the use of such structures for these purposes and suggest legislative measures or other appropriate actions to modify or eliminate those requirements.

(b) ACTION BY THE ATTORNEY GENERAL.—Not later than 2 years after the report referred to in subsection (a) is submitted to the Congress, the Attorney General shall implement the actions recommended in the report.

Subtitle J—Edward Byrne Memorial Formula Grant Program

SEC. 3048. EDWARD BYRNE MEMORIAL FORMULA GRANT PROGRAM.

Nothing in this Act shall be construed to prohibit or exclude the expenditure of appropriations to grant recipients who would have been or are eligible to receive grants under subpart 1 of part E of the Omnibus Crime Control and Safe Streets Act of 1968.

Subtitle K—Penalties for Trafficking in Counterfeit Goods and Services

SEC. 3051. PENALTIES FOR TRAFFICKING IN COUNTERFEIT GOODS AND SERVICES.

Section 2320(a) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking "$250,000 or imprisoned not more than five years" and inserting "$2,000,000 or imprisoned not more than 10 years"; and

(B) by striking "$1,000,000" and inserting "$5,000,000";

(2) in the second sentence—

(A) by striking "$1,000,000 or imprisoned not more than fifteen years' and inserting "$5,000,000 or imprisoned not more than 20 years"; and

(B) by striking "$5,000,000" and inserting "$15,000,000".

Subtitle L—Military Medals and Decorations

SEC. 3056. MILITARY MEDALS AND DECORATIONS.

Section 704 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "Whoever";

(2) by striking "not more than $250" and inserting "under this title"; and

(3) by adding at the end the following:

"(b)(1) If the decoration or medal involved in an offense under subsection (a) of this section is a Congressional Medal of Honor, in lieu of the punishment provided in such subsection the offender shall be fined under this title or imprisoned not more than one year, or both.

"(2) As used in subsection (a) of this section with respect to a Congressional Medal of Honor, the term 'sells' includes trades, barters, or exchanges for anything of value.

"(3) As used in this subsection, the 'Congressional Medal of Honor' is a medal awarded under section 3741 of title 10.".

Subtitle M—Age Discrimination in Employment

SEC. 3061. REENACTMENT OF SUBSECTION WITH AN AMENDMENT.

(a) REENACTMENT.—Section 4(j) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(j)) as in effect immediately before December 31, 1993, is hereby reenacted.

(b) AMENDMENT.—Section 4(j) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(j)), as reenacted by subsection (a) of this section, is amended by striking "attained the age" and all that follows through "1983, and", and inserting the following:

"attained—

"(A) the age of hiring or retirement in effect under applicable State or local law on March 3, 1983; or

"(B) if the age of retirement was not in effect under applicable State or local law on March 3, 1983, 55 years of age; and".

(c) RETROACTIVITY.—Subsections (a) and (b) shall take effect immediately after the operation of section 3(b) of the Age Discrimination in Employment Amendments of 1986 (Public Law 99–592; 29 U.S.C. 523 note).

SEC. 3062. STUDY AND GUIDELINES FOR PERFORMANCE TESTS.

(a) STUDY.—Not later than 3 years after the date of enactment of this Act, the Chairman of the Equal Employment Opportunity Commission (in this section referred to as "the Chairman") shall conduct, directly or by contract, a study that will include—

(1) a list and description of all tests available for the assessment of abilities important for completion of public safety tasks performed by law enforcement officers and firefighters,

(2) a list of such public safety tasks for which adequate tests do not exist,

(3) a description of the technical characteristics that performance tests must meet to be compatible with applicable Federal civil rights Acts and policies,

(4) a description of the alternative methods available for determining minimally acceptable performance standards on the tests described in paragraph (1),

(5) a description of the administrative standards that should be met in the administration, scoring, and score interpretation of the tests described in paragraph (1), and

(6) an examination of the extent to which the tests described in paragraph (1) are cost effective, safe, and comply with Federal civil rights Acts and regulations.

(b) ADVISORY GUIDELINES.—Not later than 4 years after the date of enactment of this Act, the Chairman shall develop and issue, based on the results of the study required by subsection (a), advisory guidelines for the administration and use of physical and mental fitness tests to measure the ability and competency of law enforcement officers and firefighters to perform the requirements of their jobs.

(c) CONSULTATION REQUIREMENT; OPPORTUNITY FOR PUBLIC COMMENT.—(1) The Chairman shall, during the conduct of the study required by subsection (a), consult with—

(A) the United States Fire Administration,

(B) the Federal Emergency Management Agency,

(C) organizations that represent law enforcement officers, firefighters, and their employers, and

(D) organizations that represent older individuals.

(2) Before issuing the advisory guidelines required in subsection (b), the Chairman shall allow for public comment on the proposed guidelines.

(d) DEVELOPMENT OF STANDARDS FOR WELLNESS PROGRAMS.—Not later than 2 years after the date of the enactment of this Act, the Chairman shall propose advisory standards for wellness programs for law enforcement officers and firefighters.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

Subtitle N—Prison Security Enhancement

SEC. 3066. PRISON SECURITY.

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

"§4047. Strength-training of prisoners prohibited

"The Bureau of Prisons shall take care that—

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

"(2) that all equipment designed for this purpose be removed from Federal correctional facilities.".

(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:

"4047. Strength-training of prisoners prohibited.".

Subtitle O—Civil Rights of Institutionalized Persons Act

SEC. 3070. EXHAUSTION REQUIREMENT.

Section 8 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

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

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

(iii) by inserting "are exhausted" after "available"; and

(B) in paragraph (2), by inserting "or are otherwise fair and effective" before the period at the end.

SEC. 3071. FRIVOLOUS ACTIONS.

Section 8(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. 3072. MODIFICATION OF REQUIRED MINIMUM STANDARDS.

Section 8(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. 3073. REVIEW AND CERTIFICATION PROCEDURE CHANGES.

Section 8(c) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(c)) is amended—

(1) in paragraph (1), by inserting "or are otherwise fair and effective" before the period at the end; and

(2) in paragraph (2), by inserting "or is no longer fair and effective" before the period at the end.

SEC. 3074. 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"; and

(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 failing 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.".

Subtitle P—Prison Overcrowding

SEC. 3080. APPROPRIATE REMEDIES FOR PRISON OVERCROWDING.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

"§3626. Appropriate remedies with respect to prison crowding

"(a) REQUIREMENT OF SHOWING WITH RESPECT TO THE PLAINTIFF IN PARTICULAR.—

"(1) HOLDING.—A Federal court shall not hold prison or jail crowding unconstitutional under the eighth amendment except to the extent that an individual plaintiff inmate proves that the crowding causes the infliction of cruel and unusual punishment of that inmate.

"(2) RELIEF.—The relief in a case described in paragraph (1) shall extend no further than necessary to remove the conditions that are causing the cruel and unusual punishment of the plaintiff inmate.

"(b) INMATE POPULATION CEILINGS.—

"(1) REQUIREMENT OF SHOWING WITH RESPECT TO PARTICULAR PRISONERS.—A Federal court shall not place a ceiling on the inmate population of any Federal, State, or local detention facility as an equitable remedial measure for conditions that violate the eighth amendment unless crowding is inflicting cruel and unusual punishment on particular identified prisoners.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) of this subsection shall not be construed to have any effect on Federal judicial power to issue equitable relief other than that described in paragraph (1) of this subsection, including the requirement of improved medical or health care and the imposition of civil contempt fines or damages, where such relief is appropriate.

"(c) PERIODIC REOPENING.—Each Federal court order or consent decree seeking to remedy an eighth amendment violation shall be reopened at the behest of a defendant for recommended modification at a minimum of 2-year intervals.".

(b) APPLICATION OF AMENDMENT.—Section 3626 of title 18, United States Code, as added by subsection a, shall apply to all outstanding court orders on the date of enactment of this Act. Any State or municipality shall be entitled to seek modification of any outstanding eighth amendment decree pursuant to that section.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following new item:

"3626. Appropriate remedies with respect to prison crowding.".

(d) SUNSET PROVISION.—This section and the amendments made by this section are repealed effective as of the date that is 5 years after the date of enactment of this Act.

Subtitle Q—Sense of Congress With Respect to Child Pornography

SEC. 3083. CHILD PORNOGRAPHY.

(a) FINDINGS.—Congress finds that—

(1) child pornography is the permanent record of the sexual abuse or exploitation of children;

(2) children who are victims of child pornography often suffer severe physical and emotional harm;

(3) child pornography is a serious national problem;

(4) the Congress of the United States has a compelling interest in the protection of children from sexual abuse and exploitation by pornography (see New York v. Ferber, 458 U.S. 747 (1982));

(5) the Congress of the United States, in pursuit of this compelling interest, has taken every opportunity to strengthen child pornography laws and has, in clear and unambiguous language, criminalized the production, interstate distribution, receipt and possession of child pornography;

(6) the United States Department of Justice in its brief to the United States Supreme Court in the case of Knox v. United States, 92-1183, has failed to support the conviction of a child pornographer won by the Department in the United States District Court for the Middle District of Pennsylvania and affirmed on appeal in the United States Court of Appeals for the Third Circuit;

(7) the Department of Justice has used its brief in the Knox case as a vehicle for reinterpretation of the Federal child pornography laws in contravention to legislative history and past prosecution practices of the Department of Justice;

(8) the Department of Justice by declaring in its brief in the Knox case that a pornographer who lasciviously exhibits the genitals of children is prosecutable within the Federal child pornography laws only if the depictions show a minor engaged in the conduct of lasciviously exhibiting his or her genitals or pubic area, creates a federally protected class of child pornography; for example, child pornography involving children who are not knowingly engaged in lasciviously exhibiting their genitals or pubic areas but whose genitals or pubic areas are nonetheless lasciviously depicted by others;

(9) the Department of Justice by declaring in its brief in the Knox case in contravention to legislative history, that a pornographer who lasciviously exhibits the genital or pubic area of children is prosecutable within the Federal child pornography laws only if the genitals are nude or visible creates a federally protected class of child pornography, e.g. depictions which focus on a minor child's clothed genital or pubic area with the obvious intent of eliciting a sexual response in pedophiles;

(10) the plan meaning and congressional intent of the language in section 2256 of title 18, United States Code, is that the term "lascivious exhibition" refers to whether the depiction is intended to elicit a sexual response from the viewer, and not to the actions of the child;

(11) the Department of Justice has employed this meaning of the term "lascivious exhibition" since it was included in the laws in 1984, and Congress has not changed the meaning of the term;

(12) Congress specifically repudiated a "nudity" requirement for child pornography statutes (see United States v. Knox, 977 F. 2d 815, at 820-823, (3rd Cir., 1992));

(13) the "harm Congress attempted to eradicate by enacting child pornography laws is present when a photographer unnaturally focuses on a minor child's clothed genital area with the obvious intent to produce an image sexually arousing to pedophiles." (see Knox at 822); and

(14) the Congress of the United States believes that the reinterpretation of the Federal child pornography laws by Department of Justice, unless reversed, will bring back commercial child pornography and lead to a substantial increase of sexual exploitation of children.

(b) SENSE OF CONGRESS.—It is the sense of the House of Representatives that the Department of Justice repudiate its reinterpretation of Federal child pornography laws, defend the conviction won in lower courts in the Knox case, and vigorously prosecute sexual exploitation of children.

Subtitle R—Labels on Products

SEC. 3086. PLACEMENT OF MADE IN AMERICA LABELS ON PRODUCTS.

(a) REQUIREMENTS FOR USE OF LABELS.—No product may bear a label which states or suggests that the product was made in America unless—

(1) the product has been registered with the Department of Commerce under subsection (b); and

(2) the Secretary of Commerce has determined that—

(A) 60 percent of the product was manufactured in the United States; and

(B) final assembly of the product took place in the United States.

(b) REGISTRY OF AMERICAN-MADE PRODUCTS.—Not later than 12 months after the Secretary has promulgated regulations regarding the registration of products with the Department of Commerce under this section, a person shall register with the Department of Commerce any product on which there is or will be affixed a label which states or suggests that the product was made in America.

(c) PENALTIES FOR FRAUDULENT USE OF LABELS.—

(1) CIVIL FINE.—Any person who, with an intent to defraud or mislead, places on a product a label which states or suggests that the product was "made in America" in violation of this section may be assessed a civil penalty by the Secretary of not more than $100,000. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. The validity of such order may not be reviewed in an action to collect such civil penalty.

(2) INJUNCTIVE RELIEF.—The Secretary may bring an action to enjoin the violation of, or to compel compliance with, this section, whenever the Secretary believes that such a violation has occurred or is about to occur.

(d) REGULATIONS.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall promulgate regulations establishing procedures under which a person shall register a product under this section.

(e) DEFINITIONS.—For purposes of this section:

(1) LABEL.—The term "label" means any written, printed, or graphic matter on, or attached to, a product or any of its containers or wrappers.

(2) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

Subtitle S—Awards of Pell Grants to Prisoners Prohibited

SEC. 3089. AWARDS OF PELL GRANTS TO PRISONERS PROHIBITED.

Section 401(b)(8) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(8)) is amended to read as follows:

"(8) No basic grant shall be awarded under this subpart to any individual who is incarcerated in any Federal or State penal institution.".

SEC. 3090. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to periods of enrollment beginning on or after the date of enactment of this Act.

Subtitle T—Cocaine Penalty Study

SEC. 3092. COCAINE PENALTY STUDY.

Not later than December 31, 1994, the United States Sentencing Commission shall submit a report to the Congress on issues relating to sentences applicable to offenses involving the possession or distribution of all forms of cocaine. The report shall address the different penalty levels which apply to different forms of cocaine, and include any recommendations the Commission may have for retention or modification of these differences in penalties.

Subtitle U—Inmate Rehabilitation

SEC. 3095. EDUCATION REQUIREMENT FOR EARLY RELEASE.

Section 3624(b) of title 18, United States Code, is amended—

(1) by inserting "(1)" after "behavior.—";

(2) by striking "Such credit toward service of sentence vests at the time that it is received. Credit that has vested may not later be withdrawn, and credit that has not been earned may not later be granted." and inserting "Credit that has not been earned may not later be granted."; and

(3) by adding at the end the following:

"(2) Credit toward a prisoner's service of sentence shall not be vested unless the prisoner has earned a high school diploma or an equivalent degree.

"(3) The Attorney General shall ensure that the Bureau of Prisons has in effect an optional General Educational Development program for inmates who have not earned a high school diploma or its equivalent.

"(4) Exemptions to the General Educational Development requirement may be made as deemed necessary by the Director of the Federal Bureau of Prisons.".

Amend the title so as to read: "An Act entitled 'The Violent Crime Control and Law Enforcement Act of 1994'."

The SPEAKER pro tempore (Mrs. KENNELLY). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS].

The motion was agreed to.

APPOINTMENT OF CONFEREES TO HOUSE AMENDMENTS TO SENATE AMENDMENT TO H.R. 3355

Mr. BROOKS. Madam Speaker, pursuant to House Resolution 401, I offer a motion.

The Clerk read as follows:

Mr. BROOKS moves that the House insist on its amendments to the Senate amendment to the bill H.R. 3355 and request a conference with the Senate thereon.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS].

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES

Mr. MCCOLLUM. Madam Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. MCCOLLUM moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 3355 be instructed to insist on the provision of the House amendment that authorizes $10.5 billion for grants for State prison construction and operation and agree to the provisions of the Senate that requires States to change their laws to require that defendants serve at least 85 percent of the sentence ordered.

The SPEAKER pro tempore. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes, and the gentleman from Texas [Mr. BROOKS] will be recognized for 30 minutes.

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

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

Madam Speaker, of those things that are in this bill we just passed, the one that drives the most important train, the one that is the one the public is most interested in, I would suggest, of all these things out there today is the provision the gentleman from Texas [Mr. CHAPMAN] offered, which would require us to produce $10.5 billion in grant money for the construction of sufficient prison space in conjunction with the States to be able to house repeat violent offenders of this country who have come forward and caused all of the problems that we are reading about in our newspapers and seeing on television every night.

Six percent of the criminals of this country commit about 70 percent of the violent crimes and are getting out after serving, as many of us have said on the floor in the past few days, only about one-third of their sentences. If we are really going to get at the problem of violent crime in this country, we must have the laws of this country changed so that we lock up those people who are that 6 percent who are getting out through the revolving door and committing violent crime after violent crime after violent crime.

We need to lock them up and throw away the keys, it is as simple as that.

The money is in the House bill; the language in the Senate bill is compatible with that. We need to put the two of those together, whatever else comes out of this crime bill when the two bodies go to conference, and make sure that the final product that comes to the floor of the House and the Senate for ultimate confirmation by our bodies as a crime bill in this session is one which does what the public wants and takes that 6 percent who are going through the revolving door committing all these violent repeat offenses off the streets. There is no other way that I know how to emphasize this other than to move to instruct the conferees as I have today.

It is a very simple motion. It goes to that portion of the Chapman proposal in the House bill that authorizes $10.5 billion for grants for State prison construction and operation and urges us to insist on that provision and agree to the provisions in the Senate bill that require the States to change their laws in order to get assistance, to serve at least 85 percent of their sentences.

We have talked about this for days. I think the issue at hand is engaged and is very simple. I think the vote should be very simple. We ought to vote positively on this, affirmatively to do what is necessary to make sure that the final product does precisely this.

Madam Speaker, I reserve the balance of my time.

Mr. BROOKS. Madam Speaker, I yield myself such time as I may consume and rise in opposition.

Madam Speaker, I am opposed to the amendment offered by the gentleman from Florida [Mr. MCCOLLUM]. I think it is generally a waste of time to instruct conferees, to be honest about it; generally I have found both Republicans and Democrats are sort of independent of mind once they get appointed to the conference committee.

I would say that this effort is a continuation of the gentleman from Florida's effort to soak up all of the money that he can in a given area which would come out of the preventive programs, because you have just a fixed amount of money in the trust fund from which they would be drawn.

When you limit the States and require them to serve at least 85 percent of the sentences ordered, and when you work on these limitations for a State, you make it impossible for them to get any immediate help.

So, what we are doing is putting more money in, and as my friend, the gentleman from South Carolina [Mr. INGLIS] said during the full committee, "We are going to bless 'em and curse 'em at the same time."

□ 1440

Madam Speaker, I say, "You put in more money, make it impossible for them to get it."

I think that this is a foolish instruction. The States have vigorously opposed the Federal mandates contained in the McCollum amendment and reflected in this effort, and I would say that the cost of these mandates would be enormous for them, $20, $30, even $40 for every dollar they get in Federal grants.

It is a Hobson's choice, as I said before. I think we should not instruct the conferees. Rely on the Republican and Democrat conferees to do that which is best in conjunction with the Senate in an effort to work out this bill, and bring it back to the floor in an even better shape and, maybe, more economically structured.

Madam Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS of Texas. Madam Speaker, I had the opportunity to serve 4 years in the district attorney's office in the Harris County area, Houston, the fourth largest city in the country. We did a better job in those days of making sure that a criminal served more of the sentence they were given; not good enough, but a better job than we have been able to do in recent times, and people in Houston know all too well that early parole has seen crime ravage across our city, and the State has tried to respond. But under this motion, Madam Speaker, my State of Texas could not in the timeframe meet the requirements. We would be left out. To mandate this kind of 85 percent requirement on Texas without the funds to build more prison space would hurt our State badly and hurt the efforts that those citizens in Texas are trying to do, and that is to make sure that as a goal that criminals serve the full time of their sentence.

This is not a good way to do this. This is going to hurt States that are earnestly trying to build more prisons and do it within their budget.

Mr. BROOKS. Madam Speaker, I yield 2 minutes to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Madam Speaker, I thank the gentleman from Texas [Mr. BROOKS] for yielding this time to me, and I want to say that while I appreciate the intentions and the motives I think which I understand and agree with of the gentleman from Florida, I am afraid that the motion that we are currently considering is not the way to accomplish what it is I think we both want to accomplish.

As my colleague from Texas has pointed out, my State of Texas could not comply with the provisions if this motion were to be acted on or become the rule of the House conferees.

Besides that, I think what this does is it take some of the good provisions of the crime bill that we have passed and basically instructs the House to require a mandate of State conduct and a State legislative result that would fit what we here in Washington think it ought to be. This is not the way to do this.

We all, I think, agree overwhelmingly, having voted, that we want States to incarcerate violent criminals for longer periods of time, and I have no quarrel with 85 percent of their sentence being the goal. But if we are going to construct prison space to hold the most violent criminals in our society, we ought to get about that, and, if States are meeting the truth in sentencing goals, then we ought not to punish those States that cannot automatically move to an 85-percent threshold requirement.

So, Madam Speaker, while I want to work with the gentleman from Florida [Mr. MCCOLLUM], and I appreciate his motives here, I am afraid the motion in this particular instance is one that would tie the hands of our conferees, would be much too restrictive and would, quite honestly, make it impossible for many of our larger States to comply.

Mr. MCCOLLUM. Madam Speaker, will the gentleman yield?

I yield another minute to the gentleman from Texas [Mr. CHAPMAN] so that he will have the time.

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

Mr. MCCOLLUM. Madam Speaker, the gentleman and I talked in the past about doing everything we can to get to a good-faith result by the States, even if we do not tie the hands, and, as the gentleman knows, we are going into conference where a lot of different things can happen because the Senate and House versions are very differing in this whole area of the prison construction and so on.

Does the gentleman generally concur in the basic principle that we should encourage the States to do this and to make a good-faith effort to, in fact, go to truth in sentencing and get the 85-percent requirement?

Mr. CHAPMAN. Madam Speaker, I think the gentleman knows that I am a strong proponent of the States moving toward truth in sentencing, and, as we had discussed earlier today, I will strongly support the level of funding that is currently in the House bill, at least as provided by the Chapman amendment for this effort.

So, I want to work with the gentleman from Florida to strengthen the truth in sentencing provisions and hope that we can do so.

My fear is that drawing a line at 85-percent and mandating our conferees to hold out for that line ties the hands, in effect, of the chairman of the committee and might tie the hands of the gentleman from Florida to work a result that we would agree would be good.

The SPEAKER pro tempore (Mrs. KENNELLY). The time of the gentleman from Texas [Mr. CHAPMAN] has expired.

Mr. MCCOLLUM. Madam Speaker, I yield myself such time as I may consume in order to continue this.

I just simply want to state that the reason why this motion to instruct conferees is drafted the way it is is under technical rules that I have been informed we have to do we can only instruct and insist or agree on things that are already there either in our House version or in the Senate version, and ideally we will blend together some of the better of both versions, and so consequently the only way we can send a message today that we want to get towards that 85 percent and do what the gentleman and I both want to do is the way I have drafted this particular motion to instruct. That is the reason. It is not to say any more than some of the amendments that have been adopted out here today under some concurrence that we will be absolutely going to go to a rigidity in whatever the final version is. But technically this is the only way that we could do it.

I wanted the gentleman to know that. I trust that any opposition he has is purely technical as well.

Mr. CHAPMAN. Madam Speaker, will the gentleman yield?

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

Mr. CHAPMAN. Madam Speaker, I appreciate the comments of the gentleman from Florida [Mr. MCCOLLUM] and I say my objections are to the fact that I think the motion is too restrictive. I think that the gentleman from Florida, along with the chairman and this gentleman, are going to work to do the very best we can. I think we agree on the goal. I just think we ought not to pass a motion which ties the hands of our conferees. We ought to maintain the flexibility to accomplish what it is I think we agree about.

Mr. MCCOLLUM. Reclaiming my time, I might say this much to the gentleman, that he and I continue to differ, as we did when his motion, his amendment, was out, and mine was out on the floor earlier. There is, to me, the bottom line need, that we do as much as possible to get the States to actually enact laws that are going to ensure, when they build these new prisons, that they put away the prisoner to serve 85 percent of their sentences. That is a target goal, that is what the Federal law is today, and abolishing parole, and only leaving a little amount for good time instead of allowing these repeat violent offenders off after they serve only about a third of their sentences. We must get assurances, not just that the States are going to do, you know, have the money, and go out and do what they are going to do to build more beds to house prisoners for serving 40, or 25, or whatever percent of their term, but they are really going to, in conjunction with building these prisons, make sure these 6 percent of the criminals who commit 70 percent of the violent crimes serve the 85 percent of their sentence.

So, that is the purpose of this motion to instruct, and there is no other way that is left for this body to speak on it other than that.

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

Mr. BAKER of California. My colleagues, this is not a debate on whether we are tying the hands of the conferees, and it is not a debate over whether the States want to do it or do not want to do it. It is not a debate over how much it costs to build a prison cell. It is a debate over howl how long felons will stay in prison.

Violent felons are serving 6 years for murder, less for rape; the public is

angry about it, and what are we debating? Whether the conferees are going to have their hands tied.

My colleagues, it is lucky they do not have a guillotine out in Hometown U.S.A. because it would not be the hands they would be tying.

We have to decide whether we want violent repeat offenders to stay in prison. We have tried determinant sentences, we have tried indeterminate sentences, we have tried prison work to rehabilitate the lesser prisoners, we have tried incarcerating them in warehouses, just holding them for years, and, as my colleagues know, the average felon gets off in 24 months, the average violent felon gets off in around 5 years.

I say to my colleagues, It's time. Let's pass McCollum. Let's give them 85 percent.

Mr. BROOKS. Madam Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Madam Speaker, I thank the gentleman from Texas [Mr. BROOKS] for yielding this time to me, and I urge that this motion to instruct be rejected for a very simple and practical reason.

Now I certainly agree that we should have mandatory minimum sentences and have fought in the bill to keep them in, and I also believe that truth in sentencing makes sense, but it has to be thought out.

What this bill would mean, this instruction if it were adopted, would be that just about every major State would be unable to get the money because it requires States, particularly those like mine with indeterminate sentences, 5 to 20, or whatever else, to put people, incarcerate people, for a longer time than they have the space for.

□ 1450

Now, if that is done after 10 years with the money that we provide that would be a goal to get to, fine, but they do not. It is sort of like the cart before the horse. It says, "If you can't meet your goal, you don't get the money." So major States, New York, Texas, and California, and my guess is, the State of the sponsor, the gentleman from Florida [Mr. MCCOLLUM], would under this instruction not be able to get any of the money to build any prisons. So for that reason, it is counterproductive.

Frankly, Madam Speaker, this is the kind of thing we have tried to avoid in this crime bill. What we have tried to do in this crime bill is to do things that work, not do things that ideologically ring our bells or press our buttons—everyone does that, whether they are left, right, or center—but things that would actually make the streets safer.

Building prisons, I believe, will make the streets safer, but saying, You don't get money unless you can do A, B, and C, and knowing the States would not be able to raise taxes to get that money does not make the streets safer; it makes the people feel good.

In the interest of fairness, in the interest of responsibility, in the interest of continuing to provide that this bill moves along in the practical sense of doing punishment things that work and prevention things that work, I urge that this motion to instruct be rejected.

Mr. MCCOLLUM. Madam Speaker, I yield myself such time as I may consume in order to respond to the gentleman from New York [Mr. SCHUMER], and then I am going to yield time to the gentleman from Wisconsin [Mr. SENSENBRENNER].

First of all, Madam Speaker, I understand where the gentleman from New York is coming from, and I have great respect for him, but I disagree with him in the debate we had during the consideration of amendments on this bill, and I strenuously disagree out here today with his characterization of the situation we would be in with the States if the 85-percent rule were to be adopted, that is, if we required States to move to laws that require their prisoners to serve at least 85 percent of their sentence if they are repeat violent felons in order to get the grant money in this program.

The fact of the matter is that the grant money in this program pays for whatever they have to do to be able to comply, and it is very simple logic, it seems to me, that seems to be escaping the gentleman from New York that we have $10.5 billion here which the Federal Bureau of Prisons says is plenty of money to build that which is necessary in the States if they wish to do so to incarcerate repeat violent felons for 85 percent of their terms.

So I do not see why there would be any delay at all in the process. Every State in the Union that wanted to get this money and be able to build their prisons and incarcerate their folks for the 85 percent duration would be able to do it, and there would not be any problem. We are providing the money. That is the whole idea here. It is the carrot, it is the incentive, the money that is in here to build these prisons to get the States to make these changes in their laws. And if they do not make the changes in their laws, why are we doing it? Why are we providing the money for the prisons? I ask that because the objective again is to get these people to serve their time. So the gentleman's logic escapes me.

Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Madam Speaker, what I think is really puzzling is that many who have made very strong arguments in behalf of the $10.5 billion more in Federal money to help build prisons that can be used to house State and local prisoners as well as Federal prisoners are now arguing and saying that we cannot require that 85 percent of the sentence be served.

One of the reasons why the taxpayers are being asked to spend a huge additional amount to build prisons is to try to cut down on the revolving door, where those who have been convicted and sentenced for crimes of violence against their fellow human beings get out after serving only a small fraction of their sentences because there is not enough prison space and we have to free up that space for somebody else to go in there. It seems to me that we ought to have some kind of quid pro quo, because if we spend $10.5 billion to build more prisons and the violent offenders get out as they have been getting out, then the taxpayers are taken for a ride again and the streets are not going to be safer.

The gentleman from Florida [Mr. MCCOLLUM] is correct in tying these two things, that unlike many of the unfunded mandates that have come out of this place, this is a funded mandate, $10.5 billion worth of funding providing that the States change their laws to make sure these violent offenders stay in jail a longer period of time. That is a good deal for the taxpayers. It is a good deal to make the streets safer and it is something that deserves an aye vote by every Member in this debate today.

PARLIAMENTARY INQUIRY

Mr. MCCOLLUM. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mrs. KENNELLY). The gentleman will state it.

Mr. MCCOLLUM. Madam Speaker, do I as the proponent of this motion have the right to close debate?

The SPEAKER pro tempore. The gentleman is correct.

Mr. MCCOLLUM. Then, Madam Speaker, I reserve my time. I only have the time left for myself to close.

Mr. BROOKS. Madam Speaker, I yield such time as he may require to the gentleman from New Jersey [Mr. HUGHES], the chairman of a subcommittee of the great Committee on the Judiciary.

Mr. HUGHES. Madam Speaker, the McCollum amendment asks us to buy a pig in a poke. That is what we are going to buy, because McCollum basically says we are going to ensure that States change their laws to require that the defendants serve at least 85-percent of the sentence prescribed in accordance with Senate amendments to the bill.

Well, the Senate, in addition to having the 85-percent rule, as the gentleman knows, also requires sentencing guidelines, which we have had in effect for just a few years. Some States have picked it up, and some have not. So here we are, we are going to tell the

States they have to implement the 85-percent rule and they also have to implement sentencing guidelines.

Mr. McCOLLUM. Madam Speaker, will the gentleman yield on that? I could get the gentleman more time if he desired.

Mr. HUGHES. I will yield in just a minute.

Mr. McCOLLUM. My point is only simply that I would not require the sentencing guidelines.

Mr. HUGHES. Madam Speaker, that is the way the gentleman's language reads, I would suggest to the gentleman. But let us just deal with the 85-percent rule.

This is far broader than the original McCollum amendment. The McCollum amendment that the gentleman offered on the floor just a few days ago only dealt with second-time violent offenders. This deals with all types of violent offenders, first offenders, second offenders, and so forth, and it has a number of flaws. No. 1, what McCollum is saying is that if you are in a State—and you probably are—that does not have 85 percent truth in sentencing, you get no prison money, none, not one penny. You can have an 85.2-percent truth in sentencing in practice and in procedure in your State, and you get zilch, nothing. The gentleman's own State of Florida under the amendment he has offered would get nothing. They have about a 75-percent rate.

Many States throughout this country have indeterminate sentences. Idaho is a good example. In Idaho, State Senator Darrington, who is chairman of the Criminal Justice Committee in Idaho, testified the State of Idaho would have to change 40 of its laws to get this money under the 85-percent rule. That is ridiculous.

If we want to build prisons for violent offenders, we need to reject McCollum. We are not going to build any prisons with McCollum. McCollum's arbitrary formula of 85 percent is inflexible. You either meet it or you do not, and I am not sure there are any districts in this country or any States that would comply with the 85-percent rule today. I believe there are not. So if we believe that we need to build more prisons around this country to house violent offenders, we need to reject McCollum.

Besides, McCollum has another series flaw, and that is that 85 percent of an inadequate sentence is very inadequate, so it is not truth in sentencing that is one of our biggest problems. One of the biggest problems around this country is that we are not imposing sufficient sentences on violent offenders, and what we are saying is that basically that does not matter in McCollum. That is why in the committee bill, which is the product of numerous hearings held in a bipartisan fashion, we reviewed testimony and fashioned a bill that moves us in the direction where we do have truth in sentencing and provisions in the bill that require truth in sentencing. It requires any State to submit to the Attorney General a comprehensive plan that deals not just with truth in sentencing but with the appropriate sentence for violent offenders. It also has provisions in the bill that require a better classification of violent offenders to track them when they are in the system.

□ 1500

That is why the committee bill, which was the result of a lot of thought, a lot of testimony, is a far better approach, and it will build more prisons for violent offenders.

Finally, the reason the Governors around this country are so vehemently opposed to McCollum, and you know it from your correspondence, is because his provision does not make sense. Here we are telling the prisons, which are not all the same throughout the country, that you have got to comply with this arbitrary 85-percent rule. That makes no sense. Reject McCollum. You have done it once, and we want you to reject McCollum again. This is worse than McCollum I. McCollum II makes no sense.

Mr. BROOKS. Madam Speaker, I yield back the balance of my time.

Mr. McCOLLUM. Madam Speaker, I yield myself such time as I may consume to conclude.

Madam Speaker, I wanted to respond briefly to the gentleman from New Jersey, whom I have great respect for. We have debated a lot of issues over the years.

Madam Speaker, this motion to instruct is not at all comprehensive in nature. It is not a repeat of any amendments on the floor. It does not affect 99 percent of what is in the bill relative to prisons, grant programs, or conditions. It leaves the Hughes language alone. It leaves the Chapman language alone.

It only suggests two simple principles. It suggests when we go to conference with the Senate, that the House insist on the full funding, the $10.5 billion, and not cut it down to three or six or eight. Give the States enough money in these grant programs to really do the job that the Bureau of Prisons say is needed to lock up and keep incarcerated these violent repeat offenders that the States have out there. That is enough to build the beds they say are needed.

It does say let us accept the Senate language only to the extent that the Senate language involves a requirement on the States to get this money, that they change their laws to make sure these prisoners do indeed serve the 85 percent.

What could be simpler? Nothing more complicated. No huge mandate or requirement; just plain common sense. That is what the American people would like to see out of this crime bill. They wanted to see the States change their laws. And they wanted to see the States have enough resources to be able to build the prison space so they can change the laws to make sure that we take the 6 percent who are serving 70 percent of the violent crimes off the streets, and instead of serving only a measly 30 or 40 percent of their sentences, stay in jail and serve essentially their full sentences, at least 85 percent.

That is all this motion to instruct does. Somebody has tried to make it out like it is a very complicated thing, and it is not.

Madam Speaker, I urge my colleagues to adopt the motion to instruct the conferees to do this. There are a lot of other things we debated on this bill, but this is simple. We can go ahead and have these debates some other day. I did not vote for the final passage of the bill because I think it still contains provisions that would essentially abolish the death penalty. But I do favor the provisions that will get us to truth in sentencing.

I urge my colleagues make sure that we get the best of the House and Senate in the final version. Vote for McCollum to instruct conferees.

The SPEAKER pro tempore (Mrs. KENNELLY). The question is on the motion to instruct conferees offered by the gentleman from Florida [Mr. McCOLLUM].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. McCOLLUM. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 191, noes 222, not voting 19, as follows:

[Roll No. 145]

AYES—191

Allard	Coble	Goodlatte
Archer	Combest	Goodling
Armey	Condit	Goss
Bacchus (FL)	Cooper	Grams
Bachus (AL)	Cox	Greenwood
Baker (CA)	Crane	Gunderson
Baker (LA)	Crapo	Hall (TX)
Ballenger	Cunningham	Hancock
Barca	Deal	Hansen
Barcia	DeLay	Harman
Barrett (NE)	Diaz-Balart	Hastert
Bartlett	Dickey	Hayes
Bateman	Doolittle	Hefley
Bentley	Dornan	Herger
Bereuter	Dreier	Hobson
Bilirakis	Duncan	Hoekstra
Bliley	Dunn	Hoke
Blute	Emerson	Horn
Boehlert	Everett	Huffington
Boehner	Ewing	Hunter
Bonilla	Fawell	Hutchinson
Brewster	Fields (TX)	Hutto
Bunning	Fowler	Hyde
Burton	Franks (CT)	Inhofe
Buyer	Franks (NJ)	Istook
Byrne	Gallegly	Johnson (CT)
Callahan	Gekas	Johnson, Sam
Camp	Geren	Kasich
Canady	Gilchrest	Kim
Castle	Gillmor	King
Clement	Gilman	Kingston
Clinger	Gingrich	Klug

Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (WY)
Torkildsen
Torricelli
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—222

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Baesler
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inglis
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—19

Andrews (NJ)
Applegate
Barton
Calvert
Dellums
Fish
Ford (MI)
Gallo
Grandy
Houghton
LaFalce
Lehman
Lewis (CA)
McNulty
Murphy
Ridge
Talent
Thomas (CA)
Washington

□ 1524

The Clerk announced the following pair:

On this vote:

Mr. Thomas of California for, with Mr. Dellums against.

Mr. VENTO, Ms. DANNER, and Messrs. LANCASTER, EHLERS, and BERMAN changed their vote from "aye" to "no."

Ms. SCHENK changed her vote from "no" to "aye."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The Chair appoints the following conferees:

Messrs. BROOKS, EDWARDS of California, HUGHES, SCHUMER, CONYERS, SYNAR, MOORHEAD, HYDE, SENSENBRENNER, and MCCOLLUM.

PERSONAL EXPLANATION

Mr. ANDREWS of New Jersey. Mr. Speaker, on April 21, 1994, personal business in my home district, including the funeral of a very dear friend, prevented me from voting on several amendments and final passage of the crime bill. I would like at this time to go on record with my voting intentions.

I would have voted "aye" on the revised Hughes amendment (A027) that calls for the Sentencing Commission to conduct a study of the disparities between the criminal penalties for possession, trafficking, and dealing in crack cocaine and those associated with powder cocaine.

On the revised Franks amendment (A028), which would require all Federal prisoners to earn a General Education Development [GED] certificate before becoming eligible for early release—with exceptions established by the Bureau of Prisons for the learning disabled and illegal aliens—I would have voted "no". While I believe we should encourage prisoners to pursue education and training opportunities. I do not believe that early release should be predicated on earning a GED.

Finally, I would have voted against the motion to recommit with instructions and strongly in favor of final passage of the crime bill as amended by the committee of the whole. I believe the bill strikes a reasonable balance between prevention and punishment, both of which are needed to rid our streets of the rising tide of crime and violence. I also support moving the bill to conference with the Senate and look forward to enacting a strong, comprehensive conference bill later this session.

AUTHORIZING CORRECTIONS IN ENGROSSMENT OF H.R. 4092, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT, AS AMENDED

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4092, as amended, the Clerk be authorized to correct section numbers, cross-references, and 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, H.R. 4092.

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

Mr. MCCOLLUM. Mr. Speaker, reserving the right to object, and I do not intend to object, but I would like to inquire of the chairman of the committee, am I correct that we have 5 days for Members to submit statements for the RECORD, is that not correct?

Mr. BROOKS. Will the gentleman yield, Mr. Speaker?

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

Mr. BROOKS. Mr. Speaker, if the gentleman will just let me get this one done, I will do the next one. I will ask unanimous consent on these one at a time.

Mr. MCCOLLUM. Mr. Speaker, I would ask the gentleman, that will be one of his unanimous consent requests?

Mr. BROOKS. Yes.

Mr. MCCOLLUM. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

GENERAL LEAVE

Mr. BROOKS. 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. 4092, as amended, the bill just considered and passed, to include the gentleman from Florida [Mr. MCCOLLUM.]

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. WALKER. Mr. Speaker, I rise for the purpose of ascertaining the schedule for the upcoming week.

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

Mr. WALKER. I yield to the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader, for the purposes of explaining next week's schedule.

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

Mr. Speaker, obviously votes are finished for today. There will not be votes tomorrow.

Mr. Speaker, on Monday the House will meet at noon, but there will not be votes.

On Tuesday, April 26, and the balance of the week, the House will meet at 10:30 a.m. for the Morning Hour, and then will meet at noon for nine bills on suspension which are listed on the schedule. The votes could occur by 1:30 p.m. on that day, Tuesday, and I would assume there would be some votes, and that they would be over around 3 or 4 o'clock.

On Wednesday, April 27, and Thursday, April 28, the House will meet at 2 on Wednesday and 11 on Thursday to take up the Iraqi Claims, H.R. 3221, the State Department and Related Agencies Authorization Conference Report, H.R. 2333, and H.R. 3245, which is the National Science Foundation authorization, subject to a rule.

Friday, April 29, the House will meet at 11 a.m. There will not be business on legislation and there will not be votes.

Mr. WALKER. Mr. Speaker, I thank the distinguished majority leader.

I would inquire, Mr. Speaker, since the second of the Oxford debates will take place on Wednesday, is there an intention to quit by a time certain that evening to take care of that particular project?

Mr. GEPHARDT. If the gentleman will continue to yield, the gentleman is correct. I think our hope is to have that debate start on or around 7 p.m.

Mr. WALKER. I thank the gentleman.

The National Science Foundation authorization was pulled off the Committee on Rules schedule today, Mr. Speaker. I would ask the distinguished gentleman, are we expecting the Committee on Rules to meet on that early next week so we can take it up later on in the week?

Mr. GEPHARDT. If the gentleman will continue to yield, there may be a meeting early next week on that bill.

Mr. WALKER. I thank the gentleman.

ADJOURNMENT TO MONDAY, APRIL 25, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, April 25, 1994.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REFERRAL OF EXECUTIVE COMMUNICATION NUMBER 1195 TO THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

Mr. GONZALEZ. Madam Speaker, I ask unanimous consent that Executive Communication No. 11195, a communication from the Department of the Treasury transmitting a draft of proposed legislation to amend the Bretton Woods Agreement Act to authorize consent to and authorize appropriations for the U.S. contribution to the Global Environment Facility, and for other purposes, be referred to the Committee on Banking, Finance and Urban Affairs.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3474, REGULATORY REFORM ACT OF 1993

Mr. GONZALEZ. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3474) to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate the establishment of community development financial institutions, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

□ 1530

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from Texas? The Chair hears none, and without objection, appoints the following conferees:

From the Committee on Banking, Finance and Urban Affairs, consideration of the House bill, and the Senate amendment (except titles II and V), and modifications committed to conference:

Messrs. GONZALEZ, NEAL of North Carolina, LAFALCE, VENTO, SCHUMER, FRANK of Massachusetts, KANJORSKI, KENNEDY, FLAKE, and MFUME, Ms. WATERS, Messrs. LAROCCO, ORTON, BACCHUS of Florida, LEACH and MCCOLLUM, Mrs. ROUKEMA, and Messrs. BEREUTER, RIDGE, ROTH, MCCANDLESS, BAKER of Louisiana, and NUSSLE.

Provided, that for consideration of section 348(b) of the Senate amendment, Mr. KLEIN is appointed in lieu of Mr. LAFALCE.

From the Committee on Banking, Finance and Urban Affairs, for consideration of title II of the Senate amendment, and modifications committed to conference:

Messrs. GONZALEZ, NEAL of North Carolina, LAFALCE, VENTO, SCHUMER, FRANK of Massachusetts, KANJORSKI, KENNEDY, FLAKE, and MFUME, Ms. WATERS, Mr. ORTON, Mr. KLEIN, Ms. VELÁZQUEZ, Mr. LEACH, Mr. MCCOLLUM, Mrs. ROUKEMA, and Messrs. BEREUTER, RIDGE, ROTH, MCCANDLESS, BAKER of Louisiana, and NUSSLE.

From the Committee on Banking, Finance and Urban Affairs, for consideration of title V of the Senate amendment, and modifications committed to conference:

Messrs. GONZALEZ, NEAL of North Carolina, LAFALCE, SCHUMER, FRANK of Massachusetts, LEACH, BEREUTER, and MCCOLLUM.

As additional conferees from the Committee on Education and Labor, for consideration of section 209 of the Senate amendment, and modifications committed to conference:

Messrs. FORD of Michigan, WILLIAMS, CLAY, KILDEE, MILLER of California, GOODLING, Mrs. ROUKEMA, and Mr. FAWELL.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 201–05, 207, 320 and 347 of the Senate amendment, and modifications committed to conference:

Messrs. DINGELL, MARKEY, SHARP, and SWIFT, Mrs. COLLINS of Illinois, Messrs. BOUCHER, MANTON, and LEHMAN, Ms. SCHENK, Ms. MARGOLIES-MEZVINSKY, and Messrs. SYNAR, WYDEN, RICHARDSON, BRYANT, MOORHEAD, FIELDS of Texas, BLILEY, OXLEY, SCHAEFER, BARTON of Texas, MCMILLAN, HASTERT, and GILLMOR.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 503–05, 507 and 706 of the Senate amendment, and modifications committed to conference:

Mr. DINGELL, Mr. MARKEY, Mrs. COLLINS of Illinois, and Messrs. TOWNS, LEHMAN, MOORHEAD, STEARNS, and MCMILLAN.

As additional conferees from the Committee on Foreign Affairs, for consideration of section 703 of the Senate amendment, and modifications committed to conference:

Messrs. HAMILTON, GEJDENSON, and GILMAN.

As additional conferees from the Committee on the Judiciary, for consideration of section 139 of the House bill, and sections 325, 408 and 409 of the Senate amendment, and modifications committed to conference:

Messrs. BROOKS, SCHUMER, EDWARDS of California, CONYERS, HUGHES, SENSENBRENNER, SMITH of Texas, and SCHIFF.

As additional conferees from the Committee on Small Business, for consideration of section 348(b) of the Senate amendment, and modifications committed to conference:

Mr. LAFALCE, Mr. SMITH of Iowa, and Mrs. MEYERS of Kansas.

As additional conferees from the Committee on Ways and Means, for consideration of sections 210 and 502–04 of the Senate amendment, and modifications committed to conference:

Messrs. ROSTENKOWSKI, GIBBONS, PICKLE, RANGEL, STARK, ARCHER, CRANE, and THOMAS of California.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4259

Mr. PETERSON of Florida. Madam Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 4259.

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

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT MONDAY, APRIL 25, 1994, TO FILE CONFERENCE REPORT ON H.R. 2333, STATE DEPARTMENT, USIA, AND RELATED AGENCIES AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995

Mr. BERMAN. Madam Speaker, I ask unanimous consent that the managers may have until midnight Monday, April 25, 1994, to file a conference report on the bill (H.R. 2333), to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3221, IRAQI CLAIMS ACT

Mr. WHEAT, from the Committee on Rules, submitted a privileged report (Rept. No. 103–481), on the resolution (H. Res. 410) providing for consideration of the bill (H.R. 3221) to provide for the adjudication of certain claims against the government of Iraq, which was referred to the House Calendar and ordered to be printed.

FARMERS HOME ADMINISTRATION IMPROVEMENT ACT OF 1994

Mr. DE LA GARZA. Madam Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the Senate bill (S. 1930) to amend the Consolidated Farm and Rural Development Act to improve the administration of claims and obligations of the Farmers Home Administration, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. ROBERTS. Madam Speaker, reserving the right to object, I shall not object. I yield to the distinguished gentleman from Texas [Mr. DE LA GARZA], chairman of the Committee on Agriculture, to explain the bill and to welcome the distinguished chairman to our side of the House.

Mr. DE LA GARZA. Madam Speaker, I thank the gentleman for yielding. I am only here temporarily.

Madam Speaker, S. 1930 will give the Department of Agriculture additional authority to more quickly and cost-effectively clean up the backlog of delinquent farm loan cases.

S. 1930 will allow USDA to hire private attorneys to work on cases involving delinquent farm loans held by FmHA. The Department already has this authority for FmHA rural housing loans and the results have been encouraging for the taxpayer.

According to the Department of Agriculture, the average time for a private attorney to complete a foreclosure in a rural housing loan case is 8.8 months. The savings from using private attorneys for rural housing loans is over $7,500 per case—or a total savings of over $11 million in 1992.

S. 1930 will allow the Department to achieve similar time and cost efficiencies on the farm lending side. This legislation will help the Department more quickly resolve thousands of foreclosures cases, particularly those involving a million dollars or more which have been the focus of considerable criticism. Under this legislation, the loan recoveries that would be made through the use of private attorneys would far exceed the cost of employing the attorneys.

This legislation is identical to H.R. 4139 that was introduced by the gentleman from South Dakota [Mr. JOHNSON] and other members of the Committee on Agriculture. The bill also has the support of Agriculture Secretary Espy. I strongly urge the House to support the passage of S. 1930.

Madam Speaker, I ask unanimous consent that there be printed in the RECORD at this point the text of a letter I received from the USDA's Office of General Counsel. In this letter, the general counsel states that the Department, in exercising the new authority S. 1930, would employ the same procedures, including providing reports to Congress, that is used under similar authority in collecting delinquent rural housing loans.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, April 20, 1994.

Hon. E (KIKA) DE LA GARZA,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We appreciate your Committee's willingness to act with dispatch on S. 1930. The bill would authorize the use of the General Counsel of the Department and private attorneys in collecting claims and obligations under the farm loan programs carried out by the Farmers Home Administration. The bill is identical to the measure introduced by Subcommittee Chairman Tim Johnson (and 11 other members of the House Committee on Agriculture).

The authority would be of immeasurable help to the Department in recovering amounts due on loans made by the Farmers Home Administration.

We wanted you and the other members of the House to know that the Department's criteria, procedures, reports, and regulations in carrying out the new authority in S. 1930 would be identical, to the maximum extent practicable, to the criteria, procedures, reports, and regulations that the Department uses in carrying out similar authority in collecting delinquent rural housing loans. (See 42 U.S.C.A. 1480(d)(1) and (2).)

Sincerely,

JAMES S. GILLILAND,
General Counsel.

Mr. ROBERTS. Madam Speaker, the minority fully concurs in this effort.

Mr. JOHNSON of South Dakota. Madam Speaker, I join Chairman DE LA GARZA in urging support for passage of S. 1930. I introduced similar legislation, H.R. 4139, with a number of my colleagues on the Agriculture Committee in response to the lingering problems surrounding collection of outstanding debt by the Farmers Home Administration.

I am pleased that the Senate acted expeditiously in sending this bill over to the House in order to allow the Department of Agriculture to begin taking immediate action in areas where the U.S. Attorney's office has not pursued legal action. The subcommittee will also be considering further legislative proposals which will give FmHA additional tools to recover assets from individuals with outstanding loans. Especially aggravating to me are those individuals sitting on millions of dollars' worth of assets who seem to feel that they have no obligation to fulfill their promise to the taxpayers of this country.

Again, I urge passage of S. 1930 and pledge to my colleagues that the Agriculture Committee will be diligent in pursuing the individuals who were subjects of media scrutiny earlier this year. I would also let my colleagues know that we have made changes in Farmers Home Administration lending practices which would avoid similar situations from occurring.

Mr. ROBERTS. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1930

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 "Farmers Home Administration Improvement Act of 1994".

SEC. 2. DELINQUENT FARMERS HOME ADMINISTRATION OBLIGATIONS.

Section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981) is amended by adding at the end the following new subsection:

"(c) The Secretary may use for the prosecution or defense of any claim or obligation described in subsection (b)(5) the Attorney General, the General Counsel of the Department of Agriculture, or a private attorney who has entered into a contract with the Secretary.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAKING TECHNICAL CORRECTIONS TO 1990 FARM BILL AND OMNIBUS BUDGET RECONCILIATION ACT OF 1993

Mr. DE LA GARZA. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2005) to make certain technical corrections, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. ROBERTS. Madam Speaker, reserving the right to object, under my reservation, I yield to the distinguished gentleman from Texas [Mr. DE LA GARZA], chairman of the Committee on Agriculture, to explain the bill.

Mr. DE LA GARZA. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, S. 2005 corrects language that was omitted or mistakenly changed in the drafting of the 1990 farm bill and the Omnibus Budget Reconciliation Act of 1993.

Three changes are provided for in S. 2005. First, it restores language allowing cotton and rice farmers to count prevented plantings toward the 50 percent planting requirement under the 50/85 programs. Second, it clarifies the payment rate calculation for barley. And third, it clarifies how the reduction in price received by dairy farmers would be calculated in the event of a 7 billion pound surplus.

I urge the House to support the passage of S. 2005.

Mr. ROBERTS. Madam Speaker, what the chairman has stated is absolutely correct. This is a technical bill; the CBO says it has no cost; it has been passed by the Senate, and the minority urges passage of this bill.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2005

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

SECTION 1. TECHNICAL AMENDMENTS.

(a) Section 101B(c)(1)(D)(v)(II) and 103B(c)(1)(D)(v)(II) of the Agricultural Act of 1949 (7 U.S.C. 1441-2(c)(1)(D)(v)(II) and 1444-2(c)(1)(D)(v)(II) are each amended by inserting "without regard to clause (ii)" after "clause (iii)".

(b) Section 105B(c)(1)(B)(iii)(IV)(bb) of such Act (7 U.S.C. 1444f(c)(1)(B)(iii)(IV)(bb)) is amended by striking "clause (i)(I)" and inserting "clause (i) and (ii)".

(c) Section 204(g) of such Act (7 U.S.C. 1446e(g)) is amended—

(1) in paragraph (1), by inserting for "purchase" the following: "(less sales under section 407 of unrestricted use)"; and

(2) in paragraph (2), by inserting after "purchases" each place it appears the following: "(less sales under section 407 for unrestricted use)".

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1930 and S. 2005, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PUBLIC SERVICE RECOGNITION WEEK

Mrs. BYRNE. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 150) to designate the week of May 2 through May 8, 1994, as "Public Service Recognition Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mrs. MORELLA. Madam Speaker, reserving the right to object, I yield to the gentlewoman from Virginia [Mrs. BYRNE], who is the chief sponsor of House Joint Resolution 253, which is the House counterpart of Senate Joint Resolution 150 to designate the week of May 2 through May 8 as "Public Service Recognition Week," for the explanation of this legislation.

Mrs. BYRNE. Madam Speaker, I thank the gentlewoman from Maryland, my friend who has worked with me on this issue, for yielding.

Madam Speaker, I would like to take this opportunity to thank my distinguished colleagues who have joined me as cosponsors of the resolution I introduced to designate the week of May 2, 1994, as Public Service Recognition Week.

Public Service Recognition Week pays tribute to the almost 20 million Americans who serve their communities, their States, and their country by working for government.

This year will mark the ninth Public Service Recognition Week, and over 1,000 municipalities across this Nation are gearing up to honor their public employees.

Public Service Recognition Week reminds us that all Americans benefit from the achievements of public employees. They protect our streets, maintain our natural parks, explore our skies, teach our children and defend our nation.

This week teaches us that government employees are not nameless bureaucrats, but doctors and engineers, teachers and scientists, police officers and soldiers, friends and family members.

Their efforts prove that serving one's country in the public sector is the highest form of patriotism. Their commitment and hard work on behalf of this Nation deserve to be recognized.

Public Service Recognition Week offers us a chance to proclaim our solidarity with government workers and to show America that public employees are an integral part of reinventing government.

Most importantly, Public Service Recognition Week is a way to inform all Americans—especially young people—of the opportunities for choosing public service as a life-long profession.

This year, as they have done in the past, the Public Employees Roundtable and the President's Council on Management Improvement, who sponsor the week, are organizing a salute to public service on the Mall here in Washington.

The various Federal agencies will set up tents on the Mall with exhibits celebrating the achievements of public employees. I look forward to seeing many young people out there gaining new insights into career choices.

Public Service Recognition Week is a proven way to enhance employee morale, heighten America's awareness of the services provided by its public employees and encourage a new generation of Americans to consider public service.

□ 1540

Mrs. MORELLA. Madam Speaker, continuing to reserve the right to object, I want to commend the gentlewoman from Virginia [Mrs. BYRNE] who serves on the Committee on Post Office

and Civil Service with me and who has been a leader for Federal employees in her district and throughout the country and for her leadership on this resolution.

Madam Speaker, I rise in support of House Joint Resolution 253, of which I am an original cosponsor, and the corresponding Senate resolution, Senate Joint Resolution 150, designating May 2 through May 8, 1994 as "Public Service Recognition Week."

This measure recognizes public service at all levels: local, municipal, county, State and Federal. The 17 million Americans who are in public service affect each facet of life in our country—from the food we eat, the quality of the water we drink, the air we breath, the roads we drive on, and the safety of our communities. We depend on them for quality education, for the effective and honest weights and measurements, for research in health and nutrition.

The importance of public service is often overlooked by most of our citizens. This is an opportunity to bring to our Nation's attention the many avenues of career development in the public service. I would like to recognize the positive work done by a dedicated organization, the Public Employees Roundtable [PER]. PER is a nonprofit educational organization which represents 38 professional employee groups. I would like to specially mention the outstanding work that my constituent, Dr. Joan Keston, president of PER, has been doing over the decade in organizing Public Service Recognition Week.

This is actually the ninth year that PER has sponsored Public Service Recognition Week. They expect that more than 1,000 cities across the Nation will participate in observing public service recognition this year. Additionally, Madam Speaker, President Clinton's public service announcement in support of public employees will air on over 2,300 radio stations.

Madam Speaker, I urge my colleagues to support this important measure which will recognize the dedication of public service employees.

Madam Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN], who has been so prominent on the Committee on Post Office and Civil Service, and who previously was the ranking member until he became the ranking member of the Committee on Foreign Affairs.

Mr. GILMAN. Madam Speaker, I rise in strong support of House Joint Resolution 253, which designates the week of May 2, 1994 through May 8, 1994, as "Public Service Recognition Week," and I commend the gentlewoman from Virginia [Mrs. BYRNE] for introducing this legislation.

Madam Speaker, as a senior Republican member on the House Post Office and Civil Service Committee it gives me great pleasure to join in congratulating the dedicated men and women who have chosen a career in public service. Public employees in all levels of our Government continue to be an integral part of the American work force. Our public servants hold an important part of our public trust and provide vital services for Americans each day.

Madam Speaker, in recent years public employees have taken the brunt of criticism aimed at our Government. There have been numerous attempts to cut their pay and benefits while their salaries continue to lag behind workers in the private sector. Yet, our Nation's public employees continue to serve our country with dedication and distinction.

Madam Speaker, "Public Service Recognition Week" provides the American people and this body with the opportunity to thank the many men and women in public service, as well as to acknowledge their outstanding contributions to our Nation. Let us remember that good government is a reflection of the men and women who strive to make it that way. Let us be grateful that so many qualified men and women have chosen and continue to choose careers in public service. Accordingly, I urge my colleagues to join me in supporting this legislation.

I thank the gentlewoman from Maryland [Mrs. MORELLA] and the gentlewoman from Virginia [Mrs. BYRNE] for bringing this measure to this floor at this time.

Mrs. MORELLA. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 150

Whereas public employees at every level of government faithfully serve their fellow Americans;

Whereas there are 9,000,000 employees in local government, 4,000,000 employees in State government, and over 3,000,000 civilian workers and 2,000,000 military employees in the Federal Government;

Whereas Americans are aware of the many contributions public employees have made to the quality of their lives, in occupations that run and gamut from astronauts to zoologists, including scientists, police officers, teachers, doctors, forest rangers, engineers, food inspectors, researchers, and foreign service agents, among others;

Whereas the Nation should value a professional civil service whose highest principle is one of patriotism, whose foremost commitment is to excellence, and whose experience and expertise are a national resource to be used and respected;

Whereas the millions of workers who serve our country are men and women of knowledge, ability, and integrity who deserve to be recognized for their dedicated service; and

Whereas designating a week to honor these employees will provide a dual opportunity to pay tribute to our public employees and to inform the American people about the scope and importance of public service, including the range of employment opportunities available to our young people: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the week of May 2 through May 8, 1994, is designated as "Public Service Recognition Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. BYRNE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 150, the Senate resolution just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

EXTENDING GSP BENEFITS TO SOUTH AFRICA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–243)

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 Ways and Means and ordered to be printed:

To the Congress of the United States:

I am writing to inform you of my intent to add South Africa to the list of beneficiary developing countries under the Generalized System of Preferences (GSP). The GSP program offers duty-free access to the U.S. market and is authorized by the Trade Act of 1974.

I have carefully considered the criteria identified in sections 501 and 502 of the Trade Act of 1974. In light of these criteria, I have determined that it is appropriate to extend GSP benefits to South Africa.

This notice is submitted in accordance with section 502(a)(1) of the Trade Act of 1974.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 21, 1994.*

□ 1550

IMPORTS OF HONEY FROM CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-242)

The SPEAKER pro tempore (Mrs. UNSOELD) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 406 of the Trade Act of 1974 (19 U.S.C. 2436) and sections 202 and 203 of the Trade Act of 1974 (as those sections were in effect on the day before the date of the enactment of the Omnibus Trade and Competitiveness Act of 1988), I have determined the action I will take with respect to the affirmative determination of the United States International Trade Commission (USITC), on the basis of its investigation (No. TA-406-13), that market disruption exists with respect to imports from China of honey provided for in heading 0409 and subheadings 1702.90 and 2106.90 of the Harmonized Tariff Schedule of the United States.

After considering all relevant aspects of the investigation, including those set forth in section 202(c) of the Trade Act of 1974, I have determined that import relief for honey is not in the national economic interest of the United States. However, I am directing the United States Trade Representative (USTR), in consultation with the appropriate agencies to develop a plan to monitor imports of honey from China. The monitoring program is to be developed within thirty days of this determination.

Since I have determined that the provision of import relief is not in the national economic interest of the United States, I am required by that section 203(b) of the Trade Act of 1974 to report to Congress on the reasons underlying this determination.

In determining not to provide import relief, I considered its overall costs to the U.S. economy. The USITC majority recommendation for a quarterly tariff rate quota (a 25 percent ad valorem charge on the first 12.5 million pounds each quarter, increasing to 50 percent on amounts above that level), to be applied for three years, would cost consumers about $7 million while increasing producers' income by just $1.9 million. The other forms of relief recommended by other Commissioners would also result in substantial costs to consumers while offering little benefit to producers.

In addition, the gap between production and consumption in the United States is approximately 100 million pounds, with imports of honey from China helping to fill that gap at the low end for industrial use. Any restrictions on imports of honey from China would likely lead to increased imports from other countries rather than significantly increased market share for U.S. producers.

Although rising somewhat since 1991, U.S. honey inventories are not large by historical experience, either in absolute amounts or relative to consumption. Honey stocks reported by the U.S. Department of Agriculture were much higher in the mid-1980's (about 75 percent of consumption in 1985 and 1986), before falling to their lowest level in a decade in 1991 (26.6 percent of consumption). The 1993 stocks were 37.8 percent of consumption, well below the 1980-1993 average level of 46.4 percent.

The U.S. government has supported honey producers since 1950, in part, to ensure enough honeybees would be available for crop pollination. This is an important national interest. I believe that current trends in the provision of pollination and honey production will not be significantly affected by not providing relief. Crop producers indicate that they believe pollination will still be cost effective even if service prices rise.

I have also concluded that, in this case, imposing trade restrictions on imports of honey would run counter to our policy of promoting an open and fair international trading system.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 21, 1994.*

AGGRESSION, FROM ARMENIA TO BOSNIA

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. DORNAN. Mr. Speaker, 51 years ago and lasting for over 2 weeks, women and children were being slaughtered in the Warsaw Ghetto by Gestapo and SS troops. After a while, the Nazis brought in Waffen SS troops to take over and continue the slaughter.

Today the slaughter is in Gorazde. I was going to speak about 79 years ago this coming Sunday, the date on which we remember the Armenian genocide, which was at that time the unparalleled slaughter of all time, setting the standard for Hitler and Stalin to kill tens of millions.

But today we have Gorazde. The leftist columnist Mary McGrory—have you ever heard me quote Mary McGrory?—says this:

> They wished the president had not picked that particular Sunday to ride his Mustang around the track while the Serbian tanks ground into the streets of Gorazde. The symbolism was abysmal: Leader of the western world or playboy?

I will submit this article for the RECORD.

Mr. Speaker, this President had better focus on this. As McGrory says, it is history that will be merciless to this President, not the Republicans.

Now let me say a few words about the Armenian genocide.

Between the years 1915 to 1923, over 1½ million Armenians perished as a result of the brutal policies of the Ottoman Empire.

April 24, 1915 symbolically marks the beginning of the systematic policy of deportation and murder which characterizes the Armenian genocide. This Sunday marks the 79th year since the, then, unequalled slaughter began. It was on the night of April 24, 1915 that over 200 Armenian intellectual leaders were arrested in Constantinople and in other cities throughout the Ottoman Empire. In the months to follow, Armenian political, intellectual, and religious leaders were rounded up, arrested, exiled or murdered; thus, suppressing the most vocal voices of the Armenian people. Armenian men of military age were conscripted into the service of the Ottoman army. These men were separated into labor battalions, disarmed, and then worked to death or massacred.

The remaining Armenian civilians, senior citizens, women, and children that were left behind were deported from their cities and towns. The men and older boys were separated from the groups, never to be seen again. Any others that remained were forced on death marches across Asia Minor into the Syrian desert. Approximately 500,000 Armenians were able to escape to Russia, Europe, or the United States.

As a result of the killings and deportations, the Armenian population in the Ottoman Empire was reduced from 2½ million to fewer than 100,000. It is in the spirit of remembrance that we recognize the 79th anniversary of the Armenian genocide and keep alive the memories of those who were murdered and honor those who survived. Likewise, we commend the enduring strength and fortitude of the Armenian people who heroically continue to preserve their heritage and culture despite suffering overwhelming losses as a result of an infamous period in world history that even mass murderers like Adolph Hitler and Joseph Stalin took note of as they began their own genocidal rampages.

[From the Washington Post, Apr. 21, 1994]

VILE AGGRESSION

(By Mary McGrory)

Bill Clinton always wanted to be president, but not necessarily the leader of the Western World. Now he can't escape. He must prove that the United States is not "the pitiful, helpless giant" of Richard M. Nixon's spurious Vietnam-era coinage.

Clinton comes from a generation and a mindset that would like to impose moral standards on the world, but without getting involved in casualties, "tears and such things," as Ben Jonson put it. He does not want the United States to revert to the "don't tread on me" touchiness of the last 12 years, when an attitude on the part of a small country could bring it bombs or invasions.

On the other hand, a feeling that he is too patient, and forbearing is beginning to set in. In Bosnia and in Haiti, the thugs are laughing at us. Even those who agree with former secretary of state James A. Baker III's world-weary formulation about Bosnia—"we don't have a dog in that fight"—felt shame at the Serbian assault on Gorazde, chosen by the United Nations, with our support, as "a protected area." They wished the president had not picked that particular Sunday to ride his Mustang around the track while the Serbian tanks ground into the streets of Gorazde. The symbolism was abysmal: leader of the Western World or playboy?

It seems that in both Bosnia and Haiti, the one moral imperative is to avoid U.S. bloodshed. People are being massacred in the streets of Port-au-Prince for no reason except loyalty to their elected and deposed president. During the campaign, Clinton expressed a compassionate man's scorn for George Bush's policy of returning Haitian boat people to Haiti. Now he does the same.

The commitment to Haiti, to the restoration of Aristide and democratic government is in writing, in the Governors Island Accord solemnly signed by us a year ago July. The policy is "unconscionable," said his fellow Democrat Sen. Tom Harkin (Iowa), who, with another liberal Democrat, Christopher J. Dodd (Conn.), is calling for tougher trade sanctions and more consideration for refugees.

Said Harkin, who considers himself a friend of the president's, "If we can't stand up for democracy and human rights in our own hemisphere, what do the Serbs have to fear?"

Randall Robinson, the activist who organized picket lines against apartheid in South Africa, is in the ninth day of a fast to protest the Clinton policy in Haiti. Soft-living presidents hate hunger strikes.

Clinton obviously did not anticipate high public feeling on Bosnia. The well-worn arguments about Europe's refusal to take a stronger role, the ancient roots of the vicious Serb-Muslim hostility, have sufficed up to now to quiet consciences. But now it is a matter of broken promises, the honor of the country. The war has had a special brutality from the beginning, the relentless ethnic cleansing, mass rapes, targeting of the weak and the innocent.

Recent days have brought the sight of corpses on the side of the road, the news of close-range shelling of a Gorazde hospital. Winston Churchill called Hitler "a bloodthirsty guttersnipe." The Serb aggressors collectively deserve the label.

Clinton began to feel the heat in withering editorials and caustic congressional comment. It's not that anybody knows what to do. They expect him to come up with something, at least rhetoric worthy of the antrocities seen on television.

The president began rounds of meetings. On Wednesday afternoon, while the Marine band played "Til There Was You" in the garden, where hundreds of volunteers waited to be greeted by the Clintons, the president kept putting off his expected announcement. Was he calling balky allies, remembering to ask questions that should have been asked before the weekend's puny bombing raids? The announcement was not worth waiting for. His delivery was flat and dispirited. There will be unspecified military and diplomatic initiatives. The only reaction that can be safely anticipated is more Serbian snickering.

Clinton was worried sick not so long ago about Whitewater. That haunt is faded. All over the country forums are convening—about the bad behavior of the press rather than the questionable behavior of the Clintons.

But with Bosnia, no hype is needed. Vile aggression is occurring. The old, the sick, the young are being slaughtered in a place we promised to protect. It isn't the Republicans or the press that Clinton is facing in his conduct of Bosnia and Haiti. It is history which can be much more merciless.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each.

EARTH DAY, APRIL 22, 1994

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Madam Speaker, tomorrow is Earth Day. We've spent the last 2 weeks here in a furious, sometimes acrimonious, effort to ram through a crime bill. Debate has centered on such issues as the death penalty, racial justice, how to stem the rise of juvenile crime, and other weighty topics.

As we focus on crime and what ails our society, we tend to lose sight of elements of our everyday life that are vital to our health and wellbeing—things we too often take for granted the environment.

Luckily, outside of this House people haven't forgotten about the environment—their year-round efforts to improve and preserve our planet—or their own little corner of it—benefit us all.

In Florida, the health of the sensitive environment is especially important to our wonderful quality of life. The State's record of environmentally sound governance has received national recognition, including the appointment of Floridian Carol Browner to head up the Nation's lead environmental agency, the EPA.

But, as the State of Florida knows, good environmental policy would be virtually meaningless without the efforts and involvement of the private sector and countless hardworking individuals. In my own district of southwest Florida there are numerous examples of extraordinary endeavors to improve the environment, as well as countless cases of sound stewardship of our fragile ecosystem—all undertaken by the private sector and involved people.

For example—the students at the Peace River Elementary School in Charlotte Harbor, FL, know all about taking good care of their environment. Tomorrow they will receive a national award from America the Beautiful for their environmentally sound gardening and landscaping of the school grounds.

Awards for excellent environmental stewardship are nothing new for the students and teachers at Peace River. In the past 2 years they have won awards from the south Florida water management district, the State of Florida, and the Audubon Society for achievements in xeriscaping—using local plant species in landscaping—efforts to help end world hunger; and overall environmental quality.

All these awards stem from Peace River Elementary School's Project SCAPE or students caring about planet Earth. Students are teachers began this program by surveying the grounds, then identifying the most suitable plants, fertilizers, et cetera to develop and maintain their gardens. The local community was invited to participate through donations of plants, tools, and other necessary items.

Through the SCAPE Program, Peace River students have learned about the value to the local ecosystem of encouraging native species. They have studied insect and animal species, sustainable crop growth, and the wise use of limited water resources. Offshoots of the SCAPE project include student clubs and extra-curricular activities.

Besides enhancing the campus and curriculum, the project has conserved water, and promoted school-wide student participation. SCAPE was launched, and continues, without any additional school funds, and it has brought parents and the local community together in support of the students and faculty.

Madam Speaker, on Earth Day we will undoubtedly hear from various Government agencies about programs and regulations meant to preserve or heal the environment.

But it is important to remember who has the primary responsibility for our environment: private citizens. So on Earth Day, let's celebrate the lesson that the Peace River students have learned—sewing the seeds of good environmental stewardship is everyone's responsibility, and it can bring a great harvest.

IMPACT OF THE CRIME BILL ON GRAFFITI PREVENTION AND REMOVAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Madam Speaker, I salute this House on today's passage of the crime bill. Its balanced approach to fighting crime through additional resources for enforcement and prevention should make a significant difference in the communities of America.

And while it is only a very small part of the crime bill, my amendment to allow funding of graffiti prevention and removal programs as part of the juvenile trafficking and gang prevention grant program will give thousands of neighborhoods a new resource to at-

tack the blight of hopelessness that has invaded them.

In response to the gentleman from Wisconsin who, last week in this Chamber, chose to belittle the need for graffiti prevention and removal, I would like to set the record straight.

I am sure the fine gentleman from Wisconsin just needs a little education, so I invite him to visit my district to see the conditions with which our citizens must live.

You have probably heard of the broken window theory—when an area begins to have broken windows, or litter, or rundown housing, or graffiti, the downward spiral of decay and urban blight results in an area that is filthy, crime-ridden, and unsafe. Broken-down neighborhoods invite crime.

Likewise, when residents are empowered to take responsibility for keeping their neighborhood clean, the direction of the spiral changes and moves upward.

As a former member of the San Diego City Council who established and maintained a graffiti patrol and a graffiti hotline, I can tell you from personal experience that any attempt to regain control of our neighborhoods begins with an attack on graffiti.

The residents of San Diego and Chula Vista and National City, CA, will appreciate the opportunity we have given them to restore some beauty and hope to their communities. I hope the gentleman from Wisconsin will come to see both the seriousness of the problem—and the seriousness of the effort to restore hope and dignity to our neighborhoods.

COMMISSION ON INTERNATIONAL COORDINATION OF FINANCIAL REGULATION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Madam Speaker, today I have introduced legislation entitled the "Commission on International Coordination of Financial Regulation Act, H.R. 4261." This legislation is the third component of my five-part strategy I have developed for addressing important domestic and international financial issues confronting our Nation.

As chairman of the Committee on Banking, Finance and Urban Affairs, I have grown increasingly concerned about the growing instability in the international financial system and the lack of a coordinated international approach to dealing with issues that affect the world's financial system.

New communications technology, the growth of exotic financial instruments, the increasing number of global corporations, expanding trade, and a worldwide recognition of the benefits of free markets have resulted in a rapidly expanding and increasingly integrated world financial system. But on the flip side of unprecedented opportunity is unprecedented risk; and the responsibility of governments is to keep risk within acceptable limits.

While the volume of transactions occurring in the international financial system is growing exponentially, regulatory bodies in developed and developing nations alike, strapped by spending limitations, have struggled to keep pace with all this innovation.

In addition, while ongoing efforts to coordinate international financial policies exist, these initiatives are tentative, fragmented, exclusive and they are insufficient to deal with the potential systemic risks facing the world financial system.

A recent Congressional Research Service report supports my position:

> Capital markets around the globe have become so interdependent that there is a possible series of disruptive events which has the formidable potential of rapid transmittal, placing and entire financial structure at risk of severe distribution or even failure. Authorities recognize this interdependence, but in spite of the perceived danger of systemic risk, central banks and other regulators have been slow to move preventative measures beyond the talking stage.

The primary reason I am introducing this legislation is to ensure that the United States takes a leadership role in promoting sound international financial regulation and supervision of financial services. It is long past time that this topic was elevated to the highest levels of government. It is imperative that all the nations that reap the benefits of participation in the international financial system band together to address the problems facing the system. The United States must take a leadership role in making that goal a reality—after all, as the world's biggest economy and financial market place, we have the most to lose if the system spins out if control and crashes.

COMMISSION BILL

Last week I introduced derivatives legislation, which in part, deals with the issue of greater international regulatory cooperation. H.R. 4170 requires the Secretary of the Treasury to convene a G–10 study of international regulation and supervision of derivative activities.

The legislation I am introducing today, the "Commission on International Coordination of Financial Regulation Act," recognizes that derivatives are just one part, albeit a particularly sensitive and fast-changing one, of the many risks facing the international financial system.

While our top priority should be greater international coordination of derivatives regulation and supervision, we cannot ignore other pressing international regulatory issues. I have introduced the Commission bill in order to address other pertinent international regulatory matters. Nor can we ignore the fact that today's integrated, speed-of-light financial markets must have some kind of international standards and uniform regulations.

GOALS OF COMMISSION

The Commission has several major goals. First, the United States must take a leadership role in fostering a greater understanding of the current international financial regulatory and supervisory regimes that govern financial services and evaluate the effectiveness of those regimes.

It is imperative that the United States take this course because as the world's leading economy and capital market, we have the most to lose from problems adversely affecting the workings of the world financial system.

Second, the United States should lead the way in developing new, more inclusive mechanisms to promote coordination of financial service regulation and supervision. Whether the issue is banking, securities, or accounting standards, regulators around the globe have begun to establish mechanisms to coordinate their approaches to regulation and supervision. Unfortunately, participation in these efforts is not all inclusive, nor do the different industries attempt to coordinate their approaches to similar problems.

The Commission will be charged with making recommendation to develop more inclusive mechanisms for improving cooperation among the world's financial regulators, because this must be done and it must be done sooner than later.

Another goal of the Commission is to evaluate the feasibility of establishing a single mechanism to coordinate international financial regulation. Establishing a single body to coordinate financial regulation does not mean that the United States would have to lower its standards to those of other countries.

The United States should strive to have its approach to regulation adopted based solely on merit—if U.S. regulatory ideas are superior we must see that they prevail. We need to preserve the best aspects of our regulatory regime, and where necessary, we should not be afraid to adopt useful regulatory and supervisory initiatives of other nations.

I feel a vast majority of world's nations would support establishing a common ground for approaches to regulating and supervising financial services. A recent CRS report supports my idea of establishing a single international regulatory body. The CRS concluded:

> Even a methodical and unambiguous international system for coordinating regulatory efforts would be a mark of progress.

The world's financial system is growing by leaps and bounds and there is a clearly urgent need for a coordinated approach to regulation and super-

vision. We have already developed this type of organization to handle issues of international importance. For example, in 1945 we established the International Monetary Fund as the world's monetary authority. We established the General Agreement on Trade and Tariffs which coordinates international trade issues. And don't forget the United Nations.

While some question the effectiveness of such forums, they serve a valuable function in the world political and financial scene. They enhance cooperation and foster a far greater understanding of the issue before them. We need a similar international body to promote more efficient world financial regulation and supervision. In a rapidly changing world we must have a clear vision about how to manage its risks—otherwise its opportunities will escape us.

EUROPEAN PARLIAMENT CONCERNED

I note with interest that these same concerns are echoing from across the Atlantic. On December 15, 1993, the European Parliament passed a "Resolution of International Monetary Capital." This resolution expressed grave concerns about the lack on international coordination as it applies to financial regulation including tax regimes and derivative products regulation.

DERIVATIVES PRIME EXAMPLE OF LACK OF COOPERATION

The current commotion over derivatives is a prime example for the need for greater international regulatory cooperation and it serves as a prime example of the problems with our current system.

This issue is addressed in my derivatives bill which directs the Secretary of the Treasury to convene a meeting of the Group of Ten [G–10] Ministers and Governors to develop a plan for a study to examine the adequacy of the international regulation and supervision of derivative products.

In 1993, the G–10 undertook a similar initiative to the one I am proposing in the derivatives bill when it conducted a study and issued a report to the G–10 Finance Ministers and Central Bank Governors on the turbulence in the foreign exchange markets. The illuminating study was called, "International Capital Movements and Foreign Exchange Markets," and it helped the world's major financial regulators better understand the turbulence in the foreign exchange markets.

The lack of coordination among regulators is striking. The U.S. bank regulators attempt to address the issue of international coordination through the Basle Supervisory Committee. The problems with the Basle Accord is that membership in the committee is severely limited to the top industrialized nations, it has no enforcement authority, and it covers only banking.

Meanwhile, the U.S. Securities Exchange Commission adopts an entirely different approach to international regulation. The SEC addresses the issue by negotiating bilateral accords with our major capital markets partners. The recent United States-United Kingdom accord on derivatives is a prime example of this strategy. Unfortunately, such agreements are limited to securities issues, there is little coordination with bank regulators and most nations do not have an international accord with the United States governing securities regulation and supervision.

Efforts to develop international accounting standards, the keystone of all financial transactions, are also lacking. Membership in the international accounting standards setting body is very limited, and the process of setting standards proceeds at a snails pace.

Because of these shortfalls and more, there is a pressing need to develop mechanisms to improve international regulation and supervision of financial services. In order to achieve that goal the Commission will study and make recommendation on the following issues.

ISSUES TO STUDY

First, the Commission should identify the various regulatory entities and mechanisms that are currently used to regulate and supervise international capital markets. At present there is no inventory of entities involved in financial regulation.

A fundamental first step to understanding international financial regulation is to identify the entities that play a role in regulating financial markets. The Commission should identify the players and their approach to regulating banking, securities, insurance, accounting standards, payments mechanisms, et cetera.

Once the players and their approach to regulation and supervision are identified, the Commission can begin to evaluate the effectiveness of their approaches. The Commission will then make recommendation on improving regulation and supervision.

A second important issue for the Commission to study is the current mechanisms used to coordinate financial regulation and the effectiveness of those approaches.

A third topic to study is the mechanisms that governments currently employ to manage meltdowns or panics in international capital markets. There is currently a lack of information on this issue because there is little in the way of a formal mechanism for coordinating a response to a financial emergency. In effort, the safety of the world financial system is left to ad hoc, Band-Aid, patchwork efforts.

Another Commission topic will be to identify the various means countries use to enforce capital market laws and regulations, the adequacy of cooperation among regulators in taking enforcement actions, and the means to improve global enforcement.

Large differences in the operations of the world's major clearing and settlement systems, in terms of both efficiency and risk, pose a clear and present threat to the stability of the international financial system. The Commission will analyze the world's major clearing and settlement systems, the difference among those systems in terms of volume, risk and efficiency, and evaluate the impact each system has on the stability of the world's payments/settlements system. The Commission will also identify ways to improve coordination among the systems, including programs to raise the quality of the weaker systems.

Finally the Commission will study the growth in financial assets directed through off-shore tax havens. In order to understand impact of these flows on the world financial systems, the Commission will identify off-shore tax havens, their function in the world financial system, the reasons for their growth, and the necessity of restricting their growth.

We must learn more about how offshore tax havens impact the operation of the financial system from a standpoint of their potential effect on stability, and to evaluate their cooperation with world regulatory, supervisory and enforcement mechanisms. The Commission should also study off-shore banking centers from the standpoint of fairness to other members of the international financial system.

CONCLUSION

Madam Speaker, I hope that you and other Members of this body will recognize the problems that I have raised here today, and I urge Members to cosponsor this legislation so that our Government can provide the leadership necessary to develop thoughtful solutions to these problems.

Instead of waiting for catastrophe to strike, we should show American leadership by taking an aggressive stance in ensuring better regulation and supervision of international financial services. My Commission will play an integral role in achieving that goal and is worthy of your consideration.

SUMMARY OF THE COMMISSION ON INTERNATIONAL COORDINATION OF FINANCIAL REGULATION ACT, H.R. 4261

PURPOSE OF THE ACT

To establish a Commission to ensure that the U.S. takes a leadership role in improving the effectiveness of international regulation and supervision of financial services and enhancing coordination among the world's financial regulators.

DUTIES OF THE COMMISSION

The Commission will achieve its purpose through conducting its business as an advisory committee under the Federal Advisory Committee Act. Issues to study are:

1. Identify the various regulatory entities and mechanisms that are currently used to regulate and supervise international capital markets.

2. Identify mechanisms that governments currently employ to manage international capital market instability.

3. Appraise the adequacy of the cooperation between the various regulatory entities and mechanisms and propose solutions for improving cooperation including the feasibility of establishing a single mechanism with responsibility for coordinating international regulation.

4. Identify the various means countries use to enforce capital market laws and regulations, the adequacy of cooperation among regulators in taking enforcement actions, and the means to improve global enforcement.

5. Analyze the world's major clearing and settlement systems, the difference among those systems in terms of volume, risk, and efficiency, and evaluate the impact each system has on the stability of the world's payment and settlements systems. Identify ways to improve coordination among the systems, including programs to raise the quality of the weaker systems.

6. Identify all so-called "offshore tax havens," their function in international capital markets, the reasons for their growth, and identify, if warranted, steps to curb their growth.

COMMISSION MEMBERSHIP

The Commission will consist of fifteen (15) members who shall serve for the duration of the Commission with the Chairperson being designated by the President from those members who were appointed.

The Commission shall be made up of:

Chairman of the Board of Governors of the Federal Reserve System or the Chairman's designee;

Secretary of the Treasury or the Secretary's designee;

Chairman of the Securities and Exchange Commission (SEC) or the Chairman's designee.

Six members appointed by the President;

Three members appointed by the Speaker and the minority leader of the House of Representatives, with not more than two being of the same political party; and

Three members appointed by the majority leader and the minority leader of the Senate, with not more than two being of the same political party.

The Commission shall appoint a director, who will serve on a full-time basis, to conduct the administrative responsibilities of the Commission.

POWERS OF THE COMMISSION

The Commission shall have the authority to hold hearings, secure information from any department or agency and request the head of any department or agency of the United States to furnish information to the Commission.

REPORT OF THE COMMISSION

The Commission shall submit a final report containing a detailed statement of its findings and conclusions, along with recommendations for legislative and administrative actions, to the President and the Congress before the end of a 18-month period. The Commission shall terminate 30 days after submitting the report.

AUTHORIZATION OF APPROPRIATIONS

An amount not to exceed $2,000,000 shall be appropriated for the Commission to carry out its duties.

INTRODUCTION OF H.R. 4275, A BILL TO RESTORE THE LONG-TERM SOLVENCY OF THE OLD AGE, SURVIVOR AND DISABILITY TRUST FUNDS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas [Mr. PICKLE] is recognized for 5 minutes.

Mr. PICKLE. Madam Speaker, on April 11, 1994, the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds released their 1994 Annual Report. This report should be required reading for all Members because it details the financial condition of the largest single part of our country's domestic spending program. Most importantly, it documents that Social Security, our largest entitlement program, faces a large and growing long-term deficit. We should not be alarmed but we must be concerned, and should act promptly.

According to the trustees report, the program's deficit has now risen to 2.13 percent of our Nation's total taxable payroll over the next 75 years. This means that projected expenditures now exceed expected revenues by an amount equal to 2.13 percent of the total payroll which is subject to the OASDI payroll tax. The program has not been in close actuarial balance for several years, and it is now obvious to all that significant changes must be made to address the program's growing deficit.

It is for this reason that I introduced legislation today, H.R. 4275, which would make several fundamental, long-term changes to the program. The major provisions of the legislation would:

First, gradually raise the age of normal retirement from 67 to 70, while continuing to allow for early retirement at age 62;

Second, award cost-of-living-adjustments on a biennial basis except in years of high inflation, with COLA's to be made in July, rather than in January;

Third, extend Social Security coverage to newly hired State and local employees; and,

Fourth, reduce the spousal benefit from 50 percent to 33 percent of the covered worker's benefit.

These provisions would be gradually phased in beginning in the year 2000 and would not be fully effective until after 2021. None of these changes would significantly affect current retirees or those workers who are now near retirement. The bill would reduce total Social Security expenditures by 2.12 percent of taxable payroll, an amount almost exactly equal to the currently projected deficit in the OASDI trust funds.

In proposing these changes, I deliberately chose not to include any tax increase, or any change which would have an immediate impact. I did this to avoid any impression that these proposals were being made for budget reasons. I took this approach so that the bill would focus exclusively on the long-term problems we face in our entitlement programs, most notably with Social Security. We must make decisions now on how to responsibly finance a benefit structure which meets the retirement income security needs of workers in our society. I think this is important, because there is currently a great deal of public discussion about potential changes to all these programs.

For example, there are those who believe that older, wealthier Americans ought to be called on to bear a greater part of the burden in reducing the Federal deficit. To accomplish this end they would means-test and cut Social Security and Medicare benefits in order to help balance the Federal budget. While it may well be that additional sacrifices by today's older Americans may be necessary as part of a well-balanced plan to solve our Federal budget problems, in my judgment making immediate reductions in their benefits is not the best way to accomplish this goal. It is important to note that with regard to Social Security, the trust funds are currently running large surpluses and are not contributing to the Federal deficit. Therefore, there is no reason to frighten the elderly with the prospect of reducing their COLA's or means-testing their benefits. Likewise, there is no reason to impose the enormous administrative burden of means-testing on the already strained Social Security Administration that would inevitably result if means testing were imposed. Nor should we allow inflation to erode the benefits of the oldest and poorest Social Security beneficiaries in our efforts to balance the budget. If we wish to tax older, wealthier Americans there are far more efficient and direct ways to accomplish this purpose.

In addition, others believe that our entitlement programs are growing too rapidly and that we must cut them back. Personally, I agree that we must control the growth of entitlement programs or we will leave our children and grandchildren with an impossible financial burden. That is why H.R. 4275 contains no tax increases. This bill would reduce the size of the Social Security entitlement program. I think this is important, because we will never be able to cut back on all the other entitlement programs if we do not take some action with respect to Social Security.

Finally, if we take action now to gradually raise the age of normal retirement, young workers will have the opportunity to make their own retirement plans based on their own work and savings. They will not be as dependent on Social Security and the Federal Government when they retire. In the meantime, their savings will be invested primarily in publicly traded securities, which will help to provide the capital our economy needs in order to grow.

While each one of these changes will certainly generate considerable discussion and perhaps even opposition, they

are based on sound Social Security policy. In each case they are a response to the changing nature of our society and economy. If adopted in the near future, and phased in gradually, our economy and society will absorb them with little or no disruption. If the reforms contained in H.R. 4275 are adopted soon, they will: First, put an end to the fears of the elderly that their benefits will be cut at a time when they can no longer increase their retirement savings; second, put an end to the growing cynicism younger workers have with respect to the long-term viability of the Social Security system; and third, avoid the need to make more sudden and drastic changes in the future. For all these reasons I would urge Members to begin to give this legislation and this issue serious consideration.

REHABILITATION WORKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. BACHUS] is recognized for 5 minutes.

Mr. BACHUS of Alabama. Madam Speaker, on February 8, I introduced House Joint Resolution 319, which now has over 16 cosponsors and which requires the Secretary of Health and Human Services to report to Congress on the impending insolvency of the Social Security Disability Insurance Trust Fund.

The Social Security Disability Insurance Trust Fund was created to provide financial support for those who are physically unable to work, but over the years, the purpose of the disability fund has been distorted and its good intentions have been abused. This abuse has not only caused the money in the disability fund to run out, but it now threatens the solvency of this Nation's Social Security Old Age and Survivors Trust Fund which provides financial security to all senior citizens.

The Clinton administration has proposed shifting billions of dollars out of Social Security's old age fund and into the disability fund. I say that's no solution. We need a complete re-evaluation of the criteria used to determine whether a person is truly disabled, and we need a clearly defined method of reexamination that will allow us to remove people who are no longer disabled from the Social Security rolls and get them back to work.

We also ought to be able to take advantage of medical advances and rehabilitation in order to increase the opportunities for disabled citizens to reenter the work force and at the same time reduce the number of disability insurance payments.

Recently, I toured a facility in Birmingham, AL which proves that rehabilitation works.

Sixteen year old Jay Marcum was terribly burned and brain injured in a car wreck. Four months later, his physical therapist, Ms. Beth Dozier, made these observations: "He was crumbled up, burned, and nonresponsive. He couldn't talk. He would just yell out."

Some physical therapists might have given up, but Beth didn't. And other therapists working with her didn't either.

Thanks to the good work of therapists at ReLife Rehabilitation Hospital in Birmingham, AL, Jay is now driving, speaking, and working again.

Jay's rehab bill was nearly $200,000, but considering the alternative, millions of dollars in nursing home care and disability payments, this was quite reasonable. Furthermore, if you multiply that $200,000 by the 90,000 traumatic brain injury survivors who suffer extreme debilitation each year, the cost and expense of nursing home care and disability payments would far exceed the cost and expense of rehabilitation. With rehab, at least 50 percent can be functional again.

As Jay's mom says, "Without hospitalized rehab, I believe Jay would be curled up in a ball in a nursing home bed somewhere."

In conclusion, Madam Speaker, as we debate health care reform proposals and consider ways to reform the disability insurance system, we need to look at rehabilitation as a cost-effective and sound way to invest our money—and, as demonstrated in Jay Marcum's case, a far more humane and compassionate approach.

□ 1610

IN SUPPORT OF YOUTH PREVENTION BLOCK GRANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. HOAGLAND] is recognized for 5 minutes.

Mr. HOAGLAND. Madam Speaker, and colleagues, our esteemed colleague from the other body, our junior U.S. Senator, Mr. BOB KERREY, has proposed an innovative approach to providing Federal grants for crime prevention for youths that could be very helpful to primarily rural States like my home State of Nebraska.

Mr. KERREY's proposal, the Youth Violence Prevention Block Grant, was adopted in the crime bill the other body passed last fall. I would like to encourage this body to ensure that Youth Violence Block Grant is included in the final crime package that comes out of conference.

It is clear that economically disadvantaged children who start falling behind early in their schooling have a higher likelihood of skating close to trouble for a good deal of their lives. They are less likely to find good-paying jobs.

And we know that cognitive skills children learn at an early age help them reason their way through stressful and dangerous situations. Young people who succeed at learning have a higher self-esteem and are more likely to think before resorting to violence.

This crime bill focuses on youth violence that is related to gangs and drugs, and I think that is necessary. Nebraska has a serious and growing gang problem.

But Nebraska also has a serious problem with youth violence that is unrelated to gang activity. This bill also focuses on prevention programs like the Ounce of Prevention Council and that could be very helpful to our youths. It provides funding to support local initiatives designed by individual communities by providing competitive grants at the Federal level.

The only problem is, communities in a State like Nebraska would have a very difficult time competing against other communities nationwide for the grants under this formula.

Mr. KERREY's proposal would instead guarantee each State an allotment, and would allow the State to distribute the money to community groups. The Youth Violence Prevention Block Grant provides a nice balance to the other prevention programs in the crime bill and helps those States, like Nebraska, that are smaller but well-organized and have good working relationships between communities and the State government.

This amendment would ensure that every State had a source of Federal funds for State and local communities to finance youth prevention programs, whether those programs are for child abuse prevention, alternatives to school suspension, or after school activities programs.

I am submitting a copy of the amendment as it was adopted in the other body for the RECORD. I urge that the Youth Violence Prevention Block Grant be adopted in conference so that States like Nebraska can get Federal help for our youths.

Amendment intended to be proposed by Mr. KERREY:

On page 118, strike lines 7 through 11 and insert the following:

Subtitle B—Grants Under the Juvenile Justice and Delinquency Prevention Act of 1974

SEC. 611. JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS.

Part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631 et seq.) is amended—

On page 126, between lines 13 and 14, insert the following:

SEC. 612. GRANTS FOR YOUTH DEVELOPMENT CENTERS.

Part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631 et seq.), as amended by section 611, is amended by adding at the end the following new subpart:

"Subpart III—Youth Violence Prevention Block Grants

"SEC. 238. (a) IN GENERAL.—The Administrator of the Office of Juvenile Justice and

Delinquency Prevention shall make grants to States to assist the States in planning, establishing, operating, coordinating, and evaluating programs directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile violence.

"(b) ISSUES TO BE ADDRESSED.—A program funded under subsection (a) shall address issues identified as contributing to youth violence, which may include—

"(1) conflict resolution programs in schools;

"(2) alternatives to school suspension;

"(3) juvenile court diversion programs; and

"(4) other innovative projects.

"(c) ALLOCATION OF FUNDS.—The amount appropriated under this section for a fiscal year shall be allocated among the States by allocating to each State an amount that bears the same proportion to the amount appropriated as the number of residents of the State under the age of 18 years bears to the number of residents of all of the States under the age of 18 years.

"(d) ADMINISTRATION.—Grants made under this section shall be administered by the State office designated under section 507 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757).

"(e) APPLICATIONS BY PUBLIC AND PRIVATE AGENCIES.—

"(1) IN GENERAL.—A public or private agency desiring to receive a grant or enter into a contract under this subpart shall submit an application at such time, in such manner, and containing such information as the office described in subsection (d) may prescribe.

"(2) CONTENTS.—In accordance with guidelines established by the office described in subsection (d), an application under paragraph (1) shall—

"(A) set forth a program or activity for carrying out 1 or more of the purposes described in subsections (a) and (b) and specifically identify each such purpose that the program or activity is designed to carry out;

"(B) provide that the program or activity will be administered by or under the supervision of the applicant;

"(C) provide for the proper and efficient administration of the program or activity;

"(D) provide for regular evaluation of the program or activity;

"(E) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

"(F) describe how the program or activity will be coordinated with programs, activities, and services available locally;

"(G) provide that regular reports on such program or activity shall be sent to the administering office named in subsection (d); and

"(H) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

"(f) MATCHING FUNDS REQUIREMENTS.—

"(1) FUNDS RECEIVED UNDER THIS SUBPART.—Funds received through a grant under this section may not be expended for more than 75 percent of the cost of any program that is so funded.

"(2) FUNDS FROM OTHER SOURCES.—In providing for the 25 percent share of the cost of a program from other sources, a State—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(B) may provide for such share through State sources, local sources, private sources, nonprofit sources, other Federal sources, or any combination of these sources.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 1995 and 1996.".

RENEW MFN FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Madam Speaker, this month of April and next month of May mark the fifth anniversary of the events which led up to one of the most horrendous tragedies in recent world history, that being the Tiananmen Square massacre, which took place on June 4, 1989.

Following that terrible incident, I joined a number of my colleagues, including NANCY PELOSI, DAVID SKAGGS, my former colleague from California, Mel Levine, and others, and we marched from here to the Chinese Embassy up on Massachusetts Avenue to protest the horrendous massacre that took place in Tiananmen Square.

After spending a great deal of time closely analyzing that situation, I came to a conclusion which I had strongly reaffirmed just 2 weeks ago when I had the opportunity to spend several days traveling under the auspices of the Center for Strategic and International Studies throughout China. I traveled with the former Defense Secretary, Harold Brown, who is a counselor at CSIC, Garrett Gong, the Director of Asian Studies at CSIC and the former President of CSIC, who now holds the Pacific Forum, and Dr. Amos Jordan.

We had a number of meetings with leaders in China and business people there. We met with Fang Lizhi and others. And I came to the very strong conclusion, Madam Speaker, that it is critically important that we once again renew most-favored-nation trading status and expand exposure that China has with the West.

Now, there are many people who have come to the conclusion that elimination of MFN will somehow improve the human rights conditions in China. Well, frankly, we have found over the past several years that the threat of revocation of MFN has in fact done virtually nothing when it comes to the human rights situation.

What we have found, Madam Speaker, is that over the past 10 years, the horrible situation that we have seen, with some individuals notwithstanding, there has been an improvement in the human rights situation in China.

Now, it is not anything like the way those of us in this House and Americans and those of us who stand by Western standards would like to see. But quite frankly, it has improved over the past decade.

□ 1620

I will never forget when in July 1990, I had the opportunity to meet with Fang Lizhi, who for one year had been holed up in the U.S. Embassy. He had been one of the dissidents in China. And when he was released and I met with him in London, he said to me at that time, make sure that when we see the older leaders from China fade from the scene that the Chinese people do not inherit a horrible economic situation.

That really is the important key. The standard of living for the people of China has been greatly improved. And if you look at the two southern provinces of Guang Dong and Fujian, which adjoin Hong Kong, that is where the standard of living of the Chinese people had most greatly been enhanced. So one of the things that we need to do is we need to ensure that ties with United States and other western businesses expand even further into China. Why? So that the kind of economic freedom which the people on these two southern provinces are enjoying is expanded throughout China.

Not everyone is aware of the fact that China is the most populous country in the world. Madam Speaker, China is about nearly five times the size of the United States of America. And as we look at that situation, we need to recognize that if we eliminate Most Favored Nation trading status, we are not alienating China from the rest of the world. What we would be doing, in fact, is alienating the United States of America from the largest country on the face of the Earth.

I think that we need to also look at many other issues that go hand in hand with the issue of human rights. Denuclearization of the Korean Peninsula is something which is of grave concern to every one of us and, frankly, to the Asian nations and especially to China. They do not want to see the buildup of nuclear capability in North Korea.

Our Defense Secretary, Mr. Perry, has been over in Asia and has just left Tokyo today. He has been focusing on this issue of nuclearization in North Korea.

We also need to look at a wide range of other factors. Cooperation with the Chinese in the U. N. Security Council is obviously very important. We had the support of the Chinese as we were looking at the 28 nations coalition that was assembled to stand up to Saddam Hussein as the Persian Gulf war expanded.

There are many factors that need to be brought into this mix, but it would be wrong for us to in fact end the very important relationship which has been developed with China over the past sev-

eral years. I am convinced, as we all pray for President Nixon's speedy recovery, that two decades ago, when he began to open relations with China, that that started the very important movement that we will see toward greater economic and political freedom for the Chinese people.

INTRODUCTION OF H.R. 4276

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. HARMAN] is recognized for 5 minutes.

Ms. HARMAN. Madam Speaker, my highest priority as a Member of Congress is retaining and building high-skill, high-wage jobs in California's South Bay. This area is the heart of California's aerospace industry, and if we are going to rebuild its employment base, we must promote commercial industries that draw on California's defense facilities and skills. Today I have joined with my California colleague, Congressman HOWARD BERMAN, to introduce H.R. 4276. This bill will streamline the process for exporting commercial communications satellites many of which are built in southern California.

H.R. 4276 will help build jobs in southern California by simplifying export licensing procedures for commercial communications satellites. It completes a process that was initiated by the Bush administration by shifting jurisdiction over these licenses from the State Department to the Commerce Department. This transfer applies to exports to all customers, and does not favor or promote sales to any particular country.

I want to emphasize that this bill does not undercut our missile nonproliferation policy. The State Department retains jurisdiction over the export of individual components that are exported as individual end-use items. And, under our proposed legislation, the Commerce Department must consult with the State and Defense Departments about license applications for complete communications satellites. Any systems designed or modified for military use will remain under State Department control.

Madam Speaker, communications and information services are vital export industries. United States manufacturers currently have an advantage in the highly competitive international satellite market, but government and industry must work together if we are to maintain our technological and market leadership. This bill will help our satellite manufacturers compete abroad, and will create new commercial opportunities for those manufacturers that are seeking to diversify away from defense sales. It will promote our economic and our national security, and I urge my colleagues to support it.

WHITEWATER AND THE INDEPENDENT COUNSEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, one of the disturbing things about the Whitewater investigation is that we feel like there is a thorough investigation taking place, and then we hear things that lead us to believe that investigation is not thorough.

Let me give you a couple of examples. We heard that Mr. Fiske, a Republican, was picked after President Clinton and his wife said they did not want a special counsel. Mr. Fiske was picked by the Justice Department, Janet Reno, because he was an independent thinker and he was Republican. Then we find out over the period of the next several months that Mr. Fiske is not really that independent, or it appears he is not that independent, because he has had very close ties with one of the chief aids of President Clinton, Mr. Bernie Nussbaum. When they both served as lawyers in New York City, they worked together on a number of cases.

I wrote a letter to Mr. Fiske asking about this information. He responded. He sent the letter back to me. He answered Federal Express. He said, yes, I did have some association with Mr. Nussbaum but it was strictly professional.

Second, Mr. Fiske, the counsel investigating Whitewater, recommended Bernie Nussbaum, the right-hand man of President Clinton, to be the assistant counsel during the Iran-Contra investigation. That shows that he and Mr. Nussbaum were fairly good friends. Otherwise he would not have recommended him to be assistant counsel on one of the most celebrated cases involving the Government of the United States in the last 15 to 20 years.

Third, Mr. Fiske recommended Louis Freeh, the district attorney for New York, to be the head of the FBI. Mr. Freeh, I understand, is a man with impeccable credentials and one who is doing a fine job. Nevertheless, Mr. Fiske, the man who is investigating Whitewater, called Mr. Nussbaum and the people at the White House and recommended Mr. Freeh for that job.

Finally, one of the most disconcerting things is that Mr. Fiske's law firm represented a company called International Paper, and International Paper sold several hundred acres to the Whitewater Development Corp. for $500,000.

Now, we asked for an independent counsel to investigate this case. And grudgingly, it was approved by the Justice Department and the White House. Now we find out that the gentleman who is conducting the investigation knows Mr. Nussbaum, the right-hand man of Mr. Clinton. He recommended him to be the assistant counsel in the Iran-Contra investigation. He recommended Louis Freeh to be the head of the FBI. His company, his law firm represented the International Paper Co. that sold hundreds of acres of land to Whitewater.

This might all be coincidence, but my question is, should we not have somebody in this position right now who is above any suspicion whatsoever? I mean, there are thousands of prosecutors across this country who could have done this job that have no connection to Mr. Nussbaum or the White House. Yet Janet Reno, the Attorney General of the United States, picked this gentleman.

We recommended, when we were investigating Ron Brown, seven different people, Democrats and Republicans, former Attorneys General and chief prosecutors, to investigate the Ron Brown affair. We were stonewalled then. We are being stonewalled again.

Madam Speaker, I am very concerned that the American people want to have all of this answered. They want to have this investigation concluded. They do not want it to drag on for months and months and months like the Watergate investigation or the Iran-Contra investigation.

All the President has to do is give the Congress of the United States the right to have a hearing on this. We had 23 hearings during the Reagan and Bush administrations. This is more onerous. This is more disconcerting to the Congress and the American people than any of those investigations were. We need to get to the bottom of it.

I just say to my colleagues and to the Speaker that the President, if he has nothing to hide, let us have the investigation. Let us get this behind us so the American people can once again have complete confidence in the President and in the Presidency. I think it is extremely important.

Mr. DORNAN. Will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. DORNAN. Madam Speaker, one of the things that mystifies me, and I am sure it does my colleague from California, is why we are stonewalling here on the majority side to end up probably with hearings in the early fall or late summer, right as we are going into an election period.

Here is the front page story, and I do not know if the gentleman saw it today, in the Washington Post, the east coast liberal paper of record, along with the New York Times." Listen to this headline: "Whitewater Repossesions." The subheading is "Sales Practice Benefitting Clintons and Partners," by two reporters, Howard Schneider and Susan Schmidt.

For 3 years Clyde Soapes, Jr., a Texas grain elevator operator, regularly mailed

monthly payments to the Whitewater Development Corp. for a lot along Arkansas' White River, where he planned to build a fishing cottage.

He paid $244.69 and made 35 installment payments over 3 years, and by the way, he had put $3,000 down. Then he got diabetes. He did die eventually, and it was repossessed by the McDougals and the Clintons. They wiped the man out, and his family.

They would resell it, repossess it again, resell it, and none of this seems to be recorded. Imagine this front page story today, coming out in hearings in a few months.

Mr. BURTON of Indiana. Madam Speaker, the gentleman has a special order coming up. Could I impose upon him for a few minutes to conclude my special order.

Mr. DORNAN. Yes, Madam Speaker, right at the top, I would be happy to.

The SPEAKER pro tempore [Mrs. UNSOELD]. The time of the gentleman from Indiana has expired.

THE VALIDITY OF THE WHITEWATER INVESTIGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the minority leader's designee.

Mr. DORNAN. Madam Speaker, I would like to begin by setting the tone, and then turn it over to the gentleman from Indiana [Mr. BURTON].

Madam Speaker, we have a press problem today. The dominant media culture, the liberal press, are beating their breasts saying, "Have we gone too far with Whitewater?" I, myself, think they have only scratched the surface, but they are saying, "Are we crippling our Government? What are we doing?"

I do not know if the Speaker saw the hour and a half show the other night, the expanded Nightline with Ted Koppel. Among the guests were Rush Limbaugh and James Carville. Listen to this, I have waited a couple of weeks since our break to put this in the RECORD. It comes courtesy of my good friend, Brent Bozell III, over at the Media Research Center.

This quote is from a reporter in the Washington Post. Talk about a schizophrenic operation. I never heard of this gentleman. I look forward to having lunch with him some day. His name is Phil McCombs. He filed this story out of Coronado, CA, March 30, and thank God it went in the Style section and not on the front page.

I would say to the gentleman from Indiana [Mr. BURTON], he is going to think I am making this up as I read these words:

To watch this President connect with people emotionally is an awesome thing. It is a raw, needy, palpable, electrifying thing that happens. There is no smile on Clinton. It is as if he is soaking up the people like he is soaking up the Sun, with the warmth pouring deep and direct into his political soul and recharging him, refilling him somehow once again with his own humanity and some sense of his role in the destiny of his country.

"Then, the hunger slaked, the great beast of Need fed," and "Need" is capitalized here, and I do not know why, "the great beast of his Need fed once again, it seemed you could almost see the gratitude pouring off his brow like sweat as he made his way through the beach crowds."

The title, by the way, put on this by Mr. Brent Bozell, was "Licking Up Clinton's Sweat."

Mr. BURTON of Indiana. If the gentleman will yield, first of all, I will concede that President Clinton probably is one of the finest politicians on the stump I have ever seen. I say this with all due respect to President Reagan, and I think he is even more effective than President Reagan was, and Reagan was the best I had seen up to that time.

Let me just tell my colleague, the gentleman from California, I am very concerned about the Whitewater investigation. A few months ago we were investigating Ron Brown, the head of the Department of Commerce, because allegations had been made by a man named Binh Ly that he took a $700,000 up-front payoff to normalize relations with Vietnam, and to lower the trade barriers with them, even though we were not going to get a full accounting of our POW-MIA's.

The gentleman who made the accusation also said that the money was being transferred to Bank Indosuez in Singapore by the Vietnamese Government. The FBI gave Mr. Ly a 6-hour lie detector test. He passed it, the FBI verified a large sum of money was transferred to a bank in Singapore by the Vietnamese Government, and yet when the grand jury investigated this case down in Miami, the Justice Department, Janet Reno, I believe, and I do not know this for sure, but I believe at the request of the White House, sent one of her top aides down to conduct a grand jury investigation.

Anybody that knows the prosecutorial process at a grand jury hearing knows the prosecutor can either get an indictment or not get an indictment.

After they had a long grand jury investigation, they had not even called Mr. Binh Ly to testify. I called down and said:

> I don't want to interfere with the grand jury process, but this is a man that I think ought to at least testify, because he is the chief accuser.

Two days before the end of the grand jury investigation, as I recall, they call Mr. Ly. Then they said they did not have enough evidence to indict. When the Congress of the United States was charged with the responsibility under the Constitution to investigate criminal wrongdoing or the allegations of criminal wrongdoing, asked for a hearing, they said, "Hey, this has been resolved by the grand jury," and the whole thing was whitewashed. it just stopped.

Now comes Whitewater. They would not allow us to have hearings on the Whitewater case. They said that we did not need to have them. They said this was just a wild goose chase, even though there had been 23 investigations under Reagan and Bush. They did not think it was necessary under Brown, and they do not think it is necessary right now.

What do they do? The media and the leadership in this House, the Republican leadership in both the House and the Senate, kept finding more and more information about this. Finally the President and Mrs. Clinton said, "OK, we will go along with a special counsel." They picked Mr. Fiske, who is a Republican, they say, who is supposed to be nonpartisan, clean as a hound's tooth. Then we find out Mr. Fiske worked with Mr. Nussbaum on several cases when they were in New York. Mr. Fiske recommended Bernie Nussbaum, the right-hand man of President Clinton, to be the assistant counsel during the Iran-Contra affair.

Mr. Fiske—upon the recommendation of Mr. Fiske, Mr. Nussbaum and the White House looked with favor upon Louis Frie, who I think will do a good job as head of the FBI. Mr. Fiske's law firm represented the International Paper Co. that sold several hundred acres to Whitewater for $50,000.

We would think that they would have picked somebody totally disassociated with the White House and with Whitewater and Mr. Nussbaum and everything but no, they picked Mr. Fiske. It appears as though, to the American people and to many Members of Congress, that there is a pattern that is evolving here. We saw a whitewash, I believe, of the Ron Brown affairs. Now we see what I believe may be a whitewash of Whitewater.

The Congress of the United States has the responsibility under the Constitution to investigate these matters. Yet, Mr. Fiske says, "We do not want you to interfere until we have conducted our investigation." They did that with Ron Brown, and because of that, we never had hearings in the House regarding the allegation that he took $700,000 in front money and millions more to follow, in order to normalize relations with Vietnam.

What happened? They lowered the trade barriers with Vietnam. The embargo was ended. We are normalizing relations, and 2,300 POW-MIA's are still unaccounted for, and their families do not know about them, yet Mr. Brown was exonerated. We never had hearings.

Now Mr. Fiske is going down that same road with Whitewater, and I fear that what is going to happen is, they are going to say there is nothing, no indication of wrongdoing, even though there is all kinds of questions that have been raised against Foster's death, other deaths that have been involved, the taxpayers' dollars, misuse of funds, misuse of political power. All those things should be investigated by Congress.

If the President, like Mr. Brown, and if this administration has nothing to be concerned about, then let us have the hearings. Let us get it over with, and let us get the President back to the job of doing what he has to do to keep the country on the right track.

I do not think anybody wants to impair the President or impugn the integrity of the Presidency itself, but we do have a responsibility to get these questions answered. It seems like to me we have been stonewalled under Brown, we have been stonewalled now under Mr. Fiske and Whitewater, and we do not want a whitewash of Whitewater.

I thank the gentleman from California [Mr. DORNAN] for yielding to me.

Mr. DORNAN. Madam Speaker, if the gentleman will wait, I am sorting some of my papers here and I want to recruit him to do a service for me.

Here is the staff work on the crime bill, which I hope will comprise 50 minutes of my special order. It was put together, I think, by either the staff of the gentleman from Florida [Mr. MCCOLLUM] or the gentleman from New York, "Fighting GERRY SOLOMON," from beautiful upstate New York, the Lake George area.

I would ask the gentleman if he would read these eight little-known facts about the crime bill. Some of them he may not know. As he reads the, give us the page please, where it appears in the crime bill. We know this audience is growing on C-SPAN past almost up to a million and a half people. They are going to think they are watching "Saturday Night Live", and the gentleman and I are doing a skit here, as they hear him reading these eight little-known facts about this bill.

□ 1640

Mr. BURTON of Indiana. I will be happy to do that for my colleague. I must say I did not come down here for this, but I do think it has merit, and I will go into it with the gentleman.

It is entitled, "Eight Little Known Facts About the Crime Bill," the bill that passed the house today:

No. 1. Encourages children to be out of their homes and on the streets after midnight. Many Americans probably believe children should be at home and in bed after midnight. This bill would pay people to set up midnight sports programs that keep kids out all night.—Page 138.

No. 2. Contains ludicrous mandates in its prevention programs. To establish a midnight sports league, the league must have eight teams and each team must have ten players. Presumably, a league with six teams and 12 players per team, would be worthless in preventing crime.—Page 140.

No. 3. Outlaws the use of religion in crime prevention programs. Although $8 billion will go to fighting teenage pregnancy, AIDS, drug use, and crime, the bill prohibits any of this money from going to religious worship or instruction.—Page 121.

No. 4. Fights crime in odd ways, Part I. This bill will "fight crime" by funding "cultural programs, arts and crafts, and health education and service programs, and dance programs."—Page 120.

No. 5. Turns police departments into social service agencies. The House crime bill will fund police departments if they run "after-school activity and neighborhood recreation programs, and parent support groups that are led jointly by child or family services."—Page 134.

No. 6. Fights crime in odd ways, Part II. The House crime bill will spend millions of dollars to "increase the self-esteem" of young criminals and "provide such youth with Life skills," whatever that means.—Page 152.

No. 7. Punishes successful values and rewards failed values. Money to fund the social welfare programs in this bill would come from working people with working-class values. However, the money would go to neighborhoods or communities with high levels of "use or sale of illegal drugs; high incidence of crimes committed by youths or young adults; high rates of HIV or sexually transmitted disease; and high rates of pregnancy or births among adolescents."—Pages 140-141. It takes money from one segment and puts into the other.

No. 8. Fights crime in odd ways, Part III. Most Americans think enforcing the law and locking up criminals is how you fight crime. But, this crime bill calls for "instituting a collaborative structure that trains and coordinates the efforts of teachers, administrators, social workers, guidance counselors and school volunteers to provide concurrent social services."—Page 121.

I know my colleague from California will elaborate further on these eight little vignettes. The thing that disturbs me a great deal about the bill was an editorial that we read, many of us, just before the vote today, and that was that many people were going to be released because there was a disproportionate number of people in one race or another that might be on death row.

Madam Speaker, I believe, and I think my colleague, the gentleman from California believes that if a person commits murder, regardless of their race or their natural origin or their religion or whatever else, they should pay the same price for that crime as any other person who commits a crime, regardless of race.

Mr. DORNAN. Exactly.

Mr. BURTON. We should not be letting people out on the streets because they are black, white, Italian, whatever they happen to be, and the bill does set some quotas and allow some people to get out simply because they are of a minority race. I think that is a mistake. If they commit murder, they should pay the price.

Madam Speaker, I thank the gentleman for yielding.

Mr. DORNAN. I thank the gentleman from Indiana. Enjoy those eight facts at your town hall meetings over the weekend.

Madam Speaker, I just voted against the crime bill as did the gentleman because it left so much on the cutting room floor up in the Committee on Rules on the third floor on the east side of this building. The very best of our Republican amendments were not allowed to be debated. This cheapens our democratic system.

Madam Speaker, I don't want to leave the impression there was nothing good in the bill. There were some good things. One of them I myself had brought to this House floor almost 6 years ago now, the police corps, which is exactly patterned after the Reserve Office Training Corps that we have had in our high schools and colleges for over half a century and from which we sent so many young males off into combat as ROTC graduates, second lieutenants, ensigns and Marine platoon leaders. Today we are sending young men and women off into our military services augmenting our great service academies like West Point, Annapolis, and the Air Force Academy in Colorado Springs. The police corps, will do the same for police departments. I am glad the police corps did get in.

Here are some other good things that got in, and do not get excited over these across America and, Madam Speaker, because we do not know if they are going to survive the conference. The conference will start in a few weeks between the House and the Senate. The Senate bill was slightly better than ours, although a lot of liberal cant went into crippling parts of that bill. It had about $8 billion worth of hug-a-thug, feel-good social programs that should all be over in the Health and Human services budget, not hidden in a crime bill. The liberals have made a habit of putting social spending programs in the defense bill and I am sick that they have now done it with crime.

Madam Speaker, here are some good things we did fight to get in. These were all from yesterday, and a few good things today.

Prevent prisoners from receiving Pell grants for college education. Some of them have not even passed their GED/high school equivalency test.

Two. Require the Justice Department to pay for the imprisonment of illegal immigrants who commit felonies. How we can dump this on Arizona, California, New Mexico, Texas, and Florida; it is criminal what the Federal Government does to the border States when it mandates everything from school benefits, health benefits, and now the Federal Government's failure in keeping our borders secure. We should pick up that tab and feel the heat here at the Federal level.

Madam Speaker, another good provision. Authorize the hiring of 6,000 more Border Patrol agents. Of course getting the money for that is not going to be easy. Will it survive the Senate-House conference? I hope so.

Here is one I think a lot of prison guards are really going to appreciate. Remove the weight training and similar expensive workout machines—some prisons have Nautilus equipment, state of the art—and prevent prisoners from engaging in activities to increase their fighting abilities. Guys actually get their black belt at our expense in prison so that when the rebellion comes in the prison, they are taking out guards using the martial arts that they learned at our expense with state-of-the-art equipment. If they want to exercise, let them jog out in the prison yard.

Madam Speaker, here is another good provision. Give law enforcement officials and the courts access to the criminal histories in stalking cases and domestic violence cases. If you have got some drunk beating up his wife all the time and he has got a record as long as your arm for violence in the streets, fights in bars, assault with deadly weapons, the courts should know that so that the wife and children can be protected. And the same with some sick stalker. Many of these stalkers are deadly enough that they kill the victims that they are stalking.

Madam Speaker, here is another good provision. Some killings have taken place across this country—I know one that happened 25 years ago—by people who would get personal information from the State by asking about a license number. It used to be in California, that for a quarter you could get the home address of anybody if you know their license numbers. This bill prohibits all the State motor vehicle departments from disclosing personal information about individuals. There were certain exceptions in there that were reasonable.

We also limited Federal judges' ability to stick their nose into State prison systems and declare certain jails unconstitutionally overcrowded. This has wrecked havoc in Texas particularly, where the average sentence for murder, something like 8.1 years, and people have been getting out in three point something years because of this overcrowding problem.

The biggest mistake made yesterday was passing the race bias test for death penalty. Nearly 4,000 death row convicts could use this provision passed yesterday to beat the death penalty. Again if it survives the Senate conference, hundreds could escape execution.

□ 1650

The States started reinstituting capital punishment in 1976. Less than 205 criminals, and I think it is about 204 or 205, have been executed in only 22 States. The Federal Government has yet to execute anybody, although we do have six people on death row.

I am not a fan of capital punishment. All of the Catholic bishops and all of the Episcopalian bishops, the majority of Rabbis, and a lot of other religious leaders in this country do not want capital punishment. Amnesty International speaks out regularly against capital punishment. Most European nations no longer have it. Most democracies and civilized nations no longer have it.

Let me tell you something, when you are approaching an absolute state of anarchy, a State has a right to impose martial law as Abraham Lincoln did during the Civil War rebellion. In some areas of our country have reached a point that if the State does not say, "You will pay for these heinous crimes with your life," we depress the whole range of punishments so severely down to the very bottom that grand theft auto is a literal slap on the wrist. No caning, just try not to steal so many cars. It does affect the whole criminal system.

The Tory wit, John Sparrow, used to tell the story of the two castaways who wash up on the beach of an unknown country. The first thing they see is a corpse dangling at the end of a rope.

One sailor says to the other, "Well, at least it's a civilized country."

The point is, only a civilized country restrains crime by the formal process of legal execution. In an uncivilized country citizens rely upon private force to defend themselves against lawlessness and casual murders fostered by the absence of effective lawful punishment.

I myself, if I could be convinced that we were building a series of prisons that truly were places where you would incarcerate only the most cruel, the most violent, the most vicious, and they would know when that door slammed that they were going to die there as an old man, and that they would not have conjugal visits, color pornography, color TV, MTV, every major sporting event coming into their cells, Nautilus weight equipment, three simple meals a day, no utensils, plastic spoon, and that is it, I would be willing to say, OK, if we will film what this is like, play it over our televisions regularly, public-service spots, let the youth of America that opt so easily for crime because now they know that crime does pay, I would be willing to say life is so sacred and ordained only by God that nobody should take a human life. Unfortunately, we aren't near that point.

We have lost just in the last 10 years the societal attitude that a murder was the most horrendous abrogation of God's authority, whether of a tiny innocent little fetus baby in the womb, or, which the chief of police described to me here in the District of Columbia, of an 84-year-old man walking down the street who was killed by three teenagers who were not on drugs and who then went home and took a nap. The late Isaac Fulwood told me they had no conscience. We have raised a generation of kids devoid of conscience. I watched five kids, none of them African-Americans by the way, at a California prison. They were discussing killing, and two or three of them said they did it to see what it was like to watch the life force slowly go out of a human being. We do not have an awe for murder any longer.

I know that some people who are against capital punishment, like Amnesty International, think that it also cheapens life. I always make the case we are not dealing with Ireland, Norway, or Switzerland here small and sparsely populated. We are dealing with an anarchistic situation in many cities around this country. And I cannot tell the voters in my district, I cannot look a mother in the eyes whose child was kidnaped, tortured, and murdered in the most awful of circumstances, I cannot tell that mother that she is no longer going to be given the right to sleep well at night.

One of the most stunning crime facts I ever came across was in People magazine, of all places. It was after Ted Bundy was executed. An official with the State of Florida called up a mother whose only daughter had been viciously murdered by Bundy. By the way, in his last interview with my friend, Dr. Jim Dobson, Bundy said that pornography, just simple ordinary run-of-the-mill woman-demeaning pornography of the 1960's, is what started him on his path toward the ultimate brutality of torture, murder, torture, rape. Anyway, this mother, she picked up the phone and the Florida official said two words, "It's over." She knew that Bundy had been killed. She said to the People magazine reporter that it was the first night in 14 years that she had slept for 8 hours.

How do we deny that? That is not vengeance. That is giving peace of mind to a victim, in this case a surviving parent who lost their only child. That is giving justice to the victims of crime. It is an answer I have never had anybody from Amnesty International or a well meaning liberal answer effectively to me about capital punishment.

We succeeded in gutting it here today and yesterday.

Now, just to go back to a couple of these eight little known facts about crime that Mr. BURTON read, this one here about outlawing the use of religion in crime prevention.

You know, we could have left this one out of the bill. And if somebody was abusing the separation of church and state in this country with Federal money and not keeping the church services separate from the other activi-

ties, then that could have been handled in that area by some court challenge. But to tell a nation of young people that they will hear nothing about Moses, his full face looking down on this Chamber, the great lawgiver of the Hebrews, that they can learn nothing about Mosaic law, thou shalt not kill, thou shalt not lie, thou shalt not commit adultery, thou shalt not steal, that they cannot hear anything about Christianity, the combined Old Testament, the Judaism that created this civilization we call Western civilization, that we cannot teach people anything about right, wrong, absolute guilt, conscience, honoring your mother or your father, to try and strip all of that out of every program that goes out to young people, just to tell them to go play basketball at midnight; how demeaning, how absolutely ludicrous, and, again, a sign of cultural meltdown in our society.

What I said in a 1-minute speech earlier on the day we began debating the crime bill this week, most historians consider a generation 30 years. A generation ago was in the spring in 1964. As the Barry Goldwater campaign was ginning up, Nelson Rockefeller was making the rounds in my party. It was then that the Filthy Speech Movement, even got it down to an acronym, the FSM, the Filthy Speech Movement, at the mother of universities in the western United States, Cal Berkeley, that Filthy Speech Movement started. Participants screamed every vile Anglo-Saxon word at the top of their voice and over bullhorns on the campus. That was the beginning of the roaring 1960's. Actually the 1960's were half over. I think if you look at an 11-year period from the spring of 1964 to April 30, 1975, when Vietnam collapsed, Saigon fell to the Communist invaders, the 11-year period was one of drug glorification. The glorifying homosexuality as equal to normal family life. It was the beginning of saying if it feels good, do it. We were told to make love, Free love, Easy love, Love with strangers, Love in orgies, Switch-hitting, Wife-swapping. What they got was an AIDS epidemic that has killed 140,000. Within 2 years, death from AIDS will be five times the death toll in combat in Vietnam.

Yes, a lot of it was energized by the liberals, no-win, no-victory-allowed war in Vietnam. When that 11 years was up, we had a generation, the baby-boomer generation, that was spoiled with too many of this world's goods and too much misdirected love because their families came through the hell of the Depression and then World War II. That baby-boomer generation that is now in its prime, pulling all the levers of power in some places including parts of this Congress and soon the Supreme Court, certainly over at the White House with its overabundance of flower children.

□ 1700

Do you want to hear a statistic that is absolutely incredible? Now listen to this: A boy born in 1974, at the end of what we call the sixties—that is, 1964 through 1975—a baby born in 1974, a boy—and this has nothing to do with ethnic heritage—stands a greater chance of being murdered than a soldier in World War II stood of being killed in combat.

I mean, in my mind, I cannot accept that statistic. I was a young boy during World War II. It is incredible to think that any boy born more than 20 years ago now has a greater chance of being killed in this beautiful country of ours than he would have been if he were 1 of the 14 million men and women in uniform in World War II stood of dying in combat.

I do not want to bore you, Madam Speaker, and the 1.5 million folks watching, with the minutiae of the statistics, although that cruel word "minutiae" should not be applied to the statistics such as these: 2,000 women raped every week, 1 murder every 5 minutes, 1 rape every 10 to 15 minutes, 1 burglary every 45 seconds, 1 robbery every 45 minutes.

These are incredible. We hear them so much we are just numbed to all of these statistics.

At recent homicide rates, about 1 of every 133 Americans will become a murder victim. For males of African-American descent, the proportion is estimated to be at, current rates, 1 in every 30.

If you put these murders on a health chart, as they do at the Centers for Disease Control down in Atlanta or up the road here at Bethesda, MD, at the National Institutes of Health, this is one of America's greatest killers. In some areas it is the No. 1 killer of young African-American males.

Now, on the south side of Chicago—I think that used to be a song title—on the south side of Chicago, 23 percent of students reported seeing a murder in their neighborhood—1 out of 4 kids, that is—34 percent witnessed a stabbing. That is almost 3 out of 9; 39 percent had seen a shooting, or 4 out of every 10 watching this gang warfare gunfire taking place on our streets.

Madam Speaker, I want to ask at this point to put in a few articles that I find are just outstanding. A lot of them, I must say, from the Wall Street Journal.

Here is Amitai Etzion, "How Our Towns Fight Crime." It shows that many times folks have to battle the criminals and the ACLU as well.

I would like to put in an article by what I always refer to as my favorite Democrat in the whole world, Ben Wattenberg. Again, this is from the Wall Street Journal from back in December. He says the crime bill passed by the Senate, which was passed in November, would make the States do what they should be doing anyway and what the public overwhelmingly favors: Imprisoning violent offenders longer, much longer. Ben Wattenberg's column here, the "Crime Solution—Lock'em Up," is full with more of these gee whiz, it can't be this bad, frightening statistics. I will put that in.

Now here is a letter from my pal Grover Norquist, president of the Americans for Tax Reform. I will read the opening two paragraphs and the close. He wrote this to our good friend, JACK BROOKS, chairman of the Committee on the Judiciary, who quarterbacked the crime bill over the last 2 weeks:

DEAR MR. BROOKS: We want to alert you to our opposition to the House crime bill, H.R. 4092, as written. The group represents taxpayers, and we cannot support a bill that asks so much from taxpayers but gives back so little.

Now, Madam Speaker and my fellow Americans, listen to this simple piece of logic. Grover Norquist says, "We object," Americans for Tax Action, "Taking money from working people," working Americans, "people who play by the rules and pull the wagon of business, industry, work at the State, and give that money to criminals. Specifically, your crime bill would spend almost $16 billion," it is up to $17 billion now, "of Federal money, more than half of social welfare programs that lack any record of proven success. That wrongheaded approach is particularly evident in the billions you propose to spend on substance abuse programs. Many substance abuse programs—narco programs, drug programs—are nothing more than a place for addicts to remain comfortable for a few weeks until they decide when to go back on drugs. Since 1988 Congress has poured billions into those programs, and hard-core drug use has actually increased. These increases occurred after a decade-long decrease, 1978 to 1988—half of Carter's years and all of Reagan's years—which happened without the benefit of congressional programs." We should be analyzing what we did there.

The rest of the so-called prevention programs are equally objectionable. Midnight basketball is the most obvious example. What is disturbing is an attitude that pervades the entire crime debate. That attitude, unless we bribe people to behave properly, particularly young people, they will become criminals. It reminds me of the early debates over welfare when supporters said welfare would prevent crime, when we all know that that idea actually backfired. I am afraid this one will too.

Also, the bill continues a dangerous trend of giving Congress more responsibility for public safety issues instead of leaving those issues at the State and local level where they belong.

The $8 billion that will go for police, prisons, and various law enforcement programs, once the Federal Government takes responsibility for funding

these traditional State and local activities, Congress will inevitably raise taxes to handle these new, Federal mandates.

If the limited impact of the past dozen or so crime bills is any indication, the crime problem will remain serious even with more Congressional intervention.

Madam Speaker, I have been telling press people that I have talked to "Let's make a deal. Today is April 21, 1994." I will make a mark on my kitchen calendar under a little magnet on my refrigerator and tell my staff to put it in our computer for next year's calendar, "Let's have a little coffee talk, a chat, on April 21, 1995." Let us look at what this bill has done for or maybe to America on April 21—that has a nice blackjack sound, 21—on April 21, 1996. Let's see if my prediction is correct that violent crime will still be on the increase because we have to live through a generation reaping the wild winds of what we sowed from 1964 in the spring to the fall of Saigon and even a few years thereafter, when we told a whole generation of young people that Bulldog Drummond and Gangbusters—the radio shows their parents listened to—were wrong. That crime does pay. I see my colleague from California from one of the most beautiful areas of the country, San Diego, has arrived. I will tell you what we can do to show people how good friends, I mean amigos, are tormented by this bill. I voted against it. You voted for it. I do not criticize your vote. I just read a lot of the good stuff that is in it that would be worthy of a yes vote. So I will ask DUNCAN HUNTER of San Diego, what is his take and why did he vote for the bill?

I yield to the gentleman.

Mr. HUNTER. I thank my friend for recognizing me. And we are best friends. I certainly appreciate everything that he does on the House floor, especially what he did with respect to Somalia, when he took about 48 hours out of his own list just in plane travel, flew to Somalia, came back after the tragedy last fall when our Rangers were ambushed, and he made a report not only to the Committee on Armed Services but to the full Congress. And he touched bases with, I believe, every family of the young people who were killed in that tragedy. His performance and his service to the House of Representatives is something that is really appreciated.

Let us go to the crime bill for a second.

Mr. DORNAN. Just one second. I got a letter last night from the Gutting family which lost a son in Somalia. The gentleman and I had a long cup of coffee downstairs with a sister of one of the young M.P.'s killed in that radio-detonated mine on August 8. Not even 1 year ago, just last August.

□ 1710

And with that M.P. Keith, was another M.P., Gutting. He was also killed, and the family wrote me. They thanked me for the flag that me and my little grandkids, Kevin and Colin, flew over the Capitol on Thanksgiving. A little aside here. I mentioned Kevin and Colin's help on the floor and their little sister, Erin, asked, "When are you going to talk about me, Poppy?" Well, when she comes here and flies flags with me on the roof of the Capitol here for all these good GI's. This family, the Gutting family, told me that they are going to fly the flag we sent them on every one of their son's birthdays, Christmas, Easter, Memorial Day, and every August 8, the day he died, giving his life to try and feed starving women and children.

I ask my colleague, "DUNCAN, do you know what's happening today as we speak?"

Seven U.N. people have been killed in Mogdishu. The anti-Aided forces have just captured the Sundanese Ambassador. That's Ali Madi, the grandson of the Madi in the great Charleton Heston film, "Khartoum."

Mr. HUNTER. That's the guy that killed Charleton Heston.

Mr. DORNAN. That is right, Chinese Gordon.

Mr. HUNTER. Yeah.

Mr. DORNAN. The Madis' grandson is now in a pitched battle with our new pal, the killer Aidid, whose forces, as my colleague knows, blew away 18 of the best young soldiers, Rangers, Delta guys this country ever produced, and killed another one, Matt Rearson, three nights later with a mortar. Aidid is now closing in on the U.S. Embassy grounds, and on the university, and on the base I told the gentleman we named after him, Hunter base. It is surrounded. They are tearing up the spaghetti factory, the cigarette factory, all of the places where our guys guarded, took wounds, took bullets, gave their lives.

I meet with two Marines. One still has the bullet in his wrist; the other one, it went through his arm, lodged in his clavicle. They are all healthy now. One of them is married. I met him at El Toro last week.

How can I ease their pain, the way we were forced to pull out of there because of the terrible foreign policy? Clinton put those Rangers and Delta guys in there on a public phone at a golf course at Martha's Vineyard back in August and did not give them the wherewithal, the armor, to prevail, and I say to my colleagues:

DUNCAN, as we speak, as Aidid is closing in on the airport, mortar fire is hitting the airport today, what do these families think? What does the family think if they happen to hear that BOB DORNAN is speaking about them on the House floor, and a neighbor calls them?

One of the people from Somalia came by to see me today. He is known by his face to a lot of Americans. He gave me his blue beret. He gave me his patch that he wore on a lot of TV shows. And I looked at this and thought of the Belgian soldiers in Rwanda with their big combat knives cutting their blue berets in half because they were disgusted that they were pulled out of Rwanda, allowing women and children, seven Jesuit priests to be slaughtered there. There were three white Belgian priests who were holed up in a kitchen, and, when they came out, here is all their friends and 20 women that were on a retreat to hear about Jesus were found slaughtered all over their compound in Kengali.

I say to my colleague, the snipers are at it again in Sarajevo. They are in the hills are targeting U.N. people. This blue beret makes you ground zero for a sniper's rifle. If you're wearing your little U.N. patch, the snipers will try to put the bullet right through the North Pole, so it goes into your brain and you die quickly.

This has turned into an absolute horror in the very week of the 51st anniversary of the Warsaw Ghetto and of the Armenian genocide which started 79 years ago on Sunday. This is a very rough world, but I digress. I am here to speak about war in the United States with thugs who have no conscience.

Mr. HUNTER. Let me answer my friend's question about the crime bill.

I voted for the crime bill, and I think it was a close decision. I think it was for a lot of conservatives and a lot of Republicans, a number of Democrats.

Mr. DORNAN. I have no quarrel with voting for it.

Mr. HUNTER. But I voted for it—I think there was one measure that we did pass that had some value, and I know the gentleman helped on this, he voted for it, and that was the amendment that we sponsored to add 6,000 Border Patrol agents, and let me just take a minute to explain that.

Mr. DORNAN. Just mention that; please do.

Mr. HUNTER. We right now have 4,100 Border Patrol agents nationwide. The Border Patrol is the only agency that is charged with protecting our border, and presently, as the gentleman knows, we have a flood of smuggling of both illegal aliens and narcotics across the southwest border of the United States. Over half the smuggling nationwide takes place in what I call the 15-mile smugglers corridor between San Diego, CA, and Tijuana, Mexico. Through that corridor goes now almost half of the cocaine and the illegal aliens who are smuggled into the United States.

Now against this army of invaders, of illegal aliens, narcotics, criminal aliens, we have a very thin line of Border Patrol men at any given time on the entire California-Mexican border. We have less than 50 Border Patrol men, and that is a 150-mile border.

What the House did was more than double the size of the U.S. Border Patrol, take it from 4,100 agents to well over 10,000 agents, if the President and if the Democrat-dominated Senate and House Appropriations Committees hold fast to that number that was overwhelmingly passed by the House of Representatives.

Now let me tell my colleague why we need 10,000, BOB. Right now we have roughly 12 smugglers' corridors in the Southwest.

Mr. DORNAN. Does the gentleman say we need 10,000 men and women in the Border Patrol—not administration though, working the border, minimum?

Mr. HUNTER. Yes.

Mr. DORNAN. And what do we have now?

Mr. HUNTER. We have got 4,100, and let me tell my colleague why we need them.

Every place where we have a large urban area on both sides of the border; for example, Tijuana, Mexico to San Diego, CA, where we have two big urban populations together, that is where a smuggling corridor exists, and that is where the smugglers can work most effectively because of the logistical base, because near a city they have freeways and other traffic arteries that come down on the American side, so, if they get across the border, they can get in a van, they can get on Highway 5 and they are out of there. They can go to Portland, OR, they can go to L.A., wherever they want to whether they have got cocaine or illegal aliens. They have that traffic capability.

They also have what I call a Grand Central Station effect. That is they have this huge congestion of people in these big urban areas, and a smuggled person or a smuggler can get lost in the crowd once he is across the border. At that point it is very difficult to sort these people out of the large populace.

So, the smugglers have a difficult time smuggling across barren desert. They need cities to smuggle in so, when the people early on whom we said we could control the border, and the critics said, "Well, you can't link arms on the 2,000-mile border between the United States and Mexico," the answer is: "You don't have to link arms, and you don't have to control. You don't have to have people back to back in the desert. In the desert it's very difficult for smugglers to operate. They stand out like a sore thumb. They have no logistical base to operate out of. They have no freeway artery serving the area where they can get people across, get them into vans, get them out of there. And also the Border Patrol has a great sensor operation where they can tell where people are coming across, and so it's difficult to operate in the desert."

Plus, as the gentleman knows, in my desert north of Mexico it is 120 degrees in the summertime, and we find a number of people who are absolutely dehydrated.

Mr. DORNAN. This is the Hunter Valley just north of the border, used to be called the Cochilla Valley.

Mr. HUNTER. It is a little south of the Cochilla Valley.

So, the point is all we have to do is control these corridors where we have urban populations. We have got 12 of those in the Southwest, all the way from San Diego, Tijuana, Calexico, Mexicali, and all the way to Brownsville, TX, and Matamoros, TX, at the Gulf of Mexico. Those smugglers' corridors range from 5 to 25 miles wide. Together they total about 165 miles. So, if we have Border Patrol men at a density of about two Border Patrol men every 200 yards, two of them together every 200 yards in these smugglers corridors, three shifts a day for 24 hours a day coverage, that amounts to about 8,000 Border patrol men needed to plug up these smugglers' corridors.

□ 1720

I might add that that density is just about what we are using at El Paso, where we have successfully kept that blockade up. Incidentally, when we closed down the border at El Paso to illegal entry, auto thefts dropped by 50 percent in one night. So we need 8,000 people for that.

You also need to have a reaction force, because the smugglers understood early on that if they could overwhelm the border at a given place with 200 or 300 people trying to gain illegal entry, and you only had four or five Border Patrol men on the other side, you could get in that way with so-called banzai attacks from the border.

Mr. DORNAN. I watched banzai attacks from the air one night in an A-6 helicopter. Every bush becomes alive after midnight.

Mr. HUNTER. So that is why you need to have a reaction force. You need at least 1,000 people for reaction forces, for reserve forces, that can move quickly to one pressure point or another. So you take the thousand people in the smugglers' corridors, 8,000 Border Patrol men, take 1,000 Border Patrol men for reaction forces in these various sectors. That leaves you 1,000 people for headquarters personnel and to serve the rest of the entire border, which includes Canada. We still need some Border Patrol men on Canada, though not nearly as many. That is 10,000 Border Patrol men.

Bill Clinton said last July after we passed an amendment that forced 6,000 Border Patrol men down his throat, after he cut the budget, that he was going to control the border. That was either a political statement that was meant to meet the rising number of Americans that are now concerned about illegal immigration, or whether it was a statement of a real intention to actually do something about controlling the border we will soon discover, because President Clinton controls with his party the House of Representatives and the U.S. Senate.

And if he will support these 6,000 additional Border Patrol agents, bringing our total force to 10,000, we will be able for the first time to actually control our borders.

Let me tell you what that does.

Mr. DORNAN. One fiscal note here. Those patrol men and women will be paid for by the crime dollars saved starting within 1 year.

Mr. HUNTER. Absolutely, because we are paying more than $1 billion a year in incarceration costs just for criminal aliens.

Mr. DORNAN. And forget the other losses from crime, the lost hours, the hospital bills, the arrest problems, the police problems up the line in the cities and counties north like my county. It saves money immediately.

Mr. HUNTER. It sure does. In fact, in San Diego County we have discovered that 10 percent of our violent felonies are perpetrated by criminal aliens. In the Federal system, BOB, 25 percent of the inmates of our penitentiaries are illegal aliens.

We have done studies in which we took people after they had served their time in the United States, violent felons, sent them back, deported them all the way to Mexico City, deep in Mexico, and kept tabs on them. Within a few weeks, many of them were coming right back into the border areas of the United States.

So no matter how you view the border in terms of whether we should have a border that allows people to come across to work or whatever, there is no substitute for a border that is enforceable with respect to crime.

You have got to be able to keep criminal aliens from coming into this country at will. The only force that can do that is a border patrol. For the first time we are starting to put some real numbers on the border patrol.

Mr. DORNAN. When people argue a kind of knee-jerk liberal argument that this is unfair to Mexicans who want to come over to work, they haven't thought it through. It is just the opposite. Every person that we want to be a guest in our country, that we need their help, we want to be friends. We want them to work here. Their life is made miserable because when they are here, they are the victims of crime by the illegals who come from their own country of birth.

I rode all night in a police car within the last 2 weeks in Santa Ana. I learned about gangs I had not heard of, illegal immigrant gangs called lopos, which were formed to defend themselves against other gangs in beautiful Santa Ana, CA. I saw crack houses with 10 or 15 people outside running around. They all run inside, like the

opposite of what you see when you attack a place and people flee. They were all going inside. The police did not hassle them. They could not. Although the reporter from the L.A. Times riding with me tried to do a good story, she made out like we were not seeing any crime at all, like we were seeing a quiet night.

There has been a post-earthquake kind of depression of crime, like people are thinking about God, the big one coming, greater, transcendent, metaphysical things in life.

The next night I rolled in a car where a man appeared to be dying in a van where a bullet went through one side and out the other. He probably lost a third of his blood. I called later, they said he would live. That was a quiet night. That, and three helicopters whizzing around with lights.

We have enough of a nightmare problem with crime that we do not need crime imported from other countries, we don't need people coming here illegally to rip off what they think is the good life in America.

Look at the article that Jay Pierson, one of our good, hard-working staffers, just gave me. It is a Charles Colson article from Christianity Today. Pardon the reference to a great magazine.

Charles Colson spent his time in prison paying his debt to society for being one of the transgressors in the whole Watergate scandal and mess. He found the Lord again in prison.

Look at what he says here. "Begging for Tyranny," that our approach with the weak crime bill is leading us to another step beyond the anarchy we are approaching now, to an absolute tyranny, in trying to recapture our American life and retake our streets.

He says in the opening paragraph here, America already has the highest rate of violent crime in the world, rising 560 percent in what I have been teaching people is a generation, in 30 years. But in recent months, it has actually exploded. Everyday's headlines report new outbreaks. I am curious to see what he includes.

Three Dartmouth, MA schoolboys surround a classmate, stab him to death, and then laugh and trade high fives as he is dying.

An Oakland teenager chases a woman down the street brandishing a knife while onlookers chant "kill her, kill her." A Long Island man starts shooting randomly on a commuter train.

By the way, one of these Farrakhan extremists said this guy, I know his name, unfortunately, because it is one of my grandkids' names, Colin, Colin Ferguson, is a hero. A hero for shooting people to death.

How can anybody watch "20-20" or "Prime Time" or one of those shows I saw this week, and actually two of the networks did it, where they stayed with the victims on the Long Island commuter. It is unbelievable what is happening.

Mr. HUNTER. If the gentleman will yield, that is one reason I came down here. I am glad you are talking about this article, "Begging for Tyranny," by Charles Colson.

This article talks about character, about standards, and about morals. It says,

> Modern thinkers have rejected the very idea of moral objectivity. Darwin, who reduced morals to an extension of animal instincts; Freud, who regarded repression of impulses as the source of neurosis; Marx, who disdained morality as an expression of self-interest.

I think there is a lot of truth to that description of where societies have tended to go with respect to morals. And in this House of Representatives, we represent, I think to some degree, the best and the worst of trends in our Nation, of conflicting pressures and directions.

One thing we do in the House of Representatives is chase trends. When it becomes trendy to do something, immediately you have got 150, 250 votes for something that maybe 15 or 20 years ago would have been totally prohibited and would have been prohibited not just by law, but by the conscience of the people who are in the House of Representatives.

We have other people in the House that have another current, and that is a current that works to preserve character.

I just want to say about the gentleman who is standing and addressing the House right now, ROBERT K. DORNAN, you have been a force for preserving character, the American character, the moral character; doing what is virtuous, doing what you think is right and what has been regarded as right in this Judeo-Christian value system that we have developed over the last 200 years.

I applaud you for what you have done. I think you are one of the most valuable Members of the House of Representatives. I hope you stay around here to continue to try to preserve what is right with this country. While these winds of change that are coming out of the mass media are an onslaught for the rest of us, and move others around like straws in the wind, you have been a rock and you have been an anchor, and we appreciate you.

□ 1730

Mr. DORNAN. Let me say, I am sure, I am convinced, I am not always right, in my approach or my style or even my priorities or when I choose to emphasize what issue. I do know right from wrong. My parents have done that for me. My schoolteachers reinforced that. The Air Force reinforced my teachers and my parents.

Mr. HUNTER. I know your children and your grandchildren, and you are one of the best grandfathers and best fathers I have ever seen. Everything you do on the floor of the House of Representatives, I know you do every day hoping that you will have some small effect on preserving a way of life for those children and those grandchildren.

Mr. DORNAN. I am going for the Olympic gold as grandfather.

Mr. HUNTER. How many do you have?

Mr. DORNAN. Nine. I just spent some time with that Liam out there in California. That Erin that I mentioned, she is going to be the first lady President, because she was born on the 200th anniversary of this House, the U.S. Senate, the Supreme Court, and the Presidency. I am never going to let little Erin forget that.

Madam Speaker, I have an article by one of my favorites, Paul Johnson, a great English writer and philosopher. Paul Johnson wrote that great book "Modern Times." When people say, how can I catch up on the history of the last half century, I say read "Modern Times."

I say read his book "Intellectuals", in which he mentions the Marx and the Freud and all the fraudulent anti-Judeo-Christian garbage that has been fed our self-indulgent society.

His title is "Crime: The People Want Revenge."

Revenge is not very Judeo-Christian, but he grabs your eye with that.

MORE ON BOSNIA

The SPEAKER pro tempore (Mrs. UNSOELD). Under the Speaker's announced policy of February 11, 1994, the gentleman from Massachusetts [Mr. OLVER] is recognized for 60 minutes as the designee of the majority leader.

Mr. OLVER. Madam Speaker, I am here tonight to speak again about the ongoing tragedy, the ongoing disaster in Bosnia. It was only a couple of days ago that I spoke on this issue. At that time I pointed out and read from an editorial from the Washington Post which was entitled, "The Bosnia Disaster."

In the intervening additional 72 hours since that time, I have to say that in 20 years of public life I have never seen the kind of universal condemnation by reporters and editorialists and columnists and humanists and ex-diplomats and historians of a foreign policy as has been heaped on the disaster in Bosnia.

The consensus is absolutely overwhelming. By all odds, as one sees what in fact has happened in Bosnia, the condemnation is well justified.

I think it is worthwhile going back and looking at how we got to that point, because it is really 3 years of Western policy on the part of the European community and the United Nations and the United States involvement with the United Nations through the United Nations which has been an absolutely spectacular failure leading

to this overwhelming human and political disaster that is going to have repercussions for the world for decades.

For 20 months prior to the 20th of January, 1993, when this administration took office, this developing disaster was managed by the former President George Bush. Nothing was done in 1991 to stop the destruction of Vukovar, that beautiful old city of nearly 100,000 people on the Danube River in eastern Croatia, which is from its brutality, though it is actually a good deal shorter in its denouement, from its brutality the equivalent of what has been happening in the last few days in Gorazde, another city along the Drina River in Bosnia. The city of Gorazde, a city considerably smaller with a population of nearly equal numbers before this whole disastrous war started, had roughly equal numbers of Serb Orthodox and of Moslem Slovs as the two major components.

Vukovar, on the other hand, had very nearly equal numbers of Croatian Roman Catholic and Serb Orthodox living in that city. But for that period of time in 1991, the destruction of Vukovar, the European Community and the United Nations and the United States could not take sides because this was a civil war, a civil war in quotes, where in fact the weapons and the direct units of the Yugoslav army were what destroyed Vukovar, not the Serbian rebels, not the insurgent Serbs within Croatia.

And then during that 20 months prior to the 20th of January of 1993, the U.N. resolutions were passed by the basketfull, ignored by Serbia, ignored by Yugoslavia and the cease-fire agreements again by the basketfull, again and again were not enforced and were ignored and broken by the Serb insurgents, first in Croatia and then in Bosnia, as quickly as those cease-fire agreements were made.

Not one of the agreements was enforced. Not one of the basketfull of resolutions was enforced on the part of the United Nations.

Every time a United Nations resolution, either for safe havens or for no-fly zones or calling for cease-fires and whatever and for sanctions, every time those were not enforced, every time they emboldened the Serb insurgents, the nationalist rebels in Bosnia to intensity the genocide.

So with that we see concentration camps, concentration camps of the same sort of significance that one saw in the Second World War, mass rape of women used as a measure of terror, as an instrument of terror, as an instrument of genocide, slaughter of whole villages and destruction of those villages, destruction of religious centers, both of the Roman Catholic faith and of the Moslem faith, and point-blank bombardment of schools and hospitals and people standing in lines to get water and people standing in lines to bury their dead, the bombardment as we saw in Sarajevo.

The purpose of all this was purely and simply territorial expansion on the part of the Milosevic government in Belgrade, territorial expansion by removal of population or by extermination of population. And they did not care which. And in this instance it was not even a minority. It was a territorial expansion, an extermination and a removal of the majority of the population.

We have not seen this kind of thing in Europe at least for 50 years. Things like this may have been seen in other places, but not in Europe. So it was perhaps far too surprising for Americans and others in Europe and the European community and the U.N. to contemplate what was going on during that 20-month period when every one of the problems that we are now seeing come home to roost was laid out.

□ 1740

It was in that period, as well, that the arms embargo was passed by the United Nations, voted on by the United Nations with the vote, the positive vote, of the United States, the U.N. delegation under then-President George Bush.

That motion, that arms embargo passed by the United Nations, contributed to the genocide, directly contributed to the genocide. That I believe was an utterly immoral act by the United Nations. That vote, which we supported and voted for, allowed the genocide to occur; the lack of enforcement of resolutions, the lack of enforcement of cease-fires, encouraged after the arms embargo was in place.

The reason for that is that the minority of Serb insurgents, both in Croatia and in Bosnia—that minority, which was never more than a third of the population of Bosnia and never more than 15 percent of the population of Croatia—the insurgent minority was able to get heavy weaponry, tanks, modern artillery, antiaircraft weapons, from Yugoslavia, from the former Yugoslavia, the rump Yugoslavia, the remaining Serbia and Montenegro, and resupply, and the flow of military commanders and the flow of men and units across the borders from Yugoslavia into first Croatia and then Bosnia occurred for all that period of time.

Bosnia, on the other hand, a United Nations member, recognized by the United Nations, admitted to the United Nations, and a member with all the rights of United Nations membership, a multi-ethnic state, a multi-religious state—a state where, at the beginning of this horrible tragedy, roughly 44 percent or 45 percent of the population was Moslem, 30 or 31 percent was Serb Orthodox, 16 or 17 percent was Croatian, Roman Catholic, and there were populations of Albanians and Jews and Hungarians and Slovaks, and a few others, quite a multi-ethnic state, where people had lived in peace for many, many years, perhaps grudging peace, but in peace, held together and sustaining life, and with a great deal of intermarriage—however, Bosnia, Bosnia could not get weapons.

The legitimate government, the elected government, the United Nations member, was not allowed to get weapons equivalent to what the minority—the minority, and really a minority within the minority, because a very substantial number of orthodox Serbs within Bosnia remained loyal and have remained loyal to this day to the Bosnian ideal of a multi-ethnic, multi-religious state which has been so destroyed through the actions of the Serb nationalists and through what has been allowed by the United Nations and the European Community.

That lack of availability of weapons has made it impossible for the Bosnian people to maintain their independence, and the fact that those weapons were fully available to the insurgents, the small minority, always less than one-third of the population of Bosnia, which were Serb Orthodox, that group always had the advantage on the weaponry.

What we have seen is the greatest nation in the history of the world, the greatest power in the history of the world, and the most powerful military allies in the history of the world, NATO, and the most universal legislative body in world history, namely the United Nations, in their collective impotence, has watched while 200,000 people have been killed, while religious institutions have been destroyed, while 2 million refugees have been created, while resolutions for safe havens have simply been ignored, while that embargo left the Bosnian people unable to protect themselves. Neither, then, has the United Nations been willing to protect those safe havens, the very places where hundreds of thousands of people had moved into six designated safe havens in order to seek protection because they were led to believe that there would be no attack upon those safe havens.

The European Community and the United Nations and the United States could not take sides, because this, after all, was a civil war going on, when in fact the continuous resupply of arms and weaponry and units and men and arms and more weapons and more units of destruction passed freely over the border from Yugoslavia into Bosnia, while the Bosnians could not, could not obtain the arms to protect themselves.

Every single person in the world knows who the aggressor is. Everyone knows exactly who has been grabbing territory of another U.N. member. Everyone knows who has committed the most vicious acts of genocide seen in Europe since 1945.

In that period of time, the Yugoslav Government, under the leadership of

Milosevic, has always been able to see that they were able to get more land toward their goal of greater Serbia, and to have fewer problem people in that land that they took by moving out two-thirds of the population, by eliminating that population, either exterminating, or requiring them to move, removing them by ethnic cleansing away from areas where often, as many as two-thirds of the population of a city was of one religious group. In cases, there have been as many as 90 percent of one of the religious groups that has been driven out, and large numbers have been killed.

Throughout that period, the instruments of this horrendous disaster have been people like General Vladov, who was in charge of committing these atrocities at Sarajevo and at Prijedor and at Magli and most recently at Gorazde; and behind him was the political arm, the so-called leader of the Serb nationalists, Karadzic, whose job it was, every time an atrocity was committed, to deny that those acts had been committed, and as it happened, time and time again, every time one of the atrocities occurred, whether it was a concentration camp that was found, "We did not do it," whether it has been bombing of civilian centers, bombardment of hospitals, "We did not do it," and so on.

His other job always, after denial of what they had been doing, was to then threaten the West with dire consequences if the European Community or the United Nations or the United States or NATO or anyone else were to try to stop them from this absolutely single-minded effort on the part of Yugoslavia to grab land from a neighboring country, from two neighboring countries, Croatia and Bosnia, both members of the United Nations, to grab land and drive people, the substantial majority of people, out of territories that they had been in for many years.

However, in all of this I have managed to pass over what started, and much of which happened in the 20 months prior to January 20 of 1993, but now in fact for at least the last 15 months the evolution of this disaster has been managed by the present administration. President Clinton came to the scene criticizing the disastrous policy of the previous President, quite justifiably, because it was already a disastrous policy, and laid down every one of the errors that went on.

But the continuing genocide is now on President Clinton's watch. The destruction of Gorazde, a safe haven, we have been watching with horror the technicolor views of what has happened in Gorazde, and my good friend, the gentleman from Indiana [Mr. MCCLOSKEY] is here, and he can report to us a good deal more on what it is that has been happening in Gorazde. I would be happy to yield to him on that point.

Mr. MCCLOSKEY. I thank the gentleman from Massachusetts [Mr. OLVER] for his very generous invitation to participate in this special order, and though we had not talked about this, I am pleased that you make that specific request as to report on the Gorazde conditions, because I am fairly up to date on that.

Within the last half-hour, about 30 or 40 minutes ago, I was directly talking to Ismet Briga, through translators, of course, the mayor of Gorazde, which is still under siege, and as the gentleman very well knows, when we talked yesterday and you and I addressed the House yesterday, the siege of Gorazde was of tremendous proportions.

□ 1750

I could hear shells and all sorts of fire immediately surrounding the mayor and his ravaged persona, if you will, I think quite sincerely on one hand crying out for Western help and in the next voice or gasp, he would say, "If only President Clinton and the West would come bomb us, we will forgive you. But we cannot take another hour of this. Please put us out of our misery."

At that time last night, yesterday afternoon, the mayor was saying his community, his people only had hours left. Since then I have had the opportunity to talk briefly last night in person with President Clinton who obviously is continuing to work on this issue in consultation with allies as to air strikes and so forth, but my greatest fear is that come Saturday, Sunday, Monday, whenever this possibly could get resolved through the North Atlantic Council and the United Nations. That no living non-Serb would be left in Gorazde and I think time is of the essence, particularly what I hear from the mayor an hour ago, to act immediately. Mayor Briga says tonight that the fighting is house to house still, apartment to apartment. The hospital has been repeatedly hit and there are many dead. Particularly he said that many medical personnel today, many doctors have been killed.

In essence, I guess from all implications and previous reports, it is a case that there is no functional hospital there, and as we know and we have talked about this already today, when we came to work this morning, the word was that it was not a NATO ultimatum, it was not a U.N. ultimatum, but, of all things, and I am pleased to see we have been joined by the gentleman from Maryland [Mr. HOYER], the Serbs put out their own ultimatum today telling the people of Bosniad and the people of Gorazde that they had to be out of this city by 4 p.m. This afternoon their time, 10 o'clock this morning our time, or they would be leveled, as Haris Silajdzic, the Prime Minister of Bosnia told me today, or they would be rolled over.

So with that context, Mayor Briga told me tonight that, yes, at 10 o'clock this morning our time, 4 o'clock this afternoon their time, the shells started to rain down twice as much as yesterday for 5 hours continuously. And today as far as what they can count, and this is a minimum, it is somewhere here in my notes, but I recall that it is 97 dead today that they can count so far and scores wounded, and still the cries go out for help, the messages to the United Nations. And to the United States.

President Clinton has promised me he would talk to me today about this, and I know he has been in meetings all day, but I would hope he would do so. But, more importantly, I believe the United Nations Authorizing resolutions as to the safe havens and what is a safe haven says that all necessary force can be used to protect the people of a safe haven. Otherwise, what are we talking about?

As I say, this needs no more reviews or clearances or high-level discussional meetings. The threat is that one "no" can veto the entire operation.

The mayor goes on to say that many of the wounded cannot get to the hospital, I guess the hospital is essentially nonexistent, and Serb shells today could not miss in Gorazde. "They are using weapons we have never seen before," whatever that means, I do not know, but "rockets of a kind we do not recognize."

He said, in some ways the defenses are still holding, although as he told me in a conversation yesterday, that hand to hand, house to house, street by street, yard by yard, the fighting goes on tonight in Gorazde.

The mayor said tonight that they have tried to break through the entrances to the city center but so far the Serbs have not broken through the city center but heavy fighting goes on. Again he says that some of the people in Gorazde can be saved.

He said, "At the moment the Serb ultimatum passed at 9 o'clock," I guess that is after 5 hours of shelling, "the earth started to shake with so many shells coming in."

As I alluded to earlier, it is the heaviest shelling yet. It lasted until 9 p.m. their time, 3 p.m. our time, 97 people killed. The numbers of wounded the mayor gave me tonight were 260, but he very much says that that is a minimum, that it is going to be worse than that.

The gentleman from Maryland [Mr. HOYER], asked me to comment on the report from Gorazde. I might have a few other things to observe or say in a while, but I thank him for his generosity and concern and that is about as up-to-date a report from Gorazde as we can get right now with no journalists in the area.

Mr. OLVER. I appreciate very much the gentleman from Indiana taking part in this and giving that update.

The most remarkable thing to me is that the Serb insurgents have issued an

ultimatum within Gorazde that without a surrender and people leaving by 10 o'clock our time this morning, then in their view everyone is subject to be slaughtered.

Mr. McCLOSKEY. Yes. And I do not want to go on about this, but in many ways, as we know, we have put them there defenseless.

Mr. OLVER. This was a safe haven. This was a United Nations safe haven.

Mr. McCLOSKEY. We designated it as a safe haven. And, in essence, the West, all of us together, have set them up like ducks.

As we all know, not to be too corn ball, but this is not in our vision of United States leadership in any sense. In all the western movies that we grew up on and are still kind of a first run favorite throughout the Balkans, John Wayne tried to help the besieged settlers when he could. This borders on being a strange perversion of values. I just hope we wake up tonight before they are all gone.

Mr. OLVER. The tragedy to me is that the President's initiative at Sarajevo, which so many of us saw as being so very hopeful, that finally the United Nations and the European Community and we understood and understand that only force, or at least a credible threat of force, a credible threat of force at the very least, would stop the expansion, stop this effort at creating a greater Serbia on the basis of driving out and exterminating whole populations in the neighboring United Nations community states of Croatia and Bosnia. But the Serb insurgents have really shown how little respect they have for even the initiative in Sarajevo. They have held United Nations troops and United Nations peacekeepers hostages there, they have taken back weapons willy-nilly, in essence, as if they were the ones who had control and maybe indeed that is the fact, that they do have control of this situation.

Mr. McCLOSKEY. On the point of the gentleman from Massachusetts, they do have control. The United Nations is talking about getting out. In many ways I wish they would, if we would follow up with bombing, but they have killed British peacekeepers, they have taken British and French peacekeepers hostage and we have made much of the fact as to these two or three dozen pieces of heavy equipment that they took back the other day, that it has been returned.

But at least as of last report that I saw about 24 hours ago, at least six of those pieces have not been returned and as I know from my Easter Sunday and Monday in Sarajevo, the people of Sarajevo at the time were thankful for the stopping of the shelling but the men are still in the hills, they cannot live normal lives at all still, even in Sarajevo, and they are justly afraid, and look at what is happening now in Gorazde, that before too long the shells will be coming down on Sarajevo again. So your points are most correct.

□ 1800

Mr. OLVER. I believe that all of us believe that this was a very hopeful effort going on at Sarajevo, and yet we all knew that on the weapons counts that not all the weapons were being turned over to the United Nations, not all of them were being by any means turned over. Now we do know the reports come after the fact that our military people and the United Nations military people knew those weapons were being moved to the Gorazde area for the assault, the attack on Gorazde.

So the tragedy in part is what is happening to the President's initiative on Sarajevo on trying to build the system for stopping this war. The tragedy is, it seems to me, also that there is a great potential for losing that other initiative that the President has started of getting the Croats and the Moslem populations to a reconciliation point which also was so hopeful. So each side now can see that the United Nations has no intention of enforcing or protecting the safe havens and that hundreds of thousands of refugees in those areas which had been driven into refugee situations, into safe havens where they thought they might be safe, are subject to the same kind of situation.

I am very pleased to have the gentleman from Maryland [Mr. HOYER] join us here also.

You have, in your position as chairman of the Commission on European Security, taken so many leadership positions over such a long time on this one, and to add your thoughts to this would be very much appreciated.

I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I want to thank my friend from Massachusetts [Mr. OLVER] who himself has been a voice strongly raised to stop the killing, strongly raised to enforce international law, and to say how pleased I am to join him and the gentleman from Indiana [Mr. McCLOSKEY].

There is no person in the United States or perhaps in any place outside of Bosnia and Herzegovina who has raised more consistently a strong voice for humanitarian concerns in that beleaguered nation than the gentleman from Indiana [Mr. McCLOSKEY].

I have been in international meetings with the gentleman from Indiana [Mr. McCLOSKEY], and he has sponsored resolutions which I have supported strongly calling out to the international community to come to its senses and confront international disorder, international lawlessness.

We passed today on this floor a crime bill, essentially saying "enough" to those domestically who would attack others, who would steal from others, who would rape others, who would break the law in an ordered civil society. The statute that we passed today is tough, because we think it is appropriate to be tough. It imposed the death penalty for the taking of lives. It imposes for 3-time offenders of serious crimes life forever segregated from the rest of us to ensure the safety of our communities and our spouses and our children.

I have mentioned many times in conjunction with this discussion and this tragedy President Bush's comment in 1989 about the establishment of a new world order. I raise it in this context because to me if the new world order is to mean anything, it is to mean that the international community has the will and the courage and the conviction to join together to confront international criminals.

We have said in document after document adopted by international organizations that we hold as a premise of international relations that borders and peoples cannot be assaulted by armed force, that the future must be a future of negotiated resolution of disputes.

We are confronted today with a regime that clearly rejects out of hand any of the moral, ethical and legal principles that the international community has enunciated in the United Nations Charter, in the Helsinki Final Act, and in countless other international agreements.

I say to the gentleman from Massachusetts [Mr. OLVER] that I want to rise today and state my clear support with the gentleman for taking decisive action to end the aggression and the genocide committed by Serb militants in Bosnia and Herzegovina, and to commend and urge President Clinton forward in engaging this issue directly in the hours that lie before us.

We acted in Sarajevo. We referred to the market massacre, 68 people lost their lives in that incident. I have just heard, as you have, that the report of the mayor of Gorazde is that 97 people this day have lost their lives, 50 percent more. The United States, in my opinion, does not have to stand alone in facing the Bosnian conflict. But it does have to stand in front, quite obviously, to take the lead and to rally the international community to ensure that the resolutions to which the gentleman from Massachusetts has referred, and its peace initiatives, which are being this day and have continuously been, mocked by the Bosnian Serbs and the Serbs in Belgrade, are actually implemented.

And the international principles for civilized behavior, which have been ignored, are, once and for all, respected in Bosnia and Herzegovina.

There is debate as to whether or not the United States has any critical interest at risk in this country. President Bush talked about a new world order in which the international com-

munity would be more secure. Uniquely, the United States stands as the Nation in the free world to which each of the constituents in the free world looks at time of international law breaking. We are the world's strongest power. We have been, and hopefully will continue to be, also the Nation in the international community that raises the moral questions. That is not to say we ought to ignore the strategic questions, but we have been the leader on those issues.

Let us be clear as to what has happened. The Bosnian Serb militants, aided by the Serbian regime of Slobodan Milosevic, decided to create a Greater Serbia, while Serbs may have had legitimate complaints regarding their situation in the former Yugoslavia, they used those complaints—as some criminals domestically use complaints to excuse their actions—and they made up new ones as well to justify what they were prepared to do, and then they did it.

As I have said, like our domestic criminals, they raped, they tortured, they slaughtered tens and tens of thousands of human beings, human beings who just so happened not to be ethnic Serbs. They took control of territory by force.

Every international principle says that that ought not to be done. They have now taken, notwithstanding that, about 70 percent of Bosnia and Herzegovina, and pound with shell after shell what was still not theirs.

The gentleman from Indiana [Mr. MCCLOSKEY] has spoken dramatically of what is occurring right now. We have called it ethnic cleansing. Perhaps that is a prettier word for what it really is: genocide, plain and simple.

□ 1810

Let us be clear as to what we have done so far in response to this. Yes, frankly, we have done a lot in some respects, including the massive airlift of food and humanitarian aid to Sarajevo, larger than the Berlin airlift. We have placed sanctions on the party principally responsible for the conflict, namely Serbia. The international community is not confused by the fact that this is a civil war between Bosnians.

If it were solely a civil war, why place sanctions on an adjoining country? We do not have sanctions on Slovenia, we do not have sanctions on Hungary, we have not placed sanctions on Greece or Macedonia. We placed them on Serbia. Why? Because we and the international community perceive Serbia as a party directly at fault. In fact, the former Secretary of State, Larry Eagleburger, branded the leader of Serbia as a war criminal

Mr. MCCLOSKEY. I was going to say, and I am glad the gentleman brought it up, Mr. Eagleburger was before TOM LANTOS' subcommittee. We know Larry's concern and previous policy, if you will, as to the total irrelevancy or nonutility, whatever, of military action.

Well, today he is saying, in essence, "Bomb the Serbs, but if you do it, don't mess around with pinprick, so-called, airstrikes or whatever. Take out the resources, military resources, logistics and so forth, everywhere." Not that I am saying he says that is the total and great solution, but he is now talking about air power, a person who has been most reluctant to face up to that. He is a man of great intellect and learning, as the gentleman knows.

Mr. HOYER. I thank the gentleman for that observation. All of us have been reluctant. No one in this body, no one in this country wants to undertake the bombing of people in Bosnia or any place else. But if we continue to say that these are "safe havens," if we continue to say that you cannot break international law, if we continue to adhere to treaties that say that you cannot take territory by force, if we continue to pretend that a nation recognized by the United States and by the United Nations as an independent, free nation, cannot defend itself even though as I said, we impose sanctions on Serbia for its complicity in the ravaging of that nation, then we have no longer either moral credibility or, I suggest, credibility as a state that means what it says.

I support the efforts that have gone on that I was speaking of, humanitarian relief, and all of us want that to happen. But it has been clear to many of us ever since August of 1992, when the war was only a few months old, that the Bosnian Serbs would understand only a credible threat of force, which is exactly what the gentleman from Massachusetts [Mr. OLVER] referred to.

It was at that time that we learned of the existence of the detention camps and the systemic raping of women and young girls. We learned about them in hearings that we have had in the Helsinki Commission, which the gentleman from Massachusetts has attended. It was then that the words "Never again, never again, never again," echoed grimly in our minds. I am sure that there were debates in the late 1930's that we ought to be reserved about what was going on in Europe, that we did not want to expose ourselves to risks. Certainly, none of us wants to see any American placed at risk.

On the other hand, history has taught us, over and over and over again, that not to confront tyranny at the beginning always costs more at the end.

Instead, we have mediated, we gave a good effort to get people to negotiate in good faith, and this includes President Clinton's recent peace initiatives regarding the creation of a Bosnian federation, which did effectively end the fighting between Bosnians and Croats.

This is not an impossible task, if you have a partner who will act in good faith. We were patient with the Serbs, much more patient than we should have ever been, in my opinion. All the time, the Bosnian Serb leaders sat at the table being cajoled, and responded with demands and threats just as they have done today, "Get out by 4:00 or we are going to level the city." What barbarianism that reflects.

When they did promise something in the past, in London or Geneva, we never saw the promise kept in Bosnia-Herzegovina. Mediation turned out to be a mere smokescreen which the Serb militants have used to preclude a real effort to stop their criminal activity.

Let us be clear, now, on what we need to do. That is what we are here to talk about, and that is what we will talk about in the next few days. We need to engage, in my opinion, in NATO airstrikes. It is incredible that a NATO plane was shot down without a response.

What credibility can the greatest alliance on the face of the Earth, composed of the greatest military powers on Earth, what credibility can it have if it has all the weapons systems but no will to defend those whom we put at risk? We need to hit not only the heavy weapons being used, but all those that we can get. We need to hit the Serb militant supply lines and their political headquarters as well. We need to let the Serbs know that their senseless pounding of Gorazde and other designated safe havens will not be tolerated a day longer.

We need to let them know that their only choice now is to come to the negotiating table, stop in their tracks any military action, stop efforts, any efforts that would destroy property and take lives.

We need to let them know that if they choose to continue their aggression, they have decided their own fate; not us, them.

We must make them know that there is a consequence to actions deemed criminal by the international community.

Beyond airstrikes, I also strongly support lifting the arms embargo on Bosnia-Herzegovina and the forces under the control of the legitimate Bosnia authorities.

Jeane Kirkpatrick, in an op-ed piece in the New York Times, pointed out either today or yesterday that Bosnia is a recognized nation, recognized by the United Nations. There is an arms embargo on Yugoslavia, but——

Mr. MCCLOSKEY. But not from Serbia into the Serb militants in Bosnia, as the gentleman knows.

Mr. HOYER. The gentleman is correct. Arms are clearly going there. In fact, we all know the reason for that, Serbia became the successor state, in

effect, and it has the Yugoslav arms, the Yugoslav armed forces under its control.

So we have an arms embargo on Yugoslavia, but subsequently we have recognized Bosnia as an independent nation. And under the United Nations charter, Bosnians have an inherent right, recognized by the United Nations charter, to defend themselves.

Mr. OLVER. If I may, that is a right which we as Americans cherish, the right of self-defense, defending yourself against attack, as individuals, as families. That is written into the United Nations charter, the right of nations to their own self defense.

This is what I have said again and again is the most—the starting act which allowed this genocide to go forward, in fact, the arms embargo, in such a way that the insurgent Serb nationalists, that minority of the population, always had the possibility of supply and resupply from Yugoslavia; whereas the Croatians first and much more critically over the longer period of time the Bosnians, simply did not have the opportunity to get arms. That is the most immoral kind of act on an international level that you could apply to people and then to also propose that you have safe havens. And the United Nations resolutions for safe havens, and then we, acting with the United Nations and the U.N. as a whole, does not have the guts to enforce its own safe haven resolutions, which then leave a city like Gorzade being destroyed, destroyed before the very eyes of the world.

And a city like Srebrenica being simply strangled and starved. And so it goes.

That represents really the most abject moral abdication of moral responsibility, it seems to me.

□ 1820

I was very interested. The statement is so eloquent that I had to break in there. In its total I wanted to stop on several occasions. The gentleman mentioned that just today we in the House of Representatives have passed a very strong, a tough, but smart, crime bill, and under that bill and under all of our understandings, I say to my colleagues, "If you kill somebody, you are committing murder, and if you kill 10 people, you're a serial killer. But at least over there, in international terms, if you kill 200,000 people, which is what has happened by the Serb nationalists in that attack on 2 United Nations members, Croatia first, and then Bosnia, and I mentioned earlier that the attack on Vukovar was at least as vicious, as brutal, as the kind of result that is happening in Gorazde, the whole world watching day after day after day did absolutely nothing. But that attack, 200,000 killed, and what we're suggesting is 'Please be nice, please stop,' you know, something along those lines where every agreement previously has been broken, every cease-fire has been violated, every imaginable atrocity has been committed and then instantly denied along the way."

One wonders whether, if they kill 100,000 more people, we will dismantle NATO, and whether if they kill another 200,000, there will be a ticker tape parade in London or whatever. As my colleagues know, it really boggles the mind to try to imagine what it is that the world——

And the other irony here: This is the very anniversary of the 79th year of the genocide committed by the Ottoman Empire against the Armenian minority in eastern Turkey, and, when we talk about "never again" as it relates to a statement that we will not allow that kind of thing to happen, here we are within the Western context, and there are other contexts around the world, where this sort of genocide has occurred, and maybe we have just become inured to it.

But appeasement, as the gentleman has so clearly pointed out, simply never pays. Appeasement leads to small, worse things later, and the ultimate tragedy here in the former Yugoslavia comes in several points, one of which is that now, at least as things stand, Milosevic in Belgrade knows perfectly well that he can do anything he wants in Kosovo because no one is going to do anything. He thinks:

"If you can't do anything in Bosnia, clearly you can't do anything in Kosovo."

There is an area where 90 percent of the population is Albanian, and that group of people has been reduced essentially to servitude. Their schools have been closed. They are not allowed to learn through schools the Albanian language. Albanians have been driven out of their jobs. Every imaginable kind of atrocity is occurring in the nighttime in an effort to drive those people out, and the only time that there seems to have been a credible force, a threat of credible force, was when the President issued the ultimatum: "Withdraw from Sarajevo or you're going to get hit." They apparently thought that was the case. I think that probably the Serb nationalists are fairly convinced now that that is not the case. The credible threat of force has now been lost, and so we are going into a situation where the tragedy leads on by the other things that that lack of doing anything will lead to.

Mr. McCLOSKEY. If my colleagues would just yield for a moment on that point, I have a bulletin here that Secretary Christopher testified in a Senate committee today that the Serbs are looking forward to expanded aggression in Kosovo. Quoting the Secretary:

"The aggression of the Serbs is transparent. They have in mind a Greater Serbia. They are looking to the south in Kosovo, possibly to Macedonia where we have troops. They are moving to Bosnia and perhaps, again, into Croatia. Meanwhile tonight the people of Gorazde are the most abandoned people on the planet. Imagine how they feel. Imagine how the Bosnian, and Sanjac, and Serbian Moslem, and Sanjac politicians feel in the Serb prisons tonight with Amnesty International," as the gentleman from Maryland [Mr. HOYER] knows, a fighter in this area more than anybody, "are under torture."

What an abandonment, and we have this illusion that it is somehow going to go away by treating war criminals, Karadzic, and Mladic, and now we hear people saying, "By God there is a divergence between Mladic and Karadzic, and poor Mr. Karadzic, he really wants peace. It's that wacko guy, Mladic, running around——

Mr. OLVER. It is all a game.

Mr. McCLOSKEY. In a criminal dock——

Mr. OLVER. Facing life imprisonment——

Mr. McCLOSKEY. He is the one that is supposed to commit the acts, the terrorist acts, commit the atrocities and commit the genocide, and Karadzic is the one, his political arm, who is supposed to deny it, deny it, and then threaten the West.

Mr. McCLOSKEY. That is right.

Mr. OLVER. The political arm denies the atrocities that have been committed time after time and then threatens the West with the consequences, threatens NATO, threatens the United Nation, threatens the United States, with the consequences.

But the gentleman has just indicated that Secretary Christopher today testified before the Senator Foreign Relations Committee to that.

Mr. McCLOSKEY. Right, absolutely.

Mr. HOYER. Let me, if I can, intervene. We are of one mind essentially.

History has shown us that nationalist tyrants do not stop, that if they are fed one geographic area, that want another.

Mr. OLVER. It is an addiction.

Mr. HOYER. It is an insatiable hunger for expansionism and aggrandizement, and it is a political compulsion to say to one's electorate that we are going to expand even further until all of Yugoslavia will be called Serbia, and then, perhaps, a further aggression will occur. But whether it is Kosovo, whether it is Croatia, whether it is other areas of the former Yugoslavia—Macedonia, Slovenia—they will not stop, in my opinion.

But let met say in concluding my remarks and in supporting the remarks of the gentleman from Massachusetts and the gentleman from Indiana, that we mentioned the military leader and we mentioned two political leaders. There are others who have been branded by Secretary Eagleburger, and our Government and the international

community as war criminals. Beyond our action to stop this conflict, which we must do, we need to take efforts to prevent similar conflicts—ones based on hate—from happening again. To do that, we need to eliminate the sense of populations aggrieved by aggression that they have not had redress, so that generations in the future, as we know happens in the Balkans and in other places, resort to violence to address old grievances sometimes centuries old. To do that, we need to prosecute those who have committed war crimes. While principally committed by Serb militants, this applies equally across the board.

□ 1830

If the innocent are to be vindicated, the guilty must be punished. New generations in Bosnia and elsewhere need to see the satisfaction and the deterring example of international justice. If we go back on this, just as we have gone back on our other threats about taking action to save Bosnia and Herzegovina, we will be living in a significantly more dangerous world.

I want to thank my friend from Massachusetts for allowing me to participate with him in this special order. As he and Mr. MCCLOSKEY know, and as the American people know, in the next few days we will be considering what actions we can take. I am hopeful, Mr. OLVER, that our President and Boris Yeltsin, the leader of one of the great, powerful nations in this world, and that has a significant relationship with Serbia, can join together with the other members of the international community in bringing a halt to the killing, and in holding accountable the killers.

Mr. OLVER. I think what you have said, Mr. HOYER, is very important. And indeed, if we do not apply what you have said in this situation, from this day forward, in this situation, to save what can be saved of an otherwise absolutely tragic and disastrous situation, then we are going to see what I described in Kosovo of the impression on the part of Milosevic in Belgrade, that he can act totally with impunity in Kosovo.

And that message, if that were to get out, that undermines as a further part of the growing ripples of this overall tragedy that I had mentioned earlier, could go on for decades, that undermines secular Moslem states, many of them our allies like Egypt and Turkey and Pakistan, who are already seeing the rise of fundamentalism, in part because of what has been happening to secular Moslem populations in Bosnia and Kosovo. And then you have no credible way of saying to people, you are beyond the pale of international law, when any other small dictator somewhere, in Eastern Europe, Asia, or Africa, decides, gee, look at what they did in Bosnia. Look at what they did. I have a minority I can scapegoat.

We will have this, I would predict, time and time again. I think you can argue easily there has been some of that already happening, just watching what has happened in the last 3 years in the former Yugoslavia, and the unwillingness of the United Nations to enforce its own resolutions in that state, what has been happening in other places. And there could be many, many others of those.

So I thank you very much for taking part, both Mr. MCCLOSKEY from Indiana and Mr. HOYER, for taking part in this tonight.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ANDREWS of New Jersey (at the request of Mr. GEPHARDT), on Thursday, April 21, on account of a funeral.

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. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. BACHUS of Alabama, for 5 minutes, today.

Mr. KNOLLENBERG, for 5 minutes, on April 25.

Mr. DREIER, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes each day, on today and April 26.

Mr. HOKE, for 5 minutes, today.

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

Mr. FILNER, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. PICKLE, for 5 minutes, today.

Mr. HOAGLAND, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. ENGLISH of Arizona, for 5 minutes, today.

Ms. HARMAN, 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. DREIER) and to include extraneous matter:)

Mr. BOEHLERT.

Mr. BILIRAKIS.

Mrs. VUCANOVICH.

Ms. MOLINARI.

Mr. SOLOMON.

Mrs. MORELLA.

Mr. GEKAS in two instances.

Mr. BUNNING.

Mr. HORN.

Mr. GILMAN in two instances.

Mr. RAVENEL.

Mr. CAMP.

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

Mr. MAZZOLI.

Mr. BEILENSON.

Mr. MARKEY in two instances.

Mr. HOYER.

Mr. MOAKLEY.

Mr. BOUCHER.

Ms. KAPTUR.

Mr. HINCHEY.

Mr. LANTOS.

Mr. DINGELL.

Ms. DELAURO.

Mr. THOMPSON of Mississippi in four instances.

Mr. PETERSON of Florida.

Mr. MENENDEZ.

Ms. ENGLISH of Arizona.

Mr. POMEROY.

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

Mr. GINGRICH.

Mr. ROHRABACHER.

Mrs. FOWLER.

Mr. TOWNS in three instances.

Mr. HUNTER.

Miss COLLINS of Michigan.

Ms. WATERS.

Mr. STARK.

Mr. EVANS.

Mr. WYDEN.

Mrs. BYRNE.

Mr. HUTTO.

Mr. BROWN of California.

Mrs. SCHROEDER.

Mr. VISCLOSKY.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 161. Joint resolution to designate April 1994, as "Civil War History Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 174. Joint resolution to designate the week beginning April 24, 1994, as "National Crime Victims' Rights Week"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 821. An act to amend title 38, United States Code, to extend eligibility for burial in national cemeteries to persons who have 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces and to their dependents.

H.R. 3693. An act to designate the United States courthouse under construction in Denver, Colorado, as the "Byron White United States Courthouse."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 375. An act to amend the Wild and Scenic Rivers Act by designating a segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers System, and for other purposes.

S. 1574. An act to authorize appropriations for the Coastal Heritage Trail Route in the State of New Jersey, and for other purposes.

ADJOURNMENT.

Mr. HOYER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 35 minutes p.m.), under its prior order, the House adjourned until Monday, April 25, 1994, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

3028. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Bretton Woods Agreements Act to authorize consent to and authorize appropriations for the U.S. contribution to the Global Environment Facility, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Banking, Finance and Urban Affairs.

3029. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend the authorization of appropriations for the Family Resource and Support Program under the Claude Pepper Young Americans Act of 1990, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Education and Labor.

3030. A letter from the Secretary of Energy, transmitting the Department's report on the status of Exxon and stripper well oil overcharge funds as of December 30, 1993; to the Committee on Energy and Commerce.

3031. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to the Netherlands for defense articles and services (Transmittal No. 94-21), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3032. A letter from the Comptroller General of the United States, General Accounting Office, transmitting the list of all reports issued or released in March 1994, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

3033. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the Pension Benefit Guaranty Corporation's [PBGC] management report for fiscal year 1993, pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

3034. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

3035. A letter from the Secretary of the Interior, transmitting the biennial report on the quality of water in the Colorado River Basin (Progress Report No. 16, January 1993), pursuant to 43 U.S.C. 1596; to the Committee on Natural Resources.

3036. A letter from the President, the Foundation of the Federal Bar Association, transmitting a copy of the association's audit report for the fiscal year ending September 30, 1993, pursuant to 36 U.S.C. 1101(22), 1103; to the Committee on the Judiciary.

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. BONIOR: Committee on Rules. House Resolution 410. Resolution providing for the consideration of the bill (H.R. 3221) to provide for the adjudication of certain claims against the Government of Iraq (Rept. 103-481). 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. WYDEN (for himself and Mr. KLUG):

H.R. 4274. A bill to modify certain provisions of the Health Care Quality Improvement Act of 1986; to the Committee on Energy and Commerce.

By Mr. PICKLE:

H.R. 4275. A bill to amend title II of the Social Security Act to assure that the Social Security system remains viable for the baby boom generation and that the level of Social Security taxation remains affordable for their children; to the Committee on Ways and Means.

By Ms. HARMAN (for herself and Mr. BERMAN):

H.R. 4276. A bill to amend the Arms Export Control Act and the Export Administration Act of 1979 to provide that the export of certain commercial communications satellites and associated equipment be regulated solely under the Export Administration Act of 1979; to the Committee on Foreign Affairs.

By Mr. JACOBS (for himself and Mr. FORD of Tennessee):

H.R. 4277. A bill to establish the Social Security Administration as an independent agency and to make other improvements in the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. JACOBS (for himself, Mrs. KENNELLY, Mr. BUNNING, Mr. HOUGHTON, and Mrs. MEEK of Florida):

H.R. 4278. A bill to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act; to the Committee on Ways and Means.

By Ms. ROYBAL-ALLARD (for herself, Mrs. COLLINS of Illinois, Mrs. UNSOELD, Ms. HARMAN, Ms. SCHENK, Ms. WATERS, Mr. DURBIN, Mr. FOGLIETTA, Ms. FURSE, Mr. TORRES, Mr. SERRANO, Mrs. MINK of Hawaii, Mr. UNDERWOOD, Ms. ESHOO, Mr. DELLUMS, Mr. ROMERO-BARCELO, Mr. SYNAR, and Ms. SHEPHERD):

H.R. 4279. A bill to require studies by the Federal Trade Commission of whether tobacco advertisements target women and minorities to promote smoking and for other purposes; to the Committee on Energy and Commerce.

By Mr. BEILENSON:

H.R. 4280. A bill to amend the Motor Vehicle Information and Cost Savings Act to inquire that the motor vehicle bumper standard established by the Secretary of Transportation shall be restored to that in effect January 1, 1982; to the Committee on Energy and Commerce.

By Mr. DICKEY:

H.R. 4281. A bill to eliminate fraud in the payment of supplemental security income benefits to children by reason of disability; to the Committee on Ways and Means.

By Ms. ENGLISH of Arizona:

H.R. 4282. A bill to amend the Public Health Service Act to provide for the establishment of toll-free telephone communications through which residents of rural areas can obtain information on the availability in such areas of health services; to the Committee on Energy and Commerce.

By Mrs. MALONEY:

H.R. 4283. A bill to terminate the Milstar II Communications Satellite Program; to the Committee on Armed Services.

By Mr. MARKEY (for himself, Mr. BONIOR, Mr. KENNEDY, Mr. PARKER, Mr. RICHARDSON, Mrs. LLOYD, Mr. FRANK of Massachusetts, Mr. MOAKLEY, Mr. REYNOLDS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mr. MCDERMOTT, Mr. LEHMAN, Mr. KREIDLER, Mr. SLATTERY, Mr. WYDEN, Mrs. UNSOELD, Ms. BROWN of Florida, Mr. KING, Mr. GENE GREEN of Texas, Mr. WYNN, Mr. DELLUMS, Ms. SLAUGHTER, Mr. WALSH, and Mr. FOGLIETTA):

H.R. 4284. A bill to require the Secretary of Health and Human Services to review the relationship between calcium intake, bone mass, and osteoporosis, determine how many Americans consume too little calcium, develop optimal calcium intake levels, and amend, as appropriate and based on such review, the standard of identity for enriched flour used in the manufacture of bread, cereal, and other grain products under the Federal Food, Drug, and Cosmetic Act to require the addition of calcium; to the Committee on Energy and Commerce.

By Mr. MEEHAN:

H.R. 4285. A bill to prohibit States from discriminating in the admission to the practice of law of graduates of accredited and certified law schools; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.R. 4286. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to provide a case suitable for displaying the flag furnished with respect to deceased veterans; to the Committee on Veterans' Affairs.

By Mr. SCHIFF (for himself and Mrs. LLOYD):

H.R. 4287. A bill to amend title 5, United States Code, to provide for assignment of employees of federally funded research and development centers and Federal employees between Federal agencies and federally funded research and development centers; to the Committee on Post Office and Civil Service.

By Mr. TORRES (for himself, Mr. BECERRA, Mr. BROWN of California, Mr. DELLUMS, Mr. BERMAN, Mr. PASTOR, Ms. ROYBAL-ALLARD, Mr. STARK, Mr. FARR, Ms. ESHOO, Mr. JACOBS, Ms. SCHENK, Mr. TRAFICANT, and Mr. RICHARDSON):

H.R. 4288. A bill to provide for additional employees in the Wage and Hour Division of the Department of Labor and to provide for increased damages for recordkeeping violations under the Fair Labor Standards Act of 1938; to the Committee on Education and Labor.

By Ms. FURSE (for herself, Mr. DELLUMS, Mr. EVANS, Mr. HOCHBRUECKNER, Mr. RICHARDSON, Mr. SHAYS, Ms. NORTON, Ms. WOOLSEY, Mr. MILLER of California, Ms. ESHOO, Mr. DEFAZIO, Mr. MCDERMOTT, Mr. WYDEN, Mr. STUDDS, Mr. HAMBURG, Mr. BARRETT of Wisconsin, Mrs. UNSOELD, Ms. MCKINNEY, Mr. SANDERS, Mr. DICKS, Mr. RANGEL, and Ms. VELÁZQUEZ):

H.R. 4289. A bill to amend the Watershed Protection and Flood Prevention Act to establish a Waterways Restoration Program, and for other purposes; jointly, to the Committees on Agriculture, Merchant Marine and Fisheries, and Public Works and Transportation.

By Mr. GILMAN (for himself, Mr. HYDE, Mr. DORNAN, and Mr. GINGRICH):

H.R. 4290. A bill providing for the self-defense of Bosnia and Herzegovina; to the Committee on Foreign Affairs.

By Mr. KREIDLER:

H.R. 4291. A bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of payment under part B of the Medicare Program relating to anesthesia services furnished by certified registered nurse anesthetists, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MARKEY:

H.R. 4292. A bill to require the Secretary of Energy to report on certain radiation experiments, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MORAN:

H.R. 4293. A bill to require the transfer of the control of the Lorton correctional complex to the Bureau of Prisons; jointly, to the Committees on the Judiciary and the District of Columbia.

By Mr. TOWNS:

H.R. 4294. A bill to improve health status in medically disadvantaged communities through comprehensive community-based managed care programs; to the Committee on Energy and Commerce.

By Mr. VENTO (for himself, Mr. SOLOMON, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS of Texas, Mr. ANDREWS of New Jersey, Mr. ANDREWS of Maine, Mr. BACCHUS of Florida, Mr. BALLENGER, Mr. BARCA of Wisconsin, Mr. BARCIA of Michigan, Mr. BARLOW, Mr. BARRETT of Wisconsin, Mr. BECERRA, Mr. BEILENSON, Mr. BERMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BISHOP, Mr. BLACKWELL, Mr. BONIOR, Mr. BORSKI, Mr. BOUCHER, Mr. BROOKS, Ms. BROWN of Florida, Mr. BROWN of California, Mr. BROWN of Ohio, Mrs. BYRNE, Mr. CALLAHAN, Mr. CAMP, Ms. CANTWELL, Mr. CARDIN, Mr. CARR, Mr. CLAY, Mrs. CLAYTON, Mr. CLINGER, Mr. COBLE, Mr. COLEMAN, Ms. COLLINS of Michigan, Mr. CONDIT, Mr. CONYERS, Mr. COSTELLO, Mr. COYNE, Mr. CRAMER, Mr. DARDEN, Mr. DEAL, Mr. DEFAZIO, Mr. DE LA GARZA, Ms. DELAURO, Mr. DELLUMS, Mr. DE LUGO, Mr. DEUTSCH, Mr. DICKEY, Mr. DICKS, Mr. DIXON, Mr. DOOLEY, Mr. DOOLITTLE, Mr. DUNCAN, Mr. DURBIN, Mr. EDWARDS of California, Mr. EMERSON, Mr. ENGEL, Ms. ENGLISH of Arizona, Ms. ESHOO, Mr. EVANS, Mr. EVERETT, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FAZIO, Mr. FIELDS of Louisiana, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GEJDENSON, Mr. GEKAS, Mr. GILMAN, Mr. GLICKMAN, Mr. GONZALEZ, Mr. GORDON, Mr. GENE GREEN of Texas, Mr. GREENWOOD, Mr. GUNDERSON, MR. GUTIERREZ, Mr. HALL of Texas, Mr. HAMBURG, Mr. HAMILTON, Mr. HANSEN, Mr. HASTINGS, Mr. HEFNER, Mr. HILLIARD, Mr. HINCHEY, Mr. HOAGLAND, Mr. HOBSON, Mr. HOCHBRUECKNER, Mr. HOLDEN, Mr. HOYER, Mr. HUGHES, Mr. HUTTO, Mr. JACOBS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY, Mrs. KENNELLY, Mr. KLECZKA, Mr. KLEIN, Mr. KLINK, Mr. LAFALCE, Mr. LANTOS, Mr. LAROCCO, Mr. LEHMAN, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIGHTFOOT, Mr. LIPINSKI, Mr. LIVINGSTON, Mrs. LLOYD, Ms. LOWEY, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MCNULTY, Mr. MARKEY, Mr. MAZZOLI, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MENENDEZ, Mr. MFUME, Mr. MILLER of California, Mr. MINETA, Mr. MINGE, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. MORAN, Mr. MURPHY, Mr. MURTHA, Mr. MYERS of Indiana, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. OWENS, Mr. PACKARD, Mr. PARKER, Mr. PASTOR, Ms. PELOSI, Mr. PETERSON of Florida, Mr. PETRI, Mr. PICKETT, Mr. PORTER, Mr. PRICE of North Carolina, Mr. QUILLEN, Mr. QUINN, Mr. RAHALL, Mr. RAMSTAD, Mr. RANGEL, Mr. RAVENEL, Mr. REED, Mr. RICHARDSON, Mr. ROGERS, Mr. ROMERO-BARCELO, Mr. ROSE, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANGMEISTER, Mr. SARPALIUS, Mr. SAWYER, Mr. SCHAEFER, Ms. SCHENK, Mr. SCHUMER, Mr. SCOTT, Mr. SERRANO, Mr. SHARP, Mr. SHAYS, MS. SHEPHERD, Mr. SHUSTER, Mr. SISISKY, Mr. SKEEN, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Texas, Mr. SMITH of Iowa, Mr. SMITH of Oregon, Mr. SPENCE, Mr. SPRATT, Mr. STARK, Mr. STOKES, Mr. STUMP, Mr. SUNDQUIST, Mr. SWETT, Mr. SWIFT, Mr. SYNAR, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. THOMAS of Wyoming, Mrs. THURMAN, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TUCKER, Mr. UNDERWOOD, Mrs. UNSOELD, Mr. VALENTINE, Ms. VELAZQUEZ, Mr. VISCLOSKY, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. WASHINGTON, Ms. WATERS, Mr. WATT, Mr. WAXMAN, Mr. WHEAT, Mr. WILSON, Mr. WISE, Ms. WOOLSEY, Mr. WYDEN, Mr. WYNN, Mr. YATES, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. ZELIFF, and Mr. ZIMMER):

H.J. Res. 360. Joint resolution to designate the week of April 25, 1994, to May 1, 1994, as "Let's Stop Kids Killing Kids Week"; to the Committee on Post Office and Civil Service.

By Mr. KING (for himself, Mr. LEVY, Mr. ACKERMAN, Mr. LAZIO, and Mr. HOCHBRUECKNER):

H. Con. Res. 242. Concurrent resolution to express the sense of the Congress that if nominated by the Governor of New York as an estuary of national significance, the Administrator of the Environmental Protection Agency should select and convene a management conference under the Federal Water Pollution Control Act for the lands and waters comprising the South Shore Estuary Reserve on Long Island, NY; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

352. By the SPEAKER: Memorial of the House of Representatives of the State of New Hampshire, relative to providing that long-term-care services in New Hampshire be based on a philosophy that is family-centered, supports and empowers the individual, is community-based, and prioritizes the least restrictive alternatives; to the Committee on Energy and Commerce.

353. Also, memorial of the Senate of the Commonwealth of Virginia, relative to requesting the Congress of the United States to quickly develop and approve the National Highway System; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. BENTLEY introduced a bill (H.R. 4295) to authorize the Secretary of Transportation to issue certificates of documentation for six dredging vessels; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

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

H.R. 64: Mr. LEWIS of Georgia.
H.R. 65: Mr. BARCIA of Michigan.
H.R. 104: Mr. PACKARD.
H.R. 212: Mr. LEACH.
H.R. 234: Mr. BEILENSON.
H.R. 300: Mr. PASTOR.
H.R. 303: Mr. BARCIA of Michigan.
H.R. 393: Ms. DELAURO.
H.R. 512: Mr. MYERS of Indiana and Mr. FOGLIETTA.
H.R. 647: Mr. MANTON, Mr. CLINGER, and Mr. RICHARDSON.
H.R. 702: Mrs. FOWLER and Mr. CLINGER.
H.R. 737: Mr. OWENS.
H.R. 763: Mr. DELAY.
H.R. 830: Mr. MCHALE.
H.R. 840: Mrs. COLLINS of Illinois.
H.R. 885: Mr. MANN and Mr. SOLOMON.
H.R. 911: Mr. PETERSON of Florida and Ms. DELAURO.
H.R. 1012: Mr. BARCA of Wisconsin.
H.R. 1056: Mrs. FOWLER, Mr. NUSSLE, and Mr. CALVERT.
H.R. 1151: Mr. JEFFERSON and Mr. STENHOLM.
H.R. 1671: Mr. KLUG.
H.R. 2037: Mrs. MALONEY.
H.R. 2292: Mrs. UNSOELD.
H.R. 2418: Mr. HOEKSTRA and Mr. MANN.
H.R. 2442: Mr. BARLOW.
H.R. 2444: Mr. DOOLITTLE, Mr. WELDON, Mr. COLLINS of Georgia, Mr. HANSEN, Mr. LEVY, Mr. SAXTON, and Mr. TUCKER.

H.R. 2544: Mr. HINCHEY, Mr. CALVERT, Mr. SHAW, and Mrs. MEEK of Florida.

H.R. 2617: Mr. DORNAN.

H.R. 2646: Mr. RAVENEL.

H.R. 2803: Mr. KINGSTON, Mrs. LLOYD, Mrs. MEYERS of Kansas, Mr. QUINN, Mr. DICKEY, Mr. CANADY, Mr. KOPETSKI, Mr. PETERSON of Florida, Mr. KNOLLENBERG, Mr. HANCOCK, Mr. GINGRICH, Mr. FIELDS of Louisiana, Mr. MCCOLLUM, Mr. HEFNER, Mr. PORTMAN, and Mr. ANDREWS of New Jersey.

H.R. 2918: Mr. CLYBURN, Mr. OWENS, Ms. BROWN of Florida, and Mr. SCOTT.

H.R. 3017: Mr. PICKETT, Mr. BUYER, Mr. MAZZOLI, and Mr. TALENT.

H.R. 3179: Mr. WELDON, Mr. PACKARD, and Mr. SOLOMON.

H.R. 3246: Mr. CLYBURN, Ms. ENGLISH of Arizona, Mr. FOGLIETTA, Ms. MARGOLIES-MEZVINSKY, Mr. PARKER, and Mr. EVANS.

H.R. 3303: Mr. PARKER and Mr. STOKES.

H.R. 3347: Mr. CLAY and Mr. WYNN.

H.R. 3475: Ms. FURSE and Mr. SAXTON.

H.R. 3527: Mrs. MALONEY and Mr. NADLER.

H.R. 3546: Mr. STENHOLM.

H.R. 3560: Mr. KLUG.

H.R. 3611: Mr. TORRES.

H.R. 3645: Mr. DUNCAN and Mr. KLUG.

H.R. 3663: Mr. BERMAN and Mr. YATES.

H.R. 3692: Mr. KLUG.

H.R. 3720: Ms. DELAURO.

H.R. 3797: Mr. CANADY, Mr. DORNAN, Mr. HERGER, and Mr. MCKEON.

H.R. 3866: Mr. BROWN of Ohio, Mr. STUDDS, Mr. RANGEL, Mr. ACKERMAN, Mr. CLAY, Mr. HASTINGS, Mr. LEWIS of Georgia, and Mr. POMEROY.

H.R. 3870: Mr. NADLER.

H.R. 3906: Mr. GOODLING, Mr. KNOLLENBERG, Mr. GREENWOOD, and Mr. MACHTLEY.

H.R. 3943: Mr. SOLOMON.

H.R. 3982: Mr. MANTON, Mr. BATEMAN, Mr. PALLONE, and Mr. YOUNG of Alaska.

H.R. 4019: Mr. GENE GREEN of Texas, Mr. CLYBURN, and Mr. MCHUGH.

H.R. 4024: Mr. WASHINGTON, Mrs. COLLINS of Illinois, Mr. TOWNS, and Mr. KOPETSKI.

H.R. 4051: Mr. FOGLIETTA.

H.R. 4057: Mr. UPTON, Mr. TORKILDSEN, Mr. WILSON, Mr. GINGRICH, and Mr. GLICKMAN.

H.R. 4100: Mr. INSLEE and Mr. ANDREWS of Maine.

H.R. 4105: Mr. RICHARDSON.

H.R. 4126: Mr. ROMERO-BARCELO, Mr. REYNOLDS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SCOTT.

H.R. 4135: Mr. BEILENSON, Mr. BEREUTER, Mr. FAZIO, Mr. MARTINEZ, Mr. FROST, Mr. HOCHBRUECKNER, Mr. DURBIN, Mr. BONIOR, Mr. LEHMAN, Mr. TANNER, Mr. BILBRAY, Ms. PRYCE of Ohio, Ms. PELOSI, Mr. LIVINGSTON, Mr. DERRICK, Mr. LEWIS of Georgia, and Mrs. KENNELLY.

H.R. 4138: Mr. TORKILDSEN.

H.R. 4148: Mr. WASHINGTON and Mr. KENNEDY.

H.R. 4219: Mr. GIBBONS.

H.J. Res. 209: Mr. DE LA GARZA.

H.J. Res. 253: Mrs. KENNELLY and Mr. RAVENEL.

H.J. Res. 276: Mrs. VUCANOVICH, Mr. DE LA GARZA, Mr. LEWIS of Florida, Mr. PORTMAN, Mr. ABERCROMBIE, Mr. WELDON, Mr. CARDIN, Mr. SHAW, Mr. ACKERMAN, Mr. BALLENGER, Mr. ANDREWS of Maine, Mr. JEFFERSON, Mr. STUDDS, Mr. HUTTO, Mr. HOUGHTON, Mr. EMERSON, Mr. YOUNG of Alaska, and Ms. WATERS.

H.J. Res. 302: Mr. DEUTSCH, Mr. LAZIO, Mr. OWENS, Mr. VISCLOSKY, Mr. SPENCE, Ms. SLAUGHTER, Mr. HASTERT, Mr. SCHUMER, Mr. BROWN of California, Mr. HAMILTON, Mr. STUDDS, Mr. MINETA, Mrs. KENNELLY, and Mr. MANN.

H.J. Res. 308: Mr. VENTO and Mr. FRANK of Massachusetts.

H.J. Res. 315: Mr. BROOKS, Mrs. CLAYTON, Mr. CONYERS, Mr. COX, Ms. DANNER, Mr. DE LA GARZA, Mr. FIELDS of Louisiana, Mr. FLAKE, Mr. HOYER, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MICHEL, Mr. MINETA, Mr. MOORHEAD, Ms. NORTON, Mr. OWENS, Mr. SAWYER, Mr. SPENCE, Mr. UPTON, Mrs. VUCANOVICH, and Mr. WYNN.

H.J. Res. 327: Mr. BONIOR, Ms. BROWN of Florida, Mr. DEFAZIO, Mr. MANTON, Mr. BARRETT of Wisconsin, Mr. GEKAS, Mr. SKEEN, Mr. LANTOS, and Mr. LAROCCO.

H.J. Res. 328: Mrs. THURMAN, Mr. GEKAS, and Mr. PETERSON of Florida.

H.J. Res. 333: Mr. GONZALEZ, Mr. COX, Mr. WYNN, Mr. GILMAN, Mr. HUGHES, Mr. DEUTSCH, Mr. MOAKLEY, Mr. STUDDS, Mrs. CLAYTON, Mr. SOLOMON, Mr. INSLEE, and Mr. DEFAZIO.

H.J. Res. 342: Mrs. CLAYTON, Mr. SARPALIUS, Mr. BROWDER, Mr. TALENT, Mr. CRAMER, Mr. STUDDS, Ms. MOLINARI, Mr. MARTINEZ, Mr. LAFALCE, Mr. GUTIERREZ, Mr. MCCRERY, Mr. LEACH, Mr. YOUNG of Alaska, Mr. HUGHES, Mr. EVANS, and Mr. SLATTERY.

H.J. Res. 350: Mr. EVANS, Mr. GORDON, Mr. FALEOMAVAEGA, Mrs. MINK of Hawaii, and Mr. MARTINEZ.

H.J. Res. 356: Mr. LEWIS of Georgia and Mr. DE LA GARZA.

H. Con. Res. 148: Mr. BILIRAKIS.

H. Con. Res. 159: Mr. SAM JOHNSON.

H. Con. Res. 168: Mr. FRANK of Massachusetts and Mr. BILIRAKIS.

H. Con. Res. 173: Ms. PRYCE of Ohio, Mr. LIPINSKI, Mr. MACHTLEY, and Mr. MORAN.

H. Con. Res. 177: Mr. WYNN, Mr. VENTO, Mr. ZELIFF, Mr. HINCHEY, Mr. CANADY, and Mr. GILCHREST.

H. Con. Res. 210: Mr. MANTON.

H. Con. Res. 214: Mr. MCCLOSKEY, Mr. ROHRABACHER, Mr. SCHUMER, and Mr. LEVY.

H. Res. 190: Mrs. MEYERS of Kansas.

H. Res. 225: Ms. SCHENK, and Mr. CASTLE.

H. Res. 363: Mr. PORTMAN.

H. Res. 403: Mr. VENTO, Mr. MILLER of California, Mr. OBEY, Mr. BARRETT of Wisconsin, Mr. BORSKI, Mr. CALVERT, Mr. COPPERSMITH, Mr. CRAPO, Mr. DEFAZIO, Mr. DEUTSCH, Mr. DICKS, Mr. FAZIO, Mrs. FOWLER, Mr. FROST, Mr. HEFNER, Mr. INSLEE, Mr. JOHNSON of Georgia, Mr. JOHNSON of South Dakota, Mr. KASICH, Mr. KLEIN, Mr. KOPETSKI, Mr. LAFALCE, Mr. LIPINSKI, Mr. MINGE, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. RAMSTAD, Mr. RICHARDSON, Mr. SAWYER, Ms. SHEPHERD, Mr. WILSON, Ms. NORTON, Mr. FILNER, Mr. HILLIARD, Mr. OWENS, Mr. BREWSTER, Mr. CLYBURN, Mr. DE LUGO, Mr. DOOLITTLE, Mr. MURPHY, Mr. LANTOS, Mr. SPENCE, Mr. SLATTERY, Mr. HOBSON, Mr. HYDE, Mr. JEFFERSON, Mr. LIVINGSTON, Mr. MCCRERY, Mr. KLECZKA, Ms. FURSE, and Mrs. MEEK of Florida.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 40: Mr. WHEAT.

H.R. 3266: Mr. PETERSON of Florida.

H. Con. Res. 173: Mr. PRICE of North Carolina.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. SOLOMON on the bill H.R. 493: Y. Tim Hutchinson, Jim Lightfoot, James A. Leach, Lamar S. Smith, and Bob Inglis:

Petition 10 by Mr. MCCOLLUM on House Resolution 295:

Petition 11 by Mr. RAMSTAD on House Resolution 247:

Petition 12 by Mr. TRAFICANT on H.R. 3261: Solomon P. Ortiz, John L. Mica, Dana Rohrabacher, Sam Johnson, Newt Gingrich, Duncan Hunter, Cliff Stearns, Jim Saxton, Martin R. Hoke, Harold Rogers, Howard P. "Buck" McKeon, William F. Goodling, James H. (Jimmy) Quillen, Curt Weldon, Deborah Pryce, James A. Barcia, John A. Boehner, William F. Clinger, Jr., Michael Bilirakis, Howard Coble, Tom DeLay, Randy "Duke" Cunningham, Ron Packard, Jennifer Dunn, Robert S. Walker, Wally Herger, William H. Zeliff, Jr., Henry J. Hyde, Don Lundquist, Michael A. "Mac" Collins, Jim Lightfoot, Sherwood L. Boehlert, Eric Fingerhut, Robert K. Dornan, Susan Molinari, Walter R. Tucker, Ralph M. Hall, Pat Roberts, James A. Hayes, Jack Quinn, Michael Huffington, Thomas L. Bliley, Jr., Terry Everett, Jack Fields, C.W. Bill Young, Bob Livingston, Peter A. DeFazio, Dick Swett, Gerald B.H. Solomon, Jack Kingston, David A. Levy, Richard H. Baker, Ken Calvert, and Cass Ballenger:

Petition 13 by Mr. SMITH of New Jersey on House Resolution 281:

Petition 15 by Mr. BILIRAKIS on House Resolution 382: John L. Mica, Jim Bunning, Barbara F. Vucanovich, Stephen Horn, and Nick J. Rahall, II.

AMENDMENTS

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

H.R. 3221

By Mr. SOLOMON:

—Page 12, after line 2, insert the following:

SEC. 11. PROSECUTION OF SADDAM HUSSEIN AND OTHER MEMBERS OF THE IRAQI GOVERNMENT FOR WAR CRIMES.

(a) FINDINGS.—The Congress finds that—

(1) as ordered by Saddam Hussein, Iraq engaged in unprovoked aggression in its conquest and occupation of Kuwait;

(2) the Iraqi occupation force treated Kuwaiti citizens barbarously;

(3) Saddam Hussein used American and European civilians as "human shields" in an attempt to protect strategic facilities throughout Iraq and directed that captured American and allied prisoners of war be used for the same purposes;

(4) Saddam Hussein ordered his military to launch missile attacks against innocent civilians in Israel and Saudi Arabia; and

(5) former President Bush and President Clinton rightly warned Saddam Hussein and Iraqi Government officials that they would be held responsible for any abuses they have caused.

(b) ESTABLISHMENT OF TRIBUNAL.—The Congress urges the President to request the United Nations to establish a tribunal to charge Saddam Hussein and other responsible Iraqi Government officials for war crimes, acts of aggression, and crimes against humanity they have committed.