several thousand parole-eligible offenders in the Federal system and the Sentencing Reform Act had not made any provisions for the necessary, ongoing functions of the Commission.

The Commission is currently set to expire November 1, 1997, and S. 1507, the Parole Commission Phaseout Act, would extend the Commission for an additional 5 years. If this bill is not enacted, the Commission must soon begin to take steps in preparation for shutting down the agency.

There are several considerations which justify support for S. 1507. At the end of fiscal year 1996, there will still be approximately 6,700 parole-eligible, old law defendants in the Federal system. Constitutional requirements, specifically the ex post facto clause, necessitate the extension of the Commission or the establishment of a similar entity. Otherwise, those remaining old law offenders will file habeas corpus petitions seeking release on the grounds that their right to be considered for parole had been unconstitutionally eliminated.

S. 1507 also includes provisions to guarantee the continued downsizing of the Parole Commission. It directs the Attorney General to report to Congress not later than May 1 of each year on the most cost-efficient and effective method for continuing the Parole Commission's functions.

It also allows the Attorney General to provide an alternative plan for another entity to carry out those functions. If the Attorney General decides there should be a transfer to another division within the Department of Justice, the transfer can take effect automatically on November 1 of that year, unless Congress acts otherwise.

This bill also mandates the reduction in size of the number of commissioners. By the end of 1999, the number of commissioners shall not be greater than two, and by the end of 2001, the only remaining commissioner shall be the chairman.

It is necessary for Congress to pass this legislation this year to end any confusion concerning the ongoing functions of the Commission. Under the current law, the Commission will soon be required to set final release dates for the old law prisoners.

This bill will extend the life of the Parole Commission, which at this point in time is necessary. But this bill will also force the Department of Justice to continue to monitor the number of old law offenders presently in the Federal system and to report to Congress on the progress of the phaseout.

As the number of old law offenders decreases, it will soon be possible for another entity to handle all the Parole Commission's functions. The Parole Commission is supportive of this bill.

Mr. Speaker, on behalf of the gentleman from Florida [Mr. MCCOLLUM], the chairman of the Subcommittee on Crime, I would like to thank the gentleman from New York [Mr. SCHUMER], the ranking member of the Subcommittee on Crime, for his cooperation in moving this legislation. I urge my colleagues to support the bill.

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

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, and I agree with the gentleman from Indiana. This bill does deserve passage, both from the point of view of tough law enforcement as well as from the point of view of reinventing government.

As the gentleman mentioned, were we not to take this action, prisoners who have a constitutional right to have their parole status reviewed, would have the ability to file habeas petitions and seriously muck up the works in our Federal courts. That is not a desirable outcome for law enforcement in the United States, and this bill prevents that from happening.

But, Mr. Speaker, it also does allow and really mandates that the Commission downsize and then terminate itself as the need to deal with the old law prisoners decreases and eventually disappears.

□ 1600

I urge my colleagues to support this bill. I would urge, also, that the Parole Commission explore some of the opportunities that may be available to it to reduce costs even further. As we mentioned in one of the hearings, in California, there are jurisdictions that are using interactive video conferencing to decrease the costs of moving prisoners or moving hearing officers. These are all ideas that can be pursued administratively to further cut costs. I hope that the commission will explore them fully. I am aware of no legislative action to accomplish any of them. I would urge passage of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BUYER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Indiana [Mr. BUYER] that the House suspend the rules and pass the Senate bill, S. 1507, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

CARJACKING CORRECTION ACT OF 1996

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3676) to amend title 18, United States Code, clarify the intent of Congress with respect to the Federal carjacking prohibition, as amended.

The Clerk read as follows:

H.R. 3676

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 ''Carjacking Correction Act of 1996''.

SEC. 2. CLARIFICATION OF INTENT OF CONGRESS IN FEDERAL CARJACKING PROHIBITION.

Section 2119(2) of title 18, United States Code, is amended by inserting '', including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242 of this title'' after (as defined in section 1365 of this title''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. BUYER] and the gentlewoman from Colorado [Mrs. SCHROEDER] will each control 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BUYER].

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3676, the Carjacking Corrections Act, amends section 2119(2) of title 18, United States Code, to clarify that rape constitutes a serious bodily injury for the purposes of the penalty enhancement provided in the Federal carjacking statute.

Mr. Speaker, few crimes are as vicious as carjackings. It is a tragic reflection of our time that victims of carjackings are actually glad that they only lost their car. It is a sad day when people can say they are happy to have just been abandoned, often at night, far from home, having just had one of their most valuable pieces of property taken from them. But these victims know they could have been raped or killed. Could we ever forget the story of Pamela Basu, who died in a horrible carjacking right here in our Nation's Capital when she was dragged for a mile and a half while trying to rescue her 2-year old daughter who was still in the backseat of the car? Many Americans witnessed that account on our national news. Carjackers are some of society's most ruthless criminals—when we talk about carjackers, we are not just talking about car theft, we are talking about violent predators.

Mr. Speaker, the federal carjacking law, section 2119(2) of title 18, currently allows for an additional 10 years in prison if serious bodily injury results from a carjacking. Serious bodily injury is defined in title 18 as ''a substantial risk of death,'' ''extreme physical pain,'' ''protracted and obvious disfigurement,'' or ''protracted loss or impairment of a bodily member, organ or mental faculty.'' Under this bill serious bodily injury, for purposes of the penalty enhancement under the carjacking statute, will include sexual abuse and aggravated sexual abuse, as already defined in title 18.

This legislation is responsive to a First Circuit Court of Appeals decision, on May 21 of this year, overturning a district court opinion in which a carjacking received a penalty enhancement for raping his victim. The first circuit panel held that rape was not a serious bodily injury. One first circuit judge requested that the first circuit have a rehearing *en banc* to further review this issue, and this request was denied. H.R. 3676 clarifies any confusion Federal judges may have about whether a carjacker can get a penalty enhancement for rape. The answer is an unequivocal yes.

This legislation does not create any new Federal crime or expand Federal jurisdiction in any way. It does not even create a penalty enhancement scheme under the carjacking statute—that enhancement already exists in the law. All this bill does it make clear that anyone who commits rape during the course of a carjacking will get a longer, and certainly well-deserved, term in prison.

I urge my colleagues to support this bill. I also congratulate the gentleman from Michigan [Mr. CONYERS], for introducing it.

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

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume. I rise in support of the bill, the Carjacking Corrections Act of 1996.

Mr. Speaker, I want to commend the gentleman from Michigan, Mr. JOHN CONYERS, ranking Democrat on the Committee on the Judiciary. He has been phenomenal in his leadership in getting this bill drafted and moving it.

Mr. Speaker, we really should not have to be here. This is an absolute outrage that the first circuit did. The Carjacking Correction Act responds to their decision. This decision that was recently issued by the first circuit said that for purposes of sentencing enhancement, rape was not serious bodily injury.

I wish they would tell the average American woman that. I think that they would be absolutely stunned to find out that there could be gentlemen sitting on the bench that would think that. And by the way, it was only gentlemen who voted that way.

This bill makes it very clear that the Congress thinks that rape by itself does constitute a serious bodily injury. Under the first circuit decision, it would be possible that a carjacker who broke someone's arm while carjacking would receive a stronger sentence and a longer sentence than somebody who raped their victim. Now, I really find it incredible that somebody could say that was a logical distinction.

The repercussions of this decision have become apparent already. There was a woman in Boston who was carjacked and driven to New Hampshire where she was raped. Then she was returned to Boston. Now we find because living in Massachusetts she is in the first circuit, the rape will go unpunished because of this group's decision that that would not justify sentencing enhancement.

The person who took her over the border to do that will only get a sentencing on the carjacking.

The first circuit includes the States of Massachusetts, Vermont, Maine, New Hampshire, Puerto Rico, and the Virgin Islands. I think that anyone who lives in those areas will be very pleased if the Congress could get this corrected as fast as possible. Mr. Speaker, I want to say here today that I do not think anyone in this body ever intended that. I cannot imagine how they could possibly think we intended that when we dealt with the carjacking issue and sentence enhancement.

There was only one woman sitting on the First Circuit Court of Appeals. Her name was Judge Sarah Lynch. she requested that the case that we are correcting today be reheard en banc. But the majority voted against that rehearing. In her dissent, Judge Lynch wrote very strongly that she believed this result was clearly contrary to the intent of the statute and to what the Congress had intended. Well, Judge Lynch, you are absolutely right. The Committee on the Judiciary, after Congressman CONYERS got the bill together, voted unanimously to report this bill to the floor. I would hope every one of my colleagues will vote yes on this bill so we can correct it as soon as possible, especially for the people who are living in that area.

I particularly want to thank committee counsel Melanie Sloan. She has worked so diligently on this matter and has really done a yeoman job, and everyone else on the committee for bringing it forward.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I also urge adoption of this bill. I would also like to concur in the comments made by the gentlewoman from Colorado [Mrs. SCHROEDER]. We should not have to enact this amendment to the act. I think it is absolutely clear that rape is serious bodily harm. I very much respect the independence of the judiciary and the three branches of Government, but that a court could actually rule that rape does not constitute serious bodily injury is ludicrous.

I was not a member of the Congress when the original bill was passed. But in talking to the authors and those who worked on the bill, it is very clear, not only from what their intent was but also just by reading the statute itself, that the decision of the first circuit turns reality on its head and will lead to a wrong result.

Mr. Speaker, I would just like to say one more thing. This decision is one more piece of evidence of why we need more women on the Federal bench. I love men. My father is one, my husband is one, and my son. But I think if we had as many women on the bench as there are women in society, we would not have had this absolutely outrageous result in the first circuit.

I hope that we pass this bill. I also hope that, as we move forward in the coming years, we will see many more qualified women on the Federal bench and prevent this kind of ridiculous result.

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentlewoman from California. The gentlewoman is absolutely right. You show me an American woman who tells you that rape is not a serious bodily injury, I want to see that person come forward. I think it is shocking that we would have males sitting on the court of appeals that would say that.

Nevertheless, we are correcting it today. I urge everyone to vote a strong, strong, strong aye.

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

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

I do not have to be shot by a bullet to understand pain. A man can be compassionate, can have sincerity, can love. I find it offensive that anyone can allege that judicial rulings based on one's gender are somehow what is wrong. I find it offensive, I have to say that. I believe that bad decisions are bad decisions regardless of chromosomes. I am going to stand here and say that, if there have been bad decisions that come from the court, if they are made from a woman, if they are made from a man, you are looking through it through the dimension of gender.

I support this bill because a bad judicial decision was made. Rape is serious bodily injury. The court should have taken it into account. As for the sidebar comments, I believe that they are out of place.

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

Mr. BUYER. Mr. Speaker, I will not yield, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the Carjacking Correction Act of 1996, which was introduced by Congressman JOHN CONYERS. This legislation makes it clear that rape is included in the definition of serious bodily injury for purposes of the Federal carjacking statute. The current carjacking statute contains a provision that enhances the sentence for carjacking if serious bodily injury occurs during a carjacking. This legislation is necessary because a recent Federal circuit court of appeals decision involving carjacking held that rape was not a serious bodily injury. This court decision is very unfortunate.

There is no question that a rape is a serious bodily injury and we must make it very clear that all Federal courts understand that it should be considered in this manner. Current Federal law defines serious bodily injury as ''a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss

or impairment of a bodily member, organ or mental faculty''. This legislation would clarify the current law by clearly defining sexual assault as a serious bodily injury. We must ensure that the Federal courts do not commit the mistake again that occurred in a recent court case. I strongly support this bill and urge my colleagues to support this important principle.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. BUYER] that the House suspend the rules and pass the bill, H.R. 3676, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GEORGE BUSH SCHOOL OF GOVERNMENT AND PUBLIC SERVICE ACT

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3803) to authorize funds for the George Bush School of Government and Public Service, as amended.

The Clerk read as follows:

H.R. 3803

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 ''George Bush School of Government and Public Service Act''.

SEC. 2. GRANT AUTHORIZED.

In recognition of the public service of President George Bush, the Secretary of Education is authorized to make a grant in accordance with the provisions of this Act to assist in the establishment of the George Bush Fellowship Program, located at the George Bush School of Government and Public Service of the Texas A&M University.

SEC. 3. GRANT CONDITIONS.

No payment may be made under this Act except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may require.

SEC. 4. APPROPRIATIONS AUTHORIZED.

There are authorized to be appropriated for fiscal year 1997 such sums, not to exceed $3,000,000, as may be necessary to carry out the provisions of this Act.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on October 1, 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania, Mr. GOODLING, and the gentleman from Texas, Mr. GENE GREEN, will each control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. HOEKSTRA. Mr. Speaker, I am opposed to this bill, and I ask if the gentleman from Texas is in true opposition?

Mr. GENE GREEN of Texas. Mr. Speaker, I am not.

The SPEAKER pro tempore. Is the gentleman from Michigan [Mr. HOEKSTRA] in opposition to the bill?

Mr. HOEKSTRA. Yes, Mr. Speaker, I am.

The SPEAKER pro tempore. Pursuant to the rules of the House, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Michigan [Mr. HOEKSTRA] will each control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that 10 minutes of my 20 minutes be controlled by the gentleman from Texas, Mr. GENE GREEN.

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield myself 45 seconds.

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

Mr. GOODLING. Mr. Speaker, H.R. 3803 is legislation that pays tribute to a great President and a wonderful friend. The bill is entitled the George Bush School of Government and Public Service Act.

Some of my colleagues may be opposed to the bill. Some of them are Johnny-come-lately when it comes to trying to cut down the number of programs that are here since I led the fight to do that, as far as the Taft Institute is concerned, because they continued to fund it.

The beauty of this is it is a 1-year funding. The beauty of this is, instead of spending a whole lot of money building some monument someplace that the taxpayer has to buy or pay for or to spend a whole lot of money to set up some park in memory of a wonderful President, a great friend, this is done one time only because of an amendment that I offered to the legislation. It must be spent, if appropriated, in 1997.

H.R. 3803 is legislation that pays tribute to a great President and wonderful friend. The bill is titled the ''George Bush School of Government and Public Service Act.''

The purpose of the bill is to authorize the Secretary of Education to provide grant assistance to the Texas A&M University for the establishment of the George Bush Fellowship Program. This one-time authorization will ensure that the George Bush Fellowship Program gets off to a solid start.

The George Bush School will be offering advanced degrees in public administration and international affairs. Some very fortunate students will have the opportunity to learn from someone with first hand experience in both of those areas. President Bush has agreed to play an active role in teaching these lucky students drawing from his years of experience in the Congress and the Oval Office.

Some of my colleagues may be opposed to this bill since it authorizes a new program at a time when this Congress is trying to limit programs. That's why the manager's amendment I submitted limits the Federal Government's involvement to a one time appropriation that must take place in fiscal year 1997 if money is going to be appropriated by the Appropriations Committee. The Federal Government is not authorized to provide any additional funds for the program after fiscal year 1997. The university will be on its own when it comes to funding the program. In addition, any funds appropriated for this program may not be released to Texas A&M University until the Secretary of Education receives an application containing such information as the Secretary determines necessary.

The Federal Government is not going to dictate the details of the program. Instead we are going to provide seed money to start the program. We are going to allow the Secretary of Education and the University to determine the best way to use that seed money in starting the program. Then, we are going to get the Federal Government out of the way and let the private sector fund and operate the program.

Our colleagues in the other body have indicated their support for this tribute to President Bush by designating funds in the Labor/HHS/Education Appropriations bill for the George Bush Fellowship Program subject to passage of this authorizing legislation.

The George Bush Fellowship Program is an excellent tribute to an outstanding public servant that also gives students the opportunity to learn from a fine leader and a fine man.

I urge all of my colleagues to support this tribute to President Bush.

□ 1615

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleagues to honor former President George Bush, but I choose to do so in a very different way, by limiting the Federal Government and working toward a balanced budget, not by creating a new fellowship program. Supporters of H.R. 3803 have good intentions, but the goal of honoring former President George Bush can better be accomplished by resisting the urge to create yet another program and spending more Federal dollars.

The new Bush School at Texas A&M is certainly a fitting tribute to former President Bush. President and Mrs. Bush are committed to teach and live in the area. I applaud his dedication to students and to working with this school and this Texas community to make a difference in the education of our young people.

The enthusiasm for launching this new fellowship has caused very generous Members of Congress, I believe, to live outside of their means. Let us have a check on the Federal Government. Do we believe government is too small? Do we believe we have too few Federal education programs? By our count and by the count of the executive branch we already have over 760. Do we need 761?

The most honorable thing that Congress can do for George Bush is to review our current programs, figure out what works, what does not work, and pursue creative ways to improve education. Creativity will not lead us to