we meet in virtually every facet of our lives are not armed and dangerous.

H.R. 103 will provide an expedited procedure for State officials to check the backgrounds of applicants for guard licenses. A similar procedure is in place for the banking and parimutuel industries. By establishing an expedited procedure for State regulators of security guards to receive FBI background checks, H.R. 103 will greatly improve the safety of the public.

In some States it can take up to 18 months to complete background checks for security guards. This bill can reduce that time to the approximately 3 weeks it takes for banks to get results under their expedited procedure.

H.R. 103 contains no mandates of any kind. No State or individual is compelled to use it. Fees will be paid by the applicants or their employers. There is no cost to the FBI.

H.R. 103 has broad support, most notably from the National Association of Security and Investigative Regulators and representatives of the guard, alarm, and armored car industries.

Security should not be a partisan issue. I am therefore delighted by the bipartisan support for this bill, which was so soundly reflected last September by the House vote for the Private Security Officer Quality Assurance Act.

Mr. Speaker, I strongly urge my colleagues to support this straightforward, modest, and reasonable bill that will greatly improve public safety.

Vote for common sense. Vote for public safety. Vote for H.R. 103.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia [Mr. BARR] that the House suspend the rules and pass the bill, H.R. 103.

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

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS THAT STATES SHOULD WORK MORE AGGRESSIVELY TO ATTACK PROBLEM OF REPEAT CRIMINALS

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 75) expressing the sense of the Congress that States should work more aggressively to attack the problem of violent crimes committed by repeat offenders and criminals serving abbreviated sentences.

The Clerk read as follows:

H. CON. RES. 75

Whereas a disturbing number of law-abiding citizens believe they are prisoners in their own homes because of increasing violence in our society;

Whereas law-abiding citizens have the right to be fearful knowing that violence offenders only serve on average 48 percent of the sentence they received

Whereas more than ⅔ of persons under correctional supervision are currently on parole and not incarcerated;

Whereas 1 in 3 offenders admitted to State prisons were on probation or parole violators;

Whereas the Federal Government eliminated parole in 1984 and prisoners convicted of Federal crimes now serve at least 85 percent of their sentences;

Whereas under current Federal law, States are eligible for prison construction funds if they keep felons in prison for at least 85 percent of their sentence;

Whereas in 1996, at least 25 States, among them Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, and Washington, have laws that meet the 85 percent of sentence served requirements set forth in the 1994 crime bill; and

Whereas the National Association of Police Organizations, the International Chiefs of Police, the Fraternal Order of Police, the National Association of Chiefs of Police, the National District Attorney's Association, and the Safe Streets Coalition support the concept of an 85 percent minimum length of service for violent criminals: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) Congress commends Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, and Washington for their existing efforts with respect to prison time served by criminal offenders;

(2) Congress encourages all remaining States to adopt as quickly as possible legislation to increase the time served by violent felons; and

(3) with respect to Federal crimes, Congress reemphasizes its support for the requirement that individuals who commit violent crimes should serve at least 85 percent of their sentence.

□ 1630

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Michigan [Mr. CONYERS] each will control 20 minutes.

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

GENERAL LEAVE

Mr. MCCOLLUM. 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 Florida?

There was no objection.

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

Mr. Speaker, House Concurrent Resolution 75, introduced by the gentleman from Michigan [Mr. BARCIA], expresses the sense of Congress that States should work more aggressively to attack the problem of violent crimes committed by repeat offenders. It reemphasizes Congress' support for the principle that individuals who commit violent crimes should serve at least 85 percent of their sentences. It also commends the States which have enacted truth-in-sentencing legislation and encourages the remaining States to adopt such legislation.

Let us remember why we passed truth-in-sentencing legislation in the first place. Members were tired of continually hearing from frustrated and angry American citizens who knew, or were themselves, the victims of violent crimes of criminals who already had violent criminal history records. Congress recognized 2 years ago that the revolving door of justice must be stopped. Truth-in-sentencing legislation was a response to the small but deadly group of criminals who get arrested, convicted and released back into the community before they have served even half their sentences.

In fact, one of the most astonishing cases I have ever heard about: Four Milwaukee men were arrested last year for a crime spree which included two murders. Between them they had 92 prior arrests. The charges ranged from armed robbery and arson to theft and battery. In the group one 24-year-old man had 51 arrests alone. The police chief of Milwaukee was frustrated by the fact that his department was, as he told reporters, ''arresting the same individuals over and over again.''

In fiscal year 1996, 25 States met the requirements for a truth in sentencing grant award under legislation that we passed in Congress. According to the Department of Justice, several more States are attempting to pass such laws during the current legislative session. The fact that so many States have enacted truth-in-sentencing legislation since Congress took action in 1995 demonstrates clearly that incentive grants in that legislation has worked.

Mr. Speaker, let us consider the actual use of these funds. A large number of States have indicated in their fiscal year 1997 applications that they are planning to use some of the grant funds to build or expand juvenile facilities for violent juvenile offenders. In fact, four States have indicated that their entire grant award will be used for juvenile facilities. Additionally, at least 13 States plan to make a portion of the 1997 grant funds available for local jail projects. Four other States are exploring the use of grant funds for privatization of correctional facilities. This was Congress' clear intention, to allow the States some flexibility in determining where and how to spend the money necessary to fight violent crime.

States have responded positively to Congress' leadership on this issue and every citizen has benefited because more violent criminals remain where they belong, behind bars. The incentives grants are effective, and Congress must use every means possible to give

this message out to those remaining States which have not yet passed truth-in-sentencing legislation. There were about 6 or 7 States that had truth-in-sentencing legislation that required at least 85 percent of the time to be served that is given somebody in the sentence who commits a violent crime before we passed our truth-in-sentencing grants, and now we have almost 25, but there are still another 25 or so that have not passed such legislation.

The bill of the gentleman from Michigan [Mr. BARCIA] expresses the sense of Congress that all the remaining States should adopt as quickly as possible legislation to require an increase in the time served by violent felons, and I concur completely. Law-abiding citizens have the right to feel safe, and ensuring that violent criminals serve at least 85 percent of their sentences is one very effective way to do it.

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

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. LOFGREN], a distinguished member of the committee.

Ms. LOFGREN. Mr. Speaker, this resolution simply expresses the sense of the Congress that violent criminals should face severe penalties for their behavior. I think the resolution gives us an opportunity to reflect on one of the biggest success stories in memory, which is the huge decrease in the crime rate, an astonishing 34 percent reduction since 1991, and it is continuing to fall. I think it is important to realize that there are different elements contributing to the falling crime rate.

First and foremost, I think it has been aggressive community based policing, the 100,000 new cops on the beat program. Second, I agree with the gentleman from Florida [Mr. MCCOLLUM] that repeat violent offenders do need to be kept from their potential victims and that efforts to keep violent criminals incarcerated for most of their sentence have played a role in the falling crime rate.

Third, gun control efforts that we have enacted, including the Brady bill and the ban on assault weapons have done a lot to make our communities safer. Last but not least is the role of prevention programs. I would say of the four elements of a balanced program, it is prevention that has been most starved for attention and for resources. The cumulative effect, however, of the four balances, community policing, career repeat violent offenders being incarcerated, as well as the gun control, and then, finally, prevention programs has yielded this result.

I thank the gentleman from Michigan [Mr. BARCIA] for his resolution. I think it is absolutely appropriate that we recognize one of the four elements on our balanced approach, and I would also ask us to reflect that it is not just that one of the four elements, but the prevention measures and the other that have helped achieve the success that we are now starting to achieve.

Mr. MCCOLLUM. Mr. Speaker, I have no further requests for time, but I know the gentleman from Michigan [Mr. CONYERS] may.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to my distinguished colleague, the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA. Mr. Speaker, I rise today in support of House Concurrent Resolution 75, and I want to thank my good friend from Michigan, the distinguished gentleman from Detroit [Mr. CONYERS] and of course the gentleman from Florida [Mr. MCCOLLUM], the very distinguished chair of the subcommittee, who has been a strong leader on the issue of victim's rights in this Congress and previous sessions. His leadership has resulted in a number of success stories, I think, in our control of violent crime especially, and I want to thank him and the gentleman from Illinois [Mr. HYDE], the full committee chair, and the very dedicated staff of the subcommittee and committee for allowing this resolution to come before the House.

The American public is losing confidence in our judicial system. When two-thirds of convicted felons are on parole and not incarcerated they have every right to feel that way. When a small group of criminals who are responsible for a majority of the violent crimes serve substantially abbreviated sentences, the American public has a right to be concerned for their safety. Mr. Speaker, law abiding citizens deserve to feel safe, and when we keep this small but deadly group of criminals incarcerated for appropriate sentences, our streets are safer for both our citizens and for police officers as well. It is a commonsense approach to a recurring problem.

Since 1984, the Federal Government has required Federal criminals to serve 85 percent of their terms. In 1994 and again in 1995, the U.S. House of Representatives approved incentives to reward States that passed legislation to keep violent criminals imprisoned for at least 85 percent of their sentences. Any State that reaches that benchmark is eligible for Federal funds for prison construction. In 1995, only five States achieved that goal. Today some 25 States, including my home State of Michigan, have put into place harsher prison sentences for those citizens who flagrantly disregard the law and threaten our safety.

I introduced this resolution 2½ years ago to commend those States who have adopted longer sentences and to encourage the remaining States to more aggressively attack the problem of violent crime committed by repeat offenders and criminals serving abbreviated sentences.

One of my constituents, Sherry Swanson, was the victim of a cruel act by a violent repeat offender. Sherry was a vibrant 19-year-old with a bright future. Her life was drastically altered as a result of the actions of a violent repeat offender who has not only a disrespect for the law but also a disrespect for life. The predator that attempted to end Sherry's life had in the 10 months following his early release committed three sexual batteries, armed robbery, two kidnapings and two first degree murders. That was just in 10 months.

Mr. Speaker, a person with this record should not have been allowed back on the streets to commit yet another series of heinous crimes. If this habitual criminal had remained in custody, two people would be alive today. Two people would not be suffering from the results of the kidnaping, one person would not be terrified of another robbery, three people would not have been sexually abused, and a young woman, Sherry Swanson, would not be partially paralyzed.

Numerous studies have already proven that longer sentences for those who repeatedly ignore the law result in safer streets for all of our citizens. Yes, there are inequities in our judicial system. They must be corrected. But are we willing to sacrifice the rights of victims? The victim does not deserve only part of their fear or part of their injury. Why should the violent criminal serve only a small part of their penalty?

We need to send a strong message to the public that we are working hard to end the arrogance of criminals who know that they will not be punished for taking a life. We are working hard to end the ability of violent criminals to return to the streets after only serving one-third of their sentence, to strike again, taking a husband away from a wife, a child from a mother, or a father from his children. We must send a strong message to the States that not only are the incentives and financial assistance available, but the American public demands safer streets.

Lastly, we must send a strong message to criminals that they will not be able to return to the streets and that the sentence handed down will be the sentence served. We must send a message that our justice system is not a flea market where there is always a bargain to be had. Mr. Speaker, justice is not a commodity for haggling; just ask the victims.

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

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

Mr. CONYERS. Mr. Speaker, we have a problem with this sense-of-the-Congress resolution because most of the supporters of this are the conservative Members of Congress who came to Congress talking about States rights, the rights of States to take care of their own business, and frequently the Federal Government was considered to be meddling when it imposed their requirements on the States. That is what we are continuing to do today. We ask that States rights be considered on welfare matters, on civil rights matters, on the environment; that is what

my colleagues were saying, I was not saying that, and that the States know best; that is what my colleagues were saying, I was not saying that. And now we have this sense-of-the-Congress resolution in which we tell the States that we know best.

Does anybody care to explain why we have this bifurcated policy when it comes to criminal matters that all of a sudden we know better than the States who write their own State criminal laws, and we who write our own Federal criminal laws, we are not telling the States that they ought to shape up and join the other 16 States and abolish parole.

Why?

OK, silence.

Mr. BARCIA. Mr. Speaker, would the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA. Mr. Speaker, I would just respond to the gentleman from Michigan's concerns and say that of course the Congress cannot mandate to the States increases in the length of sentences for violent predators, however the concept, of course, due to the leadership of the gentleman from Florida [Mr. MCCOLLUM] and others, the gentleman from Illinois [Mr. HYDE] in the House of Representatives who were advocates on behalf of victims rights saw legislation incorporated into the Omnibus Crime Bill of 1994, which many of us supported, which in fact would reward States with financial incentives if, in fact, they would agree to keep their violent criminals, not all criminals, but violent criminals, those who cause a serious threat to the public and to innocent citizens.

Mr. CONYERS. But how is it we knew better what they should do with their State criminals than they did?

□ 1645

Mr. BARCIA. Mr. Speaker, I think in some cases, I would say to the gentleman from Michigan [Mr. CONYERS], it was a condition where severe financial pressures at the State level allowed for overcrowding of the prison system without adequate facilities to house all of those people who were sentenced to terms in prison. So some States were actually paroling violent criminals after serving only 20 or 25 percent of their sentence, and these criminals were going out and engaging in repeat behavior, again causing great trauma and violence to other citizens that might not have been exposed had they not been paroled early in the first place.

Mr. CONYERS. That was not going on in Michigan, and the gentleman knows it. So why did the gentleman persuade Governor Engler of Michigan, who does not know particularly much about criminal law at the State or Federal level, to do something like this?

Mr. BARCIA. Mr. Speaker, we did have several instances in Michigan, I would say to the gentleman from Michigan [Mr. CONYERS], one that I can think of when I was a State legislator back in Lansing, in which a person had committed two second degree murders, served 4 years on the first sentence, 8 years or about 6 years before he was paroled to a halfway house in Lansing on the second offense, and then also continued, and strangled and raped a young lady in east Lansing and killed a police officer. As he was driving her car through downtown, he committed a small traffic infraction, was pulled over by a Lansing police officer, and was shot. The corrections department in that case had paroled him a bit earlier. By mistake, the computer had credited him with too much good time.

But I was a member of the State senate when that family brought a lawsuit against the Michigan Department of Corrections because of their losses, and the losses in two families could have been prevented had he been incarcerated for the full length of his sentence.

Mr. CONYERS. I would ask the gentleman, Mr. Speaker, is that a reason to eliminate parole for everybody in the State of Michigan? I yield to the gentleman for a response.

Mr. BARCIA. Mr. Speaker, I do not believe it totally eliminates parole. It says if you receive a determined number of years as your sentence, you shall serve 85 percent of that. In other words, if you receive a 10-year sentence, you should serve 8½ years before you are paroled back on the streets.

Mr. CONYERS. Has the gentleman examined what criminal justice authorities say about this kind of draconian addition of time to people who are incarcerated who may be rehabilitatable, and that this works in a very onerous way upon people who, as the gentleman may know, are receiving longer and longer sentences than ever before?

In other words, it may be considered counterproductive to the very thing that the gentleman is trying to accomplish. This includes the concept of three-strikes-and-you-are-out, which is another throw-the-baby-out-with-the-bath-water situation.

We are paying States to go along with us, and now the gentleman is passing a sense-of-the-Congress resolution asking the States that have not jumped in on the cash-flow, which, by the way, is $800 million so far, and I know the gentleman is concerned about balancing the budget, but we have to fight crime at all costs.

Does the gentleman have a little concern that maybe all of these impositions of more and more time, mandatory minimums, 85 percent, we pay people, States, hundreds of millions of dollars to build more facilities, since they cannot afford it anymore themselves, we have three-strikes-and-you-are-out at the Federal level, three-strikes-and-you-are-out at the State level, does the gentleman not have any sense that maybe we could be more efficient and effective in reducing crime than just piling on sentence upon sentence upon sentence?

I yield to the gentleman for a response.

Mr. BARCIA. Mr. Speaker, I would again emphasize to the distinguished ranking member of the Committee on the Judiciary that, in fact, we are not mandating in this resolution nor in the Federal law that was passed in 1994 that States must do this, but for them to consider that.

I do not know if we have a total, I would say to the gentleman, on what the effect or what the impact of violent crime is across the country, if we were ever to total up the cost. But in the case of Ms. Sherry Swanson, who is now 28 years old, and she was shot twice in the head when she was 20 years old working at a convenience store during a robbery attempt, and I know that her medical bills exceeded $1 million, plus her life has been forever changed.

So yes, $800 million is a significant amount of money, and of course, as the gentleman knows, and the gentleman noted, I am a supporter of the balanced budget amendment and balancing our spending with our revenues in the Federal Government. I think we, as policymakers in this body, must make tough decisions on how we apportion out those limited resources that we have and certainly decide the priorities in terms of Federal spending. But I think violent criminals who are in and out of prison and hurting our fellow citizens are worthy of our attention and our resources.

Mr. CONYERS. I thank the gentleman, Mr. Speaker. Those are legitimate sentiments that are held by many in this body.

Could I ask my dear friend, the gentleman from Michigan, and we are friends, and this is a friendly discussion, does he believe that we should continue to deprive judges of the discretion necessary to fashion criminal sentences in individual cases appropriate to the persons standing before them in the court?

I yield to the gentleman for his comments.

Mr. BARCIA. I thank the gentleman for continuing to yield to me, Mr. Speaker.

Mr. Speaker, I would say that, as a State legislator, I have supported determinant sentencing with a number of years prescribed for a type of crime that is committed. However, I am very respectful of the ability for a member of the judiciary to mete out a sentence that is fair and to take into account all the circumstances of a particular crime.

Mr. CONYERS. I thank the gentleman.

Mr. Speaker, is the gentleman aware that in the three strikes legislation in California, in particular, it has clogged the courts, the processes, so much that neither the prosecutors nor the defense lawyers bother with it anymore, because employing it makes it absolutely unworkable? Does the gentleman have any knowledge on that?

Mr. BARCIA. Yes. I do not have any knowledge on how the three-strikes-

and-you-are-out language is impacting across the country, but I have generally supported that, especially for violent crimes.

I know we saw some instances, I think, of a minor theft out in Oregon or the State of Washington, I cannot remember which, in which a person stole a slice of pizza and was prosecuted under that law. I think in that case probably the prosecutors were overzealous and should be allowed discretion in terms of their judgment as to which of those offenses to pursue on the three-strikes-and-you-are-out provision.

But, of course, not being a member of the Committee on the Judiciary, I do not profess to be an expert on the specific language that has been adopted by this House and Senate and signed by our President in an attempt to get a greater grasp of crime in this country.

Mr. CONYERS. I appreciate the gentleman's knowledge on the subject so far. He is doing pretty well, better than, I will not say than some people on Judiciary, but he is holding his own very, very well.

What if the gentleman found out that the three strikes provision does not carry any discretion, and that little incident that you talked about, and I have some more in which the third offense being a violent offense, that is it, for the rest of your natural life? Does that, or is that something we might want to go back and hold hearings on, for example, to see if it might be corrected?

I yield to the gentleman from Michigan for a response.

Mr. BARCIA. Of course, I do not want to second-guess our leadership, neither the gentleman's nor the distinguished chair's and subcommittee chair's, on that very distinguished committee in this House. But it would be my impression as a layperson, not being a graduate of law school, that there ought to be discretion between misdemeanors and felonies on the three-strikes-and-you-are-out. That may be an issue we will revisit at some point in the future.

But I can tell the Members that this resolution involves truth-in-sentencing, and I know my good friend, the gentleman from Michigan, Mr. CONYERS, supported that crime bill here in the House, which contained the same provision for Federal offenses.

What we are trying to do is see the same treatment of violent offenders at the State level, because many of the truly violent crimes, such as rape and homicide, unless there are extenuating circumstances, they are in fact infractions of State law and not Federal law. That is why we are attempting to pass this resolution.

Mr. CONYERS. I thank the gentleman very much, because he has been very helpful.

Mr. Speaker, this is the gentleman's House concurrent resolution on truth in sentencing, is that correct, I would ask the gentleman? The gentleman is the author of this sense-of-the-Congress?

Mr. BARCIA. Yes, I am.

Mr. CONYERS. If the gentleman had known that I had voted against the crime bill of 1994, would that have slowed down the gentleman's enthusiasm for anything we have done or said here today?

I yield to the gentleman for a response.

Mr. BARCIA. I have to correct myself. I was mistaken. I know the gentleman is a strong supporter of gun control, and I assumed that with the strong gun control provisions in the 1994 bill——

Mr. CONYERS. Was the gentleman not?

Mr. BARCIA. Pardon me?

Mr. CONYERS. I said, was the gentleman not?

Mr. BARCIA. Mr. Speaker, I would say to the gentleman, I voted for the first version but not the final version.

Mr. CONYERS. The gentleman voted against the crime bill of 1994, too?

Mr. BARCIA. Yes. We agreed on that issue in the final analysis, but probably for different reasons.

Mr. CONYERS. I thank the gentleman for his colloquy with me. It has been very helpful.

Mr. Speaker, I hope that the States that have not jumped on the bandwagon requiring that offenders serve at least 85 percent of their sentence pay very close attention to House Concurrent Resolution 75, which rereminds them that they are really missing out; if they would join in, they could be getting Federal money, if they would only listen to us a little bit more. We cannot make the States impose these sentences.

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

Mr. Speaker, I simply want to respond very, very briefly. I will not take the chair's time or the Members' time very long. A couple of points the gentleman from Michigan [Mr. CONYERS] made I feel deserve a little response.

One of them is with respect to the truth-in-sentencing legislation, to begin with. It was designed to provide a reward in part to those States that chose to, by their own voluntary commitment, make this 85-percent rule imposed upon those who commit violent crimes in their State, to make sure they serve at least 85 percent of their sentence. It was not anything mandatory.

What Members of the Republican party on this side of the aisle have complained about over the years, in particular, are mandates on the States, unfunded mandates in particular, that have been involved in a lot of legislation that past Congresses have enacted.

We have not complained about incentive grants, per se. We have been very concerned about the multiplicity of grant awards that are out there that say, you can only get *x* dollars if you apply in the prevention area for crime for this program or that program or the other program.

We have insisted that where there is Federal money involved and there are grant programs out there, that there be a wide variety of discretion at the local and State level, preferably in the form of block grants or very limited targeted grants.

This truth-in-sentencing law we passed in 1994 and revised after our party took over the majority is shaped in such a fashion that it allows maximum flexibility to the States to provide for how they spend the money in prison construction, if they choose to apply for it. They can build some jails with it at the local level, they can build juvenile facilities, they can build major State prisons with it.

The States, all States, are eligible for half the grant money, half the $400 million that has been appropriated each year, but those States which actually enact truth-in-sentencing laws that require at least 85 percent of a violent felon's sentence to be served are eligible for the other half that has been put aside. I think that makes eminent sense. I do not think that is in any way inconsistent with the philosophy that most of us have expressed in devolving as much power as possible to the States.

This resolution today that expresses the sense of the Congress is the right of free speech. We are not telling the States to do anything. We are simply saying, as legislators looking at this matter, as the gentleman from Michigan [Mr. BARCIA] so ably pointed out, we think it would be a good idea if they take another look. If they have not become eligible or not applied for the second half of the grant programs for building prisons and jails in their State, it does require as a form of eligibility that they impose an 85-percent service time that violent felons serve on violent felons, and that they do so because it makes good sense for public safety. No, we do not know best, but we hope they will join us in that comment.

The last I would point out on the three-strikes-and-you-are-out, at least at the Federal level, the three strikes requirement, in order to get a life sentence mandated, requires there be two underlying violent or serious drug offenses committed either at the State or Federal level.

□ 1700

The third one has to be a violent Federal crime. Then you go away for life. I think most of us in this body have supported that. California is a little different, and debating California law, I do not see the merits of in this bill. I think this resolution is a sound one, as I said before. I urge its adoption.

Mrs. KELLY. Mr. Speaker, I rise today in strong support for the passage of House Concurrent Resolution 75, a concurrent resolution expressing the sense of Congress regarding States' efforts against repeat criminals. I was pleased to join my friend and colleague, Congressman BARCIA, in introducing this bill because it highlights one of the most dramatic problems in our Nation's war on crime—namely it is estimated that 80 percent of all violent

crime committed in the United States is committed by only 7 percent of the population. That is a very telling statistic that sheds some light on the problem of crime in the United States.

In the last 20 years, we have seen the war on crime take on new and ominous proportions with an innovative criminal element devising new and ever more violent crimes such as with carjackings and drive by shootings. How do we battle that 7 percent of the population to ensure our safety? One of the best ways is to guarantee that the criminals who repeatedly commit violent crimes serve at least 85 percent of their sentences as House Concurrent Resolution 75 states in no uncertain terms.

In my home State of New York, we have had some of the worst reports of a criminal element at work, and only in recent years, we have been able to see a reduction in our crime rate through community policing and a get tough approach on lesser crimes. While it sounds troublesome and tedious to have the police crack down on petty crimes, the recent case of John Royster demonstrates the value of this practice. Mr. Royster was arrested by police and fingerprinted for jumping a New York subway turnstile. It was his only recorded offense. Three months later, the same prints were reportedly found to match those at a drycleaning business on Park Avenue where the owners had been beaten to death. It was because of this match that Mr. Royster confessed to four brutal attacks including a highly publicized attack in Central Park that left a woman in a coma. Now the next step for Mr. Royster is punishment—hard time in a State penitentiary. I will work with my colleagues, both here and in the New York State House, to make sure that Royster stays in prison.

Putting away violent, repeat offenders like John Royster is essential if we are to make successful inroads lowering crime and strengthening our communities. I thank Congressman BARCIA for his work on this problem and ask for all of my colleagues, from both sides of the aisle, to join us in strong support for this important resolution.

Mr. LEVIN. Mr. Speaker, I rise in strong support of House Concurrent Resolution 75 of which I am an original sponsor. This important legislation commends those States that have already adopted truth-in-sentencing laws and encourages the remaining States to do the same.

Most Americans believe that convicted violent offenders serve their full sentences; sadly this is not the case.

According to the Bureau of Justice statistics, violent criminals—those who commit murder, rape, assault, or armed robbery—serve only an average of 48 percent of their sentences, and one out of every three offenders admitted to State prisons were either on probation or parole for a previous offense at the time. According to the committee report accompanying this bill, on any given day there are three convicted offenders on probation or paroles for every one convicted felon in prison.

To turn this trend around over 25 States, including my home State of Michigan, and the Federal Government have truth-in-sentencing laws on the books. Under this concept, convicted violent offenders are required to serve at least 85 percent of their sentences.

Both the 103d and 104th Congresses passed legislation providing financial incentives in the form of prison construction funds to States if they adopt laws requiring criminals to serve at least 85 percent of their prison terms. Unfortunately, 25 States still have not adopted such laws.

Law-abiding citizens have the right to know that those who commit the most hideous of crimes in our society serve the time their sentences require.

The resolution before us today is simple. It asks that those who commit violent crimes do the time that the law requires of them. I wish there was not a need for this type of resolution, but until then, I hope all my colleagues vote to encourage States to do the right thing.

Mr. DAVIS of Florida. Mr. Speaker, I rise in strong support of House Concurrent Resolution 75, which expresses the Sense of the Congress that States should work aggressively to ensure that violent offenders serve at least 85 percent of their prison sentences. As a cosponsor of this legislation, I commend the gentleman from Michigan, [Mr. BARCIA], for this hard work and leadership on this issue and ask all my colleagues to support this important resolution.

Although the most recent statistics on violent crime indicate that we are beginning to make progress in our fight for safer neighborhoods, we must remain vigilant in our efforts to ensure public safety and recognize the achievements of States such as Florida which have taken strong steps to attack the problem of repeat violent offenders. Only with continued cooperation between Federal, State, and local officials can we hope to maintain the downward trend in violent crime rates.

This resolution commends Florida and 24 other States which have taken steps to ensure that violent felons serve at least 85 percent of their prison sentences. Nationwide, violent offenders serve an average of only 48 percent of the sentences they receive—a statistic which is unacceptable and greatly erodes Americans' confidence in our justice system. House Concurrent Resolution 75 applauds those States which have taken proactive steps to prevent the problem of repeat violent offenders and encourages other States to follow their lead in enacting strict sentencing guidelines. While guidelines alone will not solve our Nation's crime problem, they have proven an effective tool in ensuring that violent felons remain off our streets.

Mr. Speaker, I applaud the efforts of those States listed in this legislation, including my home State of Florida, and urge all of my colleagues to support this important resolution which recommits this Congress to the fight for safer communities.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 75.

The question was taken.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

AMENDING THE IMMIGRATION AND NATIONALITY TECHNICAL CORRECTIONS ACT OF 1994

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1109) to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States.

The Clerk read as follows:

H.R. 1109

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

SECTION 1. ELIMINATION OF CERTIFICATE OF CITIZENSHIP TRANSITION RULE APPLICABLE TO CERTAIN CHILDREN.

(a) IN GENERAL.—Section 102 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416; 108 Stat. 4307) (as amended by section 671(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–1856)) is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Immigration and Nationality Technical Corrections Act of 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentlewoman from California [Ms. LOFGREN], each will control 20 minutes.

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

GENERAL LEAVE

Mr. MCCOLLUM. 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 Florida?

There was no objection.

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

I rise in support of H.R. 1109, which I introduced with my colleague, the gentleman from California [Mr. BERMAN], to correct an error that was part of last year's immigration bill, the Illegal Immigration Reform and Immigrant Responsibility Act.

H.R. 1109 would make a technical change regarding requirements for citizenship for people born overseas.

I want to say that I am particularly appreciative of the gentleman from Texas [Mr. SMITH], who is the chairman of the Subcommittee on Immigration and Claims, that deals with this product, for bringing it forward and recognizing the fact that we need it today. Unfortunately his commitments kept him from being here to be a party to this discussion. I am very happy to handle it for him today.

The gentleman from California [Mr. BERMAN] and I had the pleasure of working together in 1994 on this issue. The Immigration and Nationality Technical Corrections Act of 1994 granted Americans abroad the possibility of obtaining U.S. citizenship for their minor children who had not acquired citizenship at birth. It allows certificates of citizenship to be granted to a child of a U.S. citizen if the child is under 18 and if either the American parent or the American parent's parent, that is, the American grandparent,