

¶23.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, February 8, 1995.

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

¶23.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

354. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to the United Nations for use in Rwanda (Transmittal No. 12-95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

355. A communication from the President of the United States, transmitting the fourth monthly report on the situation in Haiti, pursuant to section 3 of Public Law 103-423; to the Committee on International Relations.

356. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting the Agency's report entitled, "Arms Control Negotiating and Implementation Records," pursuant to section 713(b) of Public Law 103-236; to the Committee on International Relations.

357. A letter from the Executive Director, Pennsylvania Avenue Development Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

358. A letter from the Director, U.S. Office of Personnel Management, transmitting the Biennial Report to the Congress on the Senior Executive Service, pursuant to 5 U.S.C. 3135 and 5 U.S.C. 4314(d); to the Committee on Government Reform and Oversight.

359. A letter from the Secretary, Department of Commerce, transmitting the 1994 annual report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology [NIST], U.S. Department of Commerce, pursuant to Public Law 100-418, section 5131(b) (102 Stat. 1443); to the Committee on Science.

360. A letter from the Director, U.S. Office of Personnel Management, transmitting the Office's report to Congress on locality pay for officers of the Secret Service Uniformed Division and the Bureau of Engraving and Printing Police Force; jointly, to the Committees on Appropriations and Government Reform and Oversight.

¶23.3 PROVIDING FOR THE CONSIDERATION OF H.R. 667

Mr. QUILLEN, by direction of the Committee on Rules, called up the following resolution (H. Res. 63):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 667) to control crime by incarcerating violent criminals. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with clause 2(1)(2)(B) or clause 2(1)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule for a

period not to exceed ten hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XCI or clause 5(a) of rule XXI are waived. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. QUILLEN, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶23.4 VIOLENT CRIMINAL INCARCERATION

The SPEAKER pro tempore, Mr. COMBEST, pursuant to House Resolution 63 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 667) to control crime by incarcerating violent criminals.

The SPEAKER pro tempore, Mr. COMBEST, by unanimous consent, designated Mr. KOLBE as Chairman of the Committee of the Whole; and after some time spent therein,

¶23.5 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. CHAPMAN:

Page 2, after line 3, insert the following:

SEC. 2. CONDITION FOR GRANTS.

(a) STATE COMPLIANCE.—The provisions of title V of the Violent Crime Control and Law Enforcement Act of 1994, as amended by this Act, shall not take effect until 50 percent or more of the States have met the requirements of 503(b) of such Act.

(b) REPORT.—Beginning in fiscal year 1996, the Attorney General shall submit a report to the Congress not later than February 1 of each fiscal year regarding the number of States that have met the requirements of section 503(b) of the Violent Crime Control and Law Enforcement Act of 1994, as amended by this Act.

(c) EFFECTIVE DATE.—Beginning on the first day of the first fiscal year after the Attorney General has filed a report that cer-

tifies that 50 percent or more of the States have met the requirements of section 503(b) of the Violent Crime Control and Law Enforcement Act of 1994, as amended by this Act, title V of such Act shall become effective.

(d) PRISONS.—Until the requirements of this section are met, title II of the Violent Crime Control and Law Enforcement Act of 1994 shall remain in effect as such title was in effect on the day preceding the date of the enactment of this Act.

It was decided in the

Yeas	169
Nays	261

¶23.6 [Roll No. 110] YEAS—169

Abercrombie	Geren	Obey
Ackerman	Gibbons	Olver
Baesler	Gonzalez	Ortiz
Baldacci	Green	Orton
Barrett (WI)	Gutierrez	Owens
Becerra	Hall (OH)	Pallone
Beilenson	Hall (TX)	Pastor
Bentsen	Hastings (FL)	Payne (NJ)
Berman	Hayes	Payne (VA)
Bevill	Hilliard	Pelosi
Bishop	Hinchey	Peterson (FL)
Bonior	Hoekstra	Pomeroy
Borski	Holden	Rahall
Brewster	Hoyer	Rangel
Browder	Jackson-Lee	Reed
Brown (CA)	Johnson, E.B.	Reynolds
Brown (FL)	Johnston	Richardson
Brown (OH)	Kanjorski	Rivers
Bryant (TX)	Kaptur	Roemer
Cardin	Kennedy (MA)	Roybal-Allard
Chapman	Kennedy (RI)	Rush
Clay	Kennelly	Sabo
Clayton	Kildee	Sawyer
Clyburn	Klecza	Schroeder
Coleman	Klink	Schumer
Collins (IL)	Knollenberg	Scott
Conyers	LaFalce	Serrano
Coyne	Lantos	Skaggs
Cramer	Laughlin	Slaughter
Danner	Levin	Stark
de la Garza	Lewis (GA)	Stokes
DeFazio	Lincoln	Studds
DeLauro	Lofgren	Stupak
Dellums	Lowe	Tejeda
Dicks	Luther	Thompson
Dingell	Maloney	Thornton
Dixon	Manton	Torres
Doggett	Markey	Torricelli
Dooley	Mascara	Towns
Doyle	Matsui	Tucker
Durbin	McCarthy	Upton
Edwards	McDermott	Velazquez
Engel	McHale	Vento
Eshoo	McKinney	Visclosky
Evans	Meehan	Volkmer
Farr	Meek	Ward
Fattah	Menendez	Waters
Fazio	Mfume	Watt (NC)
Filner	Miller (CA)	Waxman
Flake	Mineta	Williams
Foglietta	Mink	Wilson
Ford	Moakley	Wise
Frank (MA)	Mollohan	Woolsey
Frost	Moran	Wynn
Furse	Nadler	Yates
Gejdenson	Neal	
Gephardt	Oberstar	

NAYS—261

Allard	Boehner	Clement
Andrews	Bonilla	Clinger
Archer	Bono	Coble
Armey	Boucher	Coburn
Bachus	Brownback	Collins (GA)
Baker (CA)	Bryant (TN)	Combest
Baker (LA)	Bunn	Condit
Ballenger	Bunning	Cooley
Barcia	Burr	Costello
Barr	Burton	Cox
Barrett (NE)	Buyer	Crane
Bartlett	Callahan	Crapo
Barton	Calvert	Cremeans
Bass	Camp	Cubin
Bateman	Canady	Cunningham
Bereuter	Castle	Davis
Bilbray	Chabot	Deal
Bilirakis	Chambliss	DeLay
Bliley	Chenoweth	Deutsch
Blute	Christensen	Diaz-Balart
Boehlert	Chrysler	Dickey

Doolittle	Jones	Ramstad
Dorman	Kasich	Regula
Dreier	Kelly	Riggs
Duncan	Kim	Roberts
Dunn	King	Rogers
Ehlers	Kingston	Rohrabacher
Ehrlich	Klug	Ros-Lehtinen
Emerson	Kolbe	Roth
English	LaHood	Roukema
Ensign	Largent	Royce
Everett	Latham	Salmon
Ewing	LaTourrette	Sanders
Fawell	Lazio	Sanford
Fields (LA)	Leach	Saxton
Fields (TX)	Lewis (CA)	Scarborough
Flanagan	Lewis (KY)	Schaefer
Foley	Lightfoot	Schiff
Forbes	Linder	Seastrand
Fowler	Lipinski	Sensenbrenner
Fox	Livingston	Shadegg
Franks (CT)	LoBiondo	Shaw
Franks (NJ)	Longley	Shays
Frelinghuysen	Lucas	Shuster
Frisa	Manzullo	Sisisky
Funderburk	Martinez	Skeen
Galleghy	Martini	Skelton
Ganske	McCollum	Smith (NJ)
Gekas	McCrery	Smith (TX)
Gilchrist	McDade	Smith (WA)
Gillmor	McHugh	Solomon
Gilman	McInnis	Souder
Goodlatte	McIntosh	Spence
Goodling	McKeon	Spratt
Gordon	McNulty	Stearns
Goss	Metcalf	Stenholm
Graham	Meyers	Stockman
Greenwood	Mica	Stump
Gunderson	Miller (FL)	Talent
Gutknecht	Minge	Tanner
Hamilton	Molinari	Tate
Hancock	Montgomery	Tauzin
Hansen	Moorhead	Taylor (MS)
Harman	Morella	Taylor (NC)
Hastert	Murtha	Thomas
Hastings (WA)	Myers	Thornberry
Hayworth	Myrick	Thurman
Hefley	Nethercutt	Tiahrt
Hefner	Neumann	Torkildsen
Heineman	Ney	Traficant
Herger	Norwood	Vucanovich
Hilleary	Nussle	Waldholtz
Hobson	Oxley	Walsh
Hoke	Packard	Wamp
Horn	Parker	Watts (OK)
Hostettler	Paxon	Weldon (FL)
Houghton	Peterson (MN)	Weldon (PA)
Hunter	Petri	Weller
Hutchinson	Pickett	White
Hyde	Pombo	Whitfield
Inglis	Porter	Wicker
Istook	Portman	Wolf
Jacobs	Poshard	Wyden
Jefferson	Pryce	Young (AK)
Johnson (CT)	Quillen	Young (FL)
Johnson (SD)	Quinn	Zeliff
Johnson, Sam	Radanovich	Zimmer

NOT VOTING—4

Collins (MI)	Smith (MI)
Rose	Walker

So the amendment was not agreed to.
After some further time,

123.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SCHUMER:

Page 2, strike line 4 and all that follows through the matter preceding line 1, page 12, and insert the following:

TITLE I—PRISON BLOCK GRANT PROGRAM

SEC. 101. LOCAL CONTROL PRISON GRANT PROGRAM.

Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"Subtitle A—Prison Block Grants

"SEC. 201. PAYMENTS TO STATE GOVERNMENTS.

"(a) PAYMENT AND USE.—

"(1) PAYMENT.—The Attorney General shall pay to each State which qualifies for a payment under this title an amount equal to the

sum of the amount allocated to such State under this title for each payment period from amounts appropriated to carry out this title.

"(2) USE.—Amounts paid to a State under this section shall be used by the State for confinement of persons convicted of serious violent felonies, including but not limited to, one or more of the following purposes:

"(A)(i) Building, expanding, operating, and maintaining space in correctional facilities in order to increase the prison bed capacity in such facilities for the confinement of persons convicted of a serious violent felony.

"(ii) Building, expanding, operating, and maintaining temporary or permanent correctional facilities, including boot camps, and other alternative correctional facilities, including facilities on military bases, for the confinement of convicted nonviolent offenders and criminal aliens for the purpose of freeing suitable existing space for the confinement of persons convicted of a serious violent felony.

"(iii) Contributing to funds administered by a regional compact organized by two or more States to carry out any of the foregoing purposes.

"(b) TIMING OF PAYMENTS.—The Attorney General shall pay to each State that has submitted an application under this title not later than—

"(1) 90 days after the date that the amount is available, or

"(2) the first day of the payment period if the State has provided the Attorney General with the assurances required by section 203(d),

whichever is later.

"(c) ADJUSTMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall adjust a payment under this title to a State to the extent that a prior payment to the State was more or less than the amount required to be paid.

"(2) CONSIDERATIONS.—The Attorney General may increase or decrease under this subsection a payment to a State only if the Attorney General determines the need for the increase or decrease, or if the State requests the increase or decrease, not later than one year after the end of the payment period for which a payment was made.

"(d) RESERVATION FOR ADJUSTMENT.—The Attorney General may reserve a partnership of not more than 2 percent of the amount under this section for a payment period for all States, if the Attorney General considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the States.

"(e) REPAYMENT OF UNEXPENDED AMOUNTS.—

"(1) REPAYMENT REQUIRED.—A State shall repay to the Attorney General, by not later than 27 months after receipt of funds from the Attorney General, any amount that is—

"(A) paid to the State from amounts appropriated under the authority of this section; and

"(B) not expended by the unit within 2 years after receipt of such funds from the Attorney General.

"(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

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

"(f) NONSUPPLANTING REQUIREMENT.—Funds made available under this title to States shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence

of funds under this title, be made available from State sources.

"SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title—

"(1) \$232,000,000 for fiscal year 1995;

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

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

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

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

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

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

"(c) AVAILABILITY.—The amounts authorized to be appropriated under subsection (a) shall remain available until expended.

"SEC. 203. QUALIFICATION FOR PAYMENT.

"(a) IN GENERAL.—The Attorney General shall issue regulations establishing procedures under which a State is required to give notice to the Attorney General regarding the proposed use of assistance under this title.

"(b) GENERAL REQUIREMENTS FOR QUALIFICATION.—A State qualifies for a payment under this title for a payment period only if the State submits an application to the Attorney General and establishes, to the satisfaction of the Attorney General, that—

"(1) the State will establish a trust fund in which the State will deposit all payments received under this title;

"(2) the State will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the State;

"(3) the State will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the State;

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

"(5) after reasonable notice from the Attorney General or the Comptroller General to the State, the State will make available to the Attorney General and the Comptroller General, with the right to inspect, records that the Attorney General reasonably requires to review compliance with this title or that the Comptroller General reasonably requires to review compliance and operation;

"(6) a designated official of the State shall make reports to the Attorney General reasonably requires, in addition to the annual reports required under this title; and

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

"(c) SANCTIONS FOR NONCOMPLIANCE.—

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

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

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