

TITLE I—PRISON GRANT PROGRAM

SEC. 1. GRANT PROGRAM.

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

TITLE V—PRISON GRANTS

SEC. 501. AUTHORIZATION OF GRANTS.

The Attorney General is authorized to provide grants to eligible States and to eligible States organized as a regional compact to build, expand, and operate space in correctional facilities in order to increase the prison bed capacity in such facilities for the confinement of persons convicted of a serious violent felony and to build, expand, and operate temporary or permanent correctional facilities, including facilities on military bases, for the confinement of convicted non-violent offenders and criminal aliens for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a serious violent felony.

SEC. 502. GENERAL GRANTS.

In order to be eligible to receive funds under this title, a State or States organized as a regional compact shall submit an application to the Attorney General that provides assurances that such State since 1993 has—

- (1) increased the percentage of convicted violent offenders sentenced to prison.
(2) increased the average prison time actually to be served in prison by convicted violent offenders sentenced to prison.

SEC. 503. SPECIAL RULES.

Notwithstanding the provisions of paragraphs (1) through (2) to section 502, a State shall be eligible for grants under this title, if the State, not later than the date of the enactment of this title—

- (1) practices indeterminate sentencing; and
(2) the average times served in such State for the offenses of murder, rape, robbery, and assault exceed, by 10 percent or greater, the national average of times served for such offenses.

SEC. 504. FORMULA FOR GRANTS.

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

- (1) \$500,000 or 0.40 percent, whichever is greater shall be allocated to each participating State or compact, as the case may be; and
(2) of the total amount of funds remaining after the allocation under paragraph (1), there shall be allocated to each State or compact, as the case may be, an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State or compact, as the case may be, bears to the population of all the States.

SEC. 505. ACCOUNTABILITY.

(a) FISCAL REQUIREMENT.—A State or States organized as a regional compact that receives funds under this title shall use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Attorney General.

(b) REPORTING.—Each State that receives funds under this title shall submit an annual report, beginning on January 1, 1996, and each January 1 thereafter, to the Congress regarding compliance with the requirements of this title.

(c) ADMINISTRATIVE PROVISIONS.—The administrative provisions of sections 801 and 802 of the Omnibus Crime Control and Safe Streets Act of 1968 shall apply to the Attorney General in the same manner as such provisions apply to the officials listed in such sections.

SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

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

- (1) \$497,500,000 for fiscal year 1996;
(2) \$830,000,000 for fiscal year 1997;
(3) \$2,027,000,000 for fiscal year 1998;
(4) \$2,160,000,000 for fiscal year 1999; and
(5) \$2,253,100,000 for fiscal year 2000.
(b) LIMITATIONS ON FUNDS.—
(1) USES OF FUNDS.—Funds made available under this title may be used to carry out the purposes described in section 501(a).
(2) NONSUPPLANTING REQUIREMENT.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.
(3) ADMINISTRATIVE COSTS.—Not more than three percent of the funds available under this section may be used for administrative costs.
(4) MATCHING FUNDS.—The Federal share of a grant received under this title may not exceed 75 percent of the costs of a proposal as described in an application approved under this title.
(5) CARRY OVER OF APPROPRIATIONS.—Any funds appropriated but not expended as provided by this section during any fiscal year shall remain available until expended.
(c) EVALUATION.—From the amounts authorized to be appropriated under subsection (a) for each fiscal year, the Attorney General shall reserve 1 percent for use by the National Institute of Justice to evaluate the effectiveness of programs established under this title by units of local government and the benefits of such programs in relation to the cost of such programs.

SEC. 507. DEFINITIONS.

- As used in this title—
(1) the term 'indeterminate sentencing' means a system by which—
(A) the court has discretion on imposing the actual length of the sentence imposed, up to the statutory maximum; and
(B) an administrative agency, generally the parole board, controls release between court-ordered minimum and maximum sentence;
(2) the term 'serious violent felony' means—
(A) an offense that is a felony and has as an element the use, attempted use, or threatened use of physical force against the person or property of another and has a maximum term of imprisonment of 10 years or more.
(B) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense and has a maximum term of imprisonment of 10 years or more, or
(C) such crimes include murder, assault with intent to commit murder, arson, armed burglary, rape, assault with intent to commit rape, kidnapping, and armed robbery; and
(3) the term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

It was decided in the Yeas ..... 155 negative ..... Nays ..... 268

- Doggett
Dooley
Duncan
Durbin
Ehlers
Ensign
Eshoo
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (NJ)
Funderburk
Gejdenson
Gephardt
Gilchrest
Green
Greenwood
Gunderson
Gutierrez
Hancock
Hastings (FL)
Hefner
Hilliard
Hinchev
Hoekstra
Hoyer
Hutchinson
Inglis
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, E.B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Klecza
Klug
LaFalce
Lantos
Lazio
Leach
Lewis (GA)
LoBiondo
Longley
Markey
Martinez
Martini
Matsui
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Porter
Quinn
Ramstad
Rangel
Reed
Reynolds
Rivers
Rohrabacher
Rose
Roth
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Scott
Sensenbrenner
Serrano
Shays
Skaggs
Slaughter
Smith (MI)
Stokes
Studds
Thompson
Tiahrt
Torkildsen
Torres
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wynn
Yates
Zimmer

NAYS—268

- Allard
Andrews
Archer
Army
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremins
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doolittle
Dornan
Doyle
Dreier
Edwards
Ehrlich
Emerson
Engel
English
Evans
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Furse
Galleghy
Ganske
Gekas
Geren
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hyde
Istook
Jefferson
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildoe
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Lowe
Lucas
Luther
Maloney
Manton
Manzullo
Mascara

- Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Beilenson
Berman
Bishop
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Camp
Cardin
Castle
Chapman
Clay
Clayton
Clyburn
Collins (IL)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Dingell
Dixon

McCarthy	Pombo	Stump
McCollum	Pomeroy	Stupak
McCrery	Portman	Talent
McDade	Poshard	Tanner
McHale	Pryce	Tate
McHugh	Quillen	Tauzin
McInnis	Radanovich	Taylor (MS)
McIntosh	Rahall	Taylor (NC)
McKeon	Regula	Tejeda
McNulty	Richardson	Thomas
Metcalf	Riggs	Thornberry
Meyers	Roberts	Thornton
Mica	Roemer	Thurman
Miller (FL)	Rogers	Torrice
Molinari	Ros-Lehtinen	Traficant
Montgomery	Roukema	Volkmer
Moorhead	Salmon	Vucanovich
Moran	Saxton	Waldholtz
Murtha	Scarborough	Walker
Myers	Schaefer	Walsh
Myrick	Schiff	Wamp
Nethercutt	Schumer	Watts (OK)
Neumann	Seastrand	Weldon (FL)
Ney	Shadegg	Weldon (PA)
Norwood	Shaw	Weller
Nussle	Shuster	White
Ortiz	Sisisky	Whitfield
Orton	Skeen	Wicker
Oxley	Skelton	Wilson
Packard	Smith (NJ)	Wise
Pallone	Solomon	Wolf
Parker	Souder	Wyden
Paxon	Spence	Young (AK)
Payne (VA)	Spratt	Young (FL)
Peterson (MN)	Stearns	Zeliff
Petri	Stenholm	
Pickett	Stockman	

## NOT VOTING—11

Becerra	Gibbons	Smith (TX)
Collins (MI)	Hall (OH)	Smith (WA)
Dunn	Johnston	Stark
Frost	Lofgren	

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. BLILEY, assumed the Chair.

When Mr. KOLBE, Chairman, pursuant to House Resolution 63, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Violent Criminal Incarceration Act of 1995".

**TITLE I—TRUTH IN SENTENCING****SEC. 101. TRUTH IN SENTENCING GRANT PROGRAM.**

(a) IN GENERAL.—Title V of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

**"TITLE V—TRUTH IN SENTENCING GRANTS****"SEC. 501. AUTHORIZATION OF GRANTS.**

"(a) IN GENERAL.—The Attorney General is authorized to provide grants to eligible States and to eligible States organized as a regional compact to build, expand, and operate space in correctional facilities in order to increase the prison bed capacity in such facilities for the confinement of persons convicted of a serious violent felony and to build, expand, and operate temporary or permanent correctional facilities, including facilities on military bases and boot camp facilities, for the confinement of convicted nonviolent offenders and criminal aliens for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a serious violent felony. Such grants may also be used to build, expand, and operate secure youth correctional facilities.

"(b) LIMITATION.—An eligible State or eligible States organized as a regional compact

may receive either a general grant under section 502 or a truth-in-sentencing incentive grant under section 503.

**"SEC. 502. GENERAL GRANTS.**

"(a) DISTRIBUTION OF GENERAL GRANTS.—50 percent of the total amount of funds made available under this title for each of the fiscal years 1995 through 2000 shall be made available for general eligibility grants for each State or States organized as a regional compact that meets the requirements of subsection (b).

"(b) GENERAL GRANTS.—In order to be eligible to receive funds under subsection (a), a State or States organized as a regional compact shall submit an application to the Attorney General that provides assurances that such State since 1993 has—

"(1) increased the percentage of convicted violent offenders sentenced to prison;

"(2) increased the average prison time actually to be served in prison by convicted violent offenders sentenced to prison; and

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

**"SEC. 503. TRUTH-IN-SENTENCING GRANTS.**

"(a) TRUTH-IN-SENTENCING INCENTIVE GRANTS.—50 percent of the total amount of funds made available under this title for each of the fiscal years 1995 through 2000 shall be made available for truth-in-sentencing incentive grants to each State or States organized as a regional compact that meet the requirements of subsection (b).

"(b) ELIGIBILITY FOR TRUTH-IN-SENTENCING INCENTIVE GRANTS.—In order to be eligible to receive funds under subsection (a), a State or States organized as a regional compact shall submit an application to the Attorney General that provides assurances that each State applying has enacted laws and regulations which include—

"(1)(A) truth-in-sentencing laws which require persons convicted of a serious violent felony serve not less than 85 percent of the sentence imposed or 85 percent of the court-ordered maximum sentence for States that practice indeterminate sentencing; or

"(B) truth-in-sentencing laws which have been enacted, but not yet implemented, that require such State, not later than three years after such State submits an application to the Attorney General, to provide that persons convicted of a serious violent felony serve not less than 85 percent of the sentence imposed or 85 percent of the court-ordered maximum sentence for States that practice indeterminate sentencing;

"(2) laws requiring that the sentencing or releasing authorities notify and allow the victims of the defendant or the family of such victims the opportunity to be heard regarding the issue of sentencing and any postconviction release; and

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

**"SEC. 504. SPECIAL RULES.**

"(a) ADDITIONAL REQUIREMENTS.—To be eligible to receive a grant under section 502 or 503, a State or States organized as a regional compact shall provide an assurance to the Attorney General that—

"(1) to the extent practicable, inmate labor will be used to build and expand correctional facilities;

"(2) each State will involve counties and other units of local government, when appropriate, in the construction, development, expansion, modification, operation, or improvement of correctional facilities designed to ensure the incarceration of offenders, and that each State will share funds received under this title with any county or other unit of local government that is housing

State prisoners, taking into account the burden placed on such county or unit of local government in confining prisoners due to overcrowding in State prison facilities in furtherance of the purposes of this Act;

"(3) the State has implemented or will implement, not later than 18 months after the date of the enactment of the Violent Criminal Incarceration Act of 1995, policies to determine the veteran status of inmates and to ensure that incarcerated veterans receive the veterans benefits to which they are entitled; and

"(4) the State has adopted procedures for the collection of reliable statistical data which compiles the rate of serious violent felonies after the receipt of grant funds under section 502 or section 503 in comparison to the rate of serious violent felonies before receipt of such funds and will report such statistical data to the Attorney General if such data is not already provided.

"(b) JUVENILE JUSTICE INCENTIVE.—Beginning in fiscal year 1998, 15 percent of the funds that would otherwise be available to a State under section 502 or 503 shall be withheld from any State which does not have an eligible system of consequential sanctions for juvenile offenders.

"(c) INDETERMINANT SENTENCING EXCEPTION.—Notwithstanding the provisions of paragraphs (1) through (3) of section 502(b), a State shall be eligible for grants under this title, if the State, not later than the date of the enactment of this title—

"(1) practices indeterminate sentencing; and

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

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

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

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

"(e) EXCEPTION.—The requirements under section 503(b) shall apply, except that a State may provide that the Governor of the State may allow for earlier release of a geriatric prisoner or a prisoner whose medical condition precludes the prisoner from posing a threat to the public after a public hearing in which representatives of the public and the prisoner's victims have an opportunity to be heard regarding a proposed release.

"(f) FUNDS FOR JUVENILE OFFENDERS.—Notwithstanding any other provision of this title, if a State or unit of local government located in a State which otherwise meets the requirements of section 502 or 503 certifies to the Attorney General that exigent circumstances exist which require that the State expend funds to confine juvenile offenders, the State may use funds received under this title to build, expand, and operate juvenile correctional facilities or pretrial detention facilities for such offenders.

**"SEC. 505. FORMULA FOR GRANTS.**

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

"(1) \$500,000 or 0.40 percent, whichever is greater, shall be allocated to each partici-

pating State or compact, as the case may be; and

“(2) of the total amount of funds remaining after the allocation under paragraph (1), there shall be allocated to each State or compact, as the case may be, an amount equal to the ratio that the number of part 1 violent crimes reported by such State or States to the Federal Bureau of Investigation for the most recent calendar year for which the data is available.

**“SEC. 506. ACCOUNTABILITY.**

“(a) FISCAL REQUIREMENTS.—A State or States organized as a regional compact that receives funds under this title shall use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Attorney General, including a requirement that any funds used to carry out the programs under section 501(a) shall represent the best value for the State governments at the lowest possible cost and employ the best available technology.

“(b) REPORTING.—Each State that receives funds under this title shall submit an annual report, beginning on January 1, 1996, and each January 1 thereafter, to the Congress regarding compliance with the requirements of this title.

“(c) ADMINISTRATIVE PROVISIONS.—(1) The administrative provisions of sections 801 and 802 of the Omnibus Crime Control and Safe Streets Act of 1968 shall apply to the Attorney General in the same manner as such provisions apply to the officials listed in such sections.

“(2)(A) A State that receives funds under this title shall, in such form and manner as the Attorney General determines, and under such regulations as the Attorney General shall prescribe, require that the appropriate public authorities report promptly to the Attorney General the death of each individual who dies in custody while in a municipal or county jail, State prison, or other similar place of confinement. Each such report shall include the cause of death and all other facts relevant to the death reported, which the person so reporting shall have the duty to make a good faith effort to ascertain.

“(B) The Attorney General shall annually publish a report containing—

“(i) the number of deaths in each institution for which a report was filed during the relevant reporting period;

“(ii) the cause of death and time of death for each death so reported; and

“(iii) such other information about the death as the Attorney General deems relevant.

**“SEC. 507. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

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

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

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

“(b) LIMITATIONS ON FUNDS.—

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

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

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

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

“(5) CARRY OVER OF APPROPRIATIONS.—Any funds appropriated but not expended as pro-

vided by this section during any fiscal year shall remain available until expended.

“(6) TRANSFER OF UNALLOCATED FUNDS.—After making the distribution to all eligible States required under section 503, the Attorney General may transfer, as provided in this paragraph, in such amounts as may be provided in appropriations Acts, any remaining unallocated funds which have been available for more than two fiscal years, but all such funds shall be available for the purposes of this paragraph after fiscal year 2000. Funds transferred under this paragraph may be made available for expenses of the Immigration and Nationalization Service for investigators and for expenses of the Bureau of Prisons, the Federal Bureau of Investigation and the United States Attorneys for activities and operations related to the investigation, prosecution and conviction of persons accused of a serious violent felony, and the incarceration of persons convicted of such offenses, and the National Institute of Justice for law enforcement technology programs.

**“SEC. 508. PAYMENTS TO STATES FOR INCARCERATION OF CRIMINAL ALIENS.**

“(a) RESERVATION OF FUNDS.—Notwithstanding any other provision of this title, for each of the fiscal years 1996, 1997, 1998, 1999, and 2000 from amounts appropriated under section 507, the Attorney General shall first reserve an amount which when added to amounts appropriated to carry out section 242(j) of the Immigration and Nationality Act for such fiscal year equals \$650,000,000.

“(b) PAYMENTS TO ELIGIBLE STATES.—

“(1) Notwithstanding any other provision of this title, for each of the fiscal years 1996, 1997, 1998, 1999, and 2000 from amounts reserved under subsection (a), the Attorney General shall make a payment to each State which is eligible under section 242(j) of the Immigration and Nationality Act and which meets the eligibility requirements of section 503(b), in such amount as is determined under section 242(j) and for which payment is not made to such State for such fiscal year under such section.

“(2) For any fiscal year, payments made to States under paragraph (1) may not exceed the amount reserved for such fiscal year under subsection (a).

“(c) USE OF UNOBLIGATED FUNDS.—For any fiscal year, amounts reserved under subsection (a) which are not obligated by the end of that fiscal year under subsection (b) shall not be available for payments under this section for any subsequent fiscal year, but shall be available, in equal amounts, to the Attorney General only for grants under sections 502 and 503.

“(d) REPORT TO CONGRESS.—Not later than May 15, 1999, the Attorney General shall submit a report to the Congress which contains the recommendation of the Attorney General concerning the extension of the program under this section.

**“SEC. 509. DEFINITIONS.**

“As used in this title—

“(1) the term ‘indeterminate sentencing’ means a system by which—

“(A) the court has discretion on imposing the actual length of the sentence imposed, up to the statutory maximum; and

“(B) an administrative agency, generally the parole board, controls release between court-ordered minimum and maximum sentence;

“(2) the term ‘serious violent felony’ means—

“(A) an offense that is a felony and has as an element the use, attempted use, or threatened use of physical force against the person or property of another and has a maximum term of imprisonment of 10 years or more,

“(B) any other offense that is a felony and that, by its nature, involves a substantial

risk that physical force against the person or property of another may be used in the course of committing the offense and has a maximum term of imprisonment of 10 years or more, or

“(C) such crimes including murder, assault with intent to commit murder, arson, armed burglary, rape, assault with intent to commit rape, kidnapping, and armed robbery;

“(3) the term ‘State’ means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States; and

“(4) the term ‘an eligible system of consequential sanctions for juvenile offenders’ means that the State or States organized as a regional compact, as the case may be—

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

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

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

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

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

“(i) murder or attempted murder;

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

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

“(iv) forcible rape;

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

“(vi) the fourth or subsequent occasion on which such juveniles engage in an activity for which adults could be imprisoned for a term exceeding 1 year;

unless, on a case-by-case basis, the transfer of such juveniles for disposition in the juvenile justice system is determined under State law to be in the interest of justice;

“(E) require that whenever a juvenile is adjudicated in a juvenile proceeding to have engaged in the conduct constituting an offense described in subparagraph (D) that—

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

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

“(II) retained for a period of time that is equal to the period of time records are kept for adult convictions; and

“(III) made available to law enforcement officials to the same extent that a record of an adult conviction would be made available;

“(ii) the juvenile is fingerprinted and photographed, and the fingerprints and photograph are sent to the Federal Bureau of Investigation; and

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

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

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

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

(b) PREFERENCE IN PAYMENTS UNDER SECTION 242(J) OF IMMIGRATION AND NATIONALITY ACT.—Section 242(j)(4) of the Immigration and Nationality Act (8 U.S.C. 1252(j)(4)) is amended by adding at the end the following:

“(C) In carrying out paragraph (1)(A), the Attorney General shall give preference in making payments to States and political subdivisions of States which are ineligible for payments under section 508 of the Violent Crime Control and Law Enforcement Act of 1994.”.

**SEC. 102. CONFORMING AMENDMENTS.**

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

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

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

(B) Notwithstanding the provisions of subparagraph (A), any funds that remain available to an applicant under paragraph (20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be used in accordance with part V of such Act as such Act was in effect on the day preceding the date of enactment of this Act.

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

(1) REPEAL.—(A) Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(B) The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to subtitle A of title II.

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

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

“TITLE V—TRUTH-IN-SENTENCING GRANTS

- “Sec. 501. Authorization of grants.
- “Sec. 502. General grants.
- “Sec. 503. Truth-in-sentencing grants.
- “Sec. 504. Special rules.
- “Sec. 505. Formula for grants.
- “Sec. 506. Accountability.
- “Sec. 507. Authorization of appropriations.
- “Sec. 508. Definitions.”.

**TITLE II—STOPPING ABUSIVE PRISONER LAWSUITS**

**SEC. 201. EXHAUSTION REQUIREMENT.**

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

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

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

(3) by inserting “are exhausted” after “available”.

**SEC. 202. FRIVOLOUS ACTIONS.**

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

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

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

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

**SEC. 204. PROCEEDINGS IN FORMA PAUPERIS.**

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

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

(2) by striking “and may” and inserting “and shall”;

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

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

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

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

**TITLE III—STOP TURNING OUT PRISONERS**

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

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

**“§ 3626. Appropriate remedies with respect to prison conditions**

“(a) REQUIREMENTS FOR RELIEF.—

“(1) LIMITATIONS ON PROSPECTIVE RELIEF.—Prospective relief in a civil action with respect to prison conditions shall extend no further than necessary to remove the conditions that are causing the deprivation of the Federal rights of individual plaintiffs in that civil action. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn and the least intrusive means to remedy the violation of the Federal right. In determining the intrusiveness of the relief, the court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

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

“(b) TERMINATION OF RELIEF.—

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

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

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

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

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

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

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

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

“(B) beginning on the 180th day after such motion is filed, in the case of a motion made under any other law;

and ending on the date the court enters a final order ruling on that motion.

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

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

“(2) who otherwise is or may be affected by;

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

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

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

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

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

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

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

“(2) the term ‘relief’ means all relief in any form which may be granted or approved by the court, and includes consent decrees and settlement agreements (except a settlement agreement the breach of which is not subject to any court enforcement other than reinstatement of the civil proceeding which such agreement settled); and

“(3) the term ‘prospective relief’ means all relief other than compensatory monetary damages.”.

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

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

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

**SEC. 401. PRISON SECURITY.**

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

**“§ 4048. Strength-training of prisoners prohibited**

“The Bureau of Prisons shall ensure that—  
“(1) prisoners under its jurisdiction do not engage in any physical activities designed to increase their fighting ability; and

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

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

“4048. Strength-training of prisoners prohibited.”.

**TITLE V—PRISON CONDITIONS**

**SEC. 501. PRISON CONDITIONS.**

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

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

**SEC. 502. ANNUAL REPORT.**

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

- (1) The minimal requirements necessary to maintain custody and security of prisoners.
- (2) Basic nutritional needs.
- (3) Essential medical services.
- (4) Amenities and programs beyond the scope of the items referred to in paragraphs (1) through (3), including but not limited to—  
(A) recreational programs and facilities;  
(B) vocational and educational programs; and  
(C) counseling services, together with the rationale for spending on each category and empirical data, if any, supporting such rationale.

**TITLE VI—COMMUNITY SERVICE PROJECTS**

**SEC. 601. BUREAU OF PRISONS COMMUNITY SERVICE PROJECTS.**

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

**“§ 4047. Community service projects**

“(a) Subject to the limitations of subsection (b), the Chief Executive Officer of a

Federal penal or correctional facility may, as part of an inmate work program, provide services to private, nonprofit organizations, as defined in section 501(c)(3) of the Internal Revenue Code of 1986, or to a component of any State government or political subdivision thereof. Such services shall be provided pursuant to rules prescribed by the Attorney General.

“(b) Services provided under subsection (a)—

“(1) shall be used only for the benefit of the recipient entity and not for the benefit of any individual or organization other than the recipient; and

“(2) shall not displace an employee of the recipient or result in a reduction in hours, wages, or employment benefits of any employee of the recipient.”.

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

“4047. Community service projects.”.

**TITLE VII—PRISON COMMISSARY ADMINISTRATION**

**SEC. 701. ADMINISTRATION OF FEDERAL PRISON COMMISSARIES.**

Section 4043 of title 18, United States Code, is amended by striking the current language and inserting the following:

“(a) The Director of the Bureau of Prisons may establish, operate, and maintain commissaries in Federal penal or correctional facilities, from and through which articles and services may be procured, sold, rendered, or otherwise provided or made available for the benefit of inmates confined within those facilities. Only those articles or services authorized by the Director of the Bureau of Prisons may be procured from or through prison commissaries for the use of inmates.

“(b) There is established in the Treasury of the United States a revolving fund to be called the Prison Commissary Fund which shall be available to the Federal Bureau of Prisons without fiscal-year limitation to carry out the purposes, functions and powers authorized by this section. Funds currently on deposit in the ‘Commissary Funds, Federal Prisons’ account of the Treasury shall be transferred to the Prison Commissary Fund.

“(c) The Director of the Federal Bureau of Prisons may accept gifts or bequests of money for credit to the Fund. The Director may also accept gifts or bequests of other property, real or personal, for use or other disposition by the Bureau of Prisons. A gift or bequest under this section is a gift or bequest to or for the use of the United States under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

“(d) Amounts in the Prison Commissary Fund which are not currently needed for operations shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Prison Commissary Fund.

“(e) There shall be deposited in the Fund, subject to withdrawal by the Federal Bureau of Prisons—

“(1) revenues received from the sale of articles through prison commissaries;

“(2) revenues received from services rendered by prison commissaries;

“(3) a gift or bequest of money for credit to the Fund;

“(4) proceeds from the sale or disposal of donated property, real or personal, for credit to the Fund; and

“(5) earnings or interest which may be derived from investments of the Fund.

“(f) The Fund shall be available for the payment of any expenses incurred by the Federal Bureau of Prisons in establishing,

operating, and maintaining prison commissaries and the Prison Commissary Fund, including the employment of personnel, the purchase of equipment, security-related or otherwise, and those expenses incurred in the provision of articles or services procured, sold, rendered, or otherwise provided or made available to inmates.

“(g) The Director of the Bureau of Prisons is authorized to use monies from the Prison Commissary Fund for the general welfare of inmates. No inmate shall be entitled to any portion of the Fund.

“(h) Employees compensated by or through the Prison Commissary Fund may be assigned additional duties other than those directly related to commissary activities.

“(i) The provisions of sections 554 and 555 and 701 through 706 of title 5, United States Code, do not apply to the making of any determination, decision, or order under this section.”.

**SEC. 702. TECHNICAL AMENDMENT.**

Section 1321(b) of title 31, United States Code, is amended by striking “Commissary Funds, Federal Prisons”.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CONYERS moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Page 9, after line 6, insert the following:

“(7) UNALLOCATED FUNDS FOR PUBLIC SAFETY AND COMMUNITY POLICING.—Notwithstanding any other provision of this title, funds transferred under paragraph (6) may only be made available for the program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1965.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. BLI-LEY, announced that the nays had it.

Mr. CONYERS demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by fogronic device.

It was decided in the  $\left\{ \begin{array}{l} \text{Yeas} \dots\dots 193 \\ \text{negative} \dots\dots\dots \text{Nays} \dots\dots 227 \end{array} \right.$

¶24.12 [Roll No. 116]

YEAS—193

Abercrombie	Cardin	Dicks
Ackerman	Chapman	Dingell
Baessler	Clay	Dixon
Baldacci	Clayton	Doggett
Barcia	Clement	Dooley
Barrett (WI)	Clyburn	Doyle
Beilenson	Coleman	Durbin
Bentsen	Collins (IL)	Edwards
Bevill	Condit	Engel
Bishop	Conyers	Eshoo
Bonior	Costello	Evans
Borski	Coyne	Farr
Brewster	Cramer	Fattah
Browder	Danner	Fazio
Brown (CA)	de la Garza	Fields (LA)
Brown (FL)	Deal	Filner
Brown (OH)	DeFazio	Flake
Bryant (TX)	DeLauro	Foglietta
Camp	Dellums	Ford (TN)