

23.21 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

- H.R. 3: Mr. GORDON.
- H.R. 76: Mr. BEREUTER.
- H.J. Res. 3: Mr. RIGGS and Mr. COBURN.

FRIDAY, FEBRUARY 10, 1995 (24)

The House was called to order by the SPEAKER.

24.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Thursday, February 9, 1995.

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

24.2 COMMUNICATIONS

Executive communication, pursuant to clause 2, rule XXIV, was referred as follows:

361. A letter from the Director, Congressional Budget Office, transmitting a report entitled "The Economic and Budget Outlook: Fiscal Years 1996-2000"; jointly, to the Committees on Appropriations and the Budget.

24.3 VIOLENT CRIMINAL INCARCERATION

The SPEAKER pro tempore, Mr. SAM JOHNSON OF TEXAS, 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 further consideration of the bill (H.R. 667) to control crime by incarcerating violent criminals.

Mr. BARRETT of Nebraska, Acting Chairman, assumed the chair; and after some time spent therein,

24.4 RECORDED VOTE

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

Page 17, strike lines 16-23 and page 18, strike lines 1-3.

Page 18, line 4, strike the letter "g" and insert instead the letter "F".

It was decided in the

Yeas	93
negative	313

24.5 [Roll No. 112] YEAS—93

Abercrombie	Fattah	Levin
Beilenson	Fazio	Lewis (GA)
Berman	Fields (LA)	Lowe
Bishop	Filner	Martinez
Bonior	Flake	Matsui
Brown (CA)	Foglietta	McDermott
Brown (FL)	Frank (MA)	McKinney
Cardin	Gejdenson	Meehan
Clay	Gibbons	Meek
Clayton	Gutierrez	Menendez
Clyburn	Hall (OH)	Mineta
Collins (IL)	Hamilton	Mink
Conyers	Hastings (FL)	Mollohan
Coyne	Hilliard	Nadler
Dellums	Hoyer	Oberstar
Dicks	Jackson-Lee	Olver
Dingell	Johnson, E.B.	Owens
Dixon	Kennedy (MA)	Pastor
Durbin	Kennedy (RI)	Payne (NJ)
Eshoo	Kildee	Pelosi
Evans	LaFalce	Reed
Farr	Lantos	Reynolds

Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Stokes
Studds
Thompson
Towns
Velazquez

NAYS—313

Ackerman	Ensign
Archer	Everett
Army	Ewing
Bachus	Fawell
Baessler	Fields (TX)
Baker (CA)	Flanagan
Baker (LA)	Foley
Baldacci	Forbes
Ballenger	Fowler
Barcia	Fox
Barr	Franks (CT)
Barrett (NE)	Franks (NJ)
Barrett (WI)	Frelinghuysen
Bartlett	Frisa
Barton	Funderburk
Bass	Furse
Bateman	Gallegly
Bentsen	Ganske
Bereuter	Gekas
Bevill	Gephardt
Bilbray	Geren
Bilirakis	Gilchrist
Bliley	Gilman
Blute	Gonzalez
Boehlert	Goodlatte
Boehner	Goodling
Bonilla	Gordon
Bono	Goss
Borski	Graham
Brewster	Green
Browder	Gunderson
Brown (OH)	Gutknecht
Brownback	Hall (TX)
Bryant (TN)	Hancock
Bryant (TX)	Hansen
Bunn	Harman
Bunning	Hastert
Burr	Hastings (WA)
Burton	Hayworth
Buyer	Hefley
Callahan	Hefner
Calvert	Heineman
Camp	Hilleary
Canady	Hobson
Castle	Hoekstra
Chabot	Hoke
Chambliss	Holden
Chenoweth	Horn
Christensen	Hostettler
Clement	Houghton
Clinger	Hunter
Coble	Hutchinson
Coburn	Hyde
Coleman	Inglis
Collins (GA)	Istook
Combest	Jacobs
Condit	Jefferson
Cooley	Johnson (CT)
Costello	Johnson (SD)
Cox	Johnson, Sam
Cramer	Jones
Crane	Kanjorski
Crapo	Kaptur
Creameans	Kasich
Cubin	Kelly
Cunningham	Kennelly
Danner	Kim
Davis	King
de la Garza	Kingston
Deal	Kleczka
DeFazio	Klink
DeLauro	Klug
DeLay	Knollenberg
Diaz-Balart	Kolbe
Dickey	LaHood
Doggett	Largent
Dooley	Latham
Doolittle	LaTourette
Dornan	Laughlin
Doyle	Lazio
Dreier	Leach
Duncan	Lewis (CA)
Dunn	Lewis (KY)
Edwards	Lightfoot
Ehlers	Lincoln
Ehrlich	Linder
Emerson	Lipinski
Engel	Livingston
English	LoBiondo

Vento
Viscosky
Ward
Waters
Watt (NC)
Williams
Wise
Wynn
Yates

Longley
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinary
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton

Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate

Tauzin
Taylor (MS)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker

Wamp
Watts (OK)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wyden
Young (FL)
Zeliff
Zimmer

NOT VOTING—28

Allard	Gillmor	Stark
Andrews	Greenwood	Taylor (NC)
Becerra	Hayes	Torres
Boucher	Herger	Tucker
Chapman	Hinche	Walsh
Chrysler	Johnston	Waxman
Collins (MI)	Lofgren	Weldon (FL)
Deutsch	Mfume	Young (AK)
Ford	Miller (CA)	
Frost	Rangel	

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

24.6 RECORDED VOTE

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

Page 8, strike lines 7 through 11, and insert the following:

- "(1) \$990,300,000 for fiscal year 1996;
- "(2) \$1,322,800,000 for fiscal year 1997;
- "(3) \$2,519,800,000 for fiscal year 1998;
- "(4) \$2,652,800,000 for fiscal year 1999; and
- "(5) \$2,745,900,000 for fiscal year 2000.

It was decided in the

Yeas	129
negative	295

24.7 [Roll No. 113] YEAS—129

Abercrombie	Foglietta	Nadler
Ackerman	Frank (MA)	Neal
Barrett (WI)	Gejdenson	Oberstar
Beilenson	Gephardt	Obey
Bentsen	Gibbons	Olver
Berman	Gonzalez	Ortiz
Bishop	Green	Owens
Bonior	Gutierrez	Pastor
Borski	Hall (OH)	Payne (NJ)
Brown (CA)	Hastings (FL)	Pelosi
Brown (FL)	Hefner	Pomeroy
Brown (OH)	Hilliard	Porter
Bryant (TX)	Hinche	Rangel
Cardin	Hoyer	Reynolds
Clay	Jackson-Lee	Richardson
Clayton	Jacobs	Rivers
Clyburn	Jefferson	Roybal-Allard
Coleman	Johnson (CT)	Rush
Collins (IL)	Johnson, E.B.	Sabo
Conyers	Kennedy (MA)	Sanders
Coyne	Kennedy (RI)	Sawyer
Cramer	Kildee	Schroeder
de la Garza	Kleczka	Scott
Deal	LaFalce	Serrano
DeFazio	Lantos	Shays
DeLauro	Levin	Skaggs
Dellums	Lewis (GA)	Slaughter
Dicks	Luther	Stokes
Dingell	Markey	Studds
Dixon	Matsui	Tejeda
Doggett	McCarthy	Thompson
Dooley	McDermott	Torres
Durbin	McKinney	Towns
Edwards	McNulty	Tucker
Ehlers	Meehan	Velazquez
Engel	Meek	Vento
Eshoo	Mfume	Waters
Evans	Miller (CA)	Watt (NC)
Fattah	Mineta	Waxman
Fazio	Mink	Williams
Fields (LA)	Moakley	Woolsey
Filner	Mollohan	Wynn
Flake	Moran	Yates

NAYS—295

Allard Andrews Archer Arme... Gilchrest Gillmor Gilman Goodlatte Goodling Gordon Goss Graham Greenwood Gunderson Gutknecht Hall (TX) Hamilton Hancock Hansen Harman Hastert Hastings (WA) Hayes Hayworth Hefley Heineman Herger Hillery Hobson Hoekstra Hoke Holden Horn Hostettler Houghton Hunter Hutchinson Hyde Inglis Istook Johnson (SD) Johnson, Sam Jones Kanjorski Kaptur Kasich Kelly Kennelly Kim King Kingston Klink Klug Knollenberg Latham LaHood Largent Latham LaTourette Leach Lewis (CA) Lewis (KY) Lightfoot Lincoln Linder Lipinski Livingston LoBiondo Longley Lowey Lucas Maloney Manton Mantone Martine Mascar MCollum McCrery McDade McHale McHugh McInnis McIntosh McKee Menendez Metcalf Meyers Mica Miller (FL) Minge Molinari Montgomery Moorhead Morella Murtha Myers Myrick Nethercutt Neumann Ney Norwood

NOT VOTING—10

Becerra Collins (MI) Ford (TN) Frost Johnston Lofgren Martini Smith (TX) Stark Zeliff

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

24.8 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, lines 24 and 25, strike "either a general grant" and insert "general grants".

Page 2, line 25, strike "or" and insert "and".

Page 6, line 6, strike "title, if the State" and insert "title if,"

Page 6, line 7, strike "title—" and all that follows down through "the" on line 9, and insert "title, the".

It was decided in the Yeas 176 negative Nays 247

24.9 [Roll No. 114] YEAS—176

Abercrombie Ackerman Baesler Baldacci Barrett (WI) Barton Beilenson Bentsen Berman Bevill Bishop Bonior Borski Boucher Brewster Browder Brown (FL) Brown (OH) Bryant (TX) Camp Cardin Chapman Clay Clyburn Coleman Collins (IL) Conyers Coyne Cramer Danner DeFazio de la Garza DeLauro Dellums Dicks Dingell Dixon Doggett Dooley Doyle Durbin Edwards Ehlers Engel Eshoo Evans Farr Fattah Fazio Fields (LA) Filner Flake Foglietta Ford (TN) Frank (MA) Furse Gejdenson Gephardt Gibbons Gillmor Gonzalez Gordon Green Gutierrez Hall (TX) Hamilton Hastings (FL) Hayes Hefner Hilliard Hinchey Hoekstra Holden Hoyer Inglis Jackson-Lee Johnson, E.B. Kanjorski Kaptur Kennedy (MA) Kennedy (RI) Kennelly Kildee Kleczka Klink LaFalce Lantos Laughlin Levin Lewis (GA) Lincoln Longley Lowey Maloney Manton Markay Mascara Matsui McDermott McHale McKinney McNulty Meehan Meek Menendez Mfume Miller (CA) Mineta Minge Mink Moakley Mollohan Moran Murtha Nadler Neal Oberstar Obey Olver Ortiz Orton Owens Pallone Pastor Payne (NJ) Pelosi Peterson (FL) Peterson (MN) Pickett Pomeroy Portman Rahall Rangel Reed Reynolds Richardson Rivers Roemer Rose Roybal-Allard Rush Sabo Sanders Sawyer Schroeder Schumer Scott Serrano Skaggs Skelton Slaughter Smith (MI) Stokes Studds Stupak Tanner Thompson Thornton Torres Towns Tucker Upton Velazquez Vento Visclosky Volkmer Ward Waters Waxman Williams Wilson Wise Woolsey Wynn Yates

NAYS—247

Allard Andrews Archer Arme... Ballenger Barcia Barr Barrett (NE) Bartlett

Blute Boehlert Boehner Bonilla Bono Brownback Bryant (TN) Bunn Bunning Burr Burton Buyer Callahan Calvert Canady Castle Chabot Chambliss Chenoweth Christensen Chrysler Clayton Clement Clinger Coble Coburn Collins (GA) Combest Condit Cooley Costello Cox Crane Cremeans Cubin Cunningham Davis Deal DeLay Deutsch Diaz-Balart Dickey Doolittle Dornan Dreier Duncan Dunn Ehrlich Emerson English Ensign Everrett Fawell Fields (TX) Flanagan Foley Forbes Fowler Fox Franks (CT) Franks (NJ) Frelinghuysen Frisa Funderburk Gallegly Ganske Gekas Geren Gilchrest Gilman Goodlatte Goodling Goss Graham Greenwood Gunderson Gutknecht Hancock Hansen Harman Hastert Hastings (WA) Hayworth Hefley Heineman Herger Hillery Hobson Hoke Hostettler Houghton Hunter Hutchinson Hyde Istook Jacobs Jefferson Johnson (CT) Johnson, Sam Johnson (SD) Jones Kasich Kelly Kim King Kingston Klug Knollenberg Kolbe LaHood Largent Latham LaTourette Lazio Leach Lewis (CA) Lewis (KY) Lightfoot Linder Lipinski Livingston LoBiondo Lucas Luther Manzullo Martinez Martini McCarthy McCollum McCrery McDade McHugh McInnis McIntosh McKee Metcalf Meyers Mica Miller (FL) Molinari Montgomery Moorhead Morella Myers Myrick Nethercutt Neumann Ney Norwood Nussle Oxley Packard Parker Paxon Payne (VA) Petri Pombo Porter Poshard Pryce Quillen Quinn Radanovich Ramstad Regula Riggs Roberts Rogers Rohrabacher Ros-Lehtinen Roth Roukema Royce Salmon Sanford Saxton Scarborough Schaefer Schiff Seastrand Sensenbrenner Shadegg Shaw Shays Shuster Sisisky Skee Smith (NJ) Solomon Souder Spence Spratt Stearns Stenholm Stockman Stump Talent Tate Taylor (MS) Taylor (NC) Thomas Thornberry Thurman Tiahrt Torkildsen Torricelli Traficant Vucanovich Waldholtz Walker Walsh Wamp Watt (NC) Watts (OK) Weldon (FL) Weldon (PA) Weller Wicker Wolf Wyden Young (AK) Young (FL) Zeliff Zimmer

NOT VOTING—11

Becerra Brown (CA) Collins (MI) Frost Hall (OH) Johnston Lofgren Smith (TX) Smith (WA) Stark Tauzin

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

24.10 RECORDED VOTE

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

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

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
Creameans
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
Metcalfe	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)

Frank (MA)
McCarthy
Furse
McDermott
Gejdenson
McHale
Gephardt
McKinney
Geren
McNulty
Gonzalez
Meehan
Gordon
Meek
Green
Menendez
Gutierrez
Mfume
Hall (TX)
Miller (CA)
Hamilton
Mineta
Harman
Minge
Hastings (FL)
Mink
Hayes
Moakley
Hefner
Mollohan
Hilliard
Montgomery
Hinchev
Moran
Holden
Morella
Hoyer
Murtha
Jackson-Lee
Nadler
Jacobs
Neal
Jefferson
Oberstar
Johnson, E.B.
Obey
Kanjorski
Olver
Kaptur
Ortiz
Kennedy (MA)
Orton
Kennedy (RI)
Owens
Kennelly
Pallone
Kildee
Parker
Klecza
Pastor
Klink
Payne (NJ)
LaFalce
Payne (VA)
Lantos
Pelosi
Laughlin
Peterson (FL)
Levin
Peterson (MN)
Lewis (GA)
Pickett
Lincoln
Pomeroy
Lipinski
Poshard
Lowe
Rahall
Luther
Rangel
Maloney
Reed
Manton
Reynolds
Markey
Richardson
Martinez
Rivers
Mascara
Roemer
Matsui
Rose

Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema

Thornberry
Tiahrt
Torkildsen
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood

Nussle
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Poshard
Pryce
Quillen
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—14

Becerra
Berman
Boucher
Coburn
Collins (MI)
Frost
Gibbons
Hall (OH)
Johnston
Lofgren
Smith (TX)
Smith (WA)
Stark
Thomas

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. BLILEY, announced that the yeas had it.

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

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 265 Nays 156

NAYS—227

Allard
Deutsch
Andrews
Diaz-Balart
Archer
Dickey
Armye
Doolittle
Bachus
Dornan
Baker (CA)
Dreier
Baker (LA)
Duncan
Ballenger
Dunn
Barr
Ehlers
Barrett (NE)
Ehrlich
Bartlett
Emerson
Barton
English
Bass
Ensign
Bateman
Everett
Bereuter
Ewing
Bilbray
Fawell
Bilirakis
Fields (TX)
Bliley
Flanagan
Blute
Foley
Boehlert
Forbes
Boehner
Fowler
Bonilla
Fox
Bono
Franks (CT)
Brownback
Franks (NJ)
Bryant (TN)
Frelinghuysen
Bunn
Frisa
Bunning
Funderburk
Burr
Gallegly
Burton
Ganske
Buyer
Gekas
Linder
Callahan
Gilchrest
Livingston
Calvert
Gillmor
LoBiondo
Canady
Gilman
Longley
Castle
Goodlatte
Lucas
Chabot
Goodling
Duncan
Chambliss
Goss
Dunn
Christenoweth
Graham
McCollum
Christensen
Greenwood
McCrery
Chrysler
Gunderson
Clinger
Gutknecht
McDade
Coble
Hancock
McHugh
Collins (GA)
Hansen
McInnis
Combest
Hastert
McIntosh
Cooley
Hastings (WA)
McKeon
Cox
Hayworth
Metcalf
Crane
Hefley
Meyers
Crapo
Heineman
Creameans
Herger
Cubin
Hillery
Cunningham
Hobson
Davis
Hoekstra
DeLay
Hoke

24.13

[Roll No. 117]

YEAS—265

Allard
Andrews
Archer
Armye
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Canady
Chabot
Chambliss
Christenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Collins (GA)
Combest
Collins (GA)
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Creameans
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Ganske
Gekas
Geren
Gilchrest
Gillmor
Blute
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hillery
Hobson
Hoke
Horn
Hoselt
Houghton
Hunter
Hutchinson
Hyde
Inglis
Inglis
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson, Sam
Johnson (SD)
Jones
Kasich
Kleczka
Kling
King
King
Kingston

NAYS—156

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Bishop
Blunt
Boehlert
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Camp
Cardin
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Conyers
Coyne
Cubin
Danner
DeFazio
de la Garza
DeLauro
Dellums
Dicks
Dingell
Dixon
Doyle
Durbin
Edwards
Ehlers
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gonzalez
Green
Ortiz
Gunderson
Gutierrez
Hamilton
Hastings (FL)
Hilliard
Hinchev
Hoekstra
Holden
Hoyer
Jackson-Lee
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Klecza
Klink
Klug
LaFalce
Lantos
Levin
Lewis (GA)
Longley
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
Thornton
McCarthy
McDermott
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Payne (NJ)
Pelosi
Pomeroy
Portman
Quinn
Rahall
Ramstad
Rangel
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Stearns
Stockman
Stump
Talent
Tate
Taylor (MI)
Tiahrt
Torkildsen
Torres
Towns
Tucker
Upton
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates

NOT VOTING—13

Becerra	Frost	Smith (TX)
Berman	Gibbons	Smith (WA)
Collins (MI)	Hall (OH)	Stark
Deutsch	Johnston	
Frisa	Lofgren	

So the bill was passed.

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

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶24.14 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. MCCOLLUM, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 667) to control crime by incarcerating violent criminals, the Clerk be authorized to correct section numbers, cross references, and punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

¶24.15 PROVIDING FOR THE CONSIDERATION OF H.R. 728

Ms. PRYCE, by direction of the Committee on Rules, reported (Rept. No. 104-27) the resolution (H. Res. 79) providing for consideration of the bill (H.R. 728) to control crime by providing law enforcement block grants.

When said resolution and report were referred to the House Calendar and ordered printed.

¶24.16 PROVIDING FOR THE CONSIDERATION OF H.R. 668

Mr. SOLOMON, by direction of the Committee on Rules, called up the following resolution (H. Res. 69):

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. 668) to control crime by further streamlining deportation of criminal aliens. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302(f) or section 303(a) of the Congressional Budget Act of 1974 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. 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, modified by the amendment printed in section 2 of this resolution. All points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. Each section of the committee amendment in the nature of a substitute, as modified, shall be considered as read. 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, as modified. 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.

SEC. 2. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill is modified by the following amendment: "Strike section 11 and redesignate the succeeding sections accordingly."

When said resolution was considered. After debate,

On motion of Mr. GOSS, 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.

¶24.17 CRIMINAL ALIENS

The SPEAKER pro tempore, Mr. BILLEY, pursuant to House Resolution 69 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. 668) to control crime by further streamlining deportation of criminal aliens.

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

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

When Mr. DREIER, Chairman, pursuant to House Resolution 69, 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; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Criminal Alien Deportation Improvements Act of 1995".

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Additional expansion of definition of aggravated felony.
- Sec. 3. Deportation procedures for certain criminal aliens who are not permanent residents.
- Sec. 4. Restricting the defense to exclusion based on 7 years permanent residence for certain criminal aliens.
- Sec. 5. Limitation on collateral attacks on underlying deportation order.
- Sec. 6. Criminal alien identification system.
- Sec. 7. Establishing certain alien smuggling-related crimes as RICO-predicate offenses.

Sec. 8. Wiretap authority for alien smuggling investigations.

Sec. 9. Expansion of criteria for deportation for crimes of moral turpitude.

Sec. 10. Payments to political subdivisions for costs of incarcerating illegal aliens.

Sec. 11. Miscellaneous provisions.

Sec. 12. Construction of expedited deportation requirements.

Sec. 13. Study of prisoner transfer treaty with Mexico.

Sec. 14. Justice Department assistance in bringing to justice aliens who flee prosecution for crimes in the United States.

Sec. 15. Prisoner transfer treaties.

Sec. 16. Interior repatriation program.

Sec. 17. Deportation of nonviolent offenders prior to completion of sentence of imprisonment.

SEC. 2. ADDITIONAL EXPANSION OF DEFINITION OF AGGRAVATED FELONY.

(a) **IN GENERAL.**—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), as amended by section 222 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416), is amended—

(1) in subparagraph (J), by inserting "or an offense described in section 1084 (if it is a second or subsequent offense) or 1955 of that title (relating to gambling offenses)," after "corrupt organizations";

(2) in subparagraph (K)—

(A) by striking "or" at the end of clause (i).

(B) by redesignating clause (ii) as clause (iii), and

(C) by inserting after clause (i) the following new clause:

"(ii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution for commercial advantage; or";

(3) by amending subparagraph (N) to read as follows:

"(N) an offense described in paragraph (1)(A) or (2) of section 274(a) (relating to alien smuggling) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;";

(4) by amending subparagraph (O) to read as follows:

"(O) an offense (i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 18 months;";

(5) in subparagraph (P), by striking "15 years" and inserting "5 years", and by striking "and" at the end;

(6) by redesignating subparagraphs (O), (P), and (Q) as subparagraphs (P), (Q), and (U), respectively;

(7) by inserting after subparagraph (N) the following new subparagraph:

"(O) an offense described in section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph;"; and

(8) by inserting after subparagraph (Q), as so redesignated, the following new subparagraphs:

"(R) an offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered for which a sentence of 5 years' imprisonment or more may be imposed;

"(S) an offense relating to obstruction of justice, perjury or subornation of perjury, or

bribery of a witness, for which a sentence of 5 years' imprisonment or more may be imposed;

"(T) an offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony for which a sentence of 2 years' imprisonment or more may be imposed; and".

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to convictions entered on or after the date of the enactment of this Act, except that the amendment made by subsection (a)(3) shall take effect as if included in the enactment of section 222 of the Immigration and Nationality Technical Corrections Act of 1994.

SEC. 3. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) **ADMINISTRATIVE HEARINGS.**—Section 242A(b) of the Immigration and Nationality Act (8 U.S.C. 1252a(b)), as added by section 130004(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), is amended—

(1) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (A) and inserting "or", and

(B) by amending subparagraph (B) to read as follows:

"(B) had permanent resident status on a conditional basis (as described in section 216) at the time that proceedings under this section commenced.";

(2) in paragraph (3), by striking "30 calendar days" and inserting "14 calendar days";

(3) in paragraph (4)(B), by striking "proceedings" and inserting "proceedings";

(4) in paragraph (4)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively; and

(B) by adding after subparagraph (C) the following new subparagraphs:

"(D) such proceedings are conducted in, or translated for the alien into, a language the alien understands;

"(E) a determination is made for the record at such proceedings that the individual who appears to respond in such a proceeding is an alien subject to such an expedited proceeding under this section and is, in fact, the alien named in the notice for such proceeding;"

(5) by adding at the end the following new paragraph:

"(5) No alien described in this section shall be eligible for any relief from deportation that the Attorney General may grant in the Attorney General's discretion."

(b) **LIMIT ON JUDICIAL REVIEW.**—Subsection (d) of section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a), as added by section 130004(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), is amended to read as follows:

"(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue."

(c) **PRESUMPTION OF DEPORTABILITY.**—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by inserting after subsection (b) the following new subsection:

"(c) **PRESUMPTION OF DEPORTABILITY.**—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States."

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to all aliens against whom deportation proceedings are initiated after the date of the enactment of this Act.

SEC. 4. RESTRICTING THE DEFENSE TO EXCLUSION BASED ON 7 YEARS PERMANENT RESIDENCE FOR CERTAIN CRIMINAL ALIENS.

The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking "has served for such felony or felonies" and all that follows through the period and inserting "has been sentenced for such felony or felonies to a term of imprisonment of at least 5 years, if the time for appealing such conviction or sentence has expired and the sentence has become final."

SEC. 5. LIMITATION ON COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.

(a) **IN GENERAL.**—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding at the end the following new subsection:

"(c) In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

"(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

"(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to criminal proceedings initiated after the date of the enactment of this Act.

SEC. 6. CRIMINAL ALIEN IDENTIFICATION SYSTEM.

Section 130002(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-312) is amended to read as follows:

"(a) **OPERATION AND PURPOSE.**—The Commissioner of Immigration and Naturalization shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien identification system. The criminal alien identification system shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to deportation by reason of their conviction of aggravated felonies."

SEC. 7. ESTABLISHING CERTAIN ALIEN SMUGGLING-RELATED CRIMES AS RICO-PREDICATE OFFENSES.

Section 1961(1) of title 18, United States Code, is amended—

(1) by inserting "section 1028 (relating to fraud and related activity in connection with identification documents) if the act indictable under section 1028 was committed for the purpose of financial gain," before "section 1029";

(2) by inserting "section 1542 (relating to false statement in application and use of passport) if the act indictable under section 1542 was committed for the purpose of financial gain, section 1543 (relating to forgery or false use of passport) if the act indictable under section 1543 was committed for the purpose of financial gain, section 1544 (relating to misuse of passport) if the act indictable under section 1544 was committed for the purpose of financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) if the act indictable under section 1546 was committed for the purpose of financial gain, sections 1581-1588 (relating to peonage and slavery)," after "section 1513 (relating to retaliating against a witness, victim, or an informant);";

(3) by striking "or" before "(E)"; and

(4) by inserting before the period at the end the following: ", or (F) any act which is indictable under the Immigration and Nation-

ality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain".

SEC. 8. WIRETAP AUTHORITY FOR ALIEN SMUGGLING INVESTIGATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (n),

(2) by redesignating paragraph (o) as paragraph (p), and

(3) by inserting after paragraph (n) the following new paragraph:

"(o) a felony violation of section 1028 (relating to production of false identification documents), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title or a violation of section 274, 277, or 278 of the Immigration and Nationality Act (relating to the smuggling of aliens); or".

SEC. 9. EXPANSION OF CRITERIA FOR DEPORTATION FOR CRIMES OF MORAL TURPITUDE.

(a) **IN GENERAL.**—Section 241(a)(2)(A)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)(i)(II)) is amended to read as follows:

"(II) is convicted of a crime for which a sentence of one year or longer may be imposed,"

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to aliens against whom deportation proceedings are initiated after the date of the enactment of this Act.

SEC. 10. PAYMENTS TO POLITICAL SUBDIVISIONS FOR COSTS OF INCARCERATING ILLEGAL ALIENS.

Amounts appropriated to carry out section 501 of the Immigration Reform and Control Act of 1986 for fiscal year 1995 shall be available to carry out section 242(j) of the Immigration and Nationality Act in that fiscal year with respect to undocumented criminal aliens incarcerated under the authority of political subdivisions of a State.

SEC. 11. MISCELLANEOUS PROVISIONS.

(a) **USE OF ELECTRONIC AND TELEPHONIC MEDIA IN DEPORTATION HEARINGS.**—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: "; except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media (with the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien".

(b) **CODIFICATION.**—

(1) Section 242(i) of such Act (8 U.S.C. 1252(i)) is amended by adding at the end the following: "Nothing in this subsection shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person."

(2) Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416) is amended by striking "and nothing in" and all that follows through "1252(i)".

(3) The amendments made by this subsection shall take effect as if included in the enactment of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416).

SEC. 12. CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.

No amendment made by this Act shall be construed to create any substantive or pro-

cedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 13. STUDY OF PRISONER TRANSFER TREATY WITH MEXICO.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the Prisoner Transfer Treaty with Mexico (in this section referred to as the "Treaty") to remove from the United States aliens who have been convicted of crimes in the United States.

(b) USE OF TREATY.—The report under subsection (a) shall include the following information:

(1) The number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the Treaty.

(2) The number of aliens described in paragraph (1) who have been transferred pursuant to the Treaty.

(3) The number of aliens described in paragraph (2) who have been incarcerated in full compliance with the Treaty.

(4) The number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the Treaty.

(5) The number of aliens described in paragraph (4) who are incarcerated in State and local penal institutions.

(c) EFFECTIVENESS OF TREATY.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the Treaty. In considering the recommendations under this subsection, the Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address the following areas:

(1) Changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(2) Changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(3) Changes in the Treaty that may be necessary to increase the number of aliens convicted of crimes who may be transferred pursuant to the Treaty.

(4) Methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the Treaty.

(5) Any recommendations of appropriate officials of the Mexican Government on programs to achieve the goals of, and ensure full compliance with, the Treaty.

(6) An assessment of whether the recommendations under this subsection require the renegotiation of the Treaty.

(7) The additional funds required to implement each recommendation under this subsection.

SEC. 14. JUSTICE DEPARTMENT ASSISTANCE IN BRINGING TO JUSTICE ALIENS WHO FLEE PROSECUTION FOR CRIMES IN THE UNITED STATES.

(a) ASSISTANCE TO STATES.—The Attorney General, in cooperation with the Commissioner of Immigration and Naturalization and the Secretary of State, shall designate an office within the Department of Justice

to provide technical and prosecutorial assistance to States and political subdivisions of States in efforts to bring to justice aliens who flee prosecution for crimes in the United States.

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Attorney General shall compile and submit to the Congress a report which assesses the nature and extent of the problem of bringing to justice aliens who flee prosecution for crimes in the United States.

SEC. 15. PRISONER TRANSFER TREATIES.

(a) NEGOTIATION.—Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of the enactment of this Act, bilateral prisoner transfer treaties. The focus of such negotiations shall be to expedite the transfer of aliens unlawfully in the United States who are incarcerated in United States prisons, to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts, and to eliminate any requirement of prisoner consent to such a transfer.

(b) CERTIFICATION.—The President shall submit to the Congress, annually, a certification as to whether each prisoner transfer treaty in force is effective in returning aliens unlawfully in the United States who have committed offenses for which they are incarcerated in the United States to their country of nationality for further incarceration.

SEC. 16. INTERIOR REPATRIATION PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Attorney General and the Commissioner of Immigration and Naturalization shall develop and implement a program in which aliens who previously have illegally entered the United States not less than 3 times and are deported or returned to a country contiguous to the United States will be returned to locations not less than 500 kilometers from that country's border with the United States.

SEC. 17. DEPORTATION OF NONVIOLENT OFFENDERS PRIOR TO COMPLETION OF SENTENCE OF IMPRISONMENT.

(a) IN GENERAL.—Section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) is amended to read as follows:

"(h)(1) Except as provided in paragraph (2), an alien sentenced to imprisonment may not be deported until such imprisonment has been terminated by the release of the alien from confinement. Parole, supervised release, probation, or possibility of rearrest or further confinement in respect of the same offense shall not be a ground for deferral of deportation.

"(2) The Attorney General is authorized to deport an alien in accordance with applicable procedures under this Act prior to the completion of a sentence of imprisonment—

"(A) in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), and (ii) such deportation of the alien is appropriate and in the best interest of the United States; or

"(B) in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), (ii) such deportation is appropriate and in the best interest of the State, and (iii) submits a written request to the Attorney General that such alien be so deported.

"(3) Any alien deported pursuant to this subsection shall be notified of the penalties under the laws of the United States relating

to the reentry of deported aliens, particularly the expanded penalties for aliens deported under paragraph (2)."

(b) REENTRY OF ALIEN DEPORTED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) amended by adding at the end the following new subsection:

"(c) Any alien deported pursuant to section 242(h)(2) who enters, attempts to enter, or is at any time found in, the United States (unless the Attorney General has expressly consented to such alien's reentry) shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release. Such alien shall be subject to such other penalties relating to the reentry of deported aliens as may be available under this section or any other provision of law."

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

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. BILIRAKIS, announced that the yeas had it.

Mr. MCCOLLUM, objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 380
Nays 20

¶24.18

[Roll No. 118]

YEAS—380

Abercrombie	Chabot	English
Ackerman	Chambliss	Ensign
Allard	Chapman	Eshoo
Andrews	Chenoweth	Evans
Archer	Christensen	Everett
Armey	Chrysler	Ewing
Bachus	Clayton	Farr
Baesler	Clement	Fawell
Baker (CA)	Clinger	Fazio
Baker (LA)	Coburn	Fields (LA)
Baldacci	Coleman	Fields (TX)
Barcia	Collins (GA)	Filner
Barr	Collins (IL)	Flanagan
Barrett (NE)	Combest	Foglietta
Barrett (WI)	Condit	Foley
Bartlett	Cooley	Forbes
Barton	Costello	Ford
Bass	Cox	Fowler
Bateman	Coyne	Fox
Beilenson	Cramer	Frank (MA)
Bentsen	Crane	Franks (CT)
Bereuter	Crapo	Franks (NJ)
Bevill	Creameans	Frelinghuysen
Bilbray	Cubin	Frisa
Bilirakis	Cunningham	Funderburk
Bishop	Danner	Furse
Blute	Davis	Gallegly
Boehlert	de la Garza	Ganske
Boehner	Deal	Gekas
Bonilla	DeFazio	Gephardt
Bonior	DeLauro	Geren
Bono	DeLay	Gilchrist
Borski	Diaz-Balart	Gillmor
Browder	Dickey	Gilman
Brown (CA)	Dicks	Gonzalez
Brown (OH)	Dingell	Goodlatte
Brownback	Dixon	Gordon
Bryant (TN)	Doggett	Goss
Bryant (TX)	Dooley	Graham
Bunn	Doolittle	Green
Bunning	Dornan	Gunderson
Burr	Doyle	Gutierrez
Burton	Dreier	Gutknecht
Buyer	Duncan	Hall (TX)
Callahan	Dunn	Hamilton
Calvert	Durbin	Hancock
Camp	Ehlers	Hansen
Canady	Ehrlich	Harman
Cardin	Emerson	Hastert
Castle	Engel	Hastings (WA)

Hayes	McHale	Sawyer
Hayworth	McHugh	Saxton
Hefley	McInnis	Scarborough
Hefner	McIntosh	Schaefer
Heineman	McKeon	Schiff
Herger	McKinney	Schroeder
Hilleary	Meek	Schumer
Hinchey	Menendez	Seastrand
Hobson	Meyers	Sensenbrenner
Hoekstra	Mfume	Serrano
Hoke	Mica	Shadegg
Holden	Miller (CA)	Shays
Horn	Miller (FL)	Shuster
Hostettler	Mineta	Skaggs
Hoyer	Minge	Skeen
Hunter	Mink	Skelton
Hutchinson	Moakley	Slaughter
Hyde	Molinari	Smith (MI)
Inglis	Mollohan	Smith (NJ)
Istook	Montgomery	Solomon
Jackson-Lee	Moorhead	Souder
Jacobs	Moran	Spence
Jefferson	Morella	Spratt
Johnson (CT)	Murtha	Stearns
Johnson (SD)	Myers	Stenholm
Johnson, E. B.	Myrick	Stockman
Jones	Neal	Stokes
Kanjorski	Nethercutt	Studds
Kaptur	Neumann	Stump
Kasich	Ney	Stupak
Kelly	Norwood	Talent
Kennedy (MA)	Nussle	Tanner
Kennedy (RI)	Oberstar	Tate
Kennelly	Obey	Tauzin
Kildee	Olver	Taylor (MS)
Kim	Ortiz	Taylor (NC)
King	Orton	Tejeda
Kingston	Oxley	Thomas
Kleccka	Packard	Thornberry
Klink	Pallone	Thornton
Klug	Pastor	Thurman
Knollenberg	Paxon	Tiahrt
Kolbe	Payne (VA)	Torkildsen
LaFalce	Pelosi	Torres
LaHood	Peterson (FL)	Torricelli
Largent	Peterson (MN)	Traficant
Latham	Petri	Tucker
LaTourette	Pickett	Upton
Laughlin	Pombo	Velazquez
Lazio	Pomeroy	Vento
Leach	Porter	Visclosky
Levin	Portman	Volkmer
Lewis (CA)	Poshard	Vucanovich
Lewis (GA)	Pryce	Waldholtz
Lewis (KY)	Quinn	Walker
Lightfoot	Radanovich	Walsh
Lincoln	Rahall	Wamp
Linder	Ramstad	Ward
Lipinski	Reed	Waters
Livingston	Regula	Waxman
LoBiondo	Richardson	Weldon (FL)
Longley	Riggs	Weldon (PA)
Lowe	Rivers	Weller
Lucas	Roberts	White
Luther	Roemer	Whitfield
Maloney	Rogers	Wicker
Manton	Rohrabacher	Wilson
Manzullo	Ros-Lehtinen	Wise
Markey	Roth	Wolf
Martinez	Roukema	Wyden
Martini	Roybal-Allard	Wynn
Mascara	Royce	Yates
Matsui	Rush	Young (AK)
McCarthy	Sabo	Young (FL)
McCollum	Salmon	Zeliff
McCrery	Sanders	Zimmer
McDade	Sanford	

NAYS—20

Clay	Hastings (FL)	Reynolds
Clyburn	Hilliard	Scott
Conyers	McDermott	Thompson
Dellums	Nadler	Towns
Fattah	Owens	Watt (NC)
Flake	Payne (NJ)	Williams
Greenwood	Rangel	

NOT VOTING—34

Ballenger	Gejdenson	Parker
Becerra	Gibbons	Quillen
Berman	Goodling	Rose
Bliley	Hall (OH)	Shaw
Boucher	Houghton	Sisisky
Brewster	Johnson, Sam	Smith (TX)
Brown (FL)	Johnston	Smith (WA)
Coble	Lantos	Stark
Collins (MI)	Lofgren	Watts (OK)
Deutsch	McNulty	Woolsey
Edwards	Meehan	
Frost	Metcalf	

So the bill was passed.
A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶24.19 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. MCCOLLUM, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill, the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other technical corrections.

¶24.20 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS

Mr. LIVINGSTON submitted a privileged report (Rept. No. 104-29) on the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 8 of rule XXI all points of order were reserved.

¶24.21 ADJOURNMENT OVER

On motion of Mr. ARMEY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, February 13, 1995.

¶24.22 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. ARMEY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, February 15, 1995, under clause 7, rule XXIV, the Calendar Wednesday rule, be dispensed with.

¶24.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. MCNULTY, after 2:00 p.m. today.

And then,

¶24.24 ADJOURNMENT

On motion of Mr. TAYLOR of Mississippi, pursuant to the special order heretofore agreed to, at 4 o'clock and 56 minutes p.m., the House adjourned until 12:30 p.m. on Monday, February 13, 1995.

¶24.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE: Committee on Rules. House Resolution 79. Resolution providing for the consideration of the bill (H.R. 728) to control crime by providing enforcement block grants (Rept. No. 104-27). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 256. A bill to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses,

and for other purposes (Rept. No. 104-28, Pt. 1). Ordered to be printed.

Mr. LIVINGSTON: Committee on Appropriations. H.R. 889. A bill making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 104-29). Referred to the Committee of the Whole House on the State of the Union.

Mr. LIVINGSTON: Committee on Appropriations. H.R. 845. A bill rescinding certain budget authority, and for other purposes (Rept. No. 104-30). Referred to the Committee of the Whole House on the State of the Union.

¶24.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ (for himself, Mr. HINCHEY, Mr. MFUME, Mr. WYNN, Mr. TRAFICANT, Mr. FRANK of Massachusetts, and Mr. DEFAZIO):

H.R. 888. A bill to promote accountability and the public interest in the operation of the Federal Reserve System, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. LIVINGSTON:

H.R. 889. A bill making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations.

By Mr. ANDREWS:

H.R. 890. A bill to provide for economic growth by reducing income taxes for most Americans, by encouraging the purchase of American-made products, and by extending transportation-related spending, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Banking and Financial Services, Government Reform and Oversight, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself and Mr. MINETA):

H.R. 891. A bill to acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to examine the institution of slavery, subsequent de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. DICKEY (for himself, Mr. SHAYS, Mr. INGLIS of South Carolina, and Mr. BONILLA):

H.R. 892. A bill to reauthorize the independent counsel statute, and for other purposes; to the Committee on the Judiciary.

By Mr. GILLMOR (for himself and Mr. BONIOR):

H.R. 893. A bill to require the Secretary of the Treasury to mint coins in commemoration of the sesquicentennial of the birth of Thomas Alva Edison, to redesign the half dollar circulating coin for 1997 to commemorate Thomas Edison, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MCNULTY:

H.R. 894. A bill to amend title 10, United States Code, to provide military reservists

who are retained in active status after qualifying for reserve retired pay credit toward computation of retired pay for service performed after so qualifying; to the Committee on National Security.

By Mr. McNULTY (for himself, Mr. UNDERWOOD, Mr. ACKERMAN, Mr. SERRANO, Mr. KING, Mr. PASTOR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PALLONE, Mr. BURTON of Indiana, Mrs. CHENOWETH, Mr. STEARNS, Mr. RANGEL, Mr. EVANS, Mrs. SEASTRAND, Mr. MONTGOMERY, Ms. RIVERS, and Mr. ROYCE):

H.R. 895. A bill to provide for retroactive award of the Navy Combat Action Ribbon based upon participation in ground or surface combat as a member of the Navy or Marine Corps during the period between July 4, 1943, and March 1, 1961; to the Committee on National Security.

By Mr. SCHUMER (for himself and Mr. DICKS):

H.R. 896. A bill to improve the ability of the United States to respond to the international terrorist threat; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. PARKER, Mr. HALL of Texas, Mr. PETERSON of Minnesota, Mr. BREWSTER, Mr. CONDIT, and Mr. LAUGHLIN):

H.R. 897. A bill to terminate the Office of the Surgeon General of the Public Health Service; to the Committee on Commerce.

By Mr. YOUNG of Alaska:

H.R. 898. A bill to prohibit high seas fishing vessels from engaging in harvesting operations on the high seas without specific authorization from the Secretary of Commerce, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska (for himself, Mr. BOEHNER, Mr. BARCIA, Mr. FLANAGAN, Mr. PALLONE, Mr. KLUG, Mr. HUTCHINSON, Mr. COSTELLO, Mr. NEY, Mr. BROWN of Ohio, Mr. STUMP, Mr. RAMSTAD, Mr. ROHRABACHER, Mr. WELLER, Mr. HAMILTON, Mr. LIGHTFOOT, Mr. GOSS, Mr. HASTERT, Mr. MANZULLO, Mr. HANCOCK, Mr. ROEMER, Ms. DUNN of Washington, Mr. BREWSTER, Mr. TAYLOR of North Carolina, Mr. CUNNINGHAM, Mr. POMEROY, Mr. LATOURETTE, Mr. ORTON, Mr. ANDREWS, Mr. SENSENBRENNER, Mr. SOUDER, Mr. BILBRAY, Mr. LONGLEY, Mr. CRANE, Mr. ROTH, Mr. PETERSON of Minnesota, Mrs. WALDHOLTZ, Mr. HASTINGS of Washington, Mr. TRAFICANT, Mr. THORNBERRY, Mr. WALSH, Mr. CLINGER, Mr. HOYER, Mr. WELDON of Pennsylvania, Mr. JACOBS, Mr. KENNEDY of Rhode Island, Mr. EHRLICH, Mr. LINDER, Mr. LUCAS, Mr. POSHARD, Mr. SHAYS, Ms. DANNER, Mr. BARR, Mr. NORWOOD, Mr. SCHAEFER, Mr. LAHOOD, Mr. MCKEON, Mr. FILNER, Mr. GUNDERSON, and Mr. REGULA):

H.R. 899. A bill to amend title 23, United States Code, to eliminate the penalties for noncompliance by States with a program requiring the use of motorcycle helmets; to the Committee on Transportation and Infrastructure.

By Ms. KAPTUR (for herself, Mr. ABERCROMBIE, Mr. DEFAZIO, Mr. EVANS, Mr. HUNTER, Mr. KLINK, Mr. LIPINSKI, Mr. ROHRABACHER, Mr. SANDERS, Mr. TAYLOR of Mississippi, Mrs. THURMAN, Mr. VISLOSKEY, and Ms. DANNER):

H. Res. 80. Resolution requesting the President to submit information to the House of Representatives concerning actions taken through the exchange stabilization fund to strengthen the Mexican peso and stabilize the economy of Mexico; to the Committee on Banking and Financial Services.

By Mr. WALKER:

H. Res. 81. Resolution providing amounts for the expenses of the Committee on Science in the 104th Congress; to the Committee on House Oversight.

By Mr. YOUNG of Alaska:

H. Res. 82. Resolution providing amounts for the expenses of the Committee on Resources in the 104th Congress; to the Committee on House Oversight.

¶24.27 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. FOWLER:

H.R. 900. A bill to direct the Secretary of Transportation to issue certificates of documentation with appropriate endorsement for employment in coastwise trade for each of 2 vessels named *Gallant Lady*, subject to certain conditions, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS:

H.R. 901. A bill to renew patent numbered 3,387,268, relating to a quotation monitoring unit, for a period of 10 years; to the Committee on the Judiciary.

¶24.28 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. CAMP.

H.R. 26: Mr. LUTHER and Mr. GREENWOOD.

H.R. 29: Mrs. SCHROEDER.

H.R. 46: Mr. KLINK, Mr. FLANAGAN, Mr. BASS, Mr. DOYLE, Mr. ZELIFF, Mr. KING, Mr. GENE GREEN of Texas, Mr. SMITH of Texas, Mr. FIELDS of Texas, and Mr. SISISKY.

H.R. 52: Mr. CALVERT, Mr. KLINK, Mr. JOHNSON of South Dakota, and Ms. RIVERS.

H.R. 70: Mr. MANTON, Mr. HUNTER, Mr. COMBEST, Mr. THORNBERRY, and Mrs. LINCOLN.

H.R. 97: Mr. FOGLIETTA.

H.R. 104: Ms. RIVERS.

H.R. 122: Mr. TORKILDSEN and Mr. HALL of Texas.

H.R. 217: Mr. FILNER.

H.R. 219: Mr. FILNER.

H.R. 246: Mr. BONO and Mr. PAXON.

H.R. 260: Mr. ROYCE.

H.R. 305: Mr. CASTLE and Mr. BEREUTER.

H.R. 311: Mr. LEVIN.

H.R. 325: Mr. FIELDS of Texas and Mr. TAUZIN.

H.R. 326: Mr. FIELDS of Texas.

H.R. 328: Mr. FIELDS of Texas.

H.R. 354: Mr. LIVINGSTON and Mr. KIM.

H.R. 370: Mr. OXLEY, Mrs. WALDHOLTZ, Mr. RIGGS, Mr. QUILLEN, Mr. HASTINGS of Washington, Mr. THORNBERRY, Mrs. ROUKEMA, Mr. BARR, Mr. WHITFIELD, Mr. FRELINGHUYSEN, and Mr. WELDON of Pennsylvania.

H.R. 377: Mr. TOWNS.

H.R. 398: Mr. CONYERS, Mr. FRAZER, Mr. HILLIARD, and Mr. BARRETT of Wisconsin.

H.R. 483: Mr. GUNDERSON, Mr. DREIER, Mr. ROTH, Mr. BURR, Mr. MCCREERY, Mr. EDWARDS, Mr. CALVERT, Mr. MCKEON, Mr. VENTO, Mr. BEVILL, Mr. DELAY, Mr. TRAFICANT, Mr. HASTINGS of Florida, Mr. BAESLER, Mr. JACOBS, Mr. FOGLIETTA, Mr. ENGEL, Mr. CANADY, Mr. FROST, and Mr. SKELTON.

H.R. 499: Mr. DELLUMS, Mr. WILLIAMS, Mr. STARK, and Mrs. CHENOWETH.

H.R. 514: Mr. PAXON.

H.R. 553: Mr. DEUTSCH and Mr. OWENS.

H.R. 560: Ms. HARMAN, Mr. PETE GEREN of Texas, Mr. FIELDS of Texas, Mr. CUNNINGHAM, Mr. SAXTON, Mr. WILSON, Mr. SOLOMON, Mr. LIVINGSTON, Mr. GORDON, Mr. MCKEON, Mr. SHAYS, Mr. GUTKNECHT, Mr. CALVERT, and Mrs. MEYERS of Kansas.

H.R. 593: Mr. FIELDS of Texas.

H.R. 612: Ms. KAPTUR.

H.R. 678: Mr. SMITH of Michigan.

H.R. 682: Mr. RICHARDSON.

H.R. 692: Mr. FALCOMA VAEGA and Mr. BISHOP.

H.R. 697: Mrs. VUCANOVICH, Mr. ORTON, and Mr. FIELDS of Texas.

H.R. 698: Mr. WISE, Mr. STUMP, and Mr. BRYANT of Tennessee.

H.R. 704: Ms. MOLINARI, Ms. RIVERS, Mr. SHAYS, Mr. MARKEY, Mr. UPTON, Mrs. SEASTRAND, Mr. CALVERT, and Mr. BOEHLERT.

H.R. 705: Mr. STUMP and Mr. SHAYS.

H.R. 708: Mrs. SEASTRAND, Mr. SENSENBRENNER, Ms. PRYCE, Mr. LIVINGSTON, Ms. LOFGREN, and Mr. FIELDS of Texas.

H.R. 726: Mr. ACKERMAN, Mr. CANADY, Mr. DEUTSCH, Mr. DOOLITTLE, Mr. DORNAN, Mr. GEJDENSON, Mrs. MALONEY, Mr. PARKER, Mr. SMITH of Texas, Mr. TORRES, and Mr. TOWNS.

H.R. 733: Ms. PRYCE, Mr. BEREUTER, and Mr. EHLERS.

H.R. 734: Mr. EHLERS.

H.R. 743: Mr. MCKEON, Mr. WELDON of Florida, Mr. FUNDERBURK, Mrs. MEYERS of Kansas, Mr. SAM JOHNSON, Mr. BATEMAN, Mr. UPTON, and Mr. KNOLLENBERG.

H.R. 768: Mr. MARTINEZ.

H.R. 783: Mr. PASTOR, Mr. CLYBURN, Mr. SMITH of Michigan, and Mr. COLLINS of Georgia.

H.R. 789: Mr. KNOLLENBERG.

H.R. 791: Mr. FOLEY, Mr. SENSENBRENNER, Mr. WALSH, Mr. COX, Mr. CHABOT, Mr. GRAHAM and Mrs. WALDHOLTZ.

H.R. 803: Mr. SENSENBRENNER, Mr. ENGLISH of Pennsylvania, Ms. ESHOO, Mr. GENE GREEN of Texas, Mr. FOX, Ms. PRYCE, and Mr. COX.

H.R. 804: Mr. RADANOVICH.

H.R. 851: Mr. HILLIARD, Mr. FROST and Mrs. MINK of Hawaii.

H.J. Res. 8: Mr. FIELDS of Texas.

H.J. Res. 64: Mr. STUMP, Mr. SHAYS, and Mr. BEREUTER.

H. Con. Res. 12: Mr. WALSH, Mr. THOMPSON, and Mr. SHAYS.

H. Con. Res. 22: Mr. TORRICELLI, Mr. ACKERMAN, Mrs. MALONEY, Mr. ABERCROMBIE, Mr. FRAZER, Mr. HILLIARD, Mr. BOUCHER, Mr. BUNN of Oregon, Ms. WOOLSEY, Mr. LIPINSKI, Mr. KLECZKA, Mr. MORAN, Mr. JOHNSTON of Florida, Mr. REED, Mr. SANDERS, Mr. FROST, Mr. SERRANO, Mr. KENNEDY of Massachusetts, Ms. ROYBAL-ALLARD, Mr. BEILENSON, Mr. MARTINEZ, Mrs. MEEK of Florida, Mr. FOGLIETTA, Mr. STUDDS, Mr. MANTON, and Mr. RAHALL.

H. Con. Res. 23: Mr. RICHARDSON, Mr. FOGLIETTA, Mr. MANTON, Mr. MASCARA, Mr. FROST, Mr. UNDERWOOD, Mr. TRAFICANT, Mr. BROWN of California, Mr. LEACH, Mr. GEJDENSON, Mr. HALL of Ohio, Mr. BAESLER, and Mr. KENNEDY of Rhode Island.

H. Res. 24: Mrs. MEYERS of Kansas, Mr. CALVERT, Mr. COX, Ms. DUNN of Washington, Mr. HOEKSTRA, Mr. KNOLLENBERG, and Ms. MOLINARI.

H. Res. 40: Mr. JOHNSON of South Dakota.

MONDAY, FEBRUARY 13, 1995 (25)

¶25.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. KNOLLENBERG, at 12:30 o'clock p.m., who laid before the House the following communication:

WASHINGTON, DC,

February 13, 1995.

I hereby designate the Honorable JOE KNOLLENBERG to act as Speaker pro tempore on this day.

NEWT GINGRICH,

Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of Wednesday, January 4,