

CRIME PROVISIONS OPPOSED BY LIBERALS

PROVISIONS IN BIDEN BILL AS INTRODUCED

- * Death penalties
- * Enhanced penalties -- including drug trafficking near truck stops, housing projects, and drug-free zones
- * Bootcamps (level of spending)
- * Juvenile bindover programs
- * Pre-trial drug testing and post-conviction drug-testing
- * Bail posting requirements
- * Motor vehicle theft prevention
- * Right of Victim Allocution at sentencing

BILL AS AMENDED ON FLOOR

A. AMENDMENTS BIDEN VOTED AGAINST:

1. **D'Amato - Federalizes all gun murders; adds Mandatory Minimums (amends Gramm/Hatch)**
 - * Expands federal jurisdiction of all gun murders (overriding state jurisdiction); makes death penalty available (§2406)
 - * Mandatory min. of 10 years for 1st conviction of possession of firearm during crime of violence; 20 years for discharge of firearm during crime; 30 years for discharge of machine gun or use of silencer
 - * Mandatory 20 years for 2nd conviction of possession, 30 years for discharge and life for discharge of machinegun or use of silencer. (§2405)

2. Gramm - Three Time Loser

Mandatory life sentence for third conviction of violent felony; violent felony is defined as offense against a person or property punishable by 10 years or more (§2408)

3. Dole - Gangs (Title 6)

Massive expansion of federal jurisdiction of street gang crimes

4. Moseley-Braun - 13-year olds (§651)

Requires those 13 years old and older to be prosecuted as an adult if they commit murder, attempted murder, armed robbery, armed assault, and aggravated sexual assault.

5. Helms - Regional Prison Caps (§5139)

Requires that a Federal court not hold prison overcrowding unconstitutional under the Eighth Amendment except to the extent that an individual inmate can prove that overcrowding is cruel and unusual punishment of that inmate in particular

6. D'Amato - Death Penalty for drug activity (§202(b)(1-3))

Death penalty for engaging in a continuing criminal drug enterprise

7. Dole - Rules of Evidence (§831)

Makes admissible in criminal and civil cases evidence of defendant's prior commission of crimes of sexual assault of child molestation

B. AMENDMENTS BIDEN ACCEPTED WITH RESERVATION:

1. Dole - Regional Prisons (Title XIII)

Authorizes \$3 billion for regional prisons to house federal and state prisoners; participating states must keep violent offenders in prison for 85% of their sentences.

2. Lott - Three Time Loser (§5111)

Mandatory life imprisonment for persons convicted of third violent felony; violent felony is defined as offense against a person punishable by 5 years or more. (Does not preclude imposition of death but does not create separate new death offense)

3. Hatch/Gramm/D'Amato - Mandatory Minimums

* Replaces mandatory minimum reform in S.1607 with more limited provision (§2404)

* Mandatory 10 years for sale of illegal drug to minor or use of minor in drug trafficking crime (1st offense); mandatory life for 2nd offense (§2407)

4. Lieberman - Carjacking (§203)

Makes carjacking a federal offense without regard to whether a firearm was used in commission of offense; authorizes imposition of death penalty if death results during crime

5. Bingaman - Guns in Schools (§5147)

Provides for award of additional grant funds to states that revoke drivers' licenses or withhold for five years the issuance of a driver's license from those caught on school grounds with a firearm

6. Grassley - International Child Porn (§824)

Provides up to 10 years in prison for engaging or conspiring to engage in sexually explicit conduct with minors outside United States

7. Hutchison - Pell Grants (§5135)

Prohibits awarding of Pell Grants to prisoners

8. Heflin - Federal Assistance to State Courts (§5137)

Authorizes \$500 million for federal assistance to states for increased resources to meet increased demands on court systems

9. Bryan - Deportation of Criminal Aliens (Title 50)

Expands definition of aggravated felony; provides deportation procedures for certain criminal aliens who are not permanent residents; procedures for judicial deportation orders; enhances penalties for failing to depart or reentering after order of deportation

10. Grassley - ADR for Prisoners (§5103)

Requires prisoners filing civil rights cases in federal courts to first exhaust administrative remedies available

11. Smith/Simpson - Alien Terrorist Removal (§5110)

Establishes procedures for removing alien terrorists

12. Hatch for Burns - Hunter's Rights (Title 46)

Makes it unlawful "to obstruct, impede or otherwise interfere with lawful hunt"

13. Gorton - Sexual Predators - (§841)

Directs AG to establish guidelines for state programs to register sexually violent predators upon their release from prison or release to parole or supervised release programs

9 PAGES
Crime Bill -
Amdts.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

April 8, 1994

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-2430

TO: Legislative Liaison Officer -

- JUSTICE - Sheila F. Anthony - (202)514-2141 - 217
- TREASURY - Richard S. Carro - (202)622-1146 - 228
- EDUCATION - John Kristy - (202)401-2670 - 207
- HHS - Frances White - (202)690-7760 - 328
- HUD - Edward J. Murphy, Jr. - (202)708-1793 - 215
- LABOR - Robert A. Shapiro - (202)219-8201 - 330
- STATE - Julia C. Norton - (202)647-4463 - 225
- TRANSPORTATION - Tom Herlihy - (202)366-4687 - 226
- INTERIOR - Danny Consenstein - (202)208-6706 - 329
- ONDCP - Babette Hankey - (202)395-6739 - 257

FROM: JAMES J. JUKES (for) *J. Jukes for Jim Duke*
Assistant Director for Legislative Reference

OMB CONTACT: Ingrid SCHROEDER (395-3883)
Secretary's line (for simple responses): 395-3454

SUBJECT: Proposed Statement of Administration Policy
RE: HR 4092, Violent Crime Control and Law
Enforcement Act of 1994

DEADLINE: NOON April 11, 1994

OMB requests the views of your agency on the above subject before
advising on its relationship to the program of the President, in
accordance with OMB circular A-19.

Please advise us if this item will affect direct spending or
receipts for purposes of the the "pay-as-you-go" provisions of
Title XIII of the Omnibus Budget Reconciliation Act of 1990.

- CC:
- C. Walden/J. Cerda
 - Clarissa Cerda
 - Karen Hancox
 - Rahm Emanuel
 - C. Edley/M. Shaw
 - Martha Foley
 - Ken Schwartz
 - Jim Duke
 - Harry Meyers

- Chris Brown
- Peggy Young
- Mark Schwartz
- Larry Matlack
- Steve Redburn
- Jill Blickstein
- Barry Clendenin
- Barry White

BRUCE,
NEW
SAP
DRAFT
w/ PRISON POSITIONS
ON AMENDMENTS.
[Signature]

LRM #I-2430

RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

If your response to this request for views is simple (e.g., concur/no comment) we prefer that you respond by faxing us this response sheet. If the response is simple and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a secretary.

You may also respond by (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); (2) sending us a memo or letter; or (3) if you are an OASIS user in the Executive Office of the President, sending an E-mail message. Please include the LRM number shown above, and the subject shown below.

TO: Ingrid SCHROEDER
Office of Management and Budget
Fax Number: (202) 395-3109
Analyst/Attorney's Direct Number: (202) 395-3883
Branch-Wide Line (to reach secretary): (202) 395-3454

FROM: _____ (Date)
_____ (Name)
_____ (Agency)
_____ (Telephone)

SUBJECT: Proposed Statement of Administration Policy
RE: HR 4092, Violent Crime Control and Law
Enforcement Act of 1994

The following is the response of our agency to your request for views on the above-captioned subject:

- _____ Concur
_____ No objection
_____ No comment
_____ See proposed edits on pages _____
_____ Other: _____
_____ FAX RETURN of _____ pages, attached to this response sheet

DRAFT OLA 4-7-94 3:45 PM

STATEMENT OF ADMINISTRATION POLICY

H.R. 4092 - Violent Crime Control and Law Enforcement Act of 1994

The Administration strongly supports prompt passage of H.R. 4092, which embodies the central elements of the President's anti-crime legislative agenda. This critical legislation will enable the Federal Government to play a significantly enhanced role in the Nation's fight against the crime and violence that plague too many of our communities.

Passage of H.R. 4092 will assist the States and localities in their efforts against violent crime -- particularly in the critical areas of police, prisons, and prevention. In addition, H.R. 4092 will provide necessary tools to Federal law enforcement officials, improving their effectiveness in combating violent crime. The bill will expand and advance proven crime prevention programs in an unprecedented way.

H.R. 4092 contains key elements of the President's anti-crime program, including:

- * A Substantial Start Towards Putting an Additional 100,000 Police Officers on our Streets, Engaged in Community Policing. This is the centerpiece of the President's anti-crime program. Putting more officers on the street-- working with communities -- is the best way to prevent crime and illegal drug use, to ensure that criminals are apprehended when crimes occur, and to return to our citizens the sense of security that has been taken from them.
- * Launching a "Smart and Tough" Approach to Youth Crime and Violence. This bill focuses our efforts to combat youthful violence with:
 - Proven and extensive crime prevention programs, to give kids something to say "yes" to (discussed below);
 - Boot camps for youthful offenders, as a second-chance for kids who get off-track;
 - Drug courts to get drug users turned around before they commit more serious crimes;
 - A ban on juvenile gun possession; and
 - For hardened young criminals, the authority to try 13-year olds as adults for serious violent offenses.
- * Measures to Stiffly Punish Violent Crime. In addition to the vital prison program discussed below, the bill contains several measures to ensure that violent offenders cannot

continue to prey upon our communities. These include:

- The President's "three strikes and you're out" life imprisonment provision, which is targeted on the career violent offenders who do so much violent harm.
- Reinstating the Federal death penalty for the most heinous offenses, including the killing of Federal law enforcement officers.

- * Significant and Innovative Crime Prevention Programs that Give Our Young People Something to Say "Yes" To. While we must -- and will -- insist upon personal responsibility, and punish those who commit crimes regardless of their circumstances, we must also do what we can to keep young people from beginning to engage in crime. Among the prevention programs in the bill that the Administration strongly supports are:

- The President's "YES" program (Youth Employment and Skills), to give employment opportunities to kids in hard-hit, high-crime areas;
- "Ounce of Prevention" programs to keep schools open after hours and to expand after-school activities, like Boys and Girls clubs, that keep kids off the streets; and
- Innovative alternatives like Midnight Sports and Police Partnerships for Children.

Prevention programs make sense, and are an important part of any balanced attack on the crime and violence that plague our cities, towns, neighborhoods, and rural communities. The Administration supports the full authorization level for critical prevention programs contained on H.R. 4092.

- * Assisting the States in Building and Operating More Prison Cells, to Get More Violent Offenders and Criminal Aliens Off Our Streets. It is incumbent upon the Federal Government to aid States that are struggling to make sure that violent criminals are not being released prematurely for lack of space. The Federal Government has built the prisons necessary to ensure that Federal offenders are not being prematurely released, and this Administration is committed to maintaining the necessary capacity. However, none of us will be safe until the States can do the same.

- * Attack on Violence Against Women. The bill includes a plan, strongly supported by the President, to increase penalties and prevention efforts aimed at domestic violence and sexual assaults that make American women unsafe in their homes or

on the streets.

- * Other Initiatives. Among the other Administration-supported provisions of H.R. 4092 are those that would promote victims' rights, prevent child abuse, provide a "safety-valve" from mandatory minimum sentences for non-violent offenders, and increase penalties for hate crimes.

While the Administration does not agree with every program or provision in H.R. 4092, it firmly believes that, taken as a whole, the bill is a balanced approach to the problem of crime, and contains many much-needed crime-fighting measures. The Administration looks forward to working with the House of Representatives to obtain prompt passage of this important legislation.

* * * *

Floor Amendments to H.R. 4092

A number of amendments have been made in order for floor consideration of H.R. 4092. Some of these amendments would enhance the bill, but others raise problems or concerns. Our comments on particular amendments that may be considered are as follows:¹

I. Death Penalty

#74 (SCOTT). This amendment is designed to eliminate death penalty authorizations for killings committed in the course of carjackings or drive-by shootings, and for killings committed with firearms in the course of federal crimes of violence and drug trafficking crimes. The Administration opposes the adoption of this amendment. It is contrary to the President's support for restoring an enforceable federal death penalty for the most heinous federal crimes.

#127 (Kopetski). The Administration opposes this amendment, which provides that, whenever a federal law provides for the imposition of the death penalty, the court shall impose a sentence of life imprisonment instead. President Clinton has stated that restoration of an enforceable federal death penalty is an important element of comprehensive anti-crime legislation.

II. Three Strikes and You're Out

#53 (Solomon). This amendment provides that convictions for

¹ The amendment numbers in this statement refer to the numbering of submitted amendments by the Rules Committee.

certain drug offenses uniformly count as "strikes" for purposes of the "three strikes and you're out" life imprisonment proposal. The Administration opposes this amendment as diffusing the proper focus of the proposal on incorrigible repeat violent offenders.

#61 (Frank). The Judiciary Committee adopted an amendment to the President's "Three strikes and you're out" proposal that allows a serious drug offense to be counted as one of the two prior strikes. The Administration recommends adoption of pending amendment #61, which restores the approach of the President's original proposal on this point (only violent crimes count as "strikes"). As noted above, the proper focus of the proposal is on deterrence and incapacitation of the most incorrigible and dangerous repeat violent offenders.

#85 (Volkmer). This amendment makes two changes in the "three strikes and you're out" proposal. First, it adds an explicit reference to robberies as described in 18 U.S.C. 2113 and 2118 (bank robberies and robberies involving controlled substances) to the list of predicate offenses. Second, it limits an exception for certain robberies by requiring proof that there was no threat to use a firearm or other dangerous weapon. The Administration opposes the adoption of this amendment. Explicitly mentioning 18 U.S.C. 2113 and 2118 adds nothing of substance, since the proposal's "robbery" and "catch-all" categories already cover these offenses. The second element of the amendment would potentially include as strikes robberies in which the robber merely pretended to have a weapon -- such as finger-in-the-pocket robberies -- even if no weapon was actually involved and no injury resulted to anyone. This is contrary to the proposal's objective of targeting for maximum deterrence and incapacitation the most dangerous and incorrigible criminals.

III. Death Penalty Procedures

#138 (Gekas), #139 (Gekas) [to be considered en bloc]. The Administration supports these amendments, which would eliminate potentially anomalous consequences of the existing formulation of the death penalty procedures in H.R. 4092 and advance the President's objective of enacting fair and effective federal death penalty provisions.

Amendment #138 deletes a provision in H.R. 4092 that would preclude consideration of elements of a capital offense as aggravating factors. The provision deleted by this amendment would frequently bar reliance on and consideration of highly important aggravating factors. For example, the fact that a murder was committed for hire could not be considered as an aggravating factor in a prosecution under 18 U.S.C. 1958, and the fact that the murder victim was a federal law enforcement officer could not be considered as an aggravating factor in a prosecution under 18 U.S.C. 1114, since these factors are elements of the

underlying offenses.

Amendment #139 replaces a provision in H.R. 4092 that authorizes the jury to make a final decision about the death penalty without regard for what has been shown concerning aggravation and mitigation. This undesirable element of capriciousness in decisions concerning capital punishment would be corrected by the amendment's structuring of jury discretion.

#16 (Watt). The Administration opposes this amendment, which would bar consideration of non-statutory aggravating factors in capital sentencing. This amendment is contrary to the President's objective of providing an effective federal death penalty for the most aggravated federal crimes. For example, the amendment would bar the government from showing that a murder was committed to silence or retaliate against a witness to a crime.

IV. Prisons

#155 (Chapman). This amendment authorizes grants for expansion of correctional capacity in states that undertake to adopt "truth in sentencing" reforms to protect the public from violent criminals. The Administration believes that this amendment proposes a reasonable approach to setting conditions for state participation in a prison grant program. It would encourage states to make progress in adopting "truth in sentencing" policies. Yet, it would not set requirements that are impossible for states to meet.

The Administration has reservations concerning the specific funding levels for state and local prisons contemplated in the amendment. The Administration supports a balanced approach to fighting crime that ensures the availability of adequate funding for all three components of the President's crime plan -- police, punishment and prevention -- but supports this amendment in concept this proposal and recommends its adoption.

#143 (Gordon). The Administration opposes this amendment, which prohibits Pell Grants (for higher education) for prisoners. The amendment would increase crime by undermining efforts to reduce recidivism through prisoner education. The support for this amendment has apparently been based on the view that the availability of Pell Grants for prisoners siphons off funds that would otherwise go to law-abiding students. However, this assumption is incorrect. All eligible students who apply for Pell grants receive them; law-abiding students have not been denied assistance because this type of educational assistance is also available to prisoners.

#149 (Wynn). This amendment directs the Secretary of

Education to report to Congress concerning the use of Pell Grants by prisoners. The Administration supports this amendment as a reasonable alternative to the undesirable prohibition of Pell Grants for prisoners in amendment #43 (Gordon).

#111 (Berman). This amendment, subject to the availability of appropriations, would reimburse states for the costs of incarcerating certain criminal aliens. The Administration recognizes the special financial burdens faced by states with high populations of criminal aliens and supports this amendment. Two thirds of all criminal aliens incarcerated in the United States are imprisoned in just five states: California, Florida, New York, Texas and Illinois.

While the federal government has made substantial progress in securing our borders and enforcing our immigration laws, we cannot ignore the fact that, over the years, many have evaded our immigration laws. We all agree that the criminal alien population deserves particular attention. Already federal law permits the federal government to reimburse states for the costs of incarcerating criminal aliens. We are committed to addressing this problem, and sharing this burden with the states.

#167 (McCollum). State treasuries are increasingly stretched thin as they take necessary steps to incarcerate serious violent criminals. The Administration believes that the federal government must do more to help states house this growing prison population. We support the approach taken in Title VI of H.R. 4092, which establishes a \$3 billion grant program to address this problem. However, we believe that these federal funds should be conditioned on reasonable state action to put violent criminals behind bars. In particular, the Administration believes that these federal grant funds should be given to states to help them adopt and implement "truth-in-sentencing" and "three-strikes-you're-out" policies. Federal grant funds would offer an important incentive to undertake those costly but necessary measures.

At the same time, a number of amendments under consideration would impose impractical requirements on the states and would, in effect, render the grant program useless. The Administration opposes the imposition of eligibility requirements that would be too burdensome for the states to meet. The substitute amendment offered by Rep. McCollum would mandate that specific sentencing policies that most states could not realistically adopt. By enacting these required measures, states would be forced to assume such potentially enormous costs that few states, if any, would take advantage of the grant program. In reality, the grant program would not meet the goal we all share: encouraging the states to take necessary steps to protect the public from serious

violent offenders.

V. Other Amendments

#19 (Hoyer). The Administration supports this amendment, which authorizes funds for increased Treasury Department law enforcement activities. The Treasury Department's law enforcement bureaus have a crucial role to play in fighting street crime, gang violence, and smuggling, and supporting gun control and State and local law enforcement. The inclusion of this amendment will complement the other provisions in H.R. 4092.

#159 (McCurdy). This amendment adds a version of the Police Corps proposal to the bill. The Administration has reservations concerning the specific funding levels contemplated in this amendment, but supports in concept the Police Corps proposal and recommends that the House of Representatives adopt the amendment.

*CRIME AMENDS.
Bill -*

3/22/94
4 p.m.

**Amendments to H.R 4092, The Violent Crime Control
and Law Enforcement Act of 1994**

- 1. **Porter:** Requires that the U.S. flag be flown at half staff on all government buildings on Peace Officers Memorial Day.
- 2. **Cunningham:** Exempts current and former law enforcement officers from state laws that prohibit the carrying of concealed firearms.
- 3. **Clement:** Modifies the presumption of interstate transportation in kidnapping cases from 24 hours to 3 hours.
- 4. **Clement:** H.R. 796, Drug Free Truck Stop Act of 1993. ?
Increases penalties for distribution of controlled substances at truck stops and rest areas.
- 5. **Oxley:** Requires criminals convicted of federal crimes to make restitution to their victims. ?
- 6. **Sensenbrenner:** Strikes Subtitle I of Title X -- the Local Partnership Act. (Title X) 0
- 7. **Duncan:** Allows a jury to impose the death sentence for federal kidnapping charges when the death of minor results. (Title VII)
- 8. **Harman** Denies felons convicted of violent or drug-related crimes the right to appeal to BATF for the right to own firearms. *N108*
- 9. **Castle** Restricts the sale and donation of excess firearms owned or held by federal agencies and codifies GSA regulations restricting such transactions. *S*
- 10. **Barca** SoC that violent felonies against truckers should be prosecuted to the fullest extent under federal law; encourages public/private evaluation of how best to prevent these crimes. *NK*
- 11. **Hunter** Authorizes an additional 6,000 Border Patrol Agents and support staff over 5 years.
- 12. **Reynolds:** Adds a new title that bans 175 specifically named semi-automatic weapons.
- 13. **Foglietta:** Establishes a federal grant program that establishes corridors of safety for senior citizens in crime-troubled areas. *P/O*

14. **Doolittle:** Denies federal benefits, including social security and welfare payments, to individuals convicted of crimes of violence.
15. **Clinger:** Expands Title III--which increases penalties for assaulting children--to include the elderly.
16. **Olver:** New subtitle, "Grants for Court Advocacy".
Authorizes the Attorney General to make 10 state demonstration grants that provide for at least one specialized domestic violence court advocate in every court where a significant number of protective orders are granted. (Title X)
17. **Traficant:** Requires the Federal Bureau of Prisons to give 30 days prior notice to all interested parties who were instrumental in convicting a federal prisoner that he or she is being released.
18. **Traficant:** Allows a sentencing judge the flexibility to give non-violent offenders alternatives to imprisonment. Provides that non-violent offenders must pay to have their photos in local newspapers.
19. **Traficant:** Provides penalties of not more than \$100,000 to anyone who intentionally affixes a fraudulent "Made in America" label to any product that is purchased with funds authorized under the H.R. 4092.
20. **Traficant:** Authorizes \$3 million to establish counseling centers for retired disabled police officers.
21. **Quinn:** Requires a federal permit for all purchases of explosives and requires a photograph and a set of fingerprints to accompany the application.
22. **McCandless:** Strengthens the penalties for selling a Congressional Medal of Honor.
23. **Solomon:** Provides for a sentence of life in prison without parole for child kidnapping. Exempts family members or legal custodians.
24. **Burton:** Provides the death penalty or life imprisonment without parole, probation or suspension for trafficking in those drugs specified in the amendment by amounts specified in the amendment.
25. **Burton:** Provides death penalty for murders committed during a sexual assault.

- 26. **Burton** SoC that criminal background checks should be performed for all prospective employees or volunteers of State-license or tax-funded organizations that interact with children.
- 27. **Skaggs** Expands the bill's prohibition against possession of a handgun by a juvenile or the private transfer of a handgun to a juvenile to include all guns. ?
- 28. **Gilman** Increases the criminal penalties for visa and passport abuse crimes.
- 29. **Packard** Gives federal law enforcement officials access to legalization immigration files for the purpose of a criminal investigation.
- 30. **Ackerman** Directs the AG to establish a placement program to assist displaced military personnel in obtaining employment as law enforcement officers with state and local law enforcement agencies upon their discharge or release from active duty. *
unfunded?
- 31. **Velazquez** Provides family violence and prevention services to underserved populations regardless of race, culture, language diversity or geographic isolation, and establishes model programs to educate youth about domestic violence.
- 32. **Kennedy** Establishes a community-based Justice Grant Program to create programs which help prosecutors, school officials, police, youth and social service professionals cooperate to identify and speed the prosecution of young violent offenders (\$100 million over 5 years).
- 33. **Kennedy** Gives law enforcement officials and courts access to criminal history information for use in stalking and domestic violence cases; authorizes pertinent agencies to include information on stalking and domestic violence offenses in criminal history records, including a \$2 million grant program; and directs NIJ to conduct training programs for judges in handling such cases.
- 34. **Watt** Strikes language providing death penalty for drug kingpins even when death does not result from the crime.
- 35. **Watt** Strikes death penalty for drive-by shootings.
- 36. **Watt** Strikes language that allows prosecuting attorneys to use aggravating factors that are not specified in the bill when seeking the death penalty during sentencing hearing.

37. **Watt** Requires the coordination of existing federal programs with programs funded under the Model Intensive Grant Program and Local Partnership Act.
38. **Levy** Penalizes those who transport firearms across state lines or international borders with the knowledge they will be used to kill, injure or intimidate; provides life in prison or death penalty if weapon is actually used in a violent crime.
39. **Moran** Prohibits state motor vehicle departments from disclosing personal information about any individual with certain specified exceptions, including use by a court, a federal, state or local agency, or for certain business uses. Permits state motor vehicle departments to establish procedures for disclosure which do not fall into one of these categories.
40. **Zimmer:** Requires mandatory minimum five-year prison term for unlawful possession of a firearm by a convicted felon, a fugitive from justice, a drug addict or illegal drug user, or one who transfers or receives stolen firearms, without possibility of parole, suspended or concurrent sentence. Doubles penalties for certain violations of firearms law and increases penalties for use or possession of a firearm in the commission of a violent crime or drug trafficking.
41. **Zimmer:** Limits remedies available in district court for a successful challenge to the constitutionality of conditions of confinement, specifically denying the court jurisdiction to impose population ceilings, adjust release dates, or prohibit use of tents or prefabricated housing structures. Requires consent decrees regarding conditions of confinement also to provide only narrowly tailored relief.
42. **Zimmer:** Doubles the maximum imprisonment and fine for any offense if the adult offender (over 18 years' old) uses a child to commit the crime or to assist in avoiding apprehension. After a previous conviction for this offense, the maximum imprisonment and fine are tripled.
43. **Gordon:
Holden/Fields** Prohibits awarding Pell basic grants to anyone incarcerated in a federal or state prison.
44. **Gordon:** (Perfecting amendment to any amendment restricting ownership of assault weapons) Exempts from all restrictions semiautomatics used for sporting purposes, defined as: semiautomatic rifles weighing more than 25 pounds.

45. Klug: Prohibits possession of a firearm at or near a day care center or a community center.
46. Dornan: Adds the requirement of "a profit-seeking purpose" to the definition of "pattern of racketeering activity" under RICO Act.
47. Hoyer: Authorizes Secret Service to detect and arrest those who violate U.S. laws involving fraud or other illegal activities against specified financial institutions including a federal branch or agency of a foreign bank.
48. Hoyer: Authorizes appropriations for up to 50 Gang Resistance Education and Training (GREAT) projects, up to \$800,000 per project, with the projects to be selected by BATF; authorizes \$30 million to hire at least 200 BATF agents to investigate trafficking of guns to gangs; authorizes \$6 million to hire Secret Service agents to supplement international counterfeiting and other investigative authorities.
49. Hoyer: Authorizes \$210 million for each of FY 1995 - FY 1999 to help meet Treasury Department's increased law enforcement responsibilities, (including activities of BATF, Customs, I.R.S., Secret Service).
50. Solomon: Expresses sense of Congress that no federal department or agency should study or finance research involving the legalization of drugs.
51. Solomon: Strikes title II of the bill, maintaining current sentencing for those involved in serious drug offenses.
52. Solomon: Prohibits participation in any program receiving funds under the Act by anyone convicted twice of drug possession offenses or once of a drug sale offense (unless that person completes a certified drug rehabilitation program).
53. Solomon: Adds "serious drug offenses" to the serious violent felonies that count as one or all of the three strikes.
54. Solomon: Adds to title III (Assaults Against Children) assaults against the elderly (65 or older).

X

55. DeLauro: Authorizes special grants to states that enact laws to revoke the driver's license of anyone who brings a handgun into an elementary or secondary school zone, that the revocation is immediate and automatic upon receipt of notification from a principal or equivalent official, and that the revocation is for five years on the first offense and 10 years for each further offense.
56. Livingston: Requires the Secretary of Defense and the Attorney General to study all military installations selected to be closed and to identify three of the most suitable bases for the conversion into Federal prison facilities.
57. Slaughter: Technical amendment resolving technical dispute about appointment procedures for the Commission to Support Law Enforcement.
58. Slaughter: New Title XXIV - Explosive Crime Penalties. Enhances penalties for second and subsequent offenses; makes theft of explosives a felony offense; outlaws possession of explosives for the same people who are prohibited from possessing firearms.
59. Martinez: Authorizes the Secretary of HHS to fund two demonstration projects for Hope in Youth in Los Angeles and the activities of Boys and Girls Clubs.
60. Martinez: "Private Security Officers Quality Assurance Act of 1994". Establishes requirements for states under which they would enact regulations regarding background investigations and training requirements that apply to all persons providing private security services for a fee.
61. Frank: Amends Mandatory Life Imprisonment for Persons Convicted of Certain Felonies to remove serious drug offenses from felonies qualifying for mandatory life imprisonment ("three strikes you're out").
62. Frank: Amends Applicability of Mandatory Minimum Penalties in Certain Cases to delete the current minimum mandatory sentences for the offense of simple possession of any controlled substance.
63. Frank: Amends the Crime Prevention and Community Justice provision to express the sense of Congress that drug treatment and prevention programs should be given the highest priority and that, if necessary,

funds should be shifted from drug interdiction into treatment and prevention for the successful pursuit of these efforts.

64. **Frank:** Amends the Death Penalty section to remove from eligibility for that penalty a defendant found guilty of an offense under the Controlled Substances Act as part of a continuing criminal enterprise, if the offense involves marijuana only.
65. **Doolittle:** Provides the punishment of life imprisonment after three violent felony convictions. Does not require that the convictions arise from separate episodes. *
66. **Abercrombie:** Grants local law enforcement officials the option to utilize the resources of the federal government to assist in the investigation of violent crimes against travelers.
67. **Owens:** Permanently exempts state and local public safety agencies from the Age Discrimination in Employment Act in order to permit them to consider age in their hiring and retirement policies. Authorizes \$5 million to support research in the area of performance and ability tests as an alternative to age requirements.
68. **Lazio:** Authorizes the SecHUD to make payments to local public housing authorities to relocate residents who face retribution for assisting local law enforcement authorities in the arrest, prosecution, or conviction of criminals in or near public housing property.
69. **Durbin:** Prohibits the possession of an illegal firearm on public housing property. And, with certain exceptions, the reckless discharge or attempted discharge of any firearm on public housing property. Makes violations punishable by up to five years in prison, a \$5,000 fine, or both. *
70. **Baessler:** Allocates a minimum of 20% of the funds authorized under the local government fiscal assistance fund for grants to units of general local government with populations of under 100,000.

71. **Kyl:** Provides for pretrial detention in serious sex offense cases; increases penalties for repeat sex offenders, repeat child abusers, and for drug distribution to pregnant women; increases sentencing guidelines for sex offenses; requires HIV testing for defendants in federal sex offense cases; authorizes courts to enforce restitution orders by suspending federal benefits for offenders who refuse to comply with restitution obligations; protects the victim's right to an impartial jury by equalizing the number of peremptory challenges accorded to the defense and to the prosecution in felony cases; allows for evidence of similar crimes in sex offense cases; and provides for the right of the victim to fair treatment in legal proceedings.
72. **Smith (NJ):** Sense of Congress that child pornography is a crime deserving full prosecution under the federal child pornography statute and that the brief submitted by the Justice Department for the case *Knox v. U.S.* represents a misinterpretation of the statute.
73. **Scott:** Adds "job program to prevent crime" as an acceptable expenditure of funds provided by the Local Partnership Act.
74. **Scott:** Strikes language which provides for the death penalty in murders committed during carjackings, drive-by shootings, and federal drug and gun crimes.
75. **Stearns:** Creates a new Title, "Carrying of Concealed Handguns", to allow, notwithstanding any provision of the state law, the carrying of a concealed weapon if the individual is 21 years of age, has no felony convictions or history of mental illness, and has completed successfully a handgun safety course offered by the state.
76. **Evans:** Amends Title VI, section 601(b), to require states to determine the veteran status of inmates and take appropriate steps to ensure that incarcerated veterans receive the veteran benefits to which they are currently entitled.
77. **Waters:** Amends Ounce of Prevention Grant Programs Subtitle to include community service organizations in the list of entities eligible to receive grants. Under the section establishing which entities shall be given priority for the distribution of grants, adds language to include local community service organizations in areas of concentrated

poverty, high crime and unemployment which agree to provide a 50% match under the program.

- 78. Waters:** Creates new Title, "Voting Rights for Former Offenders", to provide that the voting rights of a U.S. Citizen, who otherwise is qualified to vote in any election for Federal office, shall not be denied or abridged because he or she has committed a criminal offense, unless such citizen is imprisoned in a correctional institution or facility or has not completed his or her full sentence at the time of such election.
- 79. Waters:** Creates new Title, "Private In-Private Out", to provide that a prisoner who has worked for a private contractor in prison shall receive a letter of reference from that private contractor (rather than the prison system) when seeking work after his/her release. The letter would state that based upon the prisoner's work experience the prisoner is eligible for labor union membership.
- 80. Bonilla:** Creates new Title, "Study and Report by Attorney General", to require the Attorney General to study the issue of overcrowding in prisons and to implement actions recommended in her report.
- 81. Canaday/Geren:** Creates new Title, "Prison Overcrowding", to provide that a Federal court shall not hold prison or jail crowding unconstitutional under the eighth amendment except to the extent that an individual plaintiff inmate proves that crowding causes the infliction of cruel and unusual punishment of that inmate.
- 82. Canaday/Geren:** Requires states applying for grants under the Violent Repeat Offender Incarceration Act to include in their application to the Attorney General assurances that they have established a system to prosecute juveniles who are 14 years or older and charged with violent crimes as adults. Requires states to keep records of these crimes for use in future proceedings.
- 83. Goodling:** Strikes Title X, subtitle J, the Youth Employment and Skills Crime Prevention Program in its entirety, as it is duplicative of programs for disadvantaged youth under Title II-C of the Job Training Partnership Act, and the Youth Fair Chance Program established under Title IV, Part H of the Job Training Partnership Act.

UH-04

84. **Vucanovich:** Allows any grants made under subsection (b) of Section 2001 to be used for programs, projects and other activities to provide for overtime costs, training, the purchase and maintenance of vehicles and equipment, technology and civilian support staff.
85. **Volkmer:** Adds two more offenses to the "three strikes you're out" provision: (1) Bank robbery and incidental crimes; and (2) Robberies and burglaries involving controlled substances. Also, under non-qualifying felonies section, adds language to require proof that there was no threat of use of a firearm or other dangerous weapon during a robbery, or an attempt, conspiracy, or solicitation to commit robbery..
86. **Franks (NJ):** Creates new Title, "Penalties for Repeat Sex Offenders", to increase penalties for repeat sex offenders. Makes second offenses punishable by not less than five years and not more than three times the maximum sentence otherwise applicable. A third offense would be punishable by mandatory life imprisonment.
87. **Franks (NJ):** Requires Federal prisoners to obtain General Equivalency Degree (GED) before being eligible for early release from prison.
88. **Manzullo:** Designates police and fire chaplains as public safety officers thereby making them eligible for Federal death and injury benefits.
89. **Lehman:** Requires that at least 50% of the funds made available under the section entitled "Alternative Punishments For Young Offenders" shall be made available to states which have increased punishment for three time violent offenders. | good
90. **Hoagland:** Clarifies the constitutionality of gun free school zones by defining firearm as a firearm that has been transferred through interstate commerce. (Title XIX).
91. **Molinari:** Provides for death and disability benefits for retired public safety officers who die or are permanently injured and totally disabled as a result of injuries while responding to a fire, rescue, or police emergency.
92. **Molinari:** Changes Federal Rules of Evidence by providing for the admissibility of evidence of similar crimes in sexual assault cases and child molestation cases.

93. **Wynn:** Reduces the number of false identifications found in an individual's possession from five to three before imposing a jail sentence. Also imposes jail term and/or fine for mailing false identifications and would require that senders of identifications be identified.
94. **Beilenson:** Requires the Federal Government to share in costs of incarcerating undocumented aliens convicted in state courts.
95. **Smith (MI):** Alters requirements for Federal grants to correctional facilities for diversional programs.
96. **Smith (MI):** Eliminates requirement of "multi-State compact agreement" as condition for qualifying for correctional facilities grants.
97. **Romero-Barcelo:** Includes Puerto Rico in definition of "state" anywhere in this act. Also, would remove any cap or limitation on program eligibility or participation for Puerto Rico in programs or funding provided in this act.
98. **Romero-Barcelo:** Deletes Puerto Rico from the special allocation provision for the Territories in Title IX -- Local Partnership Act -- and instead includes it in the same section as the states.
99. **Inslee:** Adds a new title allowing the INS to accept assistance when carrying out the voluntary deportation of undocumented aliens charged with violating criminal statutes.
100. **Rangel:** Makes recipients of the "Byrne (anti-drug abuse) Program" eligible for funds from the Violent Crime Reduction Trust Fund.
101. **Filner:** Allows Juvenile Drug Trafficking and Gang Prevention Grants to be used for programs that reduce graffiti, remove graffiti, and promote graffiti prevention programs. (Title XXII)
102. **Reed:** Increases coordination with community mental health providers, to assist law enforcement officers in effectively evaluating and responding to people with serious mental illness.
103. **Hall (OH):** Lifts the four year limit in receiving victims assistance under the Byrne Memorial Fund.

104. **Barton:** Requires that drive-by-shootings should be classified as a Federal felony offense.
105. **Barton:** Requires, within 6 months of enactment, a feasibility study on classifying drive-by-shootings as a felony offense.
106. **Barton:** Adds a new provision regarding prosecution as adults of violent juvenile offenders.
107. **Bacerra:** Adds new title on immigration provisions including expedited deportation for denied asylum applicants; improved border controls; expanded special deportation proceedings; and construction of INS service processing centers to detain criminal aliens.
108. **Wheat:** Adds a new title to the bill to create a commission on crime and violence.
109. **Vento:** Add the Secretary of the Interior to the "Ounce of Prevention Council," established under Title X.
110. **Wilson:** Clarifies that the waiting period and interim background check provisions of the Brady Handgun law does not apply to the return by a federal firearms licensee of a handgun to the person from whom it was received.
111. **Berman:** Authorizes the AG, subject to appropriations, to reimburse States and localities for the costs of incarcerating undocumented criminal aliens who have been convicted of a felony.
112. **Wise:** Seeks to clarify that the intention of the Violent Crime Control and Law Enforcement Act of 1994 is to enhance the present efforts of States and local communities in fighting crime through additional programs but yet not replace or eliminate the eligibility of present recipients of the Edward Byrne Memorial Formula Grant Program.
113. **Weldon:** Provides state and local authorities \$30 million in matching funds from the Crime Prevention Trust Fund for gun buy-back programs.
114. **Miller:** H.R. 4034, The Urban Recreation and Risk Youth Act of 1994. Authorizes competitive matching grants to urban areas with a high prevalence of crime in order to expand park and recreation opportunities for at-risk urban youth.

115. Fazio: Sense of the Congress with respect to the funding of programs for rural areas under the Byrne Memorial Fund.
116. Hughes: Requires states to include truth-in-sentencing laws that ensure that violent repeat offenders serve a substantial portion of their sentences.
117. Hughes: Adds a new title regarding penalties for crack cocaine.
118. Edwards (CA): Provides that the Title IX (the Racial Justice Act) will not be retroactive.
119. Edwards (CA): Clarifies and limits the discretion of the jury in recommending a death sentence.
120. Edwards (CA): Limits the application of Title IX (the Racial Justice Act) to Federal death sentences only.
121. Canady: Adds a new title on civil rights of institutionalized persons, including a requirement that state prison inmates exhaust the prison's administrative remedies prior to filing a section 1983 action in Federal court.
122. Stearns: Expresses sense of Congress that the Constitution provides all citizens the right to keep and bear arms.
123. Orton: Creates a new category of federal prosecution against "child abuse and endangerment" for inflicting serious physical injury on a minor or permitting another to inflict such injury on a minor under one's care or custody.
124. Hyde: Strikes title VIII, regarding habeas corpus reform.
125. Schumer: Creates violent crime reduction trust fund; transfers specific amounts into the fund; specifies that amounts in the fund or appropriated from the fund for authorized purposes are excluded from budget enforcement; lowers discretionary spending caps to reflect amounts in the fund.
126. Schumer: Authorizes \$20,000,000 to the Secretary of Labor for the development of model intensive job training programs for federal prisoners.
127. Kopetski: Substitutes life imprisonment without parole for all death penalty provisions in the bill.

- 128. Wolf:** Provides for pilot programs, conducted by the Federal Prison Industries (FPI), to test the feasibility of teaming private U.S. firms with FPI to produce goods currently made offshore to the meet the need for increased employment of federal prisoners.
- 129. Kennelly:** Authorizes \$100 million over each of the next three fiscal years (1995-1997) to be distributed through a need-based grant program established with the AG's office of the DOJ to hire additional prosecutors.
- 130. Hughes:** Substitute for Title VI of the bill -- makes changes in the Title VI to require assurances from the States that truth-in-sentencing laws have been implemented, require the AG, in making grants, to give consideration to the number of illegal aliens incarcerated by States, and change the authorization dates to provide consistency with other authorizations in the bill.
- 131. Strickland/
Horn:** Establishes a Corrections Scholarship Program designed to offer corrections officers who are on the job the opportunity to obtain a college education.
- 132. Strickland/
Horn:** Extends coverage of the Public Safety Officers Death Benefits Act to personnel who work in correction facilities.
- 133. Strickland/Horn** Requires states, when seeking grants under the "incarceration of violent repeat offenders program", to provide assurances that corrections officers are given appropriate professional training in dealing with violent repeat offenders.
- 134. Hutchinson** Provides penalties for the following offenses when committed within a federal jurisdiction: the intentional homicide, voluntary manslaughter, involuntary manslaughter, assault or aggravated assault of a child before birth.
- 135. Tucker** Redirects \$500 million of Title X money to an adoption program entitled "Just One Child."

136. **Dunn/Deal** Encourages states to establish registration and tracking procedures and community notification with respect to released sexually violent predators, including convicted stalkers.
137. **Goodling** Increases penalties for individuals possessing a firearm while committing a misdemeanor drug crime (such as simple possession), and makes it unlawful for anyone using a firearm during a misdemeanor drug crime to possess a firearm for 5 years after conviction.
138. **Gekas:** Deletes provision that aggravating factors cannot be elements of the offense.
139. **Gekas:** Deletes provision in bill that requires a jury be instructed that it is never required to sentence an individual to death, even if warranted by evidence, because aggravating factors outweigh mitigating factors. Replaces with language that structures a jury's discretion.
140. **Gekas:** Clarifies loophole in drive-by murder provision by including defendants who immediately exit and remain close to a motor vehicle.
141. **Schiff:** Extends U.S. jurisdiction to crimes committed overseas by civilian employees of the military or their dependents if those acts would be federal crimes if committed in the U.S.
142. **Schiff:** Adds the commission of robbery as qualifying for one of the first two strikes under the three strikes provisions.
143. **Schiff:** Adds "battery while armed with a deadly weapon or resulting in serious bodily injury" to the list of specified violent felonies under the bill.
144. **Schiff:** Changes the mandatory life imprisonment for persons convicted of certain felonies from "three strikes" to "two strikes."
145. **Schiff:** Adds to the three strikes provisions -- the commission of burglary while armed with a deadly weapon or if the offense results in serious bodily injury.
146. **Schiff:** Adds to the three strikes provisions -- mandatory life for the conviction of two serial violent felonies.

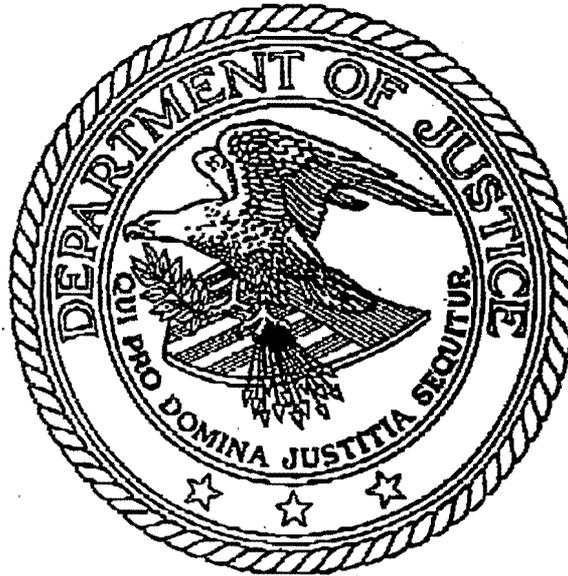
147. Schiff: Strikes paragraph four of section 601, which requires States to provide alternatives to incarceration and alternative correctional facilities for persons convicted of certain crimes.
148. Brooks: Technical amendments.
149. Wynn: Directs the SecEd to report to Congress within six months after the date of enactment on the use of Pell Grants to prisoners.
150. Long/Baesler/
Swing: Authorizes \$355 million for rural anti-crime and anti-drug initiatives; provides additional manpower by providing more DEA agents and by authorizing the AG to cross-designate Federal law enforcement agents for use in rural areas. Creates rural anti-drug task forces in every area with significant rural population. Authorizes \$30 million for rural domestic violence and child abuse enforcement. Enhances penalties for drug distribution at or near truck stops and safety rest areas.
151. Byrne: Makes grants to correctional facilities contingent upon a state or a multi-state compact having a mandatory sentence of life imprisonment without parole for individuals who have been previously convicted of a crime of violence at the State or Federal level.
152. Hefley: Makes grants conditional upon a state or multi-state compact having a policy that calls for and assures that those who have been convicted of a violent felony serve at least 85% of their sentence.
153. Hefley: Amends Title 18, U.S. Code to cap "satisfactory behavior" time credit for prisoners at 36 days. Currently, the cap is 54 days each year.
154. Hefley: Prohibits payment of Social Security or veterans' benefits to those confined by court order in connection with verdicts of "not guilty by reason of insanity" or similar verdicts.
155. Chapman: Authorizes \$2.5 billion for FY 1995 and \$2 billion for each of FY 1996 through FY 1999; permits Attorney General to provide grants to States to increase prison bed capacity, sets State allocation formula for FY 1995 and another formula for FY 1996 - FY 1999, and provides incentive funds for States achieving

"truth-in-sentencing" standards -- (1) increasing the percentage of violent-crime offenders being sentenced to prison, (2) increasing the average time served by those prisoners, and (3) increasing the percentage of the sentence time actually being served.

- 156. Condit:** Requires Attorney General to take custody of any criminal alien, within 30 days of a request by a state or local government, and to imprison the alien in a federal prison in accord with the sentence of the state court and compensate the states or local government for time served. "Criminal alien" is defined as an alien convicted of a felony in the U.S. who was admitted as a nonimmigrant and is now subject to a final order of exclusion or deportation and is now in a state or local prison. The requirement takes effect beginning in FY 1999, subject to appropriations.
- 157. Condit:** Authorizes Attorney General to reimburse States for incarceration of criminal aliens.
- 158. McCurdy** Increases the authorization for prisons by \$1 billion, with offsets from the crime prevention and community justice authorization
- 159. McCurdy** Establishes (1) a Police Corps program to allow state and local law enforcement agencies to recruit young people to serve a term with the police in return for aid for a college education, and (2) a Law Enforcement Scholarship matching grant program for current law enforcement personnel and young people interested in a career in law enforcement.
- 160. Smith (TX)** Establishes a Criminal Alien Tracking Center to help identify, incarcerate and deport criminal aliens; requires registration of aliens on criminal probation or parole; increases funding for INS investigators; establishes expedited deportation procedures for certain criminal aliens; expands definition of "aggravated" felony to include trafficking in explosives, child pornography, spying and other specified activities; increases penalties for failing to depart or reentering after final order to depart; provides wiretap authority for alien smuggling investigations; and increases criminal penalties for passport and visa document fraud.

161. Washington Prohibits imposition of the death penalty in a racially discriminatory pattern; requires states which allow the death penalty to collect data on the pattern of applying the death penalty.
162. Washington Strikes provisions in current law dealing with mandatory minimums to give judges discretion on length of sentences.
163. Washington Ensures that forfeiture of property can only take place after the conviction of the owner; provides comprehensive due process and oversight protections for victims of civil asset forfeiture; redistributes the assets seized.
164. Derrick Authorizes the Consumer Product Safety Commission to regulate the risk of injury associated with firearms.
165. Derrick Strikes language in the habeas corpus section pertaining to exceptions to the applicability of law; also strikes language pertaining to procedural default in state court.
166. McCollum: Amends Title VI - Violent Repeat Offender Incarceration, increases the funding authorization from \$600 million to \$1.485 billion for each of fiscal years 1994 through 1998.
167. McCollum: Strikes Title VI, Violent Repeat Offenders Incarceration Act and inserts Violent Offender Incarceration Act. Provides \$10 billion to individual states and to eligible States organized as regional compacts. States are eligible for grants if they establish truth in sentencing policies and certain mandatory minimums.
168. McCollum: Strikes Title IX, the Racial Justice Act, inserts the Equal Justice Act - provides safeguards against racial discrimination and racial bias in the administration of the death penalty and other penalties.
169. McCollum Strikes half the funding authorized for Title X, Crime Prevention and Community Justice
170. McCollum Transfers half the funding for Title X (Crime Prevention and Community Justice) to Title VI, Violent Repeat Offender Incarceration

171. **McCollum:** Bars exclusion in Federal proceedings of evidence obtained in circumstances justifying an objectively reasonable belief that a search and seizure was in conformity with the fourth amendment.
172. **McCollum:** Amends Title III and make serious violent assault felonies against victims either less than 18 years old or 64 years old or older punishable by a maximum term of imprisonment twice that authorized without regard to this section.
173. **McCollum:** Adds eight aggravating factors for the drug offense death penalty in addition to the two in the bill: 1) espionage and treason, and 2) homicide.
174. **Washington:** Adds \$4.5 billion for Local Crime Prevention, \$3.4 billion for Nurturing Children, \$2.2 billion for Drug Treatment, \$2 billion for Economic Development and Job Training, \$1.5 billion for Cost-Effective Corrections, \$800 million for Preventing Violence Against Women and Children, and \$500 million for Treatment of Crime Victims for a total cost of \$15.3 billion from FY 1995 - FY 1999. Requires deficit neutrality through offsetting cuts in appropriations for that particular fiscal year to fund these titles.
175. **Rostenkowski:** Authorizes establishment of Boys and Girls Clubs in public housing facilities. Authorizes \$12 million in each of FY 1995 - FY 1997.
176. **Manzoli/Barlow:** Deals with TVA law enforcement personnel.



*Crime Bill -
Amend 43.*

OFFICE OF THE ATTORNEY GENERAL

FACSIMILE TRANSMITTAL COVER SHEET

DATE: 4/14/94

TO: Bruce Reed

FACSIMILE NO. 456-7431 #12

TELEPHONE NO. 456-6515

FROM: Ron Klein

FACSIMILE NO. (202) 514-9077

TELEPHONE NO. (202) 514-6909

NUMBER OF PAGES INCLUDING COVER SHEET _____

COMMENTS:

SIGNIFICANT CRIME BILL AMENDMENTS ADOPTED BY THE HOUSE

Today, the House is beginning to make progress towards enactment of the President's Crime Bill. Among the amendments approved by the House thus far are:

- Increased funding for Treasury Department law enforcers -- ATF, Customs, and Secret Service agents -- to make our streets and borders safer. (\$210 million) (Hoyer)
- Authorization and support for full funding for the Byrne Grant program, so vital to many local communities. (Rangel; Wise; Fazio)
- A new rural crime initiative, to provide additional efforts to fight crime and drugs in rural areas. Also, special funding to combat domestic violence in rural areas. (\$385 million) (Long/Baesler/Ewing)
- Funding for Boys and Girls Clubs in public housing projects. (\$12 million) (Rostenkowski)
- New penalties for criminals who use explosives to commit crimes, and measures to make it harder for criminals to obtain explosives. (Slaughter)
- Increased border controls, expedited deportation for those denied asylum, and expanded special deportation proceedings. (Becerra)
- Tougher penalties for visa and passport fraud, which contribute to immigration abuse. (Gilman)

The House adopted these amendments (and others) -- in an en bloc group of 35 amendments. The amendments were approved on a bipartisan vote of 395 to 25. A full listing is attached.

EN BLOC AMENDMENT TO BE OFFERED
BY MR. BROOKS TO H.R. 4092

1. Porter Requires that the U.S. flag be flown at half staff on all government buildings on Peace Officers Memorial Day.
2. Barca Sense of Congress that violent felonies against truckers should be prosecuted to the fullest extent under Federal law; encourages public/private evaluation of how best to prevent these crimes.
3. Olver New subtitle, "Grants for Court Advocacy". Authorizes the Attorney General to make 10 State demonstration grants that provide for at least one specialized domestic violence court advocate in every court where a significant number of protective orders are granted. (Title X)
4. Gilman Increases the criminal penalties for visa and passport abuse crimes.
5. Watt Requires the coordination of existing Federal programs with programs funded under the Model Intensive Grant Program and Local Partnership Act.
6. Hoyer Authorizes Secret Service to detect and arrest those who violate U.S. laws involving fraud or other illegal activities against specified financial institutions, including a federal branch or agency of a foreign bank.
7. Hoyer Authorizes \$210 million for each of FY 1995 - FY 1999 to help meet Treasury Department's increased law enforcement responsibilities, (including activities of BATF, Customs, I.R.S., Secret Service).
8. Livingston Requires the Secretary of Defense and the Attorney General to study all military installations selected to be closed and to identify three of the most suitable bases for the conversion into Federal prison facilities.
9. Slaughter Technical amendment resolving technical dispute about appointment procedures for the Commission to Support Law Enforcement.
10. Slaughter New Title XXIV - Explosive Crime Penalties. Enhances penalties for second and subsequent offenses; makes theft of explosives a felony offense; outlaws possession of explosives for the same people who are prohibited from possessing firearms.
11. Martinez Authorizes the Secretary of HHS to fund two demonstration projects for Hope in Youth in Los Angeles and the activities of Boys and Girls Clubs.
12. Abercrombie Grants local law enforcement officials the option to utilize the resources of the Federal government to assist in the

investigation of violent crimes against travelers.

14. Scott Adds "job program to prevent crime" as an acceptable expenditure of funds provided by the Local Partnership Act.
15. Bonilla Creates new Title, "Study and Report by Attorney General", to require the Attorney General to study the issue of overcrowding in prisons and to implement actions recommended in her report.
16. Smith (MI) Eliminates requirement of "multi-State compact agreement" as condition for qualifying for correctional facilities grants.
17. Inslee Adds a new title allowing the INS to accept assistance when carrying out the voluntary deportation of undocumented aliens charged with violating criminal statutes.
18. Filner Allows Juvenile Drug Trafficking and Gang Prevention Grants to be used for programs that reduce graffiti, remove graffiti, and promote graffiti prevention programs.
19. Hall (OH) Lifts the four year limit in receiving victims assistance under the Byrne Memorial Fund.
20. Becerra Adds new title on immigration provisions including expedited deportation for denied asylum applicants; improved border controls; expanded special deportation proceedings; and construction of INS service processing centers to detain criminal aliens.
21. Wheat Adds new title to create a commission on crime and violence.
22. Vento Add the Secretary of the Interior to the "Ounce of Prevention Council," established under Title X.
23. Wise Seeks to clarify that the intention of the Violent Crime Control and Law Enforcement Act of 1994 is to enhance the present efforts of States and local communities in fighting crime through additional programs but yet not replace or eliminate the eligibility of present recipients of the Edward Byrne Memorial Formula Grant Program.
24. Miller H.R. 4034, The Urban Recreation and Risk Youth Act of 1994. Authorizes competitive matching grants to urban areas with a high prevalence of crime in order to expand park and recreation opportunities for at-risk urban youth.
25. Fazio Sense of Congress with respect to the funding of programs for rural areas under the Byrne Memorial Fund.
26. Strickland/ Requires States, when seeking grants under the violent repeat offenders program", to Horn provide assurances that corrections officers are given appropriate professional training in dealing with violent repeat offenders.

27. Brooks Technical amendments.
28. Long/ Baesler/ Ewing Authorizes \$355 million for rural anti-crime and anti-drug initiatives; provides additional manpower by providing more DEA agents and by authorizing the AG to cross-designate Federal law enforcement agents for use in rural areas. Creates rural anti-drug task forces in every area with significant rural population. Authorizes \$30 million for rural domestic violence and child abuse enforcement. Enhances penalties for drug distribution at or near truck stops and safety rest areas.
29. Rostenkowski Authorizes establishment of Boys and Girls Clubs in public housing facilities. Authorizes \$12 million in each of FY 1995 - FY 1997.
30. Frank Strengthens penalties against counterfeiting.
34. McCandless Strengthens penalties against selling a Congressional Medal of Honor.
35. Kennedy Establishes a community-based Justice Grant Program to create programs which help prosecutors, school officials, police, youth and social service professionals cooperate to identify and speed the prosecution of young violent offenders (\$100 million over 5 years).
42. Owens Permanently exempts State and local public safety agencies from the Age Discrimination in Employment Act in order to permit them to consider age in their hiring and retirement policies. Authorizes \$5 million to support research in the area of performance and ability tests as an alternative to age requirements.
43. Evans Amends Title VI to require States to determine the veteran status of inmates and take appropriate steps to ensure that incarcerated veterans receive the veteran benefits to which they are currently entitled.
44. Rangel Authorizes such sums as necessary for each of FY95 - 99 for the Byrne Grant program.
47. Manzullo Designated chaplains of local police and fire departments as public safety officers, thereby making them eligible for Federal death and injury benefits.