

PRELIMINARY DRAFT:  
CONFIDENTIAL

DRAFT - For 3/10/94

Crime Bill -  
House

Honorable Jack Brooks  
Chairman  
Committee on the Judiciary  
House of Representatives  
Washington, D.C. 20515

Dear Chairman Brooks:

This letter presents the views of the Department of Justice and the Administration concerning a number of issues and pending bills within the jurisdiction of the Judiciary Committee that are currently under consideration by the Subcommittee on Crime and Criminal Justice. We wish to address specifically the following topics or legislative proposals:

- Selected crime prevention provisions falling within the committee's jurisdiction;
- Drug courts and other supervised released programs for drug abusing offenders;
- "Three strikes and you're out" mandatory life imprisonment provisions;
- Federal death penalty offenses;
- Broadened adult prosecution for violent juvenile offenders;
- Victims' rights provisions;
- Provisions related to drug law mandatory penalties; and
- Police Corps and related programs.

#### I. Crime Prevention Proposals

The President strongly believes that our attack on crime must be balanced between tough punishment for criminals who deserve it and efforts to prevent crimes before they occur. The Administration has worked hard to develop and advance sound programs to prevent crime, including among others:

##### A. "Ounce of Prevention" and Sports League Anticrime Programs

The problem of crime -- and particularly the likelihood of involvement in crime by juveniles and young adults -- is strongly linked to hopelessness and an absence of constructive alternatives to criminal activity. If young people in distressed communities have no hope for a better future and nothing to do with their time but hang out on the street, increased

criminality, delinquency, involvement in gangs, and drug abuse are predictable consequences.

The old adage that idle hands do the devil's work captures the point precisely. We should not be too sophisticated or cynical to learn from this ancestral wisdom, or to take advantage of its insight in devising new programs to combat crime.

In line with this objective, the Administration is supportive of initiatives to reduce crime by enlarging educational, recreational, and vocational opportunities.

We specifically urge favorable action by Congress on the Administration's proposal of two "Ounce of Prevention" programs, to be administered by the Attorney General with the assistance of an interdepartmental Ounce of Prevention Council. These programs will involve \$600 million in grants, targeted on distressed communities and at-risk youth. The proposed programs are specifically designed to: (1) provide constructive alternatives to idleness and involvement in delinquency, gangs, and substance abuse, and (2) promote employability and employment. The programs, which involve a simplified and better-integrated formulation of proposals that have appeared in earlier legislation, are as follows:

- o A general Ounce of Prevention Grant Program, which will support summer and after-school (including weekend and holiday) education and recreation programs; mentoring and tutoring programs and other programs involving adult role models; employment-oriented programs; and prevention and treatment programs to reduce substance abuse, child abuse, and adolescent pregnancy. This is based on a proposal that was passed by the Senate in title I of H.R. 3355.
- o A Community Youth Services and Supervision Grant Program, involving support for programs conducted by "community-based organizations" that are run by consortia of service providers and involve broad private and public participation. This is based on a proposal that was passed by the Senate in § 5142 of H.R. 3355.

We also support the enactment of a sports league anticrime program that involves participation in competitive sports, with mandatory involvement by participants in related programs (such as education and job training) that promote employability and employment. We understand that the subcommittee will be considering a program of this type, as proposed by Rep. Washington in § 311 of H.R. 3315. It has our strong endorsement.

### B. Police Partnerships for Children

The Administration supports a proposed \$20 million grant program to support partnerships between police agencies and child or family services agencies. The program is designed to provide support for cooperative police-social services teams or units that deal with violent incidents involving juveniles as perpetrators, witnesses, or victims, and related prevention programs. We have been working with Members of Congress to develop this modified version of a proposal passed by the Senate in title XLVIII of H.R. 3355.

### C. Community Justice Grant Program

We commend the spirit and intent behind Subcommittee Chairman Schumer's proposal for a new Community Justice Grant Program for cities, and want to continue to work closely with him and others on the Committee to develop this or some other appropriate alternative. We would hope to work with Members of the Committee to develop an appropriately designed crime prevention and reduction initiative specifically targeted on areas with high crime rates.

### D. Community Youth Academies

The "Community Youth Academies" proposal would provide support for special educational programs for delinquent and at-risk youth. We support the objectives of this proposal, but recommend that it be combined with other existing or proposed programs relating to provision of educational opportunities and supervision for delinquent and at-risk youth. We look forward to working with the committee in further developing this proposal.

### E. TRIAD Programs

Subtitle C of title IX of the Senate bill proposes grants to support TRIAD programs and related activities. The programs receiving support would involve cooperative activities of police, sheriffs, and seniors' organizations to prevent crimes against the elderly. We support the objectives of this proposal, but believe that it would be preferable to give the Attorney General broader latitude to support various types of prevention programs combatting crimes against the elderly. We would be pleased to work with Members of the Committee in further developing this proposal.

## II. Drug Courts and other Supervised Release Programs for Drug Abusing Offenders

We strongly recommend the adoption of legislation authorizing federal support for specially designed supervised release programs for drug abusing offenders. The Attorney General has been a pioneer in developing these programs and one of their leading advocates. Her experience and available information shows the establishment of the "drug court" version of this type of program -- involving a central role for judicial supervision of participating offenders -- in about 20 cities, and the establishment of a much larger number in other jurisdictions can be expected in the near future.

Important elements that we support in this provision include the following:

- (1) Continuing supervision of drug-abusing offenders in specified categories.
- (2) Information systems that provide the supervising judges or other supervising personnel with complete and prompt information about participating offenders' history and status.
- (3) Objective measurement of progress through frequent drug-testing of participants, with prompt reaction to relapses or failure to meet program requirements, and positive encouragement of progress and success.
- (4) The prompt application of measured sanctions for violations, including the threat of prosecution or incarceration for participants who do not comply with program requirements or "drop out" of the program.
- (5) Mandatory participation in drug abuse treatment.
- (6) Integration of other programmatic or "aftercare" services for participants, such as education, vocational training, job placement, housing placement, health care, and parenting or family support services.

Programs of this type offer an alternative to the revolving door of repeated prosecution for drug-abusing offenders, and to relatively meaningless sanctions such as minimally supervised probation. They create a situation in which drug abusers cannot escape the consequences of their actions, and are provided with the necessary motivation for changing their behavior by the threat of penal sanctions for failing to cooperate or make progress. The possibilities for offenders to manipulate the system are foreclosed through continuing oversight, close cooperation among the supervising agencies, and prompt negative

consequences for lapses. At the same time, related problems that contribute to drug abuse are addressed through the integrated administration of social services, tailored to the needs of individual participants.

While both the House of Representatives and the Senate have recently passed provisions authorizing support for certain correctional drug treatment and "intermediate sanctions" programs, the pending bills do not include provisions that are tailored to or adequate for the support of drug court programs and other supervised release programs of this type. We will convey to the committee our recommendations for legislative language to provide support for drug courts and other comparable programs, and look forward to working with interested members of Congress in securing the enactment of this important proposal.

### III. "Three Strikes and You're Out" Mandatory Life Imprisonment

President Clinton has proposed the adoption of "three strikes and you're out" mandatory life imprisonment laws to protect the public from the most dangerous and incorrigible violent offenders. On March 1, 1994 we transmitted to Congress our proposals for a statutory enactment of this policy.

As explained at that time in the testimony of Acting Deputy Attorney General Jo Ann Harris before the House Judiciary Subcommittee on Crime and Criminal Justice on March 1, 1994, the objectives of this proposal are to: (1) incapacitate permanently the most dangerous violent felons who account for a large proportion of all violent crime, and (2) provide a strong deterrent for offenders who have already been convicted of serious violent crimes and may contemplate a return to criminal activity. We strongly urge the adoption of the President's legislative proposal, as set out in Acting Deputy Attorney General Harris's testimony.

### IV. Federal death penalty offenses

The President has stated that restoration of an enforceable death penalty for the most heinous federal offenses is an important element of a comprehensive legislative anti-crime program. We understand that the Subcommittee on Crime and Criminal Justice will be considering the issue of death penalty offenses -- not including procedural provisions -- and that the list of capital offenses in title II of H.R. 3131 will provide the basis for the Subcommittee's proposal.

We support this list of crimes to be eligible for the death penalty but would like to see on addition to it. While the proposed offense in § 214 of H.R. 3131 covers certain murders of state and local officers who are assisting federal officers, we believe it should be supplemented or replaced with a provision

that adds state and local officers assisting federal officers to the list of protected persons under 18 U.S.C. 1114. Such an addition would provide federal protection for state and local officers assisting federal officers that is fully co-extensive with that provided for federal officers. It would also guard against "negative implication" arguments for overturning caselaw which has already applied 18 U.S.C. 1114 to cases involving state and local officers who are assisting federal officers.

We otherwise support the capital offenses specified in title II of H.R. 3131. We may have some technical or drafting corrections that are needed in some other offense provisions. We would be pleased to work with the committee in refining this proposal.

#### VI. Drug Law Mandatory Penalties

The Administration believes that mandatory minimum sentences for certain drug trafficking offenses are an important law enforcement tool which should be maintained, and therefore support retention of such penalties. Those who are violent offenders, use firearms and lead conspiracies should know that stiff and mandatory penalties will apply.

At the same time, we recognize that in particular cases mandatory minimum sentences can work an injustice. Accordingly, the Administration supports inclusion of a so called "safety valve" or "carve out" provision such as that contained in Chairman Schumer's proposal and §2404 of H.R. 3355 as passed by the Senate and S. 1607. We believe that any of these proposals would be a spound improvement in federal law, allowing us to target valuable resources to the incapacitation of the most serious offenders.

#### VII. Broadened Adult Prosecution for Violent Juvenile Offenders

A number of legislative proposals have been advanced to permit adult prosecution of certain violent juvenile offenders down to the age of 13. We support this reform in concept, but note that the proposals that have been introduced have problematic features.

One version appears in section 651 of the Senate crime bill (H.R. 3355). This provision requires adult prosecution of juveniles charged with certain offenses down to the age of 13, subject to possible resentencing at the age of 16.

The selection of predicate offenses for mandatory adult prosecution under the Senate bill provision does not reflect any clear principle -- for example, bank robbery (18 U.S.C. 2113) would be covered, but murder for hire (18 U.S.C. 1958) would not be covered. The provision also departs from normal adult

prosecution under federal law in that the juvenile would be resentenced and possibly released within a few years. In comparison, normal adult prosecution results in a prison term that must actually be served (subject to a maximum 15% "good time" credit reduction). Even proceeding against an offender as a juvenile may result in a much longer period of assured detention than "adult prosecution" under § 651 of the Senate bill, since a juvenile adjudicated delinquent may be confined until he reaches the age of 21 (see 18 U.S.C. 5037(c)(1)).

We have been working with Members of the Committee to develop an alternative proposal. One House provision, which has been circulated in draft form, would simply lower the minimum age for transfer for adult prosecution to 13, in relation to juveniles charged with certain offenses. This avoids some of the problems with the Senate bill provision, including its mandatory character and the unique resentencing provisions. However, the House draft also suffers from certain problems, including an arbitrariness similar to the Senate provision in the specification of predicate offenses.

We will continue to work with the Committee, toward development of a formulation that would:

(1) lower the general threshold for discretionary transfer for adult prosecution to the age of 13, and (2) create a presumption in favor of transfer for adult prosecution of juveniles aged 15 and over who are charged with serious violent felonies. We would be pleased to work with interested members of Congress in further developing this proposal.

#### VIII. Victim-oriented Provisions

The Administration believes that our criminal justice system must respect the rights and needs of crime victims -- as much as legally possible. The tragedy of crime victimization is only compounded further when the system that is supposed to vindicate a victim's rights only alienates or mistreats that victim. Several reforms we have been supporting can help alleviate this harm.

Victim's Right of Allocation in Sentencing. A number of pending bills contain provisions to give victims of federal violent and sexual abuse crimes a right of allocation in sentencing, parallel to the existing right of allocation of the offender under Fed. R. Crim. P. 32(a)(1)(C). This provision has already been passed at different times by both Houses of Congress -- by the House of Representatives in § 1004 of the conference committee version of H.R. 3371 in the 102d Congress, and by the Senate in § 901 of its current crime bill (H.R. 3355).

This proposal is responsive to an imbalance in current procedures, under which the convicted offender has a right to

address the court in relation to the sentence, but the innocent victim of the crime has no right to make such a statement. The Department of Justice supports the enactment of this provision.

Victims of Crime Act Amendments. We are advised that amendments will be considered to the Victims of Crime Act, which have been circulated in draft form. Among other reforms, this proposal would mitigate the effects of year-to-year fluctuations in revenues to the Crime Victims Fund, make federally assisted victim compensation programs the last-recourse compensator vis-a-vis other federally supported programs, and permit the use of up to 5% of VOCA grants to defray the administrative costs of state victim compensation and victim assistance programs.

The Department of Justice supports this proposal, and believes that certain additional amendments could further improve the operation of the VOCA program. We look forward to working with the committee in this area.

Report on "Battered Women's Syndrome". The Senate has passed a provision in § 2964 of H.R. 3355 which requires a report on "battered women's syndrome" and its use in criminal trials. We are advised that the same provision will be considered in the Subcommittee on Crime and Criminal Justice.

This issue merits study. Preliminary information indicates that expert testimony concerning the characteristic behavior and psychology of victims may be of substantial value in the prosecution of domestic violence cases. See generally Bowman, A Matter of Justice: Overcoming Juror Bias in Prosecutions of BATTERERS Through Expert Witness Testimony of the Common Experiences of Battered Women, 2 Southern California Review of Law and Women's Studies 219 (1992).

As with other provisions in the pending bills that will entail substantial expense, the provision requiring a report on battered women's syndrome should include authorization and "subject to appropriations" language.

#### X. Police Corps and Related Programs

Police Corps and Law Enforcement Scholarships. Numerous bills over the past several Congresses have included versions of the Police Corps proposal and the Law Enforcement Scholarships proposal. In all versions, the Police Corps proposal has involved the idea of providing higher education assistance to students who make a commitment to work in law enforcement following graduation. The Law Enforcement Scholarships proposal involves scholarships for in-service officers, and summer and part-time employment for high school students in law enforcement agencies.

We strongly support the concept of Police Corps and inservice educational assistance to police officers and look forward to working with Members of the Committee on this issue. Generally we prefer aspects of the formulation in subtitle C of title XI of H.R. 3131 and have some concerns regarding the Senate passed version, particularly with regard to the creation of a large federal bureaucracy to administer the program.

Police Recruitment. A related proposal that will be before the Subcommittee on Crime and Criminal Justice would authorize assistance to community organizations to recruit and train individuals from under-represented areas for police work. We support the objectives of this proposal, but recommend in terms of formulation and administration that it be combined with the police corps and scholarships programs described in the earlier parts of this section. The objectives of these proposals are largely overlapping, and coordination among them would enhance their effectiveness. We would be pleased to work with the committee in further developing this proposal.

The Office of Management and Budget advises that the views stated in this report are in accord with the program of the President.

Sincerely,

Crime Bill - House

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

## ROUTE SLIP

To: Justice (Robinson/Mastalli)

DPC (Reed/Cerda)

Take necessary action Approval signature Comment Prepare reply Discuss with me For your information See remarks below 

FROM: Doug Steiger (395-3386) DATE: 3/11/94

## REMARKS

## Treasury Crime Bill Trust Fund General Authorization

Attached for your review and comment is Treasury's draft language to provide authorization for funding for their law enforcement efforts from the trust fund created by the Senate-passed crime bill. As Treasury has requested expedited clearance of the language, please respond by NOON TODAY (March 11).

Also attached, FYI, is the general authorization for Justice included in the Senate-passed bill.

cc: Chris Edley  
Ken Ryder  
Ken Schwartz  
Jim Duke  
Peggy Young  
Mark Schwartz  
Harry Meyers  
Chris Brown  
Ros Rettman  
Rusty Moran  
Margaret Shaw  
Jim Jukes  
Greg Jones  
Ed Junik

**PROPOSED DEPARTMENT OF THE TREASURY AMENDMENT**

There is authorized to be appropriated for the Department of the Treasury for the activities of the Bureau of Alcohol, Tobacco and Firearms, the U.S. Customs Service, the Financial Crimes Enforcement Network (FinCEN), the Federal Law Enforcement Training Center, the Criminal Investigation Division of the Internal Revenue Service and the U.S. Secret Service, in addition to sums authorized elsewhere in the Violent Crime Control And Law Enforcement Act of 1993, not to exceed \$25,000,000 for fiscal year 1994, and not to exceed \$300,000,000 for each of the fiscal years 1995, 1996, 1997, and 1998 to help meet the Department of the Treasury's increased law enforcement activities.

- 1 \$70,000,000 for each of the fiscal years 1995, 1996, 1997,
- 2 and 1998 to help meet the increased demands for judicial
- 3 activities which will result from enactment into law of this
- 4 Act.
- 5 (b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS
- 6 FOR THE DEPARTMENT OF JUSTICE.—There is authorized
- 7 to be appropriated for the activities and agencies of the De-
- 8 partment of Justice, in addition to sums authorized else-
- 9 where in this section, not to exceed \$25,000,000 for fiscal
- 10 year 1994, not to exceed \$125,000,000 for fiscal year 1995,
- 11 and not to exceed \$150,000,000 for each of the fiscal years
- 12 1996, 1997, and 1998 to help meet the increased demands
- 13 for Department of Justice activities which will result from
- 14 enactment into law of this Act.
- 15 (c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS
- 16 FOR THE FEDERAL BUREAU OF INVESTIGATION.—There is
- 17 authorized to be appropriated for the activities of the Fed-
- 18 eral Bureau of Investigation not to exceed \$20,000,000 for
- 19 fiscal year 1994, not to exceed \$44,000,000 for fiscal year
- 20 1995, and not to exceed \$60,000,000 for each of the fiscal
- 21 years 1996, 1997, and 1998 to help meet the increased de-
- 22 mands for Federal Bureau of Investigation activities which
- 23 will result from enactment into law of this Act.
- 24 (d) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS
- 25 FOR UNITED STATES ATTORNEYS.—There is authorized to

- 1 be appropriated for the account Department of Justice,
- 2 Legal Activities, "Salaries and expenses, United States At-
- 3 torneys" not to exceed \$10,000,000 for fiscal year 1994, and
- 4 not to exceed \$34,000,000 for each of the fiscal years 1995,
- 5 1996, 1997, and 1998 to help meet the increased demands
- 6 for litigation and related activities which will result from
- 7 enactment into law of this Act.
- 8 (e) Funds appropriated pursuant to this section are
- 9 authorized to remain available for obligation until ex-
- 10 pired.
- 11 (f) Funds authorized under this section may be appro-
- 12 priated from the Trust Fund established by section 1321C
- 13 of this Act.
- 14 SEC. 818. CONTROL AND PREVENTION OF GAMING IN IN-
- 15 DIAN COUNTRY.
- 16 (a) DEFINITION.—As used in this Act, the term "In-
- 17 dian tribal government" means the governing body of a
- 18 tribe, band, pueblo, nation, or other organized group or
- 19 community of Indians, including an Alaska Native village
- 20 (as defined in or established under the Alaska Native
- 21 Claims Settlement Act (43 U.S.C. 1601 35 et seq.), that is
- 22 recognized as eligible for the special programs and services
- 23 provided by the United States to Indians because of their
- 24 status as Indians.



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

Crime Bill -  
House

**DRAFT**

**Violent Crime Control and Law Enforcement Act of 1993  
H.R. 3355**

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**C L O S E   H O L D**

**NOT FOR DISTRIBUTION OUTSIDE THE ADMINISTRATION**

## Major Provisions of Violent Crime Control Act of 1993

	Penalty	Conference Position	Authorizations				
			FY 1994	FY 1995	FY 1996	FY 1997	FY 1998
<b>Title I - Public Safety and Policing</b>							
Community Policing Grants		SUPPORT	1,035	1,720	2,070	2,270	1,900
Ounce of Prevention Fund			75	—	—	—	—
<b>Title II - Death Penalty</b>							
Death Penalty Procedures - 25 Aggravating Factors							
Death Penalty Procedures - 8 Mitigating Factors							
Include Intent To Kill and Reckless Disregard For Life							
Protection Due To Diminished Capacity, Pregnancy, or Under 18 Years							
27 Specific Offenses							
<b>Title III - Firearms</b>							
Licenses Required To Be Photographed & Fingerprinted		SUPPORT					
Requires Reporting of Theft of Firearms By Licensees							
Requires Notification of Names & Addresses of Licensees							
<b>Title IV - Gun Crime Penalties</b>							
Mandatory Minimums							
Use of a Semi-Automatic Firearm During a Crime	Enhanced						TREASURY: Secs 401, 402, & 412 -- Prefers Prior Enacted Penalties Rather Than Changing Sentencing Guidelines
Second Offense Using An Explosive To Commit A Felony	Enhanced						
Smuggling Firearms in Aid of Drug Trafficking	10 Year Maximum						
Theft of Firearms and Explosives	10 Year Maximum						
Drug or Firearm Possession and Drug Testing Refusal	Parole/Probation Revocation						
Making False Statements To Acquire a Firearm	Added						
Possession of Explosives By Felons	Added						
Using A Firearm in Counterfeiting or Forgery	Enhanced						
Firearms Possession By Violent Felons & Serious Drug Offenders	Enhanced						
Receipt of Firearms by Nonresident	Added						
Firearms and Explosives Conspiracy							
Conspiracy Any Weapon	20 Year Maximum						
Conspiracy Silenced Machinegun	Life Maximum						
Conspiracy Explosives	20 Year Maximum						
Requires Study of Incendiary Ammunition							TREASURY: Sec 416 -- Study of Incendiary Ammunition Unnecessary
Theft of Firearms From Licensee	10 Year Maximum						
Interstate Gun Trafficking	10 Year Maximum						

## Major Provisions of Violent Crime Control Act of 1993

	Penalty	Conference Position	Authorizations				
			FY 1994	FY 1995	FY 1996	FY 1997	FY 1998
<b>Title V - Obstruction of Justice</b>							
Attempted Murder of Court Officer or Witness	20 Year Maximum						
Attempted Retaliatory Killings of Witnesses, Victims, and Informants	20 Year Maximum						
<b>Title VI - Gangs, Juveniles, Drugs, and Prosecutors</b>							
		FIX					
Creates Criminal Street Gang Offenses			TREASURY: Sec. 611 -- Provision Is Silent On Jurisdiction - Thus Would Give FBI Exclusive Investigative Jurisdiction Over Firearms Violations Committed By Gangs				
Employing Children To Distribute Drugs	Triple Sentence						
Gang Activity [Drug, Violence, or Conspiracy]	10 Year Maximum						
Violent Juvenile Bindover [16 & 17 Year Olds]	Bindover As Adults						
Violent Juvenile Offenders Prosecuted As Adults			HHS: Concerns With Overlapping Treatment Grant Authorities				
Prohibits Transfer of a Handgun To a Juvenile	10 Year Maximum						
Gang Prosecution - Additional U.S. Attorneys			USA	20	20	20	20
Gang Investigation, Coordination, & Information Collection			FBI	1	—	—	—
Juvenile Drug Trafficking and Gang Prevention Grants (Formula)				100	88	—	—
Eliminates Part D Gang Grants (Discretionary)							
Youth Development Centers Grants To Study Youth Crime				—	25	25	—
<b>Title VII - Terrorism</b>							
		SUPPORT					
Threat To Safety - Maritime Platform	5 Year Maximum						
Threatened Use of Weapon of Mass Destruction	10 Year Maximum						
Violence Against Civil Aviation	20 Year Maximum						
Counterfeiting of U.S. Currency Abroad	15 Year Maximum						
Any Act Promoting Terrorism	Enhanced						
Providing Material Support To Terrorists	10 Year Maximum						
<b>Title VIII - Sexual Violence and Abuse of Children, Elderly, and Disabled</b>							
Establishes National Criminal Background Check System For Caregivers							
Establishes Criteria For Access To System							
Defines "Child Abuse" and "Sex Crime" and Others							
Requires OJJDP To Study Information on Abuse Offenders							
Grants To Improve Child Abuse Crime Information (Records Upgrade)				—	40	—	
Reduces By 10% Amount of Federal Grants To States Not Complying							
Admissibility of Evidence of Similar Crimes In Sex Offense Cases							
Requires Reporting of Location of Violent Sexual Offenders							

## Major Provisions of Violent Crime Control Act of 1993

	Penalty	Conference Position	Authorizations				
			FY 1994	FY 1995	FY 1996	FY 1997	FY 1998
<b>Title IX - Crime Victims</b>							
Allows Victim or Relative of Victim To Make Statement in Court							
Mandate Restitution Regardless of Financial Circumstances of Offender							
Changes Allocation of Crime Victims Fund							
Allows Grants For Pilot Crime Prevention Programs for Senior Citizens							
Triad Pilot Program			---	2	2	2	2
Nat'l Training			---	1	1	1	1
Public Service Announcements			---	1	1	1	1
Nat'l Assessment and Training Assistance			---	2	2	2	2
<b>Title X -- State and Local Enforcement</b>							
		<b>SUPPORT</b>					
Established Drug Control and System Improvement Grant Program							
DNA Identification State & Local Grants			5	5	5	5	5
DNA Identification Index - FBI		FBI	4.5	4.5	4.5	4.5	4.5
Community Partnerships - Substance Abuse Prevention			---	15	20	25	---
Racial/Ethnic Bias Study Grants			---	2	2	2	2
Training & Tech. Automation Grants			100	---	---	---	---
Training Facility Improvements at Quantico		FBI	40	---	---	---	---
Intelligence Gathering		FBI	10	---	---	---	---
<b>Title XI -- Provisions Relating To Police Officers</b>							
		<b>FIX</b>					
Establishes a Family Support Office Within DOJ							
Establishes Grant Program To Assist States			---	5	5	5	5
Establishes Cause of Action for Unlawful Conduct of Police Officers							
Requires Annual AG Report on Data On Use of Excessive Force							
Establishes Police Corps Program (Including Payments To States)			---	100	250	88	88
Law Enforcement Scholarship Program			---	30	30	30	30
OMB: Sec 1131 -- Opposes Additional Payments To States Employing PC Officers							
<b>Title XII - Drug Court Program</b>							
		<b>SUPPORT</b>					
Limits Participation To Non Violent Offenders							
Establishes Grant Program To Provide Drug Testing Upon Arrest			---	100	100	100	---
Provides Funding For Grants For Alternative Punishments [Boot Camps]			---	200	200	200	---
Residential Substance Abuse Treatment for Prisoners			---	100	100	100	---
<b>Title XIII -- Prisons</b>							
		<b>FIX</b>					
Establishes Program of Impact Assessment							
Provides Funds To Test Federal Prisoners			88	88	88	88	88
Requires Drug Treatment for 50% of Federal Prisoners in 1995							
75% in 1996, and 100% Thereafter			---	88	88	88	88

## Major Provisions of Violent Crime Control Act of 1993

	Penalty	Conference Position	Authorizations					
			FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	
<b>Title XIII (Con't)</b>								
Provides Authority For US Sentencing Commission To Set Fines Using Consideration of Cost To Government of Incarceration and Treatment								
Provides Grants For Boot Camps & Prisons For Violent Offenders			3,000	—	—	—	—	
Authorizes Use Of Closed Military Facilities For Camps			Two prison initiatives are redundant [Boot Camp/Prisons - Democrat Proposal Regional Prison Proposal Is Republican] Need To Convert Regional Prison Funding To Grants-In-Aid For States Rather Than Federal Dollars and FTE. Creates Major Burden To FTE Ceilings.					
Restricts Usage for Construction of Treatment Facilities To One Third								
Requires NJ Study Housing Prisoners Close To Their Families			100	100	100	100	100	
Requires NJ Study of Alcohol Use and Treatment								
Requires BOP To Notify S&L Law Enforcement of Release Information								
Establishes Grants For Community Based Violent Juvenile Facilities								
Provides For Construction of No Less Than 10 Regional Prisons Prison Capacity @ 2500 Beds With 75% Allotted To State Prisoners			600	600	600	600	600	
<b>Violent Crime Reduction Trust Fund</b>								
Sense of Congress That Measures Must Be Fully Funded		FIX	FY 1994 BA & OL Need To Be Deleted — Budget Authority Cannot Be Spent FY 1995 OL Need To Be Reduced To Accomodate Spendout of BA For Priority Insure Pre-Crime Bill Provisions Are Not Excluded [e.g., Brady Bill]					
Establishes Levels of Full Time Equivalent Employees								
Creates The VCRTF By Transferring Funds At Start of Each Fiscal Year								
Provides For Appropriations From The Fund @ Specified Amounts			BA	720	2,423	4,267	6,313	8,545
Requires Report By President of Status of The Fund			OL	314	2,330	4,184	6,221	8,443
Requires Listing of The VCRTF In Budget Among Government Trust Funds								
<b>Title XIV - Rural Crime</b>								
Authorizes Grants For Rural Drug Enforcement			50	50	50	50	50	
Creates Rural Drug Enforcement Task Forces								
Provides For Cross Designation of Federal Officers								
Provides Funds For Rural Drug Enforcement Training			1	1	1	1	1	
Provides Funds For Hiring More DEA Agents			DEA	20	20	20	20	20
Drug Free Truck Stops	Enhanced							
Provides Grants For Rural Domestic Violence & Child Abuse Enforcement			—	10	10	10	—	
<b>Title XV - Drug Control</b>								
Drug Trafficking In Prison	Enhanced							
Drug Dealing in Public Housing	Enhanced							
Anabolic Steroids	5 Year Maximum							
Drug Dealing in Drug-Free Zones	Level 20 Minimum							
Drug Use in Federal Prison	Enhanced							
Requires Inclusion of Drug Treatment In National Strategy								
<b>Title XVI -- Drunk Driving Provisions</b>								
Increases Penalties Under Certain Conditions	Enhanced Minimum							

## Major Provisions of Violent Crime Control Act of 1993

	Penalty	Conference Position	Authorizations				
			FY 1994	FY 1995	FY 1996	FY 1997	FY 1998
<b>Title XVII -- Commissions</b>		FIX					
		OMB: Pursue Combining Commission Into Single Entity Consistent With EO					
Establishes National Commission on Crime and Violence			85	88	85	85	88
Establishes National Commission To Study Demand Causes For Drugs							
Establishes National Commission To Support Law Enforcement							
Establishes National Commission On Violence In Schools		DEd	88	88	88	85	85
Calls For President To Convene A National Summit On Violence							
<b>Title XVIII -- Bail Posting Reporting</b>							
Requires Report of Bails Above \$10K To IRS							
<b>Title XIX -- Motor Vehicle Theft Prevention</b>							
Require The Attorney General To Develop Voluntary Prevention Program							
Establishes Decal System To Allow Cars To Be Stopped			85	85	85	85	88
Establishes Crime of Unlawful Use of Theft Decal	Fine						
<b>Title XX -- Protections For The Elderly</b>							
Missing Alzheimer's Disease Patient Alert Program			---	1	1	1	---
Sentencing Guideline For Crimes Against Elderly	Enhanced						
<b>Title XXI - Consumer Protection</b>							
Insurance Crime Affecting Interstate Commerce	10 Year Maximum						
Credit Card Fraud - Access Devices							
<b>Title XXII - Financial Institution Fraud</b>							
Financial Institution Fraud	5 Year Maximum/\$1M Fine						
<b>Title XXIII -- Savings and Loan Prosecution Task Force</b>							
Require AG To Establish Task Force							
<b>Title XXIV - Sentencing Provisions</b>		FIX					
Revocation of Supervised Release							
Flexibility in Application of Mandatory Minimum Sentences							
Mandatory Prison For Firearms Use In A Crime							
Death or Life In Prison For Murder Involving A Firearm	Mandatory Minimum						

## Major Provisions of Violent Crime Control Act of 1993

	Penalty	Conference Position	Authorizations					
			FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	
Mandatory Minimum For Selling Drugs To Minors								
Life In Prison For 3rd Offense		Life Imprisonment						
Enhanced Sentences For Hate Crimes		Enhanced						
Sentencing Commission Study								
<b>Title XXV -- Sentencing and Magistrate Amendments</b>		<b>SUPPORT</b>						
Authorizes Trial By Magistrate For Petty Offenses								
<b>Title XXVI -- Computer Crime</b>								
Creates Computer Abuse Crimes		Maximum 1 Year						
Creates Cause of Civil Action								
<b>Title XXVII - International Parental Kidnapping</b>								
Creates Offense of International Parental Kidnapping		3 Year Maximum						
Establishes Training Program for State Courts			0.25	---	---	---	---	---
<b>Title XXVIII -- Safe Schools</b>								
Establishes BJA Grants To States For Safe Schools Programs								
Provides Funds To State To Coordinate Statewide Efforts								
			100	100	100	---	---	---
			---	10	10	---	---	---
<b>Title XXIX - Miscellaneous</b>								
Increased Penalties								
Assault On Certain Protected Persons		Increased Fines						
Manslaughter		From 3 Yrs to 6 Yrs Max						
Civil Rights Violations		Various Increases						
Murder For Hire								
Conspiracy To Commit Murder For Hire								
Travel Act Violations								
Fair Housing Act Violations		Various Increases						
Damage To Religious Property								
Trafficking in Counterfeit Goods		From 5 Yrs to 10 Yrs Max						
White Collar Crime								
Receiving Proceeds of Extortion		3 Year Maximum						
Receiving Proceeds of Postal Robbery		10 Year Maximum						
Theft of Major Artwork		10 Year Maximum						
Extention of Protection of Civil Rights Statutes								
Conspiracy Against Rights								
Deprivation Under Color of Law								

## Major Provisions of Violent Crime Control Act of 1993

	Penalty	Conference Position	Authorizations					
			FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	
Audit Requirement For S&L Receiving Forfeiture Funds								
Requires Report To Congress On Administrative & Contracting Costs								
Gambling								
Undercover Operations - Churning								
AG Report on Battered Women's Syndrome								
Balance in the Criminal Justice System - SoC Regarding Add'l Judgeships								
Extension of Statute of Limitations For Arson								
Gun Free School Zones - SoC								
<b>Title XXX - Technical Corrections</b>								
<b>Title XXXI -- Driver's Privacy Protection Act</b>								
Prohibits The Release of Personal Information From DMV Records								
Defines Scope of Personal Information								
<b>Title XXXII -- Violence Against Women; Safe Streets</b>								
Enhanced Penalties For Repeat Sex Offenders		Enhanced						
Sentencing Commission Review and Report on Guidelines								
Mandates Restitution For Sex Crimes								
Provides For Federal Victims/Witness Counselors			1.5	—	—	—	—	—
Establishes Grant Program For High Intensity Crime Areas			100	100	100	—	—	—
Establishes Grant Program To Combat Crimes Against Women			190	190	190	—	—	—
Grants To Indian Tribes			10	10	10	—	—	—
Grants For Capital Improvement in Public Transportation			10	—	—	—	—	—
Grants For Capital Improvements To National Parks			10	—	—	—	—	—
Grants For Capital Improvements in Public Parks			15	—	—	—	—	—
National Commission on Violence Against Women			0.5	—	—	—	—	—
Allows Sexual History To Be Used In Civil Cases								
Amendments To Rape Shield Law								
Waiverability of Evidence By Victims								
Victim's Clothing Not Admissible For Defense								
Establishes Education and Prevention To Reduce Sexual Assaults			65	65	65	—	—	—
Requires States To Pay For Rape Examinations								
Establishes Grants To Prevent Sexual Exploitation			10	10	10	—	—	—
Establishes Victim's Right To Allocation in Sentencing								

## Major Provisions of Violent Crime Control Act of 1993

	Penalty	Conference Position	Authorizations				
			FY 1994	FY 1995	FY 1996	FY 1997	FY 1998
<b>Title XXXIII -- Safe Homes For Women</b>							
Establishes Grants For National Domestic Violence Hotline		G-HHS	0.5	0.5	0.5	---	---
Interstate Enforcement - Traveling To Commit Spouse Abuse	Maximum 20 Years						
Interstate Violation of Protection Orders	Maximum 20 Years						
Establishes Restitution Mechanism							
Establishes Grants To Improve Spousal Abuse Law Enforcement		G-HHS	25	25	25	25	25
Establishes Grants For Domestic Violence and Family Support		G-HHS	100	100	100	---	---
Establishes Family Violence Prevention Grants		G-HHS	85	100	125	---	---
Establishes Youth Education Programs		HHS	0.4	---	---	---	---
Domestic Violence Injury Study		HHS	0.1	---	---	---	---
NIJ Research Into Domestic Violence		NU	88	85	88	88	88
<b>Title XXXIV -- Civil Rights</b>							
SUPPORT							
Sense of Congress Regarding Gender Discrimination							
Sense of Senate Regarding Right To Privacy of Rape Victims							
<b>Title XXXV -- Safe Campuses For Women</b>							
Authorization For Campus Programs		G-DEd	20	88	88	88	---
<b>Title XXXVI -- Equal Justice For Women In Courts</b>							
Established Grants To Train Court Personnel			0.6	---	---	---	---
Establish Courts Clearinghouse & Education Programs							
Courts of Appeals, District Courts		Judiciary	0.4	---	---	---	---
Federal Judicial Center		Judiciary	0.1	---	---	---	---
Administrative Office of Courts		Judiciary	88	---	---	---	---
<b>Title XXXVII -- Violence Against Women Act Improvement</b>							
Increases Penalties For Sex Offenses Against Victims Under 16							
Requires Payment For Cost of HIV Testing		DOJ	88	88	88	88	88
Extends and Strengthens Restitution Provisions							
Provides For Suspension of Federal Benefit To Support Restitution Claims							
Makes Inadmissible Provocation or Invitation By Victim							
Requires Campus Baseline Study on Campus Sexual Assault		DOJ	0.2				
Requires AG Report On Battered Women's Syndrome							
Requires Report on Confidentiality of Addresses For Victims							
Requires AG Report on Recordkeeping Relating To Domestic Violence							
Requires AG Report on Fair Treatment in Legal Proceedings							

## Major Provisions of Violent Crime Control Act of 1993

	Penalty	Conference Position	Authorizations					
			FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	
Requires Judicial Conference Report on Federal Rule of Evidence								
Establishes Supplemental Grants For States For Effective Laws [Up to \$1M]			55	55	55	55	55	55
<b>Title XXXVIII -- Enhanced Penalties For Anti-Fraud Efforts</b>								
Health Care Fraud	Maximum 10 Years							
Provides For Forfeiture of Property For Health Care Fraud								
Adds Health Care Fraud To List of RICO Offenses								
Adds False Claims To List of Offenses Covered Under Fraud								
<b>Title XXXIX -- Senior Citizens Against Marketing Scams</b>								
Enhanced Penalties For Telemarketing Fraud	Added 5 Years							
Enhanced Penalties For Telemarketing Fraud Against Seniors	Added 10 Years							
Provides For Forfeiture of Fraud Proceeds								
Establishes A System of Rewards For Information								
Additional Funding To Support Fraud Investigations								
Federal Bureau of Investigation		FBI	10	---	---	---	---	---
Adds 30 New U.S. Attorneys		USA	3.5	---	---	---	---	---
Senior Citizen Awareness Seminars		OJP	10	---	---	---	---	---
Broadens Mail Fraud Coverage To Include Cash Access Devices								
Requires AG To Establish A National Fraud Hotline								
<b>Title XL -- Child Safety</b>								
Establishes Grant For Supervised Visitation Centers		G-HHS	15	20	25	---	---	
20% of Grants To Be Earmarked For Abused Children								
<b>Title XLI -- Family Unity Demonstration Project</b>								
Establishes "Community Correctional Facilities" Grants		G-BOP	---	8	8	8	8	8
Allow Up To 50 Inmates To Be Housed With Children Under Age 7								
Up To 10% of Funds May Be Used For Violators of Federal Law								
<b>Title XLII -- Domestic Violence</b>								
Prohibition Against Sale or Transfer of A Weapon To Persons Who Have Committed Domestic Violence								

## Major Provisions of Violent Crime Control Act of 1993

	Penalty	Conference Position	Authorizations						
			FY 1994	FY 1995	FY 1996	FY 1997	FY 1998		
<b>Title XLIII --- Missing and Exploited Children</b>									
Establishes A Missing Children Task Force Task Force Empowered To Enforce Federal Law Related To Child Abduction									
<b>Title XLIV -- Public Corruption</b>									
Provides For Public Corruption Offenses Provides For Narcotics-Related Public Corruption	Maximum 10 Years + Fine Class B Felony								
<b>Title XLV -- Semiautomatic Assault Weapons</b>									
Bans The Manufacture, Transfer, and Possession of Semi Automatic Firearms Establishes Record Keeping Requirement and Restrictions Exempts Weapons Owned Prior To Effective Date of Law Exempts Semi-Automatic Shotguns Holding Five Rounds or Less Bans Large Capacity Ammunition Feeding Devices Defines Large as 10 Rounds Requires AG Study Of Impact of Title To Drug Trafficking Crime Requires Large Capacity Magazine Manufactured After Enactment To Be Dated Provision Expires 10 Years After Enactment									
									OMB: Strong Public Presidential Support
									TREASURY: Sec 4506 -- Records Requirements Meaningless and Should Be Dropped
<b>Title XLVI -- Recreational Hunting Safety</b>									
Creates An Offense of Obstructing A Lawful Hunt Obstruction of Hunt Involving Force or Violence Authorizes Collection of Damages and Attorney's Fees Provides For Non Preempting of State and Local Law	Up To \$5,000 Fine Up To \$10,000 Fine								
<b>Title XLVII -- Correctional Job Training and Placement</b>									
Provides For Establishing An Office of Correctional Job Trng and Placement Office To Enhance Job Placement Activities and Information Sharing									
<b>Title XLVIII -- Police Partnerships For Children</b>									
Establishes Grant Program To Support Activities For Children Provides For Reducing Federal Share From 80% to 60% Over 3 Years Limits Mentoring and Conflict Resolution Portion To 10%									
			20	88	88	88	88	88	

## Major Provisions of Violent Crime Control Act of 1993

	Penalty	Conference Position	Authorizations					
			FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	
<b>Title XLIX -- National Community Economic Partnership</b>		<b>FIX</b>	OMB: Duplicative of "Empowerment Zones" Need To Work To Make It Consistent With Administration Initiatives					
Establishes Lines of Credit To Community Development Corps								
Limits Lines To \$2M Per Applicant								
Establishes Community Development Corp Improvement Grants								
Requires 60% Use For Lines of Credit								
			G-HHS	40	85	85	---	---
			DoC: Objects To HHS Management of Grants - EDA Has Function Currently					
<b>Title L -- Deportation of Criminal Aliens</b>		<b>SUPPORT</b>						
Expands Definition of Aggravated Felony To Include Drug Trafficking & Other Offenses								
Eliminates Administrative Hearings For Criminal Aliens								
Provides For Assumption of Deportability Of Aliens Convicted of Agg. Felony								
Provides For Jurisdiction of District Court Over Deportation								
Restricts Defenses To Deportation								
Provides For Enhanced Penalties For Failure To Depart	Adds 4 to 10 Years							
Establishes Criminal Alien Tracking Centers			INS	5	2	2	2	
<b>Title LI -- General Provisions</b>								
Provides For BOP Discretion Regarding Awarding of "Good Time"								
Prohibits Payment of Federal Benefits To Illegal Aliens								
Creates A Task Force Addressing Introduction of Non Indiginous Plants								
Establishes A Task Force on Prison Construction and Techniques								
Requires Report on Royal Hong Kong Police Recruitment								
Prohibits Interstate Wagering Mechanisms								
Alien Terrorist Removal								
Establishes Special Court and Procedures								
Requires Mandatory Life For 3rd Violent Felony	Life Imprisonment							
Requires Assessment of Prison Construction Methods								
Restricts Payments of Benefits To Persons Confined To Mental Institutions								
Driving While Intoxicated Programs								
Provides For Civil Penalties For Parents of Juvenile Offenders								
Mandatory Minimum Fine	Minimum \$100							
Provides For Community Service or Parenting Class In Lieu								
Provides For Protection of Recipients of Counterterrorism Rewards								
Established Violent Crime and Drug Emergency Areas Program								
Eligibility For Federal Assistance								
AG Required To Establish Regulations To Implement Program								
State and Local Cooperation With Immigration Service								
AG Report On Adverse S&L Laws								
Denial Of Federal Funds For Refusing To Cooperate With INS								
Department of Education Organization Act Amendments								

## Major Provisions of Violent Crime Control Act of 1993

	Penalty	Conference Position	Authorizations					
			FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	
Prevention, Diagnosis, Treatment of Tuberculosis in Prisons								
AG To Develop Guidelines								
Establishes Grants To State & Local Corrections Authorities			20	---	---	---	---	---
Federal Share of Grants Shall Not Exceed 50%								
Community Program On Domestic Violence								
Establishes Demonstration Grants			---	20	55	55	55	55
Adds "Disabilities" To Hate Crime Statistics Act								
Penalties For Document Fraud	Increased Fines							
Directs AG Study of Model Anti-Loitering Laws								
Victims of Child Abuse								
Court Appointed Special Advocates			---	7	10	10	10	10
Child Abuse Training For Judicial Officials			---	7	10	10	10	10
Grants For Televised Testimony			---	3.5	5	5	5	5
Special Treatment of Indian Tribes and DC For Grant Matching								
SSA Agreement To Assist In Locating Parents								
Adds Solicitation of a Minor To Commit A Crime	Enhanced Penalties							
SoC on Asylum								
Increased Funding For Federal Judicial Processing								
Federal Judiciary		Judicial	20	70	70	70	70	70
Department of Justice		DOJ	25	125	150	150	150	150
Federal Bureau of Investigation		FBI	20	50	60	60	60	60
United States Attorneys		USA	10	35	35	35	35	35
Funds Used In Indian Country Need Not Be Matched								
Statute of Limitations On RTC Prosecutions Extended								
Prohibits Awards of Pell Grants To Prisoners								
Transfer of Certain Aliens Criminals To Federal Facilities								
Provides For Compensation To Be Paid To States For Costs of Incarceration								
Grants To State Courts To Ease Burden of Act			100	100	100	100	100	100
Requires FBI Report On How To Accelerated Automated Fingerprint ID								
Appropriate Remedies For Prison Overcrowding								
Prisoner Must Prove Crowding Is Cruel or Unusual Punishment								
Prohibits Courts From Placing Capacity Ceilings On Prisons								
Establishes Community Programs On Domestic Violence								
Grants To States		G-HHS	---	20	55	55	55	55
Child Centered Activities								
Establishes School Youth Services Grants		G-HHS	100	100	100	100	100	100
Grants Eligible For Disbursement To Community Based Organizations								
Establishes Olympic Youth Development Centers		G-HHS	50	25	25	25	25	25
Makes Federal Land and Wilderness Available To Youth Programs								

OMB: Enacted In RTC Bill (H.R. 5714)  
DoED/DOJ: Object To Provision

## Major Provisions of Violent Crime Control Act of 1993

	Penalty	Conference Position	Authorizations					
			FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	
<b>Bankruptcy Fraud</b>								
Concealment of Assets	Maximum 5 Years, \$5,000 Fine							
Embezzlement Against An Estate	Maximum 5 Years, \$5,000 Fine							
Adverse Interest and Conduct								
<b>Handguns In Schools</b>								
Provides For Award of Up To 25 % More In Grant Funds Incentives								
Driver's License Revocation For Gun In School								
<b>Sense of Senate Regarding Study of Out-Of-Wedlock Births</b>								
<b>Congressional Approval For Expansion of Lorton Prison</b>								
<b>National Narcotics Leadership Act</b>								
Extends "Sunset" of ONDCP to September 30, 1993								
Authorizes Staff At 75, Subjecto To Appropriations								
<b>Extension of Full Time Status of Member of U.S. Sentencing Commission</b>								
<b>Sense of Senate That Able Bodied Prisoners Should Work</b>								
<b>First Time Violent Offender Rehabilitation Program</b>								
<b>Asset Forfeiture</b>								
Allows For Payment of Property Taxes On Seized Property								
<b>Clarification of Definition of "Court of United States"</b>								
<b>Permits Cooperative Extradition of Criminals To U.S.</b>								
Provides Funds For Expedited Deportation of Denied Asylum Applicants		INS	88	88	88	88	88	88
Provides For Improved Border Controls Through Increase INS Funding		INS	88	88	88	88	88	88
Expands Special Deportations Proceedings								
Provides Funds For Construction of INS Service Processing Centers		INS	---	---	88	---	---	---
<b>Assistant U.S. Attorneys Shall Reside Within 50 Miles of District</b>								
<b>Additional Funding For Department of Treasury</b>								
Create 50 Gang Resistance Education and Training Projects (GREAT)		ATF	88	88	88	88	88	88
Adds 200 BATF Agents		ATF	30	30	30	30	30	30
Provides Funding For More U.S. Secret Service Agents		USSS	6	6	6	6	6	6
<b>Sense of Congress That Law Enforcement Personnel Should Not Be Reduced</b>								
<b>Requires AG Review of Prison Capacity and Standards</b>								
<b>Requires AG and Secretary HHS Consultation on Coordiantion of Treatment and Prevention Programs</b>								
<b>Authorizes Juvenile Anti-Drug and Anti-Gang Grants in Federal Housing</b>								
<b>Total Authorizatlons</b>			<b>6,391</b>	<b>4,494</b>	<b>4,991</b>	<b>4,186</b>	<b>3,380</b>	

**SENATE CRIME BILL FUNDING**  
(\$ In Millions)

		FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	Total
<b>Bill Authorizations:</b>	<b>BA</b>	<b>6,365</b>	<b>4,733</b>	<b>5,231</b>	<b>4,384</b>	<b>3,292</b>	<b>72</b>	<b>24,077</b>
<b>Violent Crime Reduction Trust Fund</b>								
	BA	720	2,423	4,287	6,313	8,545	---	22,288
	OL	314	2,330	4,184	6,221	8,443	---	21,492
<b>Crime Bill Initiatives Funded Within DOJ Budget</b>								
Community Policing [100,000 Cops]	BA	---	1,720	2,072	2,270	1,900	---	7,962
	OL	---	378	1,057	1,878	2,085	1,631	7,029
Criminal Records Upgrade [Brady Bill]	BA	---	100	100	---	---	---	200
	OL	---	22	57	73	43	5	200
All Other [Includes Immigration Reform, Drug Courts, Police Corps, Boot Camps, & Others]	BA	---	603	2,115	4,043	6,645	---	
	OL	---	368	n/a	n/a	n/a	n/a	
<b>Total Budget</b>	<b>BA</b>	<b>---</b>	<b>2,423</b>	<b>4,287</b>	<b>6,313</b>	<b>8,545</b>	<b>0</b>	<b>21,568</b>
	<b>OL</b>	<b>---</b>	<b>768</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>

**Funding Issues For Conference**

- o Authorizations in the Crime Bill are significantly greater than amounts provided for within the Trust Fund; Presidential priorities should be the principal consideration when allocating among competing initiatives.
- o FY 1994 Trust Fund allocations are unworkable and should be eliminated.
- o Trust Fund "Outlay Caps" should reflect actual outlays associated with planned spending.
- o Changes need to be enacted which reduce pressures for outyear growth [e.g., mandatory minimums].
- o Crime bill initiatives call for increases to Federal FTE's which are inconsistent with Executive Order order to reduce Federal FTE's.
- o Technical changes need to be made to ensure Brady provision is covered by Trust Fund.

**Department of Justice**  
**Violent Crime Control and Law Enforcement Act of 1993**  
(\$ in Millions)

	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	Total
<b>Authorizations Summary</b>							
Public Safety and Policing	1,035	1,720	2,072	2,270	1,900	--	8,997
Habeas Corpus Reform	--	50	50	50	--	--	150
Youth Violence - Juvenile Anti-Gang Grants	0	100	100	0	0	0	200
Sexual Violence and Child Abuse	0	60	60	60	0	0	180
State & Local Law Enforcement	5	27	32	37	12	12	122
Police Officer Provisions	0	135	135	135	35	35	475
Drug Court Programs	0	400	400	400	0	0	1,200
Prisons	3,720	708	708	708	708	0	6,552
Rural Crime	0	51	51	51	0	0	153
Protection For The Elderly	--	1	1	1	--	--	3
Parental Kidnapping	0	0	0	0	0	0	2
Safe Schools	100	100	100	--	--	--	300
Safe Streets For Women	377	375	375	0	0	0	1,127
Safe Homes For Women	88	88	88	88	88	88	0
Violence Against Women Act Improvements	88	88	88	88	88	88	0
Rural Domestic Violence	--	10	10	10	--	--	30
Law Enforcement	200	50	50	50	50	0	400
Gang Violence	121	20	20	20	20	0	201
Additional Justice Funding	55	210	245	245	245	0	1,000
<b>Total DOJ Authorizations</b>	<b>5,613</b>	<b>4,017</b>	<b>4,409</b>	<b>4,037</b>	<b>2,970</b>	<b>47</b>	<b>21,092</b>
<b>Violent Crime Reduction Trust Fund</b>							
BA	720	2,423	4,287	6,313	8,545	--	22,288
OL	314	2,330	4,184	6,221	8,443	--	21,492

**Department of Justice**  
**Violent Crime Control and Law Enforcement Act of 1993**  
(\$ in Millions)

	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	Total
<b>Authorizations Summary</b>							
<b>Office of Justice Programs - Grants</b>							
Discretionary Grants	4,670	2,816	3,173	3,066	2,070	12	15,809
Formula Grants	190	365	365	100	30	30	1,080
Sub-Total Grants	4,860	3,181	3,538	3,166	2,100	42	16,889
<b>Federal Programs</b>							
Bureau of Prisons (Regional Prisons)	620	600	600	600	600	0	3,020
Federal Bureau of Investigation	65	55	65	65	65	5	317
US Attorneys	30	55	55	55	55	0	250
Other Justice	38	126	151	151	150	0	616
Sub-Total Federal Programs	753	836	871	871	870	5	4,203
<b>Total Justice Authorizations In Bill</b>	<b>5,613</b>	<b>4,017</b>	<b>4,409</b>	<b>4,037</b>	<b>2,970</b>	<b>47</b>	<b>21,092</b>
<b>Non Justice Authorizations</b>							
Judiciary	21	88	95	95	95	—	394
All Other	416	321	326	25	25	—	1,112
<b>Total Authorizations To Date</b>	<b>6,050</b>	<b>4,425</b>	<b>4,829</b>	<b>4,157</b>	<b>3,090</b>	<b>72</b>	<b>22,622</b>
<b>Violent Crime Reduction Trust Fund</b>							
BA	720	2,423	4,287	6,313	8,545	—	22,288
OL	314	2,330	4,184	6,221	8,443	—	21,492

**Department of Justice**  
**Violent Crime Control and Law Enforcement Act of 1993**  
(\$ in Millions)

	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	Total
<b>Detail of Authorizations</b>							
<b>Public Safety and Policing</b>							
Cops on the Beat	1,035.0	1,720.0	2,072.0	2,270.0	1,900.0	---	8,997.0
<b>Habeas Corpus Reform</b>							
Counsel in Capital Cases (State Court)	---	50.0	50.0	50.0	---	---	150.0
<b>Youth Violence - Juvenile Anti-Gang Grants</b>							
Formula Grants	---	75.0	75.0	---	---	---	150.0
Discretionary Grants	---	20.0	20.0	---	---	---	40.0
Special Discretionary Grants	---	5.0	5.0	---	---	---	10.0
<b>Sexual Violence and Child Abuse</b>							
Child Abuse Crime Information Imp.	---	20.0	20.0	20.0	---	---	60.0
Mental Health Screening	88	88	88	88	88	88	0.0
Protection of Children & Elderly	---	40.0	40.0	40.0	---	---	120.0
<b>State &amp; Local Law Enforcement</b>							
DNA Identification - State & Local Grants	---	5.0	5.0	5.0	5.0	5.0	25.0
DNA Identification - FBI	4.5	4.5	4.5	4.5	4.5	4.5	27.0
Community Substance Abuse Prevention	---	15.0	20.0	25.0	---	---	60.0
Racial & Ethnic Bias Study Grants	---	2.0	2.0	2.0	2.0	2.0	10.0
<b>Police Officer Provisions</b>							
Law Enforcement Family Support	---	5.0	5.0	5.0	5.0	5.0	25.0
Police Corps	---	100.0	100.0	100.0	---	---	300.0
Law Enforcement Scholarship Program	---	30.0	30.0	30.0	30.0	30.0	150.0
<b>Drug Court Programs</b>							
Drug Testing of Arrestees	---	100.0	100.0	100.0	---	---	300.0
Certainty of Punishment Youthful Offenders	---	200.0	200.0	200.0	---	---	600.0
Residential Subst. Abuse Treatment For Prisoners	---	100.0	100.0	100.0	---	---	300.0

**Department of Justice**  
**Violent Crime Control and Law Enforcement Act of 1993**  
(\$ in Millions)

	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	Total
<b>Prisons</b>							
Federal Prisoner Drug Testing	88	88	88	88	88	---	
Federal Prisoner Drug Treatment	88	88	88	88	88	---	
Regional Prisons For Violent Criminals	600.0	600.0	600.0	600.0	600.0	---	3,000.0
Boot Camps & State Prisons	3,000.0	---	---	---	---	---	3,000.0
Community Based Violent Juvenile Facilities	100.0	100.0	100.0	100.0	100.0	---	500.0
TB Protection & Treatment in Correctional Inst.	20.0	88	88	88	88	---	20.0
Family Unity Demonstration Grants	---	8.0	8.0	8.0	8.0	---	32.0
<b>Rural Crime</b>							
Rural Drug Enforcement Assistance	---	50.0	50.0	50.0	---	---	150.0
Rural Drug Enforcement Training	---	1.0	1.0	1.0	---	---	3.0
<b>Protection For The Elderly</b>							
Missing Alzheimer's Patients Program	---	1.0	1.0	1.0	---	---	3.0
<b>Parental Kidnapping</b>							
State Court Programs - Child Abduction	0.3	0.3	0.3	0.3	0.3	0.3	1.5
<b>Safe Schools</b>							
Safe Schools Assistance	100.0	100.0	100.0	---	---	---	300.0
<b>Safe Streets For Women</b>							
Federal Victims Counselors	1.5	---	---	---	---	---	1.5
High Intensity Crime Areas Grants	100.0	100.0	100.0	---	---	---	300.0
Grants To States	190.0	190.0	190.0	---	---	---	570.0
Grants To Indian Tribes	10.0	10.0	10.0	---	---	---	30.0
Violence Against Women Task Force	0.5	---	---	---	---	---	0.5
Rape Prevention Education	65.0	65.0	65.0	---	---	---	195.0
Sexual Abuse/Exploitation Prevention	10.0	10.0	10.0	---	---	---	30.0
<b>Safe Homes For Women</b>							
State Data Base Study	88	88	88	88	88	88	0.0
<b>Violence Against Women Act Improvements</b>							
Sexual Violence Supplemental Grants	88	88	88	88	88	88	0.0

**Department of Justice**  
**Violent Crime Control and Law Enforcement Act of 1993**  
(\$ in Millions)

	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	Total
<b>Rural Domestic Violence</b>							
Rural Domestic Violence Grants	---	10.0	10.0	10.0	---	---	
<b>Law Enforcement</b>							
Rural Law Enforcement Grants	50.0	50.0	50.0	50.0	50.0	---	250.0
Technical Assistance To States Grants	100.0	---	---	---	---	---	100.0
FBI Training - Quantico	40.0	---	---	---	---	---	40.0
Intelligence Gathering	10.0	---	---	---	---	---	10.0
<b>Gang Violence</b>							
Grants To States	100.0	85	---	---	---	---	100.0
Gang Prosecutions	20.0	20.0	20.0	20.0	20.0	---	100.0
AG Report On Gangs	1.0	---	---	---	---	---	1.0
<b>Additional Justice Funding</b>							
Department of Justice	25.0	125.0	150.0	150.0	150.0	---	600.0
Federal Bureau of Investigation	20.0	50.0	60.0	60.0	60.0	---	250.0
United States Attorneys	10.0	35.0	35.0	35.0	35.0	---	150.0
<b>Total DOJ Authorizations</b>	<b>5,612.8</b>	<b>4,016.8</b>	<b>4,408.8</b>	<b>4,036.8</b>	<b>2,969.8</b>	<b>46.8</b>	<b>21,091.5</b>
 <b>Other Departments</b>							
<b>Transportation</b>							
Capital Improvements	10.0	---	---	---	---	---	10.0
<b>Interior</b>							
National Parks	10.0	---	---	---	---	---	10.0
Public Parks	15.0	---	---	---	---	---	15.0

**Department of Justice**  
**Violent Crime Control and Law Enforcement Act of 1993**  
(\$ in Millions)

	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	Total
<b>Health and Human Services</b>							
Rape Prevention Education	65.0	65.0	65.0	---	---	---	195.0
Sexual Abuse/Exploitation Prevention	10.0	10.0	10.0	---	---	---	30.0
Domestic Violence Hotline	0.5	0.5	0.5	---	---	---	1.5
Spousal Abuse Grants	25.0	25.0	25.0	25.0	25.0	25.0	150.0
Domestic Violence Grants	100.0	100.0	100.0	---	---	---	300.0
Family Violence Prevention	85.0	100.0	125.0	---	---	---	310.0
Youth Education	0.4	---	---	---	---	---	0.4
Domestic Violence Injury Study	0.1	---	---	---	---	---	0.1
Community Programs on Domestic Violence	---	20.0	88	---	---	---	20.0
Ounce of Prevention Fund - Grants	75.0	---	---	---	---	---	75.0
<b>Education</b>							
Safe Campuses for Women	20.0	88	88	88	---	---	20.0
<b>Courts</b>							
Courts Training Grants	0.6	---	---	---	---	---	0.6
Courts Judges Training - Study	0.5	---	---	---	---	---	0.5
Add'l Funds To Judiciary	20.0	70.0	70.0	70.0	70.0	---	300.0
Victims of Child Abuse Special Advocates Program	---	7.0	10.0	10.0	10.0	---	37.0
Child Abuse Training Programs For Judicial Personnel	---	7.0	10.0	10.0	10.0	---	37.0
Grants For Televised Testimony	---	3.5	5.0	5.0	5.0	---	18.5
<b>Total Bill To Date</b>	<b>6,049.9</b>	<b>4,424.8</b>	<b>4,829.3</b>	<b>4,156.8</b>	<b>3,089.8</b>	<b>71.8</b>	<b>22,622.1</b>
<b>Violent Crime Reduction Trust Fund</b>							
BA	720.0	2,423.0	4,287.0	6,313.0	8,545.0	---	22,288.0
OL	314.0	2,330.0	4,184.0	6,221.0	8,443.0	---	21,492.0

## Comparison of Senate and House "Cops/Community Policing" Provisions

10-Jan-24

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Provision	House Version	Senate Version	Administration Preferred/Comment
<b>Minimum \$ per State</b>	0.25%	0.60%	H 0.25%
<b>Matching Requirements</b>			
Federal Share	75%	75%	75%
Outyear Matching requirement changes	Decreasing annually	Decreasing annually up to 5 years	Either House or Senate
AG Waiver Authority	Y	Y	Y
<b>Size of Applicants - Who Applies Where?</b>			
Applicants which must go through States	Pop. under 100,000 people	Pop. under 150,000 people	S Pop. under 150,000 people
Applicants which apply directly to AG	Pop. over 100,000 people	Pop. over 150,000 people	S Pop. over 150,000 people
Indian Tribes	No provision	Directly to AG	S Directly to AG
<b>Term of Grant Limits</b>			
New cops grants	Up to 3 years	Up to 3 years	Up to 3 years
Community policing program grants	Up to 6 years	Up to 6 years	Up to 6 years
<b>Non-Supplanting Requirement</b>	Y	Y	Y
<b>Other Authorized Activities for Funding</b>			
Administration costs of States	5%	5%	5%
Technical Assistance by AG	5%	5%	5%
<b>Funding Allocation by Size of Jurisdiction</b>			
Applicants which go through States	60%	60%	60%
Applicants which apply directly to AG	40%	40%	40%
<b>Funding Allocation for Cops/Non-Cops Grants</b>			
For Cops Grants	85%	85%	85%
For Comm. Policing Program Grants	15%	15%	15%
<b>Total Cost per Officer</b>	Up to \$75,000 over life of grant	\$50,000 annually	H Up to \$75,000 over life of grant

# Comparison of Senate and House "Cops/Community Policing" Provisions

10-Jan-94

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Provision	House Version	Senate Version	Administration Preferred/Comment
<b>Ounce of Prevention Fund (\$75M)</b>		Y	?
<b>Authorized Activities for Cops Hiring</b>			
Rehire laid off cops	Y	Y	Y
Hire & train new cops	Y	Y	Y
Explicitely authorizes hiring former Armed Forces members	N	Y	S Y
<b>Authorized Activities for Comm. Policing Grants</b>			
Increase # of officers in community	Y	Y	Y
Provide Comm. Pol. training	Y	Y	Y
Increase # of officers in multidiscipline & early intervention teams	Y	Y	Y
New crime prevention techniques	Y	Y	Y
Programs for community & police to work together to prevent crime	Y	Y	Y
Programs to minimize court time of officers	Y	Y	Y
Programs to increase police interaction with young people	Y	Y	Y
Programs to reorgnize police departments to comm. policing structu	Y	Y	Y
Programs to coordinate government crime prevention programs	Y	N	H Y
<b>Preferential Consideration for Applicants</b>			
Greater Non-Federal Match	Y	Y	Y
Hiring of former Armed Forces members	N	Y	S Y
<b>Authorizations</b>			
(in millions)			
1994	\$200	\$1,035	\$0
1995	\$650	\$1,720	\$1,720
1996	\$650	\$2,070	\$2,070
1997	\$650	\$2,270	\$2,270
1998	\$650	\$1,900	\$1,900
1999	\$650	\$0	\$0
<b>TOTAL -----&gt;</b>	<b>\$3,450</b>	<b>\$8,995</b>	<b>\$7,960</b>

# CRIME: Resistance in the House

Continued from A1

at deterring crime.

In the Senate and the White House, supporters of prompt action remain cautiously optimistic that public demand will contain the rebellion and compel the House to move quickly.

House members think they are going to spend a couple of months holding hearings, going through the process, rewriting their own bill, coming up with their own initiatives. Senate Judiciary Committee Chairman Joseph R. Biden Jr. (D-Del.) said, "What's going to happen, I bet, is there is going to be a conference by the end of February and there will be a bill on the President's desk by the middle of March. They are so far behind the curve (in the House), they don't understand what is going on."

White House aides said Clinton will make clear his insistence on early action, beginning with his State of the Union Address on Jan. 25. He is going to say, "Do it, and do it quickly," one White House aide familiar with planning for the address said.

Reflecting White House concerns, the senior House aide said the Democratic leadership intends to keep the House legislation on a tight schedule—though not quite as tight as the one Biden predicted. Although deadlines may slip, the aide said, the aim is to go to conference and have a compromise bill on Clinton's desk before the Easter recess on March 28.

The uprising in the House has placed Clinton in a political cross-fire on the highly charged issue. At a time when public concern about crime has surged, Republican congressional leaders have intensified pressure on Clinton to endorse the key provisions of the Senate bill. But black leaders, already annoyed over Administration policies on cities, civil rights and welfare reform, are drawing a sharper line in opposition to the Senate measure.

"In some inner cities, the incarceration rate approaches 3,000 [per 100,000 people] at an average cost of \$25,000 a year," said Rep. Robert C. Scott (D-Va.), one of the conveners of today's Black Caucus hearing. "It seems absolutely insane to take initiatives to increase the incarceration rate."

In the end, one Senate aide closely involved with the issue said, the President has to decide whether he wants to risk criticism from congressional Republicans or the Black Caucus.

The measure approved by the Senate last November included funds for 100,000 additional police officers, as Clinton had promised during his presidential campaign, and a massive increase in spending for incarceration, with \$3 billion allocated to boot camps and another \$3 billion to the construction of regional prisons for state prisoners. States would be able to send prisoners to the new institutions only if they passed sentencing guidelines requiring violent offenders to serve at least 85% of their terms.

In addition, the measure would expand the federal

death penalty for about 50 more crimes, impose new mandatory minimum sentences, require life sentences without parole for any criminal convicted of three violent felonies and make virtually any crime committed with a handgun a federal offense.

Though overshadowed by the avalanche of new punishments, the bill also contained \$8.5 billion for prevention programs, such as anti-gang efforts. Biden's staff calculated.

But the Black Caucus and other House liberals are arguing that the balance should be further shifted toward social programs. "You've got to look at what's causing people to get into the criminal justice system in the first place," said Rep. Melvin Watt (D-N.C.), a black freshman on the House Judiciary Committee.

The Administration's position has been complicated by divisions between the White House and the Justice Department over how much Clinton should seek to redirect the stern Senate bill. Generally, sources said, White House aides have been more willing to accommodate the Senate bill than has the Justice Department, which is more sympathetic to shifting additional resources toward prevention. "It's still being worked out between Justice and here," said one White House official.

On several aspects of the Senate bill, however, the Administration is aligned with the House Democrats and Biden in their desire for changes. All want to delete as impractical the Senate's call for expanded federal penalties for crimes committed with handguns.

Similarly, all consider as misguided the Senate provisions requiring states to significantly lengthen prison terms as the price of access to the new regional federal prisons. State officials have complained that the provision would impose on them additional incarceration costs vastly exceeding the savings they could expect from transferring prisoners to the new federal facilities. But both Biden and the White House are uncertain whether it is possible to win a fight on the issue, sources said.

Even some House liberals are ambivalent about pursuing their own bill. Noting that the bill as approved by the Senate Judiciary Committee was pushed substantially to the right when it went to the Senate floor, one aide to a liberal representative said some members still are questioning "whether we really want to put ourselves through that in the House."

With that precedent in mind, House Republicans would welcome "an opportunity to have a comprehensive crime bill," said Rep. Bill McCollum (R-Fla.).

If the House passes a more liberal bill, the Senate would be unlikely to approve many of its provisions. To discourage House liberals from seeking too sweeping a rewrite of the Senate bill, sources said, Biden is promising to provide additional funds for social programs and prevention in the anti-drug legislation that is scheduled for consideration later this year.



Office of the Assistant Attorney General

Washington, D.C. 20530

January 14, 1994

MEMORANDUM BY FACSIMILE

TO: George Stephanopoulos  
Pat Griffin

FROM: Sheila F. Anthony *CSA*  
Assistant Attorney General  
Office of Legislative Affairs

SUBJECT: Crime Bill

Our House crime bill efforts are stymied in working with the authorizing, appropriations and budget committees until we get a final decision from the White House on:

1. Issues with which we are in complete agreement; and
2. Open issues.

We have a lot of work to do, and very little time left.

\* Can you give me any indication of the status of the decisions on DOJ's "draft recommendations" we shared with you on Monday?

cc: Rahm Emmanuel  
Bruce Reed

*To: Pat  
Bruce*

*Fr. GS*

*How do we get  
closure?  
It seemed like we  
had a consensus at staff  
level. Can we prepare  
decision memo for POTUS to  
sign-off on already? (GS)*

DRAFT

January 10, 1994

I. Budgetary Matters

- The Administration should work with the conferees to ensure that the Violent Crime Reduction Trust Fund is included in the final version of the bill. We believe that such a funding mechanism is essential to ensuring that the promise of the Crime Bill is realized.
- The Administration should also work to amend the Senate omnibus crime bill to authorize using the Trust Fund to fund the Edward Byrne Memorial formula grants and to make it clear that other priority matters which arguably already may be financed through the Trust Fund, eg. the Brady Act and assistance in housing state incarcerated criminal aliens, in fact can be.

II. Community Policing

- The Administration should continue to strongly support the community policing program which, in basic form, is included in the Senate omnibus legislation and passed the House. We should work to have the program authorized and funded at the levels in the Senate Bill.
- As we work with the conferees to resolve differences between the Senate and House we should be guided by four primary objectives: (1) expanding and enhancing community policing; (2) maximizing the number of additional police on the streets; (3) being responsive to provide resources to address pressing needs, particularly violent crime; and (4) providing the flexibility necessary to create a manageable federal awards and oversight process.
- To accomplish these objectives we should support modifications that: (1) give DOJ direct management of the award process for the maximum manageable number of larger jurisdictions (probably those over 100,000 population) and have state run, closely monitored, competitions for smaller ones; (2) adjust the funding distributions and mandates in a manner which will provide more funding to the areas with the most severe crime problems and greatest need for additional police officers (typically the larger, urban jurisdictions); and (3) provide increased discretion to the Attorney General to use the 15% of the funding not mandated for hiring/rehiring to target funding to jurisdictions and activities where the greatest impact can be achieved.

DRAFT

III. Federalization of Crime

- To further a policy a rational division of responsibility for investigating and prosecuting crimes between the federal and state governments, the Administration should seek to exclude from the final legislation and leave to the states which have traditionally handled such matters the Senate provisions making a federal crime of (1) all murders committed with a firearm; (2) the use, possession, or carrying of a firearm during the commission of a state crime of violence or drug offense; and (3) crimes by or affecting persons engaged in the business of insurance.
- The Administration should support with modification the Senate provisions concerning Criminal street gang offenses. The modifications should seek to focus the offenses on those gangs that have an actual impact on interstate commerce or commit crimes in more than one state.
- The Administration should support with modification the Senate provisions concerning Interstate enforcement of the Violence Against Women Act of 1993. The modifications should seek to focus the provisions on the interstate nature of the abuse, and supplement rather than to duplicate the efforts of local authorities in this area.
- The Administration should continue to review other provisions creating new federal offenses, eg. parental accountability for juvenile crimes and obstruction of a lawful hunt, and seek, where possible, to remove any where state enforcement is most efficient and modify others to ensure that federal involvement contributes to effective law enforcement.

IV. Gun Control

- The Administration should strongly support the Feinstein Amendment banning assault weapons; the President himself should weigh in with the House Leadership to press for its inclusion in the conference bill.

## DRAFT

- The Administration should seek to include in the crime bill a provision, not in the Senate Bill or House passed legislation, which would prevent automatic restoration of firearm rights to persons convicted of felony offenses whose civil rights are restored by operation of state law.
- The Administration should support the Youth Handgun Safety Act with modification to make it more easily enforceable and ensures that the existing five-year penalty for transfer of a firearm to a minor by a licensed dealer is not diluted.
- The Administration should seek to modify section 416 of the Senate Crime Bill calling for a study of incendiary ammunition such as "Dragon's Breath". The modification would convert the study to a total ban on such ammunition, which has no sporting or law enforcement use.

## V. Regional Prisons

- In order to provide needed additional prison capacity in the most cost effective and sensible manner, and in a manner which the states will support, the Administration should work to revise section 1341 of the Senate Crime Bill (the Regional Prison provision) to establish a federal grant program funding state creation and operation of additional prisons, including regional prisons, to house violent offenders. This would replace a program under which the federal government would construct and operate these facilities.
- The Administration should support with modification the "truth in sentencing" requirements for states participating in section 1341 programs. The modifications should focus the provisions to have states target resources on repeat violent offenders and to provide incentives to the states to manage their correctional systems more wisely.

## VI. Sentencing

**DRAFT**

- The Administration should take a strategic view to mandatory minimums, arguing for the superiority of the Guidelines system and that mandatory minimums be converted to "directives" to the Sentencing Commission to raise offense levels in certain categories or for particular offenses, while analyzing each proposed mandatory minimum provision on a statute-by-statute basis and taking appropriate positions.
- The Administration should support and improve "safety-valve" or "carve-out" provisions, such as the one in the Senate Bill, under which certain categories of defendants would be exempted from mandatory minimums and would, instead, be sentenced under the Guidelines.
- The Administration should support with modification sections 2408 and 5111 of the Senate Crime Bill (the so called "three strikes your out provisions"). The modifications should focus the provisions on violent, serious recidivists and true career offenders.

**VII. Child Pornography**

- The Administration should continue to support an amendment to the crime bill to make it clear that the child pornography statutes encompasses all depictions of children designed or intended to appeal to a lascivious interest including depictions not currently covered which are created by computer imaging or the doctoring of photographic negatives.

## **Draft List Of Most Troublesome Floor Amendments -- House Crime Bill**

### **#51 - Solomon - Strike Title II - Mandatory Minimums Application**

*Strikes Title II which limits the application of mandatory minimum sentences and provides a "safety valve" for non-violent first-time offenders. Provision would maintain current mandatory minimums.*

### **#83 - Goodling - Strikes Youth Employment Skills "YES" subtitle**

*Strikes subtitle J of Title X as duplicative of programs for disadvantaged youth in Title II-C of JTPA and Youth Fair Chance Program and Title IV of JTPA. [Administration supported initiative to provide job training in conjunction with other rehabilitative programs].*

### **#6 - Sensenbrenner - Strike Local Partnership Act**

*Strikes provisions of Title X Local Partnership Act. Included in this title is the Administration's Youth Employment and Skills "YES" program. #83 (Goodling) also seeks to strike the "YES" program, but specifically.*

### **#146 - Schiff - 2 Strikes For Violent Serial Offense**

*Adds requirement for mandatory life imprisonment for the conviction of two violent serial felonies.*

### **#151 - Byrne - 2 Strikes and In**

*Makes grants to correctional facilities contingent upon a state or multi-state compact have 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.*

**#177 - Gingrich - Violent Crime Reduction Trust Fund**

*Creates VCRTF [Senate version] and requires 90% of funds by used for prison construction. Fails to "fix" funding and Brady problems.*

**#94, #156, & #157 Criminal Alien Incarceration Provisions**

*Provisions require the Federal Government to assume the cost and responsibility for State incarcerated criminal aliens without regard to the availability of funds, and will likely have PAYGO implications.*

**#94 - Beilenson - Federal Government Pay Cost For Incarcerated Aliens**

*Requires the Federal Government to share in the costs of incarcerating undocumented aliens convicted in state courts*

**#156 - Condit - Federal Custody of Criminal Aliens**

*Requires the 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 state or local government for time served.*

**#157 - Condit - Reimbursement of States For Incarceration of Aliens**

*Mandates Federal payment for the cost of incarceration of criminal aliens at an amount equal to median rate paid by States or political subdivisions. [Prefer Berman amendment which makes payments subject to appropriations].*

**#84 Vucanovich - Cops Funding To Other Purposes**

*Allows any grants for Community Policing 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. [Would reduce actual number of police hires and dilute effectiveness of top Administration initiative].*

**#110 - Wilson - Modify Brady**

*Clarifies the waiting period and interim background check provisions of Brady law. Would exempt the application of Brady to situation where gun is left for pawn or repair and is returned to original owner. [Strong Treasury objection to special treatment for pawnbrokers].*

**#43 - Gordon & #14 Doolittle – Denial of Federal Benefits**

*Two amendments deny Federal benefits to convicted violent offenders. Doolittle denies benefits (at discretion of court) for progressively longer periods related to number of subsequent convictions (totally after 3 convictions). Gordon denies Pell grants for felons while incarcerated. [DOJ and Education strongly oppose denial of benefits, citing their value in rehabilitation].*