

JOSEPH R. BIDEN, JR., DELAWARE, CHAIRMAN

EDWARD M. KENNEDY, MASSACHUSETTS
HOWARD M. METZENBAUM, OHIO
DENNIS DECONCINI, ARIZONA
PATRICK J. LEAHY, VERMONT
HOWELL HEFLIN, ALABAMA
PAUL SIMON, ILLINOIS
HERBERT KOHL, WISCONSIN
DIANNE FEINSTEIN, CALIFORNIA
CAROL MOSELEY-BRAUN, ILLINOIS

ORRIN G. HATCH, UTAH
STROM THURMOND, SOUTH CAROLINA
ALAN K. SIMPSON, WYOMING
CHARLES E. GRASSLEY, IOWA
ARLEN SPECTER, PENNSYLVANIA
HANK BROWN, COLORADO
WILLIAM S. COHEN, MAINE
LARRY PRESSLER, SOUTH DAKOTA

CYNTHIA C. NOGAN, CHIEF COUNSEL
CATHERINE M. RUSSELL, STAFF DIRECTOR
MARK R. DIESER, MINORITY STAFF DIRECTOR
SHARON PROST, MINORITY CHIEF COUNSEL

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6276

FAX COVER SHEET

Please deliver the following pages to: José Carda and
Bruce Reed

From: Cynthia Hogan

Number of pages including cover: 4

COMMENTS:

COPY FOR
- HOWARD
- GERGEN
- CAROL
- PODESTA

THE DOCUMENT TRANSMITTED BY THIS COVER SHEET IS CONFIDENTIAL AND INTENDED FOR RECEIPT BY THE ABOVE NAMED INDIVIDUAL ONLY. PLEASE CALL (202) 224-5225 IMMEDIATELY IF YOU HAVE ANY QUESTIONS.

Number to be reached: 456-7739

Key State Attorneys General to be called:

TO GAIN THEIR SUPPORT FOR THE BIDEN HABEAS REFORM BILL:

**Robert Butterworth (Florida -- Florida DAs oppose the Biden bill)
(904) 487-1963**

**Dan Morales (Texas -- said to be close to opposing the Biden bill)
(512) 463-2191**

**Jimmy Evans (Alabama)
(205) 242-7300**

**Winston Bryant (Arkansas)
(501) 682-2007**

**Susan Loving (Oklahoma)
(405) 521-3921**

**Michael J. Bowers (Georgia)
(404) 656-4585**

GUNS

BRADY BILL

* 8 Democrats who voted against the Brady bill in 1991:

BAUCUS
BREAUX
CAMPBELL (House)
DECONCINI
DORGAN (House)
HEFLIN
HOLLINGS
JOHNSTON
LEAHY
SHELBY

* 3 Democrats who had other "anti-Brady" votes:

BRYAN
CONRAD
REID

ASSUALT WEAPONS

* 11 Democrats who voted against DeConcini in 1991:

BAUCUS
BINGAMAN
BREAUX
BRYAN
EKON
FORD
HEFLIN
HOLLINGS
JOHNSTON
REID
SHELBY

HABEAS

* 14 Democrats voted for full and fair in 1991:

BOREN
BREAUX
BUMPERS
BYRD
CAMPBELL (House)
DECONCINI
FORD
HEFLIN
HOLLINGS
JOHNSTON
LEIBERMAN
NUNN
REID
SHELBY

They need to be made aware of the NDAA endorsement and of the support of many state AGs for the Biden habeas compromise

October 22, 1993

MEMORANDUM FOR CAROL RASCO
DAVID GERGEN

FROM: Bruce Reed
Jose Cerda III

SUBJECT: Crime Options

We have two problems to discuss at this morning's meeting: 1) The upcoming bidding war in the Senate, where even liberal Democrats will accuse us of doing too little to fight crime if we don't raise the stakes ourselves; and 2) a possible Black Caucus mutiny in the House Judiciary Committee over the death penalty, which needs to be headed off before Tuesday's markup.

We do not expect to resolve these questions at the meeting with the Attorney General. The purpose of the meeting should be to discuss what options we should present to the President.

1. The Senate

Biden and Brooks scaled back the authorization levels to \$5.9 billion to deflect criticism over how to pay for these programs. Given the current frenzy in Congress and the countryside to do something about crime, that concern is out the window. The Republicans are now poised to do to us on crime what they did earlier this week on drugs: accuse the Democrats of spending less on crime now than the last Administration. And not just Republicans: liberal Democrats will chime in with the same criticism, and point fingers at the Clinton Administration. Our \$6 billion crime bill will become somebody else's \$12 billion crime war.

There is no stopping this train. As David said yesterday, the only question is whether we get in front of it or get flattened by it.

We see a way for the Administration to get ahead of this frenzy in a responsible but aggressive manner, by taking a little more credit for a decision the President has already made -- to earmark part of the October spending cuts package for the crime bill.

Last week, the President and Vice President agreed to commit \$3.5 billion of the \$10+ billion package to fully fund the crime bill. (This number, which came from OMB, represents the difference between the \$3.4 billion already in the FY95-99 DOJ baseline for

community policing, and OMB's estimate of what all the programs in the crime bill would actually cost. It adds up to more than \$5.9 billion, because some of the authorization levels in the crime bill are set at "such sums.")

Leon Panetta has prepared a memo for the President arguing that except for community policing, we should not promise to "fully fund" these other programs, because we also have to find room for some other DOJ priorities, such as immigration. We agree. At least \$1 billion of the \$5.9 billion in the current bill is for programs and authorization levels that Biden insisted on and DOJ never intended to fund. Biden and Brooks attached a \$300 million Safe Schools program which the Administration would fund elsewhere, through the Education budget.

Rather than committing \$3.5 billion from the spending cuts package to "fully fund" a hodgepodge of crime programs, we recommend that earmarking \$5 billion from the October package to three crime priorities: more cops, drug courts, and boot camps/prisons. This move would help us on several fronts:

- 1) We could commit to 60,000 cops and lift the \$75,000 cap for big cities, so they get at least a 50% federal match;
- 2) We could blunt our drug critics by committing some real money to drug courts, an approach which the Attorney General and Drug Director are strongly behind.
- 3) We could head off the pounding we'll take from Republicans over money for prisons, which will pass whether we like it or not.
- 4) We might give our spending cuts package a boost by tying it to the hottest political issue in the country.

We still wouldn't be fully funding the crime bill, but the combination of \$3.4 billion from the DOJ baseline and \$5 billion from the October package would allow us to say that we would try to fund \$4.9 billion in cops (60,000), \$1.5 billion in drug courts (drug treatment and certainty of punishment for 200,000 minor drug offenders), and \$2 billion in boot camps and prisons (75,000 boot camp slots, 15,000 prisoner slots, and drug treatment for 200,000 criminal addicts).

Congress will be under increased pressure to pass the spending cuts package -- and if they don't, it won't be our fault if we can't fund the prisons. Or we can come back next year with spending cuts that failed this time around and use them to offset crime-related DOJ spending in FY95.

We suggest the following plan, if the President agrees:

- 1) When we introduce the spending cut package next Tuesday, announce that the first \$5 billion in cuts will go to help us crime, and the rest will go for deficit reduction.
- 2) Give Biden and Brooks the go-ahead to raise authorization levels for more cops, more drug courts, and more boot camps/prisons.

2. The House

Our problems are much different in the House. Chairman Brooks would gladly accept higher authorization levels if we committed to spend the money. His troubles are with a half dozen Judiciary Committee members who go along with most of the bill, but are ready to bolt over the death penalty.

Brooks has tried everything he can think of to get them on board. He made a few concessions to Edwards on habeas, Edwards tried to soothe the Black Caucus, and Foley pleaded with the mutineers Wednesday night. But six Judiciary members are holding out -- John Conyers, Craig Washington, Mel Watt, Bobby Scott, Jerry Nadler, and Xavier Becerra. They are threatening to block the bill in Committee.

Brooks's counsel would like the White House to weigh in with these members before the bill goes to markup Tuesday morning, and urge them to at least refrain from demanding a recorded vote. Last session, the bill passed out of committee by voice vote, even though some Democrats and Republicans would have opposed it.

If we can't persuade them to come around, Brooks is considering dropping habeas and death out of the bill, and breaking out the programs (cops, boot camps, etc.) into separate bills that can be taken up under suspension and passed without any death or habeas amendments on the floor. But his strong preference would be to pass the entire crime package. His staff thinks that if we can get the bill out of committee, we will be able to pass it, have a relatively short conference, and pass the crime bill into law by Thanksgiving.

David or Howard should call Brooks today and seek his guidance. We don't have much time: he needs to know whether to fish or cut bait before Tuesday's markup.

October 25, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
JOSE CERDA III

SUBJECT: CRIME BILL FUNDING

*CHRIS/ZEN:
WE PLAN TO SUBMIT THIS
W/ A COPY OF YOUR MEMO ON
CRIME FUNDING ATTACHED
- PROVIDING, OF COURSE,
YOUR VIEWS ARE
REPRESENTED
BRIEFLY
HERE.*

I. ACTION-FORCING EVENT

The crime bill will be taken up on the Senate floor and in the House Judiciary Committee next week. As the crime issue takes on increasing urgency in Congress and the countryside, we face the prospect of a bidding war in both houses, in which Republicans and even liberal Democrats compete to prove that they care more about crime than the Administration. Senator Biden and others are urging us to pre-empt this debate by pledging more resources for cops, drug treatment, and prisons.

cc: DOT

II. BACKGROUND

A. House Update

The outlook for passing some kind of crime bill by Thanksgiving may have improved significantly. In the House, Chairman Brooks has given up trying to find habeas reform and death penalty provisions that can attract a majority of House Democrats, and has decided to postpone consideration of those issues until next year. The Black Caucus opposed his habeas proposal, even though it was more liberal than ours and much more liberal than current law, and he does not believe he could get a majority to vote the crime bill out of committee without substantial prodding from the Administration or unacceptable revisions in habeas.

Brooks plans instead to break out the key components -- cops, boot camps, drug courts, Safe Schools, and the Brady Bill -- and pass them all separately. If the Republicans go along, the crime measures can then be passed quickly under suspension in the House, and easily reconciled with Senate versions. This strategy avoids the specter of an irreconcilable conference, and should assure that the Brady Bill and most key elements of the crime bill will be on your desk by Thanksgiving.

Biden is considering a similar strategy in the Senate, but he has less control over the outcome. Hatch may agree to drop habeas, but Gramm and other Republicans will force

death penalty votes at every turn -- and most will probably pass. The leadership in both houses may have to commit to considering a death penalty/habeas reform bill at some point.

B. What to Do About the Bidding War

Momentum is building within the Congress and around the country to do more on crime -- and the chance that the death penalty may not be part of this year's final package will only increase pressure on Democrats to come out for more cops and ~~more~~ prisons. *assistance for state and local*

Before introducing the House and Senate crime bills in September, Brooks and Biden scaled back the authorization levels from \$8.9 billion in last year's conference report to ~~\$5.9~~ *5.6* billion this year. At the time, they were concerned about deflecting criticism over how to pay for these programs. With crime emerging as the number one issue in the country, that concern is out the window. *more than*

Now Biden and other Senate Democrats are concerned that the Republicans (and some of their own Democratic colleagues) will do to us on crime what they did to us this past week on drugs: beat up on this Administration for being unwilling to spend more than the last one. Biden recognizes that these criticisms are unfair, but he expects his colleagues to make them anyway. He fears that our \$6 billion crime bill will quickly become somebody else's \$12 billion crime war.

There is no way to stop this train in the Senate, where every imaginable get-tough amendment is likely to pass with large bipartisan majorities. (Biden told us that Senators Feinstein and Moseley-Braun plan to offer an amendment to let states try 12-year-olds as adults, even in capital cases, and other Democrats want to offer truth-in-sentencing amendments to make states that want prison funds guarantee that their inmates will serve at least 85% of their sentence.) The Republicans will add \$2-3 billion for prisons, the Democrats will add more money for drugs, and both sides will get behind more money for cops. Even deficit hawks from low-crime states, like Conrad and Dorgan, are leading the charge to throw more money at the crime problem.

Biden strongly believes that the Administration needs to seize control of the issue by upping the ante. On Friday, Mack McLarty convened a meeting with the Attorney General and White House senior staff to address this matter. There was no disagreement on the merits or the politics of putting more money into the Administration's key anti-crime programs; the only issue was ~~money~~ *the severe shortage of money under the discretionary funding caps.*

That meeting produced one recommendation for how you can take the initiative in a responsible but aggressive manner, by claiming a little more credit for a decision you've already made but few know about: earmarking part of the October spending cuts package for the crime bill.

94

Last week, you and the Vice President agreed to commit \$3+ billion of the \$10+ billion in spending cuts and procurement savings to fully fund the crime bill. The \$3+ billion figure represents the difference between the \$3.4 billion already in the Justice Department's FY95-99 baseline for community policing, and OMB's estimate of what all the programs in the Biden-Brooks bills would actually cost. (It adds up to more than \$5.9 billion because some of the authorization levels in the crime bill are set at "such sums.")

Last week, Leon Panetta sent you the attached memorandum advising you not to promise to "fully fund" the entire crime bill (except for community policing), because we will also have to find room in next year's budget for other Justice priorities, such as immigration, as well as contemplate some difficult cuts in federal law enforcement. Moreover, at least \$1 billion of the \$6 billion in the current bill goes for programs and authorization levels that Biden and Brooks inserted at the request of other members, which Justice has no intention of funding and which duplicate other initiatives under way at other agencies (e.g., Safe Schools Assistance and Community Partnerships).

and prosecution of health care fraud,

Rather than committing \$3+ billion from the spending cuts package to "fully fund" a hodgepodge of crime programs, we recommend earmarking \$5 billion from the October package and procurement reform to the Administration's three crime priorities: more cops, drug courts, and boot camps/prisons.

in savings

(+1.5 billion) (+2.0 billion for construction only)

(+1.5 billion in addition to the \$3.4 billion already planned)

There are several advantages to this strategy:

1. We could get at least 60,000 cops (instead of 50,000), and address several members' concern that some cities may need a slightly higher federal match;
2. We could blunt our drug critics by committing some real money to drug courts, an approach which has the strong support of the Attorney General and the Drug Director;
3. We could head off the pounding we'll take from Republicans over money for prisons, which will pass whether we like it or not; and
4. We could give the spending cuts package and procurement reform a boost by tying them to a popular and immediate issue.

than currently contemplated

We still wouldn't be fully funding the crime bill, but the combination of \$3.4 billion from the Justice baseline and \$5 billion from the October package and procurement reform would allow increased authorization levels of \$4.9 billion in cops (60,000+), \$1.5 billion in drug courts (drug treatment and certainty of punishment for an estimated 250,000 minor drug offenders), and \$2+ billion in boot camps and prisons (an estimated 75,000 boot camp slots, 15,000 three-year prisoner slots, and drug treatment for 200,000 criminal addicts).

for 60-70,000

Moreover, there is a natural link between reinventing government and fighting crime: the whole point of the Vice President's effort has been to steer government away from things it doesn't know how to do, into things government has to do and no one else can.

is best positioned

law enforcement activities, and is willing to dispose of the rest.

It should be noted that the funding sums noted above exceed those in the Biden bill as follows: 1) +1.5 billion for cops; 2) +0.2 billion for drug courts; and 3) +1.8 billion for boot camps/prisonal prisons. Again, the rationale would be that the Administration wants to stress a few big ticket

this connection many times in the campaign, when you said you wanted to reduce the bureaucracy by 100,000 and use the money to help put 100,000 new police on the street.

This strategy is not without some cost. First, if we commit \$5 billion ^{of savings} from the October package to crime, we will fall short of some members' \$10 billion target for deficit reduction. Second, if the October package doesn't pass, we may be criticized for passing a crime bill that has not yet been paid for. But that's true whether we commit \$3 billion or \$5 billion -- and if Congress votes down our spending cuts, it won't be our fault if we can't fund everything in the crime bill. Moreover, we can come back next year with any spending cuts that fail this time around and use them to offset crime-related Justice spending in FY95.

You should also be aware ^{its planning baseline shows the largest percentage increase from 1994 to 1995.} that like every other department, Justice faces a serious funding crunch in FY95, even though ~~it will receive the largest increase.~~ Justice has been handed several new initiatives, including immigration and the health care fraud ~~program~~. ~~All~~ These initiatives, together with other new programs at other departments, will present a series of tough choices in nailing down the FY95 budget. ^{While funding for state and local law enforcement skyrockets, funding for federal law enforcement is likely to decline.}

The Attorney General summed up her concerns in one word: "money". She is willing to commit to more drug courts, cops, and boot camps -- so long as the White House is willing to commit the money. She does not want to be forced down the road to cut FBI and DEA agents to make room in the budget for expansions in other law enforcement assistance.

OMB lays out its concerns in the attached memorandum. In summary, OMB wants you to understand that we will not be able to fully fund all the authorizations in the crime bill ~~and all the potential new initiatives at Justice~~ ^{other investments to which you are committed, for example, if you choose to spend \$5.0 billion for law enforcement,}

We agree that those concerns will have to be addressed early next year in the broader context of the FY95 budget. ~~We do not believe that committing a greater portion of the spending cut package to crime and drugs now will tie your hands later.~~ Unless and until Congress keeps its end of the bargain by agreeing to your spending cuts, you cannot be expected to spend money you don't have.

If you are willing to commit a ^{substantial} ~~greater~~ portion of the spending cut package to crime, we recommend that you consider the following course of action: ^(Also:)

___ Use Tuesday's procurement/October package event to announce that as a sign of the Administration's seriousness about the epidemic of violence, you want ~~the first~~ ^(5 billion) in cuts and procurement savings to go to fighting crime, with the balance ^{to go for deficit reduction} ^(about half)

___ Ask Biden and Brooks to raise the authorization levels for more cops, more drug courts, and more boot camps/prisons ^{as suggested above.}

enforcement

[Not true]

you will have less new funds to devote to head start, high technology, infrastructure, etc. In brief, this is a "zero sum" game.

____ If your schedule permits, join Drug Director Brown and Attorney General Reno at Wednesday's opening of the D.C. drug court, which was funded through an HHS grant from the Clinton Administration.

____ Use every appropriate opportunity during the House/Senate debates on the crime bill and the spending cut package to stress the importance of bold, immediate action.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 26, 1993

PRESS BRIEFING
BY
OMB DIRECTOR LEON PANETTA

Room 450
The Old Executive Office Building

10:57 A.M. EDT

DIRECTOR PANETTA: What I would like to do is to present a brief summary of the elements of the package that we will be presenting and forwarding to the Congress later today. We have Elaine Kamarck and Al Burman speak to the procurement issues. Also present is Colleen Preston from DOD, and she's familiar with particular issues that relate to DOD with regards to procurement.

Let me again emphasize that the primary effort of this package is really making an effort to try to make government work better and to try to achieve savings in that process. But the main focus is really on government reforms. We're trying to do a number of efforts at streamlining that I'll describe, at eliminating programs, at consolidating programs. We're also doing a major reform with regards to the whole collection process within government, to try to expedite the ability to make these collections on outstanding debts; also to try to provide incentives for efficiency competitiveness, as well as the procurement reform that both the President and the Vice President spoke to.

Let me mention the key elements that are in the package. Hopefully, you all have a briefing packet on that. It's basically tied to the four areas that were described in the National Performance Review -- cutting back to basics, cutting red tape, putting customers first, and empowering employees to get results.

Let me just hit some of the highlights. I don't want to go through every one of these pieces, although I should say before I get into this package that I want to pay tribute to the staffs of particularly OMB -- Phil Lader, John Angel and the rest of the staff at OMB, as well as the Vice President's office, because what we had to do here, essentially, is put a reconciliation package or the equivalent of a reconciliation package together in a matter of a few short weeks, and that means working on all the legislation, getting it all done, getting it all packaged. So there's a lot of work that went into this in the package we're going to be sending up.

The key elements of it that I want to just draw your attention to is, first of all, on streamlining, we are going to include legislation that would provide the Secretary of Agriculture the authority to streamline and achieve his 1,200 office reduction

with regards to field offices, as well as his bureaus here in Washington. That would achieve almost \$1.6 billion in savings just by accomplishing that over five years.

In addition to that, we're going to include language that would allow the Secretary of HUD to proceed with the streamlining of the HUD operations as well. And in addition, we're including a directive to the Corps of Engineers to achieve savings of almost \$105 million over five years, basically by implementing a reorganization plan, again, to reduce the costs in operations in that area as well.

In addition, we are eliminating a number of programs and facilities: the uniform services -- university for health services. That's the Department of Defense's operation to provide medical training. That is being eliminated. That's something that was contained in their bottom-up review and we're fulfilling it here. We're also eliminating the federal aviation higher education program, which is a program that has long been identified as one that we ought to get rid of. We're also phasing out the Bureau of Mines mineral institutes. The President mentioned wool and mohair, which is also part of the package, although Congress is already moving that legislation. As a matter of fact, we have a major piece of that legislation here at the White House. We're doing the same with honey; the honey program will be eliminated on the same basis as wool and mohair. And we're also going to be eliminating essential air service subsidies for those airports that are located within 70 miles of a major hub. Those are some of the key streamlining proposals that are part of the presentation.

In addition, what we're doing on collections -- the essential part of the collections reforms are basically to allow the agencies to have -- to be able to retain a portion of what they collect from delinquent debts in order to pay for credit management and the debt collection improvements. That's something that's never happened before. We're trying to lift the restrictions on the use of private collection agencies. We're also trying to bring technology into their collection efforts. Those are all part of this proposal. That affects, in particular, the Department of Justice, as well as HHS and others.

The Veterans Affairs departments, we're going to pick up almost \$420 million by basically authorizing them to use the same data bank to determine whether veterans are receiving health care -- those who receive health care have private insurance that could cover those kinds of costs. That's included in this provision as well.

We have efforts at basically trying to target fraud in government. It's amazing when you look at the fact that we, for example, cannot right now cut off benefits to people who basically defraud the government in various areas. And so we are now authorizing that we are able to cut off their benefits, plus also bar from the program those who are convicted of defrauding it, which is something that currently is still allowed by the law. So we're doing some reforms on those enforcement areas.

On fair compensation, we are creating the opportunity for local commanders at DOD to be able to use some of the resources at the local level, so that if they are able to sell, for example, recyclable materials that are generated at the installation, they'll be allowed to use those funds at the local level and give them that authority that we ultimately predict will save about \$500 million.

We're also adjusting monetary penalties to the inflation index. We have a broad amount of monetary penalties. They have never been increased for a number of years. We're basically going to tie those to an inflation index.

We're also doing power marketing reform, which is something, as Chairman of the Budget Committee, we have been trying to do for the last almost 16 years. We finally have been able to work with Bonneville Power. We've worked with others to try to work out something that would allow us to be able to reduce the kind of subsidies that are provided to those PMAs. So that's a major effort, and it has the support of the delegations that have been working on this issue.

In addition, we are providing the increased use of technology to streamline financial services. We are now going to require measures to promote electronic transfers by direct deposit of federal salary and retirement payments. And so we are finally, as the President and Vice President said, going to move to actually making allowance for electronic transfers. That will save about \$23.5 million.

We're also doing a couple things that have been talked about for a long time in government. On year-end spending, in order to try to cure the "use it or lose it" syndrome with regards to the year end, when you get to the end of the year, if you have additional savings, the incentive now is to basically spend those savings rather than trying to save them or use them. And so the incentive is exactly the wrong approach with regards to the government. What we will do is encourage federal departments and agencies to be able to roll over those savings so that they can use those savings for either bonuses or within the programs that they have within in their jurisdiction.

In addition, we're going to reduce the number of congressionally-mandated reports. We've got a stack of mandated reports that is almost a foot and a half high, and we have now gone through each of those. We're going to send to the Congress recommendations to try to cut out some of those mandated reports that have lost their relevance.

And lastly, we're going to try to provide the incentives to encourage voluntary separation. This is really related to the effort to cut 252,000 federal employees. We think we do need to have the ability to buy out those employees who are ready for retiring.

The last thing I would mention is that we are eliminating the kind of federal printing monopoly that developed with GPO. We're going to basically permit and encourage that there be more competition when it comes to printing in the government. Those and others -- we've got about 40 different programs, as I said, that are presented in particular. Let me just give you a quick run-down of the process that we think we're looking at right here.

First, with regards to reinventing government, as the Vice President said and as I've testified, three key things -- executive orders, which we're implementing; the package, which we're presenting; and also the '95 budget, which will contain many of this.

On savings we're looking at \$9.1 billion of savings that are in this package of recommended savings in the various areas --

\$9.1 billion. We will then be sending later in the week a rescission package. And the reason we haven't included it here is because five of the appropriations bills still are with the Congress and have not been completed. But we hope to complete that action by Friday, and we expect that the amount of savings in that package could range anywhere from \$1 to \$2 billion. That will take this package to well over \$10 billion. Plus the procurement reform -- obviously our view of the savings on procurement reform is we'll achieve \$22 billion over five years. That's five percent of procurement costs in the government. The CBO will obviously estimate that at much lower -- somewhere between \$3 billion to \$5 billion. So we're looking at a minimum by CBO at a package of somewhere around \$15 billion. By our count, it would be closer to \$30 billion, based on what we think are real savings on procurement.

The process we're looking at right now is that the package will go to both the House and the Senate. We will send up this package late today. It will be distributed in the House to the various committees of jurisdiction, as it will be in the Senate. On the House side, however, because of their rules, they will require that there be a two-week consideration and then a report back to the rules committee where this package will be assembled as one and brought to the floor. We expect there will be amendments that will be offered on the floor, but we are very confident of action on the House side.

On the Senate side, it's much more difficult because of their rules, but we think that because of the merits of the package and the pressure of trying to get it done, hopefully, before the end of the session, that they'll be able to pull it together as well. But it's going to be much more difficult on the Senate side.

Q If you were still Chairman of the Budget Committee, would you have the same view about these numbers? Do you believe strongly that these numbers really can be lived up to? And how much do you intend to try to squeeze out to spend on crime? Will that come from the rescission package, or would that depend on how much is in there?

DIRECTOR PANETTA: We're very confident of the numbers that are in the base package. When I tell you \$9.1 billion in this package, it is a very solid number. I think CBO will support it. We may even actually pick up some additional savings, hopefully by virtue of their scoring. But it's a very solid number.

On the rescission package, which I said we'll introduce later in the week, that's also very solid. When you're rescinding spending and you put a number in there, believe me, that's real. So the rescission package will also provide us with over \$10 billion. That \$10 billion will basically go for savings and for deficit reduction. The amount that would be dedicated to fighting crime are the savings that we hope will flow from the procurement package. And that will be, as I said, savings that will flow over the next five years. But hopefully, that -- because we believe those savings are real -- we would commit those to the crime bill.

Q On the commitment the President made to Senator Bob Kerrey of Nebraska to come up with additional deficit reductions, does this package that you're unveiling today -- the rescissions plus the procurement reforms -- does that meet the commitment, or is there anything else that you plan to further reduce the deficit that would go back to that commitment? And I have a related question after

that.

DIRECTOR PANETTA: We think this more than fulfills our commitment. At the time both on the House side and on the Senate side we made clear that we would come back with an additional proposal with regard to spending cuts and savings reflecting in large measure the Vice President's effort on improving government, reinventing government, this package fulfills that commitment. We're going to be producing, as I said, in excess of -- under our terms, of course, we think with procurement reform we can get almost \$30 billion in savings. But at the very least, with regards to CBO, it's \$15 billion over five years in real savings.

This more than meets our commitment with regard to advancing additional efforts to try to find savings, and again focusing on improving government. There will be opportunities, obviously, on both the House floor and the Senate floor for members to offer additional amendments to this package. That commitment was made to a group of members on the House side by the Speaker. They will have the opportunity to offer that kind of amendment on the House side, and the same thing I'm sure will happen on the Senate side. So it's possible this package could be increased in terms of savings before it's over.

Q And speaking about deficit reduction, what do you say to those critics of the health care reform package who suggest that what you're doing is simply releasing another uncapped entitlement program that will further increase the deficit at a time when the country simply can't afford it? And if there are caps, how do you maintain the universal coverage that the President said is a nonnegotiable item?

DIRECTOR PANETTA: There will be briefings, obviously, on the health care package, but I can assure you that our approach was to basically ensure that we had capped entitlements in order to maintain some discipline with regards to spending in that area. We think it's important. We think the President feels it's important that we not create open-ended entitlements, particularly when we're trying to discipline the rest of government spending. And the mechanism that has been built in to try to help us with regards to what happens if we reach the cap I think more than meets the requirement with regards to covering those that might be impacted.

Q Are you talking about three separate pieces here and having them move very rapidly through Congress -- do you anticipate that everything will be joined in one? Within the two weeks you'll have just one bill that will pass Congress?

MR. PANETTA: Well, obviously, we're going to leave some of that judgment up to the leadership on both the House and Senate side. I should tell you, the rescission bill goes up on a separate process, just by the nature of a rescission bill, which is expedited when we send it up on a very limited time frame Congress has to act on rescissions.

On the House side, they may very well wish to join those issues, at least bringing those bills to the floor with one title being rescission, the other title being the spending savings.

On the Senate side, I believe their inclination is to handle the rescission bill as a separate bill. But the ultimate decision on that will be made by the leadership.

Q Has the administration abandoned the ticket tax to pay for NAFTA, and if so, have they come up with other ways to pay?

MR. PANETTA: We are in the process of putting that package together. We have, we feel, have come together on what we think is a funding package that is more than supported by the facts. If there are to be any fees in that package they will only be used to cover the additional costs with regards to customs fees. The bulk of the coverage will be from other areas of savings.

Q How much of this package is actually going to be used for deficit reduction and how much to meet the caps and targets?

DIRECTOR PANETTA: In the package we're presenting here, if we use CBO's numbers, again \$10 billion we would commit for savings and the ability to reduce the deficit. The amount above that we would like to commit to helping to fund the crime bill.

On the overall package of \$108 billion, as I've pointed out in my testimony, about \$44 billion of that -- particularly the amounts with regards to the bottoms-up review at Defense -- are already very much in the process of having to be accomplished in order to meet the '94 targets that have been established under the budget. And \$66 billion involves essentially new savings that we're hoping to achieve over these next five years to meet -- again, either provide for deficit reduction or help us to meet the caps that have been provided by the budget agreement.

As I've emphasized, these caps are tough. We're looking at a hard freeze over the next five years. Obviously, some of these savings will be used for that purpose and some of the savings will be used for deficit reduction.

Q The President has mentioned today that this is somehow tied to getting money for crime fighting. Could you explain how that mechanism will work and how you would link this --

DIRECTOR PANETTA: Sure. Let me explain -- in the crime package, the spending in the crime package is basically on the discretionary side. We're not looking at entitlement spending on the crime side. Discretionary spending -- money for cops, money for additional programs to try to assist communities, money for prisons, money for law enforcement, generally. That's all discretionary spending.

What we would like to do is if we achieve procurement savings, which we think we can achieve, that money under the cap could be then used in order to help meet these new funding requirements if the crime bill is passed, and that's what we hope. So it's basically the ability to move savings under the cap into the crime area. That's what we're talking about.

Q But there's no mandate in this bill?

DIRECTOR PANETTA: We would have to fight to make sure that the Appropriations Committee, in fact, meets the President's commitment, which is to use this money for crime. We think we've got a good argument to make with the American people, and that's the argument we would make with the Appropriations Committee.

Q But is it your intention to expand the crime --

Q The \$9.1 billion -- you mentioned that wool and mohair have already been passed, and there are a couple of other things in here that have already been passed. How much of the \$9.1 billion is, in fact, new, and how much of it is stuff that's already in the appropriations process?

DIRECTOR PANETTA: The vast majority -- the only exception would be wool and mohair, which is, as I said, a good piece of that is here at the White House for signature by the President. But everything else is essentially new legislation that will achieve new savings.

Q Back on the crime bill. Is it your intention to expand the provisions of the crime bill if you get this money, or to use this money to pay for what you already proposed in the crime bill?

DIRECTOR PANETTA: Our view is that we don't want to make a commitment to spending on the crime bill that we in fact cannot meet. I mean, the problem we've had in the past is, there have been a lot of promises, either on the war on drugs or the war on crime. Everybody sticks a number in, and it's not met because of constraints in the budget.

What the President is basically saying is, we are going to meet the number that is in the crime bill. And if we can't meet it with procurement savings, which we think we can, then we will find other cuts in order to meet that commitment.

← NOT ACCURATE

Q So you don't really have any number at all about how much of this program would go to crime reduction, would go to funding the crime bill?

DIRECTOR PANETTA: We estimate that that number would be somewhere between \$4 billion to \$5 billion.

Q Would any of it go to pay for health care?

DIRECTOR PANETTA: No. Health care is really on a separate track, and obviously that track will be presented based on each of the elements that we need in order to support and pay for health care. That is really on a very different track. There is nothing in here that would be used for health care.

Q A bipartisan House group is going to finalize, I believe this evening, a package of perhaps \$100 billion in cuts which they hope to offer as an amendment on the House floor to this package that you're talking about today. Given that you haven't seen it yet -- I don't know if you've been told by any of the people down there what's in it - do you think that the administration would look favorably or unfavorably on such a cost package that's 10 times greater than what you're proposing here today?

DIRECTOR PANETTA: Well, obviously we'd like to review the particulars of it, which my understanding is that Tim Penny and John Kasich are still putting the pieces together on that package. So we would like to review it.

The test is this, as always on these things. I mean, if an amendment winds up hurting our chances to get this package through the Congress, then that's cause for concern. Because our goal right

here is not only to propose the savings that are part of this package, but to get it done and get it done before the end of the session. So often, when you get into these budget battles, everybody has a plan that can either multiply or quadruple the amount of savings in any proposal, but you never have the votes, and it's always blocked for some reason.

So one of the tests for us will be, does this help or hurt in terms of our ability to complete action on the package? The second thing I would mention is that my understanding is that they're talking about including some very key elements with regards to funding that affect health care, particularly on the entitlement side. And we would be very concerned about taking those resources, and instead of using them for health care reform, use them as part of the savings package -- because that could really hurt us in terms of health care reform.

Q What very key elements?

DIRECTOR PANETTA: I think they're talking about elements that would relate to means testing on health care entitlements. And that concerns us because those are some of the same areas we're considering with regards to health care reform.

Q You would oppose that?

DIRECTOR PANETTA: I'm going to introduce --

Q Before you do, on the year-end savings for the agencies, on "spend it or lose it," you say that they're going to be able to keep a portion of that. Do you have that apportioned out in your legislation? For example, a dime on a dollar in terms of the additional savings that agencies will be able to keep as well as the debt collection they'd be able to keep?

DIRECTOR PANETTA: This package doesn't really relate to the '95 budget. I mean, this is on a separate track.

Q That would be the '95 budget?

DIRECTOR PANETTA: The '95 budget is where we will use some of the remaining savings, hopefully, to meet those targets.

Thank you.

END

11:21 A.M. EDT

Crime Bill -
Senate**S. 1488 - THE VIOLENT CRIME CONTROL
AND LAW ENFORCEMENT ACT OF 1993**

Two principles inform the key crime-fighting provisions of the 1993 Anti-Crime Bill. First, more police on our streets means less crime. Plain and simple, a police officer standing on the street corner reduces the opportunities for violence. The federal government must help get more police on our streets, and the crime bill contains a new Title I to put 50,000 new police officers in community policing programs. Second, punishment for all criminals - including juveniles -- must be swift, certain, and effective. Violent criminals must be removed from our communities, and those who have not yet committed themselves to violence, but have broken the law, must be deterred from future, more serious, crime. The crime bill contains tough federal penalties and, more importantly, it contains programs that encourage states and local law enforcement -- where 95% of crime is investigated and prosecuted -- to hold violent criminals strictly accountable and to prevent nonviolent, young offenders from committing more crimes.

The key provisions of the bill include:

Title I - Community Policing

Title I is a brand-new provision that will put more police officers on the streets of our communities to practice "community policing." Today, a typical urban police department assigns officers to large precincts; they ride in cruisers and respond to radio calls from any and all parts of the oversized "beat." This system isolates police officers; they are strangers in the very communities they are trying to protect. One result is that they are always behind the curve -- responding after the fact to a crime's occurrence, picking up the pieces after the violence is already done.

Community policing is designed to integrate police officers back into the life of the community, so they can help prevent crime from occurring in the first place and be better positioned to respond when it does occur. It takes police out of their cars to walk smaller "beats" of five or ten block areas. It allows them to learn who is in the community -- so they know the trouble spots, the trouble makers, the at-risk juveniles. They work cooperatively with community leaders, school officials, family workers, and others to tailor preventative programs to best fit the community.

The provision is the largest single component of the President's "100,000 police" Initiative, with the remaining 50,000 being funded through other legislation. Current funding in the bill calls for \$3.4 billion over six years which will fund a total of 50,000 new officers. States must match funds by paying 25% of the costs of new officers.

Title XIII -- Prisons and Boot Camps

Our ability to reduce crime in a cost-effective manner depends directly on our ability to target offenders with the appropriate type of sentence. This means, first and foremost, that we must identify violent offenders and make sure they go to prison. Second, it means separating out the nonviolent offenders who can be diverted from a career in crime through intensive, cost-effective programs, such as military-style boot camps. Third, it means making drug treatment (which cuts recidivism rates in half) available for all addicts who enter the criminal justice system, whether at the state or federal level. These are the goals served by Title XIII of the bill on Regional Prisons and Boot Camps. Let's take these one at time.

Violent offenders must go to prison

First -- what can we do to ensure that violent offenders are sent to prison? It is very important to understand where the problem lies. At the federal level, there is no need to authorize additional spending for new prison construction: the current budget already includes funding to accommodate the projected 32% increase in federal prisoners over the next five years. There is a prison space crisis, but it exists at the state level, where some localities have been forced to release criminals because of overcrowding. (Currently, 32 states are under court orders concerning overcrowding at one or more facilities in the state.) By the end of 1992, state prisons were housing 840,000 inmates -- and local jails held an additional 450,000 persons. The price tag for this incarceration is steep: state spending on prisons doubled between 1988 and 1992, and there is no end in sight unless we get smarter in using our resources.

To respond to the problem, the crime bill focuses new prison funding on states and localities. It contains a grant program under which states can fund prisons for violent drug offenders. States can use the funds not only to build new state prisons -- (construction accounts for only 5% of the total cost of running a prison) -- but also to operate state prisons that are already constructed but sit idle for lack of operating funds.

Nonviolent offenders need alternatives

Second, to encourage states to identify nonviolent offenders and offer them alternative, more cost-effective programs, the states can apply for grants to run military-style boot camps. These camps provide a regimented program of work and exercise for young, nonviolent offenders. They have shown some success with young offenders, who learn discipline and a respect for the law and for authority. Particularly when combined with follow-up job placement efforts, the programs can turn some offenders from a criminal path.

Running these boot camps costs less than half what a prison costs on a per inmate basis, and making use of them — where appropriate — is essential.

All addicts must get drug treatment

Third, both the federal and state systems suffer from the same key shortcoming: the lack of drug treatment. Drug treatment, as former Drug Director Bill Bennett acknowledged, cuts recidivism rates in half, and it is cost effective: for every \$1 dollar we spend treating drug offenders, we save \$3 dollars later — in reduced crime and in the other high social costs of addiction. The need is great. Each year, over 200,000 drug-addicted offenders are released from state prisons or jails without being treated; approximately 15,000 addicts are released annually from federal prisons without ever receiving adequate treatment.

At the federal level, the bill includes a provision which sets a schedule for the Bureau of Prisons to place all eligible federal prisoners into drug treatment programs lasting between 9 and 12 months — in facilities separate from the general prison population. At least 50% of prisoners with abuse problems who seek help must be in treatment by the end of FY95, 75% by the end of FY96, and 100% by the end of FY97.

The bill also requires periodic drug-testing of federal offenders on post-conviction release.

Title XII — "Drug Court" Programs For Nonviolent Offenders

Title XII of the bill is a grant program called "Drug Court Programs." As with boot camps, the key to drug court programs is to identify those nonviolent offenders who can be diverted from a criminal career. In most states, such offenders are either simply released back onto the streets, or they occupy prison spaces that are in short supply for violent offenders. Neither option is a good one. These are not programs for violent offenders. These are cost-effective programs that combine the concepts of prevention plus responsibility to reach those offenders whose minor crimes have just brought them into the criminal justice system.

Drug court programs combine the "carrots" of intensive supervision by probation/parole officers and mandatory drug testing and treatment — with the "stick" of a certain prison term if the individual again strays from the straight and narrow. The bill authorizes a three-year, \$1.2 billion grant program to states for "drug courts" that offer drug testing, drug treatment, and alternative punishments for young drug offenders:

Here's how a drug court works — a nonviolent offender arrested on a drug charge is given a choice: go to prison or enter an intensive supervision and treatment program. The alternative to prison is no free ride. Participants must get and keep a job. They must agree to random, mandatory drug testing. If they successfully complete the program, they don't have to do time.

But if they flunk out of the program -- they go to prison and serve all their time and they get drug treatment there. Punishment is certain unless they succeed fully. Moreover, sanctions are increased incrementally each time there's a lapse. The idea here is that there must be immediate and direct consequences for every mistake.

The results of one existing Drug Court program -- that in Dade County, Florida -- are impressive: from June 1989 to December 1991, 1,740 offenders successfully graduated from the program and only 3% have been rearrested. Before the drug court program was instituted, the rearrest rate for these offenders was 33%. And the program is saving money that can be redirected to incarcerating and treating violent, career criminals. In Miami, it costs \$17,000 year to keep an offender in the county jail. That same offender can get the benefits of the drug court at a price of about \$2,000 a year.

This is smart punishment. There are currently 600,000 offenders nationwide who meet the profile used for drug court programs who are now effectively ignored by the system. The Drug Court Title programs can make a difference with that part of the offender population that can still be deterred from future, more serious, crime.

Title VI and XXVIII -- Youth Violence

More and more violent crime in our nation is committed by juveniles. To respond effectively, we must separate violent juveniles from those who have not yet committed themselves to serious criminal activity. And, again, the problem of juvenile crime is one fought primarily at the state and local levels -- the federal government's role is one of providing guidance and support. The youth violence title in the crime bill encourages states to hold juveniles responsible for their crimes. It provides both for tougher treatment of serious violence and for important prevention and enforcement programs for juveniles.

First, it targets gang activity, which accounts for an ever increasing percentage of violent juvenile behavior, creating new federal penalties for violent crime or drug crime by gang members: when a gang member who once before has been convicted of a drug offense or crime of violence commits another such crime -- he gets up to 10 extra years additional time to run consecutively to any other sentence he must serve. The bill also triples the penalties for using kids for selling drugs in "drug-free" zones.

Finally, the bill encourages states to treat those most violent among juveniles as adults -- providing grants for bindover systems permitting prosecution and sentencing as adults of 16 and 17 year-olds who commit certain violent crimes, such as murder, attempted murder, armed robbery, and drive-by shootings. These tough responses are necessary to combat violent juveniles.

At the same time, we can help communities fight and try to deter juvenile drug trafficking and gang activity. The bill authorizes \$100 million for grants to states for anti-gang programs; participating states must devote 50% of the money to law enforcement and 50% to prevention. Each community can devise programs that best fit its needs, whether they be: investigating and prosecuting juveniles involved in drug-related crimes; targeting violent juveniles with increased efforts at apprehension and punishment; working to disband gangs ravaging rural or city neighborhoods; developing programs for counseling and treatment of drug-involved youth; or creating active programs to help high-risk kids avoid criminal behavior.

Examples of successful programs already in use are the Boys and Girls Clubs' anti-gang and drug programs. Located in public housing projects, the program involves those at risk for gang recruitment in positive group activities, designed to teach independence, self-esteem, and responsibility. The public housing clubs focus as well on drug prevention, reduction, and elimination. The program was named one of 10 exemplary prevention programs for 1990, and a recently completed evaluation found that public housing communities with clubs saw the number of children involved in unhealthy and dangerous activities decrease as more constructive educational and social activities were available.

The bill also includes the Safe Schools Program, to provide grants for anti-crime and safety measures, and to develop education and training programs for the prevention of crime, violence and drug and alcohol abuse. For example, the funds could be used to hire teachers for after-school drug and crime counseling, to hire police patrol officers, and for safety measures, such as metal detectors and video surveillance devices.

The youth violence provisions in the bill attack the problem of juvenile crime from both ends: punishment and prevention. This is the heart of our fight against crime. We can not afford to lose the next generation of juveniles.

Title XIV -- Rural Crime

Rural crime is on the rise -- and at a faster rate than in any other part of America. According to the most recent report of the FBI, violent assaults rose 30 faster in rural America than in our 25 largest cities; the number of rapes rose more than 9% in rural counties, while decreasing by nearly 4% in urban America; and drugs are an increasing menace in rural states: the number of arrests for drug abuse violations in rural areas jumped almost 23% in 1992. New drugs -- such as the smokable methamphetamine "ICE" and a new inhalant "CAT" -- have proven especially popular in rural areas.

To meet this challenge, the crime bill provides \$50 million in drug crime fighting money to aid state and local law enforcement in rural areas. 50% of this aid -- \$25 million -- will be divided

equally among 19 rural states. The \$1.3 million per state is enough to deploy an additional 50 drug-fighting police in each state -- and this is above and beyond the grants for community policing also available to the states under Title I of the bill. The remaining 50% of this aid is targeted to rural areas of the other 31 non-rural states.

The crime bill also responds to this problem by establishing a rural drug enforcement task force in every federal judicial district encompassing significant rural lands. The goal is to make the resources of federal agencies -- both in manpower and in expertise -- available to law enforcement in rural areas who lack the staff and the funds to focus solely on investigating and prosecuting drug trafficking. These task forces will be chaired by the U.S. Attorney for the district, and will include representatives from state and local law enforcement agencies, the DEA, the FBI, the Park Police and Forest Service. The Attorney General is specifically authorized to cross-designate federal agents to fight drug trafficking in local jurisdictions. This plan can effectively add hundreds of new federal agents to anti-drug efforts in rural America.

The federal government can also help rural areas learn the hard lessons about drugs and crime taught by our experience in our cities. The crime bill directs the Director of the Federal Law Enforcement Training Center in Glynco, Georgia, to develop a special course specially devoted to training rural law enforcement officers in the investigation of drug trafficking and related crimes.

Titles II, IV, XV. -- Federal Death Penalty and Other Increased Penalties

The crime bill authorizes the federal death penalty for 47 offenses, most of which have passed the Senate previously. These include murder of a federal law enforcement officer, drive-by-shootings, and car-jackers who murder. A complete list appears in the accompanying title-by-title summary.

The death penalty procedures contained in the bill have also passed the Senate before -- either as part of the bill passed in 1991 or as part of the drug kingpin death penalty enacted in 1988. Among other specifics, these procedures set forth the intent standard that must be proven; delineate the mitigating and aggravating factors a jury must consider; outline the process by which a sentencing hearing is to occur separate from the guilt determination; and provide for appellate review. The procedures allow for the government to present a victim impact statement at sentencing and for the victim's family to testify at the sentencing hearing. The procedures also provide that no one under 18 may be sentenced to death, and that no one with mental retardation may be executed. They also require juries to be informed of their option to sentence the defendant either to death or to life imprisonment without the possibility of release.

The death penalties are tough; the procedures are fair.

In addition, the bill authorizes over 60 increased penalties and new offenses covering violent crimes, drug-trafficking, and gun crimes. These include, for example, increased penalties for drug dealing in "Drug-free Zones;" for the use of semi-automatics in committing a federal crime; and for drunk-driving where a child is injured.

Title III – Habeas Corpus Reform

The Biden Habeas Bill:

- * Limits prisoners to a single federal habeas petition;
- * Places a six-month time limit on that single petition;
- * Applies to both death row inmates and non-capital inmates where a state has offered counsel for state habeas proceedings;
- * Allows exceptions for second petitions only in extraordinary cases, either to establish innocence or to show a constitutional defect in the sentence;
- * Specifically disavows "full and fair," which would virtually eliminate all federal habeas review;
- * Allows a claim of innocence based on newly discovered evidence to be heard by a federal court;
- * Requires states to provide indigent capital defendants with counsel who possess specific qualifications at all stages of state proceedings. Authorizes federal grants of up to 75% for the additional costs imposed by the new counsel requirements for the first three years (50% thereafter).

This is a very tough, fair habeas reform package hammered out with the nation's prosecutors -- who for years have been concerned about excessive delays in carrying out state sentences. To speed up the process and promote finality, the provision limits prisoners -- both death row inmates and non-capital prisoners -- to a single federal habeas corpus petition. And for the first time ever, it sets a six-month time limit on the filing of that petition. At the same time, it also helps ensure that we don't execute people, or keep them in jail, in violation of the United States Constitution. To ensure fairness, the provision makes sure that indigent capital defendants get good lawyers at trial -- and throughout state proceedings.

Judiciary Committee's hearings over the years have documented that capital defendants in many states receive utterly incompetent or unqualified representation. I worked both with the prosecutors and the criminal defense bar to come up with counsel provisions that would make a difference. The bill includes detailed qualification standards for lawyers defending capital defendants. The goal is to eliminate the very need for protracted habeas proceedings by making

the first criminal trial the "main event" -- where competent counsel work to keep error from occurring in the first place.

The habeas provision also recognizes that if a death row inmate comes forward with new and exceptionally persuasive evidence that he is innocent, he should have a chance to have a federal court hear his claim before he is sent to death. Finally, the provision also makes sure that the federal courts continue to play their historic role as the final arbiters of federal Constitutional law. The Republican alternative -- called "full and fair" reform -- would make a radical and unprecedented shift -- by giving states the final word on what the federal Constitution requires. This proposal forces federal courts to defer to state court decisions on an issue, even where the state decision is wrong.

Last Congress, it was the opposition of the nation's prosecutors that stopped passage not only of habeas reform, but of an entire crime bill. This bill is a tough, hard-nosed compromise between finality and fairness. It has the support of the National District Attorneys Association, of two dozen state Attorneys General, and of Attorney General Reno and President Clinton. It has also drawn a lot of fire from those on both sides who are unwilling to compromise. I believe as well that compromise is necessary to preserve the writ of habeas corpus from further erosion in the name of finality. The proposal strikes the necessary balance.

Other Provisions

A title-by-title summary of the entire crime bill is attached.

SIDE BY SIDE -- DEMOCRATIC CRIME BILL V. REPUBLICAN BILL

<u>PROVISION</u>	<u>DEMOCRATIC BILL</u>	<u>REPUBLICAN BILL</u>
COMMUNITY POLICING	\$3.4 billion to states to hire 50,000 new officers over 6 years for community policing	\$1.8 billion to states to hire 27,000 new police officers over 5 years
POLICE CORPS & LAW ENFORCEMENT SCHOLARSHIPS	\$200 million for college scholarships/salaries for students who commit to 4 years service as police officers \$150 million for scholarships for current officers	\$250 million for college scholarships to students who commit to 4 years service as police officers No provision
PRISONS AND BOOT CAMPS	\$300 million to states for <u>military-style boot camps</u> for nonviolent offenders and <u>regional prisons</u> for violent drug criminals Note: Budget now includes \$2.2 billion for expanding federal prisons by 32% over the next five years	\$1 billion over 5 years to states to build prisons No provision for boot camps \$2 billion over 5 years for 10 regional prisons for violent criminals (50% federal, 50% state); requires participating states to increase time served at additional cost to states of up to \$12 billion per year
Drug treatment	Regional prisons will provide drug treatment Establishes schedule for treatment of federal drug-abusing prisoners	No provision No provision

PROVISION**DEMOCRATIC BILL****REPUBLICAN BILL****Drug testing****Mandates drug testing of federal offenders on post-conviction release****No provision****Enhanced penalties****Enhances penalties for drug offenses in prisons****No provision****Prison overcrowding****No provision (corrections officers fear excessively crowded prisons)****Limits judicial ability to correct for overcrowding****DRUG COURT PROGRAMS****\$1.2 billion program over 3 years for drug testing/treatment and alternative punishments for young non-violent drug offenders****No provision****YOUTH VIOLENCE INITIATIVES****Punishment and Prevention****Strengthens federal penalties for using children to distribute drugs****Same****Additional penalty (of up to 10 years) for second federal drug or violent crime by gang member****Creates mandatory minimum penalties for crimes by gang members****\$100 million to states for youth gang enforcement and prevention****\$20 million for federal prosecution of gangs; authorizes use of Byrne grants for gang-prevention programs****Authorizes use of Byrne grants for bindover systems to prosecute 16 and 17 year olds as adults for violent crimes****Creates presumption in favor of federal prosecution of gang leaders as adults**

PROVISION**DEMOCRATIC BILL****REPUBLICAN BILL****Safe Schools****\$100 million per year to states for enhanced school security measures and prevention programs****\$100 million per year to states for enhanced school security measures****No provision****\$100 million to pay salaries of former Armed Forces members as teachers****RURAL CRIME****\$50 million for rural law enforcement, \$1 million for drug enforcement training****Same****No provision (existing HHS program)****\$25 million for rural drug prevention and treatment****Establishes rural law enforcement task forces****Same****Enhances penalties for drug dealing near truck stops/safety rest areas****No provision****DEATH PENALTY****Death penalty for 47 crimes (some differences)****Death penalty for 47 crimes (some differences)****OTHER PENALTIES****Over 60 increased penalties and new offenses for violent crimes, drug trafficking and gun crimes (some differences)****Over 60 increased penalties and new offenses for violent crimes, drug trafficking and gun crimes (some differences)****HABEAS CORPUS****6-month federal statute of limitations for capital cases and for non-capital cases where state provides lawyer for state post-conviction proceedings****6-month federal statute of limitations for capital cases; 1-year statute for non-capital cases**

PROVISION

DEMOCRATIC BILL

REPUBLICAN BILL

HABEAS (Continued)

Provides indigent capital defendants with counsel meeting rigorous qualifications at all state proceedings

No counsel qualification standards

Preserves role of federal court in reviewing state convictions

Severely curtails role of federal court in reviewing state convictions

TERRORISM

Death penalty for terrorists and increased penalties for terrorist bombings; new penalties for providing material support to terrorists; implements regulations for aviation and maritime terrorism treaties; gives Attorney General authority to develop terrorist informants

Substantially the same

SEXUAL VIOLENCE AND CHILD ABUSE

"Oprah Bill" -- establishes national background checks for day care workers

Substantially the same

VICTIMS OF CRIME

Permits victims to speak at sentencing

No provision

Mandates that criminals pay restitution

Substantially the same, but would suspend federal benefits for defendants delinquent in making restitution

Prohibits diversion of victims' funds to other federal programs

No provision

HELP FOR THE FRONT LINES

Key Crime Bill Provisions That Aid State/Local Law Enforcement

- o **Community Policing program will put 50,000 more police on our streets over the next 6 years.**
- o **Authorizes \$300 million for military-style boot camps and drug treatment prisons to house and treat state and local offenders.**
- o **Three-year, \$1.2 billion "Drug Courts" program -- providing drug testing and treatment backed up by certain punishment -- will handle 200,000 young, nonviolent drug offenders per year.**
- o **Police Corps program will recruit more than 5,000 college students to serve as police officers; 4,000 in-service officers will receive college scholarships.**
- o **Safe Schools Program provides \$100 million annually to fund anti-crime and safety measures -- such as video surveillance devices and police patrols -- and to develop education and training programs for the prevention of crime, violence, and drug and alcohol abuse.**
- o **Anti-youth gang efforts will provide \$50 million for drug trafficking and gang prosecution and punishment, plus \$50 million for preventative alternatives -- such as boys & girls clubs -- in public housing projects.**
- o **Rural drug enforcement program provides \$50 million in aid to state and local law enforcement in rural areas, and establishes Rural Law Enforcement Task Forces in every federal judicial district with significant rural lands.**

TOTAL AID = \$5.5 BILLION OVER 6 YEARS

DEMOCRATIC CRIME BILL: PUNISHMENT THAT FITS THE CRIME

PENALTIES

47 Federal Death Penalties

- Enhanced Federal penalties for:
 - use of automatic
 - theft of guns, explosives
 - drive-by-shootings
 - interstate travel to commit violent crime
 - assault of federal officers
 - firearms smuggling
 - firearms conspiracy
 - interstate gun trafficking
 - terrorist activities

All of the above plus

Prior conviction is death penalty aggravating factor

Enhanced penalties for:

- Gun possession by ex-violent convict
- Second conviction for use of explosive

Prior convictions of serious drug offense is death penalty aggravating factor

Enhanced Federal penalties for:

- using kids to sell drugs in "drug free" zones
- drug dealing near public housing
- drug offenses in federal prison
- drug dealing at truck stops

Increased penalty of up to 10 years for second violent gang crime

INCARCERATION

Federal \$2.2 billion now in budget is adequate for estimated 35% increase in federal prisoners by 1998

Sees \$100 million for regional prisons for violent drug offenders (also funds boot camps for non-violent offenders)

None

ALTERNATIVE PUNISHMENT

None

Mandates drug testing of federal offenders on post-conviction release

\$1.2 billion "Drug Court" programs requiring drug testing, treatment and alternative punishments for non-violent young offenders

Boot camps for non-violent offenders

None

Authorizes grants to states for halfway programs to prosecute 16 and 17 year olds as adults for violent crime

\$90 million to states for drug-trafficking, anti-gang prosecution and punishment

Drug courts, Boot camps

PREVENTION

\$1.4 billion "cop on the beat" program

\$80 million for model drug-fighting law enforcement

Establishes federal rural law enforcement task force in every judicial district with significant rural lands

\$50 million to states for juvenile drug trafficking and gang prevention

\$100 million "safe school" grants to states for enhanced school security and crime prevention programs

**VIOLENT
OFFENDERS**

**REPEAT VIOLENT
OFFENDERS**

**SERIOUS DRUG
OFFENDERS**

**FIRST-TIME DRUG
OFFENDERS**

VIOLENT JUVENILES

NON-VIOLENT JUVENILES

Crime Bill -
Senate

THE BIDEN CRIME BILL - S. 1607 - MAJOR PROVISIONS
The Violent Crime and Law Enforcement Act of 1993

FUNDING

- o Provides for the transfer of \$22.268 billion to the Violent Crime Reduction Trust Fund. These resources comprise the estimated savings -- as calculated by the Congressional Budget Office -- realized from fully implementing the reductions in federal employment for fiscal years 1994-1998 endorsed by the Senate. The bill makes the necessary adjustments to discretionary spending caps to accommodate establishment of the Trust Fund.

COMMUNITY POLICING

- o Authorizes a five year \$8.9 billion community policing -- "cop on the beat" -- program to put 100,000 police officers on the streets of our neighborhoods and local communities where they can more effectively prevent crime and apprehend criminals.
- o Authorizes \$200 million for college scholarships to students who commit to four years service as police officers.
- o Provides \$150 million additional educational scholarships for in-service officers.

ASSAULT WEAPONS BAN

- o Bans the manufacture, transfer, or possession of deadly, military-style assault weapons. Specifies a list of banned weapon types, replicas, and duplicates. Prohibits the manufacture, transfer, or possession of large capacity ammunition feeding devices.

BAN ON TRANSFERS OF GUNS TO JUVENILES

- o Prohibits the sale or transfer of a gun to a juvenile, as well as the possession of a gun by a juvenile.
- o Increases the penalty for transferring a gun to a juvenile when the transfer is made with the knowledge that the juvenile will use the gun to commit a crime of violence.

PRISONS AND BOOT CAMPS

- o Authorizes \$3 billion in grants to states for the construction of jails, boot camps, and other low or medium security state and local facilities, to house non-violent and less serious offenders in more cost-effective prison space.
- o Authorizes \$3 billion for the construction and operation of regional prisons for federal and state prisoners; participating states must have "truth in sentencing" where those who commit serious violent crimes against other people serve at least 85% of their sentence.
- o Authorizes \$500 million in state grants for the construction and operation of secure facilities to incarcerate violent juveniles.
- o Establishes a schedule for treatment of federal prisoners who are drug addicts; requires drug testing of federal offenders on post-conviction release; enhances penalties for drug trafficking within federal prisons.
- o Mandates that state and local law enforcement agencies be notified of the release of drug offenders and violent criminals to federal supervision.

THE VIOLENCE AGAINST WOMEN ACT

- o Authorizes \$1.8 billion over three years for the Violence Against Women Act, including \$800 million to aid police, prosecutors, and victim advocates in combatting violence against women; \$300 million for battered women's shelters; \$200 million for rape education in secondary schools and community prevention programs; \$20 million for rape education and prevention on college campuses; and \$1.5 million for a national family violence hotline.
- o Creates a federal civil rights cause of action for victims of violence motivated by gender bias.
- o Changes evidentiary rules to make the justice system more fair to victims of rape and family violence.
- o Provides nationwide coverage for "stay-away" orders, encourages the arrest of spouse abusers, and increases penalties for rape and family violence offenses.

"DRUG COURT" PROGRAMS FOR NONVIOLENT OFFENDERS

- o Authorizes \$1.2 billion over three years in grants to states for programs providing drug testing/treatment, alternative punishments, job training and counseling, and other preventative measures for nonviolent drug offenders who are sentenced to probation.

ANTI-GANGS ENFORCEMENT AND PREVENTION

- o Authorizes \$100 million for state grants to be used for youth gang enforcement and prevention grants. The prevention programs can include academic, athletic, and artistic after-school activities, Girls' and Boys' Clubs in public housing projects, scout troops, and little leagues.
- o Expands federal criminal jurisdiction over violent juveniles and provides \$20 million for additional federal prosecutors for gang crimes.
- o Increases federal penalties for employing children to distribute drugs; imposes new penalties for crimes committed by gang members.

RURAL CRIME AND DRUGS

- o Provides \$250 million for rural anti-crime efforts to establish federal-state-local Rural Law Enforcement Task Forces in every federal judicial district with significant rural lands, and to train rural law enforcement officers in the investigation and prosecution of drug trafficking and related crimes.
- o Enhances penalties for drug dealing near truck stops and safety rest areas.

SAFE SCHOOLS

- o Authorizes \$100 million per year for grants to schools to fund anti-crime and safety measures and to develop in-school education and training programs for the prevention of crime, violence, and drug and alcohol abuse.

AID TO LAW ENFORCEMENT

- o Provides for the following authorizations over five years for federal agents, prosecutors, and judges: \$250 million for additional FBI agents; \$100 million for Drug Enforcement Agency agents; \$150 million for federal prosecutors; \$600 million for the Department of Justice; and \$300 million for the federal judiciary.
- o Authorizes \$50 million for expanded programs and improved training at the FBI Academy at Quantico.
- o Authorizes \$50 million for technical automation for state and local law enforcement.

SEXUAL VIOLENCE AND CHILD ABUSE

- o Contains the "Oprah" bill -- authorizing \$40 million to develop a national criminal background check system for those who provide care to children, the elderly, or the disabled.
- o Authorizes \$60 million for the establishment of supervised child visitation centers for families with a history of violence or abuse.
- o Provides the death penalty for rapists who murder and for the fatal sexual exploitation of a child.
- o Requires convicted child sex offenders to register their addresses with state law enforcement agencies; encourages states to establish registration, tracking, and community notification procedures for released sexually violent predators.

VICTIMS OF CRIME

- o Permits victims to speak at the sentencing of their assailants.
- o Mandates that criminals pay restitution to their victims, and prohibits diversion of victims' funds to other federal programs.

TERRORISM

- o Provides the death penalty for terrorists and increases penalties for terrorist bombings.
- o Provides the Attorney General with special authority to develop terrorist informants; expands the State Department's terrorism rewards program by allowing the Secretary and the Attorney General to admit into the United States up to 25 foreign informants whose lives are endangered.
- o Creates new penalties for providing material support to terrorists, and provides implementing legislation for aviation and maritime terrorism treaties.

DEATH PENALTY

- o Expands the federal death penalty to cover approximately 50 offenses, including murder of a law enforcement officer, drive-by-shootings, and carjackers who murder.

INCREASED PENALTIES

- o Provides over 60 penalty increases and new offenses, primarily covering violent crimes, drug trafficking, gun crimes, arson, and hate crimes. Enhances penalties for, among other things, the use of semi-automatic weapons, gun possession by convicted criminals, three-time felons, and drug dealing in "drug-free" zones.

THE BIDEN BILL: BEYOND CRIME AND PUNISHMENT

The Biden Crime Bill recognizes that there are two sides to solving the crime equation: punishing violent criminals is one part of the solution; reaching out to help those who have not committed crimes, but are at risk to do so, is the second part. Although much of the Senate floor debate focused on penalties and punishment because of the amendments offered by other Senators, the Biden Crime Bill contains many initiatives and considerable funding to deter crime by helping at-risk youth and nonviolent offenders.

The provisions in the Biden bill that address the underlying causes of crime include:

COMMUNITY POLICING PREVENTION AND TREATMENT PROGRAMS

- o **Community Policing for Crime Prevention:** Of the total \$8.9 billion authorized for community policing programs, \$1.2 billion may be used to fund innovative prevention programs, such as:
 - * **Early Intervention teams:** police, social workers, educators and doctors working together to intervene early in the lives of juvenile victims and offenders -- to help them turn their lives around.
 - * **Proactive Prevention:** police involvement in prevention programs for youth, such as --
 - ** The Police Athletic League;
 - ** Big Brothers/Big Sisters programs; and
 - ** Girls' and Boys' Clubs.

ALTERNATIVES TO INCARCERATION

- o **Boot Camps:** The bill authorizes \$3 billion for states to build and operate boot camps as an alternative to prisons to help get young, non-violent offenders back on their feet. Offenders assigned to boot camps receive a reduced sentence -- boot camp terms last no more than six months.

Boot camps must provide intensive drilling and supervision, involving work programs, education and job training, and drug treatment.

Boot camp participants must receive aftercare services, to be coordinated with human service and rehabilitation programs, such as:

- * **educational and job training programs;**
- * **drug counseling or treatment;**
- * **halfway house programs;**
- * **job placement programs; and**
- * **self-help and peer group programs.**

- o **Drug Courts: The bill authorizes \$1.2 billion in grants to states for "Drug Court" programs to provide an alternative to prison and to help non-violent drug offenders get the treatment they need to get their lives back on track.**

Instead of serving time, a drug offender is placed on probation with mandatory drug testing and treatment. If an offender fails the tests, he or she becomes subject to graduated alternative punishments, which intensify treatment and supervision, but stop short of traditional incarceration. The alternative punishments include:

- * **community service programs which employ offenders with nonprofit and community organizations;**
- * **community-based incarceration like halfway houses, weekend incarceration, and electric monitoring; and**
- * **boot camp programs.**

If an offender fails the Drug Court program completely and is sentenced to prison, he or she receives treatment there -- in facilities set apart from general prison population. The treatment programs should address the offender's social, behavioral, and vocational problems, as well as drug addiction.

Preference in making grants is given to states providing assurance that offenders are provided with aftercare services, such as:

- * educational and job training programs; and
- * self-help and peer group programs.

JUVENILE DRUG TRAFFICKING AND GANG PREVENTION

o **Gang and Drug Abuse Prevention:** The bill authorizes \$100 million in state grants for drug and gang prevention programs, such as:

- * education, prevention, and treatment programs for at-risk juveniles;
- * academic, athletic, and artistic after-school activities;
- * sports mentor programs where athletes serve as role models and counselors for kids at risk for gang and drug activity;
- * alternative activities in public housing projects, such as Girls' and Boys' clubs, scout troops, and little leagues;
- * education and treatment programs for juveniles exposed to severe violence;
- * pre- and post-trial drug abuse treatment for juvenile offenders;
- * treatment for drug-dependent pregnant juveniles and drug dependant juvenile mothers; and
- * training for judicial and correctional agencies to identify, counsel, and treat drug-dependent or gang involved juvenile offenders.

DRUG TREATMENT AND PREVENTION

- o **Community Substance Abuse Prevention Grants:** The bill provides \$60 million over three years for coalitions of community organizations (such as schools, health and social service agencies, parents, civic groups, academics) to:
 - * plan and implement comprehensive long-term strategies for drug abuse prevention; and
 - * coordinate drug abuse services and activities, including prevention activities in schools.

- o **Drug Treatment in Prisons:** The bill establishes a schedule for drug treatment for all federal drug-addicted prisoners.

VIOLENCE AGAINST WOMEN

- o **Grants to fight violence against women:** The bill authorizes \$870 million over 3 years for state grants to combat violence against women, with a special earmark for high intensity crime areas. Programs can include:
 - * expanding or strengthening victim services programs, such as rape crisis centers, battered women's shelters, and rape and family violence programs, including nonprofit organizations assisting victims through the legal process;
 - * training law enforcement officers to more effectively identify and respond to violent crimes against women; and
 - * expanding units of law enforcement officers specifically to target violent crimes against women.

- o **Victim Counselors:** \$1.5 million is provided for federal victim/witness counselors in sex and domestic violence cases.

- o **Indian Tribes:** \$30 million is available over 3 years for grants to Indian tribes for programs to reduce violence against women.

- o **Rape Education:** The bill authorizes \$65 million for rape prevention and education programs, starting in junior high school, such as:
 - * educational seminars for students and training programs for professionals; and
 - * public awareness programs in under-served racial, ethnic, and language minority communities.

- o **Help for the Homeless and Runaways:** The bill provides \$10 million for education and prevention grants addressing the problem of homeless and runaway women and girls, such as:
 - * street-based outreach and education programs; and
 - * treatment and counseling programs for runaway, homeless, and street youth who are at risk of being subjected to sexual abuse.

- o **Battered Women's Shelters:** The bill provides \$300 million in grant money specifically for the operation of shelters for women and their children who are fleeing violent homes.

- o **National Family Violence Hotline:** The bill authorizes \$1.5 million.

- o **Youth Education:** \$400,000 is provided for programs to educate youth about family violence and abuse.

- o **Safe Colleges:** \$20 million is targeted to rape and violence prevention and education on college campuses.

SAFE SCHOOLS

- o **Education and Prevention in Schools:** The bill offers \$100 million in local school and community grants, to be used for:
 - * drug and alcohol education and training programs;
 - * counseling programs for children who are victims of school crimes; and
 - * programs to provide alternative, constructive programs for youth at risk for gang recruitment.

SEXUAL VIOLENCE AND CHILD ABUSE

- o **The "Oprah" bill: \$40 million will pay for the development of a national criminal background check system for those who provide care to children, the elderly, or the disabled.**

- o **The Child Safety Act: \$60 million in state grants is available to establish supervised child visitation centers for families with a history of violence or abuse.**

Crime Bill -
Senate



OFFICE OF THE VICE PRESIDENT

WASHINGTON

S-212 U.S. Capitol Building
Washington, D.C. 20510

PHONE
202-224-8391

FAX
202-224-0291

FAX COVER SHEET

TO: Bruce

FROM: Jose

_____ pages (including cover)

COMMENTS: This is being added in the context of
prison Amendments. Hatch offered a
\$6 billion prison amendment. Byrd
et. al. responded w/ our prison proposal +
the "Violent Crime Trust Fund"

This transmission may contain information
that is sensitive or confidential in nature.
Its contents are intended for the recipient ONLY.

Jose

12

4 **VIOLENT CRIME REDUCTION**
5 **TRUST FUND**

6 ^{1321A}
SEC. **PURPOSES.**

7 The Congress declares it essential —

8 (1) to fully fund the control and
9 prevention of violent crime authorized in this

13

1 Act over the next 5 years;

2 (2) to ensure orderly limitation and
3 reduction of Federal Government employment,
4 as recommended by the Report of the National
5 Performance Review, conducted by the Vice
6 President; and

7 (3) to apply sufficient amounts of the
8 savings achieved by limiting Government
9 employment to the purpose of ensuring full
10 funding of this Act over the next 5 years.

11 SEC. ~~1321B~~ ^{1321B} REDUCTION OF FEDERAL FULL-TIME
12 EQUIVALENT POSITIONS.

13 (a) DEFINITION. — For purposes of this section,
14 the term "agency" means an Executive agency as
15 defined under section 105 of title 5, United States
16 Code, but does not include the General Accounting
17 Office.

18 (b) LIMITATIONS ON FULL-TIME EQUIVALENT
19 POSITIONS. — The President, through the Office of
20 Management and Budget (in consultation with the

14

1 Office of Personnel Management), shall ensure that
2 the total number of full-time equivalent positions in all
3 agencies shall not exceed —

4 (1) 2,095,182 during fiscal year 1994;

5 (2) 2,044,100 during fiscal year 1995;

6 (3) 2,003,846 during fiscal year 1996;

7 (4) 1,963,593 during fiscal year 1997; and

8 (5) 1,923,339 during fiscal year 1998.

9 (c) MONITORING AND NOTIFICATION. — The
10 Office of Management and Budget, after consultation
11 with the Office of Personnel Management, shall —

12 (1) continuously monitor all agencies and
13 make a determination on the first date of each
14 quarter of each applicable fiscal year of whether
15 the requirements under subsection (b) are met;
16 and

17 (2) notify the President and the Congress
18 on the first date of each quarter of each applica-
19 ble fiscal year of any determination that any

* 15

1 requirement of subsection (b) is not met.

2 (d) COMPLIANCE. — If at any time during a fis-
3 cal year, the Office of Management and Budget noti-
4 fies the President and the Congress that any require-
5 ment under subsection (b) is not met, no agency may
6 hire any employee for any position in such agency
7 until the Office of Management and Budget notifies
8 the President and the Congress that the total number
9 of full-time equivalent positions for all agencies equals
10 or is less than the applicable number required under
11 subsection (b).

12 (e) WAIVER. — Any provision of this section may
13 be waived upon —

14 (1) a determination by the President of
15 the existence of war or a national security
16 requirement; or

17 (2) the enactment of a joint resolution
18 upon an affirmative vote of three-fifths of the
19 Members of each House of the Congress duly

* 16

1 chosen and sworn.

2 ^{1321C} SEC. ~~1321C~~ CREATION OF VIOLENT CRIME REDUCTION
3 TRUST FUND.

4 (a) ESTABLISHMENT OF THE ACCOUNT. —

5 Chapter 11 of title 31, United States Code, is amended
6 by inserting at the end thereof the following new
7 section:

8

9 "§ 1115. Violent crime reduction trust fund.

10 "(a) There is established a separate account in
11 the Treasury, known as the "Violent Crime Reduction
12 Trust Fund", into which shall be deposited deficit
13 reduction achieved by section ^{1321B} ~~1321C~~ of the Violent
14 Crime Control and Law Enforcement Act of 1993
15 sufficient to fund that Act (as defined in subsection
16 (b) of this section).

17 "(b) On the first day of the following fiscal years
18 (or as soon thereafter as possible for fiscal year 1994),
19 the following amounts shall be transferred from the
20 general fund to the Violent Crime Reduction Trust

17

1 Fund —

2 “(1) for fiscal year 1994, \$720,000,000;

3 “(2) for fiscal year 1995, \$2,379,000,000;

4 “(3) for fiscal year 1996, \$3,168,000,000;

5 “(4) for fiscal year 1997, \$3,517,000,000;

6 and

7 “(5) for fiscal year 1998, \$2,492,000,000.

8 “(c) Notwithstanding any other provision of law—

9 “(1) the amounts in the Violent Crime

10 Reduction Trust Fund may be appropriated

11 exclusively for the purposes authorized in the

12 Violent Crime Control and Law Enforcement

13 Act of 1993;

14 “(2) the amounts in the Violent Crime

15 Reduction Trust Fund and appropriations under

16 paragraph (1) of this section shall be excluded

17 from, and shall not be taken into account for

18 purposes of, any budget enforcement procedures

19 under the Congressional Budget Act of 1974 or

◆ 18

1 the Balanced Budget and Emergency Deficit
2 Control Act of 1985; and

3 "(3) for purposes of this subsection,
4 "appropriations under paragraph (1)" mean
5 amounts of budget authority not to exceed the
6 balances of the Violent Crime Reduction Trust
7 Fund and amounts of outlays that flow from
8 budget authority actually appropriated."

9 (b) LISTING OF THE VIOLENT CRIME REDUC-
10 TION TRUST FUND AMONG GOVERNMENT TRUST
11 FUNDS. — Section 1321(a) of title 31, United States
12 Code, is amended by inserting at the end thereof the
13 following new paragraph:

14 "(91) Violent Crime Reduction Trust
15 Fund."

16 (c) REQUIREMENT FOR THE PRESIDENT TO
17 REPORT ANNUALLY ON THE STATUS OF THE
18 ACCOUNT. — Section 1105(a) of title 31, United States
19 Code, is amended by adding at the end thereof:

• 19

1 “(29) information about the Violent
2 Crime Reduction Trust Fund, including a
3 separate statement of amounts in that
4 Trust Fund.”.

5 **1371D**
6 SEC. CONFORMING REDUCTION IN DISCRETION-
7 ARY SPENDING LIMITS.

8 The Director of the Office of Management
9 and Budget shall, upon enactment of this Act, reduce
10 the discretionary spending limits set forth in section
11 601(a)(2) of the Congressional Budget Act of 1974 for
12 fiscal years 1994 through 1998 as follows:

13 (1) for fiscal year 1994, for the discre-
14 tionary category: \$720,000,000 in new budget
15 authority and \$161,000,000 in outlays;

16 (2) for fiscal year 1995, for the discre-
17 tionary category: \$2,379,000,000 in new budget
18 authority and \$884,000,000 in outlays;

19 (3) for fiscal year 1996, for the discre-
20 tionary category: \$3,168,000,000 in new budget
 authority and \$2,191,000,000 in outlays;

Come Bill -
Senate

143
~~246~~
12

At the appropriate place in the bill,
insert the following:

4 **VIOLENT CRIME REDUCTION**

5 **TRUST FUND**

6 **SEC. ~~1321A~~ PURPOSES.**

7 The Congress declares it essential —

- 8 (1) to fully fund the control and
- 9 prevention of violent crime authorized in this

144
247
13

1 Act over the next 5 years;

2 (2) to ensure orderly limitation and
3 reduction of Federal Government employment,
4 as recommended by the Report of the National
5 Performance Review, conducted by the Vice
6 President; and

7 (3) to apply sufficient amounts of the
8 savings achieved by limiting Government
9 employment to the purpose of ensuring full
10 funding of this Act over the next 5 years.

11 SEC. ~~1321B~~ ^{1321B} REDUCTION OF FEDERAL FULL-TIME
12 EQUIVALENT POSITIONS.

13 (a) DEFINITION. — For purposes of this section,
14 the term "agency" means an Executive agency as
15 defined under section 105 of title 5, United States
16 Code, but does not include the General Accounting
17 Office.

18 (b) LIMITATIONS ON FULL-TIME EQUIVALENT
19 POSITIONS. — The President, through the Office of
20 Management and Budget (in consultation with the

145
~~246~~
~~14~~

1 Office of Personnel Management), shall ensure that
2 the total number of full-time equivalent positions in all
3 agencies shall not exceed —

4 (1) 2,095,182 during fiscal year 1994;

5 (2) 2,044,100 during fiscal year 1995;

6 (3) 2,003,846 during fiscal year 1996;

7 (4) 1,963,593 during fiscal year 1997; and

8 (5) 1,923,339 during fiscal year 1998.

9 (c) MONITORING AND NOTIFICATION. — The
10 Office of Management and Budget, after consultation
11 with the Office of Personnel Management, shall —

12 (1) continuously monitor all agencies and
13 make a determination on the first date of each
14 quarter of each applicable fiscal year of whether
15 the requirements under subsection (b) are met;
16 and

17 (2) notify the President and the Congress
18 on the first date of each quarter of each applica-
19 ble fiscal year of any determination that any

146
~~211~~
15

1 requirement of subsection (b) is not met.

2 (d) COMPLIANCE. — If at any time during a fis-
3 cal year, the Office of Management and Budget noti-
4 fies the President and the Congress that any require-
5 ment under subsection (b) is not met, no agency may
6 hire any employee for any position in such agency
7 until the Office of Management and Budget notifies
8 the President and the Congress that the total number
9 of full-time equivalent positions for all agencies equals
10 or is less than the applicable number required under
11 subsection (b).

12 (e) WAIVER. — Any provision of this section may
13 be waived upon —

14 (1) a determination by the President of
15 the existence of war or a national security
16 requirement; or

17 (2) the enactment of a joint resolution
18 upon an affirmative vote of three-fifths of the
19 Members of each House of the Congress duly

147
15
16

1 chosen and sworn.

2 ^{1321C} SEC. ~~1321C~~ CREATION OF VIOLENT CRIME REDUCTION
3 TRUST FUND.

4 (a) ESTABLISHMENT OF THE ACCOUNT. —

5 Chapter 11 of title 31, United States Code, is amended
6 by inserting at the end thereof the following new
7 section:

8
9 "§ 1115. Violent crime reduction trust fund.

10 (a) There is established a separate account in
11 the Treasury, known as the "Violent Crime Reduction
12 Trust Fund", into which shall be deposited deficit
13 reduction achieved by section ^{1321B} ~~1321C~~ of the Violent
14 Crime Control and Law Enforcement Act of 1993
15 sufficient to fund that Act (as defined in subsection
16 (b) of this section).

17 (b) On the first day of the following fiscal years
18 (or as soon thereafter as possible for fiscal year 1994),
19 the following amounts shall be transferred from the
20 general fund to the Violent Crime Reduction Trust

148
~~24~~
9/21

1 Fund —

2 "(1) for fiscal year 1994, \$720,000,000;

3 "(2) for fiscal year 1995, S^{2,423}~~720~~,000,000;

4 "(3) for fiscal year 1996, S^{4,267}~~720~~,000,000;

5 "(4) for fiscal year 1997, S^{6,313}~~720~~,000,000;

6 and

7 "(5) for fiscal year 1998, S^{8,545}~~720~~,000,000.

8 "(c) Notwithstanding any other provision of law—

9 "(1) the amounts in the Violent Crime
10 Reduction Trust Fund may be appropriated
11 exclusively for the purposes authorized in the
12 Violent Crime Control and Law Enforcement
13 Act of 1993;

14 "(2) the amounts in the Violent Crime
15 Reduction Trust Fund and appropriations under
16 paragraph (1) of this section shall be excluded
17 from, and shall not be taken into account for
18 purposes of, any budget enforcement procedures
19 under the Congressional Budget Act of 1974 or

149

952

◆ X8

1 the Balanced Budget and Emergency Deficit
2 Control Act of 1985; and

3 "(3) for purposes of this subsection,
4 "appropriations under paragraph (1)" mean
5 amounts of budget authority not to exceed the
6 balances of the Violent Crime Reduction Trust
7 Fund and amounts of outlays that flow from
8 budget authority actually appropriated."

9 (b) LISTING OF THE VIOLENT CRIME REDUC-
10 TION TRUST FUND AMONG GOVERNMENT TRUST
11 FUNDS. — Section 1321(a) of title 31, United States
12 Code, is amended by inserting at the end thereof the
13 following new paragraph:

14 "(91) Violent Crime Reduction Trust
15 Fund."

16 (c) REQUIREMENT FOR THE PRESIDENT TO
17 REPORT ANNUALLY ON THE STATUS OF THE
18 ACCOUNT. — Section 1105(a) of title 31, United States
19 Code, is amended by adding at the end thereof:

150
~~250~~
4/1

1 "(29) information about the Violent
2 Crime Reduction Trust Fund, including a
3 separate statement of amounts in that
4 Trust Fund."

5 1321D
6 SEC. ~~1321D~~ CONFORMING REDUCTION IN DISCRETION-
7 ARY SPENDING LIMITS.

8 The Director of the Office of Management
9 and Budget shall, upon enactment of this Act, reduce
10 the discretionary spending limits set forth in section
11 601(a)(2) of the Congressional Budget Act of 1974 for
12 fiscal years 1994 through 1998 as follows:

13 (1) for fiscal year 1994, for the discre-
14 tionary category: \$720,000,000 in new budget
15 authority and \$³¹⁴~~720~~,000,000 in outlays;

16 (2) for fiscal year 1995, for the discre-
17 tionary category: \$^{2,423}~~720~~,000,000 in new budget
18 authority and \$^{2,330}~~720~~,000,000 in outlays;

19 (3) for fiscal year 1996, for the discre-
20 tionary category: \$^{4,287}~~720~~,000,000 in new budget
 authority and \$^{4,184}~~720~~,000,000 in outlays;

"(30) an analysis displaying by agency proposed reductions in full-time equivalent positions compared to the current year's level in order to comply with section 1321B of the Violent Crime Control and Law

151
~~254~~
20

- 1 (4) for fiscal year 1997, for the discre-
- 2 tionary category: S^{6,313}~~222~~,000,000 in new budget
- 3 authority and S^{6,221}~~222~~,000,000 in outlays; and
- 4 (5) for fiscal year 1998, for the discre-
- 5 tionary category: S^{8,545}~~222~~,000,000 in new budget
- 6 authority and S^{8,443}~~222~~,000,000 in outlays.