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Series/Staff Member: Clarissa Cerda

Subseries:

OA/ID Number: 5624

FolderID:

Folder Title:

Crime Bill - Recommendations on Crime Policy [3]

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TO Clarissa Cerda

FROM Neera

RE: Proposed Report - HR 3355
Violent Crime Control and Law Enforcement Act of 1994

Recommendations from the President on the Reconciliation of the House and Senate versions of the Crime Bill:
Issues of Priority

- A funding mechanisms to make the promise of the crime bill a reality.

The Administration supports the inclusion of a Crime Control Fund, which provides a mechanism by which the savings attributable to the Administration-initiated reductions in the Federal Workforce would be used to fund programs authorized in H.R. 3355.

- Help for communities to put an additional 100,000 police officers on our streets engaged in community policing.
The Administration supports the Senate authorization level of \$8.9 billion, which will support the hiring of 100,000 police officers, if the conferees adopt the House bill's funding-per-officer cap.

- Protecting our police and our communities from weapons of war.
The administration strongly supports Title XLV in the Senate bill and H.R. 4296 as passed, which ban the further manufacture of assault weapons.

- Launching a "Smart but Tough" Approach to Youth Crime and Violence.

The administration supports

-drug and crime prevention programs

-alternative incarceration programs such as boot camps

-the Youth Handgun Safety Act, which gets guns out of the hands of young people

-measures to combat youth gangs and facilitate gang prosecutions

-the discretionary authority to try some 13 year olds as adults

- Significant and innovative crime prevention programs that give our young people "something to say yes" to.

- Measures that stiffly punish violent crime.

- Authorization for the Department of Justice and Treasury to support federal law enforcement initiatives and implementation of crime bill related programs.

- Assisting the states to build and operate more correctional and detention facility space to get more violent offenders and criminal aliens off our streets.

- Crime victim rights and protections.
- Controlling the border and removing criminal and other illegal aliens.
- The Violence Against Women Act and related provisions.

OUTLINE OF BILL

Title I -- Police Hiring/Community Policing

Creates a grant program which will put a 100,000 police officers on the nation's streets.

Title I -- Ounce of Prevention

Creates a cabinet-level council which will administer grants to support youth-oriented prevention programs

The Administration recommends that the President be authorized to designate the chair of a slightly reformulated cabinet-level council. The prevention programs must be coordinated, integrated and flexible to avoid duplication and waste.

Title II -- Death Penalty

Title III - Firearms

The Senate bill extends firearms disqualification for persons who threaten or endanger others

Title IV - Gun Crime Penalties

Title V -- Obstruction of Justice

Title VI -- Gangs and Juveniles

Criminal Youth Gangs: The Senate bill creates a series of offenses covering criminal street gang activities. Justice argues that many of these offenses are better handled at the state and local level and federalizing all offenses of this type would be counterproductive. Gang offenses of a truly interstate character should still be targeted by the bill.

Gang Prosecution

Grant Programs

Adult Prosecution

Youth Handgun Safety Act

Title VII -- Terrorism

Title VIII -- Sexual Violence and Abuse of Children, the Elderly and Persons with Disabilities

Extended Background Checks for Child Care Workers

Registration Systems for Convicted Sex Offenders

Title IX -- Crime Victims

Victim's right of allocution and Crime Victim's Fund

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Mandatory restitution

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Triad programs (crimes against the elderly)

Title X -- State and Local Enforcement

DNA identification
Department of Justice Community Substance Abuse Prevention
Racial and Ethnic Bias Study Grants
Grants for technological improvements and law enforcement
training

Title XI -- Provisions Relating to Police Officers

Law Enforcement Family Support Grant Program
Police Misconduct
Police Corps and Law Enforcement Training and Education

Title XII -- "Drug Court" Programs

The drug court proposal
Intermediate sanctions, prison drug treatment, and pre-trial
drug testing programs

Title XIII -- Prisons

Prison assignments
Impact statements
Drug testing of federal offenders on postconviction release
Federal prisoner drug treatment
Inclusion of correctional costs in criminal fees
Correctional Capacity Expansion
Notification of release of prisoners
**Regional federal prisons for state offenders and Truth in
Sentencing:** The Department of Justice strongly opposes
any proposal involving federal regional prisons for state
offenders. Instead, Justice supports a state grant program.
Violent Crime Reduction Trust Fund.

Title XIV -- Rural Crime

Drug Trafficking in Rural Areas
DEA resources and drug-free zone extension
Rural state domestic violence and child abuse

Title XV -- Drug Control

Increases maximum penalties for numerous drug-related offenses,
states that long-term goal of drug strategy is to treat everyone
in need.

Title XVI -- Drunk Driving Provisions

Support the sense of the Congress that a history of drunk driving
should be considered in child custody disputes.

Title XVII -- Commissions

Instead of the numerous specified commissions in the House and
Senate versions, merge their assigned roles into a single
Commission that can form a response to the epidemic of crime.

Title XVIII - Bail Posting Reporting

Title XIX -- Motor Vehicle Theft Prevention

Title XX -- Protections for the Elderly

Title XXI -- Consumer Protection

Title XXII -- Financial Institutions Fraud Prosecution

Title XXIII -- S.&L. Prosecution Task Force

Title XXIV, XXV -- Sentencing and Magistrate Provisions
Drug law mandatory penalty exceptions for certain low-level
nonviolent offenders.

Federalization of violent crime involving firearms: The Justice Department opposes a Senate bill provision that would extend federal jurisdiction over almost all crimes involving the use of force against a person or property in which the offender has a firearm.

Increase of drug law mandatories for offenses involving minors.

Three strikes and you're out: Justice recommends a formulation that is targeted to insure that truly violent repeat offenders are locked up for life. They recommend deleting from specification of predicate offenses certain non-violent crimes involving controlled substances.

Hate Crime Enhancement

Title XXVI -- Computer Crimes

Title XXIX -- Miscellaneous

Increased Penalties for federal crimes, including civil
rights offenses, manslaughter, assaults, etc.
Extension of Civil Rights Statutes
Audits and Reports
Gambling-related Provisions
White collar crime and Miscellaneous amendments

Title XXXI -- Driver's Privacy Protection Act

Title XXXII through XXXVII -- Violence Against Women Act

Title XXXII -- Safe Streets for Women Act

Federal penalties for sex crimes
Mandatory restitution for sex crimes
Federal victim's counselors
Extension of rape shield law
Evidence of victim's clothing is not admissible in certain
prosecutions

Assistance to victim's of sexual assault
Sex offender supervision and treatment: the House bill directs the National Institute of Justice to establish training programs and treatment of sex offenders. The bill directs the Attorney general to give federal sex offenders information about such programs in the communities in which they are released.

Title XXXIII -- Safe Homes for Women

Domestic violence hotline
Interstate enforcement
Spouse abuse protection
Domestic violence and family support grant program
Youth Education and domestic violence
Confidentiality of addresses
Battered alien spouses: The House bill contains provisions which are primarily designed to protect abused alien spouses and enable them to stay in the United States, which Justice supports

Title XXXIV -- Civil Rights
The Senate bill would create a federal cause of action for gender-motivated felony crimes of violence.

Title XXXV -- Safe Campuses for Women

Title XXXVI -- Equal Justice For Women in the Courts Act
Both bills authorize funding of studies of gender-bias in the federal courts and related training.

Title XXXVII -- Violence Against Women Act Improvements
HIV testing and related provisions. The House version provided for HIV testing of sexual abuse defendants in the course of the criminal proceedings, whereas the Senate version requires the victim to initiate proceedings.

Title XXXIX -- Senior Citizens Against Marketing Scams
Targets telemarketing scams that particularly affect the elderly.

Title XLI -- Family Unity Demonstration Project

Title XLIV -- Public Corruption
Strengthens federal public corruption laws.

Title XLV -- Assault Weapons
Bans the further manufacture of assault weapons and the large capacity magazines while specifically protecting 650 hunting and sporting guns.

Title L -- Criminal Aliens

Contains provisions which are generally designed to facilitate efforts to get criminal aliens out of the country, through

criminal alien tracking centers, asset seizure of vehicles or vessels used to smuggle aliens, etc.

Title LI - General Provisions

"Good time" credits for violent offenders: purpose of the provision is to enable the Bureau of Prisons to hold violent offenders to a more exacting standard than non-violent offenders in earning their good time credits.

Alien benefits ineligibility: The Senate bill denies eligibility to "persons not lawfully present in the United States" for certain federal benefits such as AFDC, SSI, food stamps, non-emergency Medicaid. Justice believes it should be better to pursue the object of this section by amending specific benefit program statutes, as opposed to attempting a cross-cutting provision.

Terrorist Alien Removal

Parental Liability. The Senate bill creates parental liability for civil sanctions based on their children's commission of federal offenses. Justice is concerned that this provision does not provide adequate safeguards against the imposition of liability on parents who have no fault for their children's misconduct.

Violent crime and drug emergency areas.

State and local cooperation with INS.

Crime bill implementation funding for Department of Justice and Judiciary.

Prohibition of Pell Grants for prisoners: Justice opposes Prison crowding remedies

Additional House Bill Provisions -- Prevention Programs

Model Intensive Grant Programs

Midnight Sports

Assistance for Delinquent and At-Risk Youth

Police Recruitment

Local Partnership Act

Youth Employment Skills (Y.E.S.)

Hope in Youth

Anticrime Youth Councils

Urban Recreation and At-Risk Youth

Boys and Girls Clubs in Public Housing

Other House Bill Provisions

Racial Justice Act

The House bill contains a provision designed to prevent racial discrimination in the imposition of the death penalty. The Administration abhors discrimination in all aspects of the criminal justice system, and also supports the death penalty as

an appropriate sanction in the most heinous cases. Justice wants to work with the committee to further both goals

Increase border patrol agents.

Conversion of military installations into prisons for violent offenders. Justice opposes this provision because such installations are not equipped to deal with violent offenders and it would not be cost effective to make them better equipped.

Prohibition of strength training and martial arts for federal prisoners. Justice opposes this provision because prison security guards feel it is a valuable management tool whose benefits far outweigh any potential dangers.

Restriction of good time credits. The House bill conditions the already restricted award of good time credits on a prisoner's earning a high school diploma or its equivalent. Justice opposes.

Issue of Concern:

Title I -- Ounce of Prevention

The creation of the Ounce of Prevention Council, that will help coordinate the various prevention programs in the bills is essential to assuring the money we spend on crime prevention is spent well.

The Administration recommends that the President be authorized to designate the chair of a slightly reformulated cabinet-level Council. The membership of the Ounce of Prevention Council should include the Attorney General, the Secretaries of the Departments of Health and Human Services, Housing and Urban Development, Labor, Education, Agriculture, Interior, Treasury, the Director of National Drug Control Policy, and one or more other officials as the President may deem appropriate.

Issues of Concern:

Title VI -- Gangs and Juveniles

Criminal youth gangs:

Section 611 of the Senate bill creates a series of offenses covering criminal street gang activities, with broad jurisdiction and high penalties, some of a mandatory nature. Section 611 does not explicitly address enforcement responsibility under the provision, though the proposed offenses implicate the responsibilities of both the Justice Department (general criminal law enforcement) and the Treasury Department (firearms enforcement). OMB urges giving the Attorney General and the Secretary of the Treasury joint investigative authority under this section "pursuant to an agreement that will be concluded between them."

Issue of Concern

Title XVII

There are a number of commissions proposed in both the House and Senate version of the Crime Bill. OMB urges that a comprehensive Commission should include persons from a wide range of backgrounds, including all of the communities encompassed within the numerous Commissions in the bills. In the report, there is no mention of who will appoint these commission members and/or how they will be confirmed.

Issue of Concern

Title LI -- General Provisions

Violent crime and drug emergency areas. Section 5118 of the Senate Bill authorizes the President to channel federal assistance and resources to areas he declares to be violent crime or drug emergency areas. The section limits such assistance to any particular area to a year or a year and a half. This may interfere with the President's power to deploy resources effectively.



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

March 22, 1994
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 4092 - Violent Crime Control and Law Enforcement Act of 1994
(Brooks (D) TX and 3 others)

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

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

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

- o A Substantial Start Towards Putting an Additional 100,000 Police Officers on Our Streets, Engaged in Community Policing. This is the centerpiece of the President's anti-crime program. Putting more officers on the street -- working with communities -- is the best way to prevent crime and illegal drug use, to ensure that criminals are apprehended when crimes occur, and to return to our citizens the sense of security that has been taken from them.
- o Launching a "Smart and Tough" Approach to Youth Crime and Violence. This bill focuses our efforts to combat youthful violence with:
 - Proven and extensive crime prevention programs, to give kids something to say "yes" to (discussed below);
 - Boot camps for youthful offenders, as a second-chance for kids who get off-track;
 - Drug courts to get drug users turned around before they commit more serious crimes;
 - A ban on juvenile gun possession; and

- For hardened young criminals, the authority to try 13-year olds as adults for serious violent offenses.
 - o Measures to Stiffly Punish Violent Crime. In addition to the vital prison program discussed below, the bill contains several measures to ensure that violent offenders cannot continue to prey upon our communities. These include:
 - The President's "three strikes and you're out" life imprisonment provision, which is targeted on the career violent offenders who do so much violent harm.
 - Reinstating the Federal death penalty for the most heinous offenses, including the killing of Federal law enforcement officers.
 - o Significant and Innovative Crime Prevention Programs that Give Our Young People Something to Say "Yes" To. While we must -- and will -- insist upon personal responsibility, and punish those who commit crimes regardless of their circumstances, we must also do what we can to keep young people from beginning to engage in crime. Among the prevention programs in the bill that the Administration strongly supports are:
 - The President's "YES" program (Youth Employment and Skills), to give employment opportunities to kids in hard-hit, high-crime areas;
 - "Ounce of Prevention" programs to keep schools open after hours and to expand after-school activities, like Boys and Girls clubs, that keep kids off the streets; and
 - Innovative alternatives like Midnight Sports and Police Partnerships with Youths.
- Prevention programs make sense, and are an important part of any balanced attack on the crime and violence that plague our cities, towns, neighborhoods, and rural communities.
- o Assisting the States in Building and Operating More Prison Cells, to Get More Violent Offenders and Criminal Aliens Off Our Streets. It is incumbent upon the Federal Government to aid States that are struggling to make sure that violent criminals are not being released prematurely for lack of space. The Federal Government has built the prisons necessary to ensure that Federal offenders are not being prematurely released, and this Administration is committed

to maintaining the necessary capacity. However, none of us will be safe until the States can do the same.

- o Attack on Violence Against Women. The bill includes a plan, strongly supported by the President, to increase penalties and prevention efforts aimed at domestic violence and sexual assaults that make American women unsafe in their homes or on the street.
- o Other Initiatives. Among the other Administration-supported provisions of H.R. 4092 are those that would promote victims' rights, prevent child abuse, provide a "safety-valve" from mandatory minimum sentences for non-violent offenders, and increase penalties for hate crimes.

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

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

* * * * *

*File Crime DC***URGENT****5/19/94**

**TO: RICK CARRO
JOSE CERDA
RAHM EMANUEL
JENNIFER O'CONNOR
TRACEY THORNTON
CLARISSA CERDA
CHRIS EDLEY
MARGARET SHAW
MARTHA FOLEY
KEN SCHWARTZ
JIM DUKE
CHRIS BROWN
PEGGY YOUNG**

FROM: Jim Jukes, OMB/Legislative Reference Division

Jr -

Attached are two crime bill letters for which Justice has requested clearance by noon today. (The letters deal with motions to instruct conferees that are expected to be made on the Senate floor today. One is on federalization of firearms crimes; the other is on conditions for prison funding.)

Please direct any comments to C.C. Christakos (395-3386) by 11:50 today, so that we can accommodate Justice's urgent request. Thank you.

cc: C.C. Christakos
Jim Murr

Justice Draft

The Honorable Joseph R. Biden, Jr.
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Biden:

It is my understanding that the Senate will consider several Motions to Instruct the Conferees on the Crime Bill, including two dealing with provisions in the Senate passed Crime Bill, sections 2405 and 2406, that would create federal jurisdiction over ~~the federal government would have jurisdiction over these offenses~~ impose severe punishment on violent offenders, including those who use firearms. We are, however, concerned that, if enacted, sections 2405 and 2406 would create an unprecedented expansion of federal jurisdiction into areas traditionally, and best, handled by state and local law enforcement.

These provisions would extend federal jurisdiction over almost all crimes involving the use or threat of force against a person or property in which the offender has a firearm. As a result, the distinction between federal and state criminal jurisdiction largely would be obliterated. This action would create a false promise of additional action in fighting violent crime -- a promise that would not be realized because whatever we do, the bulk of the resources devoted to this area should and will remain at the state and local level. Such action could also have the unintended consequence of diverting attention from the critical role that federal law enforcement does play in the fight against violent and drug crime by utilizing its particular expertise in battling the sophisticated and interstate criminal activity that fuels much of the violence.

Extending federal jurisdiction over hundreds of thousands of local offenses, which state and local law enforcement is generally best-situated to deal with, will not increase the public's security against these crimes. At best, these provisions would be ineffectual -- at worst, they would divert federal resources from dealing with the distinctively federal matters and interstate criminal activities that federal law enforcement is uniquely competent to handle.

I urge you and your colleagues to oppose a motion to instruct conferees to support these provisions. The appointment of conferees should not be delayed any further. The American people want a Crime Bill and the President is prepared to sign one. Thank you for considering our views on these provisions of the Crime Bill.

Sincerely,

Janet Reno

Justice Draft

The Honorable Joseph Biden
Chairman
Committee on the Judiciary
U.S. Senate
Washington, D.C. 20010

Dear Chairman Biden:

It is my understanding that the Senate will consider several Motions to Instruct the Conferees on the Crime Bill, including one dealing with programs to help states lock up violent offenders.

The Administration strongly supports inclusion in the Crime Bill of a provision to help states lock up violent offenders for longer periods of time and higher percentages of their sentences. Our goal is straightforward: we want to help states lock up the largest number of violent criminals -- particularly repeat offenders -- and criminal aliens, as quickly as possible, at the lowest possible cost. We are concerned, however, that a Motion to Instruct the Conferees to adopt unduly formulaic and restrictive criteria for state receipt of federal assistance or a regional prison plan will fail to meet these goals.

Our concerns are heightened because it appears that certain motions to instruct are being used as a tactic to delay the appointment of conferees, and final passage of the Crime Bill. The American people want us to stop these political games and pass the Crime Bill now. Every day that we delay is another day that criminals can prey on our citizens. It is another day that we could have had more community police officers on our streets and more criminals behind bars. Working together in a bipartisan effort, we can act now to help stop the wave of violent crime gripping our nation.

Turning to the motion to instruct regarding prison programs, we believe that federal grant funds should be used to encourage states to adopt "truth in sentencing" and make other changes in their criminal justice system to ensure that violent offenders are locked up for long periods of time. However, the "truth in sentencing" provisions in the Senate Bill could actually discourage states from taking strong measures to put more violent offenders behind bars. By contrast, the "truth in sentencing" measure sponsored by Rep. Chapman, and now included in the House Bill, will encourage states to adopt these policies -- helping to

make our streets safer. The key is that states will get additional funds as they move towards 85 percent "truth in sentencing." The Chapman proposal is a plan that makes sense.

A prison program that sets conditions for state participation that are too costly and overly restrictive would be rendered worthless. A plan that requires states to adopt 85 percent "truth in sentencing" suffers from this fatal flaw.

Many states are already adopting "truth in sentencing" policies. For example, Florida plans to lock up offenders for 75 percent of their sentences, and California and Oklahoma just passed laws requiring 80 percent "truth in sentencing." We should not deprive these and other states of federal funds simply because they have not adopted "truth in sentencing" with the magic number of 85 percent.

If we insist on 85 percent "truth in sentencing," many states may decide not to adopt this policy and not to participate in the grant program because they cannot afford to do so, even with the help of the federal government. Other states may choose to meet this arbitrary figure by lowering the sentences imposed on violent criminals rather than lengthening sentences served.

If the Crime Bill contains overly restrictive and costly conditions for states to receive prison grant funds, the American people will be the losers. Violent criminals, who could have been behind bars, will instead be released from prison early and will be back on the streets, preying on our citizens.

In addition to our concerns about an overly restrictive "truth in sentencing" provision, we are also concerned that the regional prisons plan contained in the Senate Crime Bill will not work. A regional prisons plan has no advantages and many gross disadvantages in comparison with directly providing assistance to the states for expanding their prison capacities. By providing funds directly to states, we will incarcerate more violent offenders, more quickly, and at less cost than the regional prison plan.

The serious disadvantages of the regional prison program include: (1) It would take at least several years to build and open regional prisons, so states would not get any help housing violent criminals for years to come; (2) Over 15,000 prison beds across the country lie empty today because states lack sufficient operating funds, a federal grant program would allow states to use these beds immediately; (3) The regional prisons plan would also involve a massive and uncontrolled expenditure of precious crime-fighting dollars given current estimates that the cost of the program contained in the Senate bill would be \$6 billion in the first six years, not \$3 billion, and will go up at least an additional one billion every year thereafter; and (4) operating a regional prison system would be an administrative and security ordeal given differences in state constitutions, laws and

correctional policies, the dangers of transporting violent inmates to and from the regional prisons, and various other problems.

Thank you for considering our views. I look forward to working with you to assure prompt passage of an effective Crime Bill.

Sincerely,

Janet Reno

THE WHITE HOUSE
WASHINGTON

May 18, 1994

MEMORANDUM FOR MACK MCLARTY

**FROM: RAHM EMANUEL
BRUCE REED**

SUBJECT: Importation of Chinese Firearms and MFN

Recent news stories have highlighted the fact that in 1993, more than 3 million military surplus and other inexpensive firearms were imported into the U.S. --up from 700,000 in 1991. The majority of these weapons are from China and many have been characterized by the press as assault weapons, although they are not. For some months now, we have been working with the Departments of Treasury and State to find ways to address this issue. However, we have come to no resolution, and the issue is sure to come up in the context of the President's decision to continue Most Favored Nation (MFN) trading status for China

I. BACKGROUND

Prior to 1968, the U.S. was the dumping ground for inexpensive surplus military firearms and cheap "Saturday Night Special" type handguns. As firearms import levels rose to 1.2 million in 1967, Congress responded by passing the Gun Control Act of 1968 (GCA), which banned the import of all surplus military firearms and permitted the import of non-military firearms only to the extent that such weapons were designed to meet a "sporting purpose." The "sporting purpose" test stopped the importation of cheaply made, easily concealable handguns that were the crime guns of the day.

The Arms Export and Control Act (AECA), which pre-dates the GCA, moderated the volume of firearms imports in the late 1960s. Pursuant to the AECA, firearms trading with specific countries designated by the State Department's proscribed list -- such as China, South Africa, Vietnam and the nations of Eastern Europe -- was prohibited.

In recent years, however, several factors have combined to once again make the US a potential dumping ground for cheap weapons from around the world.

First, in 1984, Congress amended the GCA to allow surplus military weapons to be imported if the weapons fit within the category of "curios and relics." This amendment originally applied to only a few rare collectibles that were more than 50 years old. But in 1994, virtually all World War II surplus military firearms are eligible for this exemption.

Second, as trade with China and Eastern European countries has opened, these nations have been removed from the State Department's proscribed list, lifting the restrictions against

arms importation under the AECA. As a result, large quantities of surplus military rifles and handguns are being imported and sold in the U.S., often at prices below \$100. China, and to a lesser extent Eastern European countries, are apparently converting their military firearms industry to produce civilian firearms for sale in the U.S. Over 300,000 SKS semiautomatic rifles, which sell for about \$100, were imported from China in 1993. China has also begun exporting a 9mm semiautomatic pistol selling in the \$100 price range.

II. RECOMMENDATION

Prior to the House vote in support of an assault weapons ban, we had pushed Treasury and State to come to agreement on what could be done about the gun importation issue. However, with the assault weapons ban shaping up to be one of the defining issues in the crime bill conference, announcing any new gun control initiatives will jeopardize the crime bill. **Thus, we would strongly recommend that the restrictions on the import of Chinese firearms be addressed in the context of the pending MFN decision.**

Banning Chinese gun imports in the context of MFN minimizes the impact of this issue on the crime bill -- and, in our opinion, makes the most sense. We believe that to the extent that gun imports impact on world peace, national security and foreign policy concerns, State has authority to restrict their importation. For example, it can be argued that it is contrary to the security interest of the U.S. -- and U.S. interest in world peace -- to support and encourage the small arms production segment of the Chinese economy. Moreover, since the U.S. is the major firearms consuming nation in the world, any action opening up the U.S. market to foreign firearms has a major impact on small arms trafficking throughout the world.

State has already suggested amending the AECA's regulations (the International Trafficking in Arms Regulations, or ITAR) to cut-off Chinese imports, but is reluctant to pursue these changes as a pure foreign policy matter. They would prefer to act jointly with Treasury -- separate from MFN -- and de-emphasize the foreign policy link. However, we agree with Treasury that State, as part of its MFN strategy, can most effectively accomplish our goal of restricting Chinese gun imports.

Treasury would prefer not to act on this issue, but recognizes that we may not have a choice in the matter. Rep. Ed Markey, who has already met with representatives from Treasury and State, is threatening to launch a media campaign on this issue and pursue restrictions on the importation of Chinese firearms as part of any legislative package in response to our final MFN policy.

If a decision on MFN is imminent -- and that decision is likely to include some type of restrictions on China -- we need your help to get State and Treasury to agree on what type of importation restriction is appropriate and get such a restriction immediately included as part of the debate to grant or not grant MFN to China.

cc: Carol Rasco
Bob Rubin
Tony Lake

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Drug law mandatory penalty exceptions for certain low-level
nonviolent offenders.

Federalization of violent crime involving firearms: The Justice Department opposes a Senate bill provision that would extend federal jurisdiction over almost all crimes involving the use of force against a person or property in which the offender has a firearm.

Increase of drug law mandatories for offenses involving minors.

Three strikes and you're out: Justice recommends a formulation that is targeted to insure that truly violent repeat offenders are locked up for life. They recommend deleting from specification of predicate offenses certain non-violent crimes involving controlled substances.

Hate Crime Enhancement

Title XXVI -- Computer Crimes

Title XXIX -- Miscellaneous

Increased Penalties for federal crimes, including civil
rights offenses, manslaughter, assaults, etc.

Extension of Civil Rights Statutes

Audits and Reports

Gambling-related Provisions

White collar crime and Miscellaneous amendments

Title XXXI -- Driver's Privacy Protection Act

Title XXXII through XXXVII -- Violence Against Women Act

Title XXXII -- Safe Streets for Women Act

Federal penalties for sex crimes

Mandatory restitution for sex crimes

Federal victim's counselors

Extension of rape shield law

Evidence of victim's clothing is not admissible in certain
prosecutions

Assistance to victim's of sexual assault
Sex offender supervision and treatment: the House bill directs the National Institute of Justice to establish training programs and treatment of sex offenders. The bill directs the Attorney general to give federal sex offenders information about such programs in the communities in which they are released.

Title XXXIII -- Safe Homes for Women

Domestic violence hotline
Interstate enforcement
Spouse abuse protection
Domestic violence and family support grant program
Youth Education and domestic violence
Confidentiality of addresses
Battered alien spouses: The House bill contains provisions which are primarily designed to protect abused alien spouses and enable them to stay in the United States, which Justice supports

Title XXXIV -- Civil Rights

The Senate bill would create a federal cause of action for gender-motivated felony crimes of violence.

Title XXXV -- Safe Campuses for Women

Title XXXVI -- Equal Justice For Women in the Courts Act
Both bills authorize funding of studies of gender-bias in the federal courts and related training.

Title XXXVII -- Violence Against Women Act Improvements
HIV testing and related provisions. The House version provided for HIV testing of sexual abuse defendants in the course of the criminal proceedings, whereas the Senate version requires the victim to initiate proceedings.

Title XXXIX -- Senior Citizens Against Marketing Scams
Targets telemarketing scams that particularly affect the elderly.

Title XLI -- Family Unity Demonstration Project

Title XLIV -- Public Corruption
Strengthens federal public corruption laws.

Title XLV -- Assault Weapons
Bans the further manufacture of assault weapons and the large capacity magazines while specifically protecting 650 hunting and sporting guns.

Title L -- Criminal Aliens

Contains provisions which are generally designed to facilitate efforts to get criminal aliens out of the country, through

criminal alien tracking centers, asset seizure of vehicles or vessels used to smuggle aliens, etc.

Title LI - General Provisions

"Good time" credits for violent offenders: purpose of the provision is to enable the Bureau of Prisons to hold violent offenders to a more exacting standard than non-violent offenders in earning their good time credits.

Alien benefits ineligibility: The Senate bill denies eligibility to "persons not lawfully present in the United States" for certain federal benefits such as AFDC, SSI, food stamps, non-emergency Medicaid. Justice believes it should be better to pursue the object of this section by amending specific benefit program statutes, as opposed to attempting a cross-cutting provision.

Terrorist Alien Removal

Parental Liability. The Senate bill creates parental liability for civil sanctions based on their children's commission of federal offenses. Justice is concerned that this provision does not provide adequate safeguards against the imposition of liability on parents who have no fault for their children's misconduct.

Violent crime and drug emergency areas.

State and local cooperation with INS.

Crime bill implementation funding for Department of Justice and Judiciary.

Prohibition of Pell Grants for prisoners: Justice opposes Prison crowding remedies

Additional House Bill Provisions -- Prevention Programs

Model Intensive Grant Programs

Midnight Sports

Assistance for Delinquent and At-Risk Youth

Police Recruitment

Local Partnership Act

Youth Employment Skills (Y.E.S.)

Hope in Youth

Anticrime Youth Councils

Urban Recreation and At-Risk Youth

Boys and Girls Clubs in Public Housing

Other House Bill Provisions

Racial Justice Act

The House bill contains a provision designed to prevent racial discrimination in the imposition of the death penalty. The Administration abhors discrimination in all aspects of the criminal justice system, and also supports the death penalty as

an appropriate sanction in the most heinous cases. Justice wants to work with the committee to further both goals

Increase border patrol agents.

Conversion of military installations into prisons for violent offenders. Justice opposes this provision because such installations are not equipped to deal with violent offenders and it would not be cost effective to make them better equipped.

Prohibition of strength training and martial arts for federal prisoners. Justice opposes this provision because prison security guards feel it is a valuable management tool whose benefits far outweigh any potential dangers.

Restriction of good time credits. The House bill conditions the already restricted award of good time credits on a prisoner's earning a high school diploma or its equivalent. Justice opposes.

TO Clarissa Cerda

FROM Neera

RE: Proposed Report - HR 3355
Violent Crime Control and Law Enforcement Act of 1994

Recommendations from the President on the Reconciliation of the House and Senate versions of the Crime Bill:
Issues of Priority

- A funding mechanisms to make the promise of the crime bill a reality.

The Administration supports the inclusion of a Crime Control Fund, which provides a mechanism by which the savings attributable to the Administration-initiated reductions in the Federal Workforce would be used to fund programs authorized in H.R. 3355.

- Help for communities to put an additional 100,000 police officers on our streets engaged in community policing.

The Administration supports the Senate authorization level of \$8.9 billion, which will support the hiring of 100,000 police officers, if the conferees adopt the House bill's funding-per-officer cap.

- Protecting our police and our communities from weapons of war. The administration strongly supports Title XLV in the Senate bill and H.R. 4296 as passed, which ban the further manufacture of assault weapons.

- Launching a "Smart but Tough" Approach to Youth Crime and Violence.

The administration supports

-drug and crime prevention programs

-alternative incarceration programs such as boot camps

-the Youth Handgun Safety Act, which gets guns out of the hands of young people

-measures to combat youth gangs and facilitate gang prosecutions

-the discretionary authority to try some 13 year olds as adults

- Significant and innovative crime prevention programs that give our young people "something to say yes" to.

- Measures that stiffly punish violent crime.

- Authorization for the Department of Justice and Treasury to support federal law enforcement initiatives and implementation of crime bill related programs.

- Assisting the states to build and operate more correctional and detention facility space to get more violent offenders and criminal aliens off our streets.

- Crime victim rights and protections.
- Controlling the border and removing criminal and other illegal aliens.
- The Violence Against Women Act and related provisions.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- ☐ O - OUTGOING
☐ H - INTERNAL
☒ I - INCOMING

Date Correspondence Received (YY/MM/DD) 93 108 131

Name of Correspondent: Eve Powers

☐ MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Recommendation, on crime policy

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CU ATP Nuss</u>	RL ORIGINATOR	<u>93 108 131</u>			<u>1 1</u>
<u>✓ CU ATP2</u>	RL Referral Note: <u>A</u>	<u>93 108 51</u>	<u>LTR</u>	<u>C</u>	<u>09 108 193</u>
<u>Carol Rasco</u>	Referral Note: <u>A</u>	<u>93 109 08</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered C - Completed
B - Non-Special Referral S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOb).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference.

SCANNED

D. Mussbach
(Write-in)

0544.54 Cu

Mr. Bill Clinton
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20005

93 AUG 31 19:06

Dear Mr. President,

According to the Bureau of Justice Statistics January 1992, Vol. 1, #3 the United States has 1.5 million people incarcerated, approximately 800,000 in Prisons and 650,000 in jails. An additional 2.5 million are on parole or probation, for a grand total approaching 4 million people under some form of correctional supervision. Observe, that the figures are increasing at an annual rate of about 13% per year. If the prison population continues to grow at this rate, two 1,000 bed facilities will have to be opened per week at an average per-bed cost of \$50,000. This level of construction would require the expenditure of about \$5.2 billion annually, not considering or including present obligations and inflation. In other words Mr. President, this would significantly increase the present deficit of our Nation.

These rough figures imply that there will be many difficult decisions to be made about correctional budgets in the coming year where there are other hard-pressed obligations to be made. I, as a citizen of the United States of America, a taxpayer and a voter respectfully request that these conditions be changed.

I do not recommended a soft hand on crime. However, First-Time and Non-Violent Offenders must be given the opportunity for REHABILITATION and EDUCATION so they can become part of our society once again. Most of these offenders do not present a threat to society, but when deprived of their freedom and families, are only given the chance to learn new crimes, become hostile, bitter, and full of resentment towards society.

I, as a concerned citizen suggest the following:

1. The 1984 Reform Act, New Sentencing Guidelines and the Mandatory Minimum should be abolished or revised. Judges must have the authority vested in them, reinstated.
2. The percentage of time served must be lowered from the current rate of 85% to a more realistic number of 25%.
3. Alternatives to incarceration must be implemented, for example:

A-HALFWAY HOUSE * B-HOUSE ARREST * C-ELECTRONIC MONITORING * D-COMMUNITY SERVICES * E-PROBATION * F-PREVENTATIVE PROGRAMS

4. Re-instate the Parole System and Time-Off for Good Behavior, Educational Achievements and Extra Good-Time.

The obvious benefits of these alternatives are, the taxpayers money would be saved. The release of First-Time and Non-Violent offenders would be contributors to our economic welfare, become productive members of society in lieu of graduating into career criminals because of long term incarcerations. I urge our lawmakers to investigate and to enact legislation to better serve the people of the United States.

NAME: Eve Towers

ADDRESS: 5501 N.E. 5th St. Ocala, Fl. 34470

COMMENTS: I am a minister and members of this Church are in accord with this

THE WHITE HOUSE

WASHINGTON

September 8, 1993

MEMORANDUM TO CAROL RASCO
ASSISTANT TO THE PRESIDENT
FOR DOMESTIC POLICY

THROUGH: JOSE CERDA
SENIOR POLICY ANALYST

FROM: CLARISSA CERDA 
ASSISTANT COUNSEL TO THE PRESIDENT

SUBJECT: LETTER STATING RECOMMENDATIONS ON CRIME
POLICY

Attached please find a copy of a letter the President has received concerning crime policies. I have already sent a letter to Reverend Powers thanking her for her letter and informing her that I have forwarded her letter to you for your consideration.

Attachment

THE WHITE HOUSE

WASHINGTON

September 8, 1993

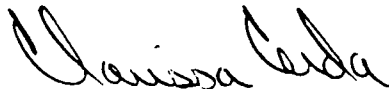
Reverend Eve Powers
5501 N.E. 5th Street
Ocala, Florida 34470

Dear Reverend Powers:

Thank you for writing. The President has forwarded your letter concerning rehabilitation and education of first-time and non-violent criminals to the Counsel's Office. I am forwarding your letter to Ms. Carol Rasco, Assistant to the President for Domestic Policy for her consideration.

Once again, thank you for sharing your thoughts with us on this topic.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Clarissa Cerda". The signature is fluid and cursive, with the first name being more prominent.

Clarissa Cerda
Assistant Counsel to the President