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YOUR SEARCH REQUEST AT THE TIME THIS MAIL-IT WAS REQUESTED:
VIOLENT CRIME PRE/2 DRUG EMERGENCY AREAS

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LEVEL 1 - 1 OF 12 REPORTS

Congressional Record -- Senate

Wednesday, November 24, 1993

103rd Cong. 1st Sess.

139 Cong Rec S 17095

REFERENCE: Vol. 139 No. 167

MESSAGE: The TEXT of this document exceeds 10,000 lines.

TITLE: VIOLENT CRIME CONTROL AND ENFORCEMENT ACT

TEXT-1:

... [*S17095] program.

Sec.5116.Parental accountability.

Sec.5117.Protection of recipients in counterterrorism rewards program.

Sec.5118.Violent crime and drug emergency areas.

Sec.5119.State and local cooperation with the United States Immigration and Naturalization Service.

Sec.5120.Amendments to the Department of Education ...

TEXT-4:

... [*S17189] years in the case of an alien provided lawful permanent resident status under section 245(h)".

SEC. 5118. VIOLENT CRIME AND DRUG EMERGENCY AREAS.

(a) Definition. -- In this section, "major violent crime or drug-related emergency" means an occasion or instance in which violent ...

... [*S17189] needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety.

(b) Declaration of Violent Crime and Drug Emergency Areas. -- If a major violent crime or drug-related emergency exists throughout a State or a part of a State, the President, in consultation with the Attorney General and other appropriate officials, may declare the State or part of a State to be a violent crime or drug emergency area and may take any and all necessary actions authorized by this section and other law. For the purposes of this section, the term "State" shall be ...

... [*S17189] territory or possession.

(c) Procedure. --

(1) In general. -- A request for a declaration designating an area to be a violent crime or drug emergency area shall be made, in writing, by the chief executive officer of a State or local government, respectively (or in the case of the ...

... [*S17189] more cities, counties, States, or the District of Columbia may submit a joint request for designation as a major violent crime or drug emergency area under this subsection.

(2) Finding. -- A request made under paragraph (1) shall be based on a written finding that the ...

... [*S17189] Period. -- The Attorney General shall review a request submitted pursuant to this section, and the President shall decide whether to declare a violent crime or drug emergency area, within 30 days after receiving the request.

(g) Federal Assistance. -- The President may --

(1) direct any Federal agency, with or ...

... [*S17189] h) Duration of Federal Assistance. -- [*S17190]

(1) In general. -- Federal assistance under this section shall not be provided to a violent crime or drug emergency area for more than 1 year.

(2) Extension. -- The chief executive officer of a jurisdiction may apply to the Attorney General ...

LEVEL 1 - 2 OF 12 REPORTS

Congressional Record -- Senate No. 159

Tuesday, November 16, 1993

103rd Cong. 1st Sess.

139 Cong Rec S 15735

REFERENCE: Vol. 139 No. 159

TITLE: HABEAS CORPUS REFORM

SPEAKER: Mr. BIDEN; Mrs. BOXER; Mr. D'AMATO; Mr. DASCHLE; Mrs. FEINSTEIN; Mr. GORTON; Mr. GRAHAM; Mr. HARKIN; Mr. HATCH; Mr. HEFLIN; Mr. HELMS; Mrs. HUTCHISON; Mr. KERRY; Mr. LEVIN; Mr. LIEBERMAN; Mr. NATCH; Mr. ROBB; Mr. SPECTER; Mr. WARNER

TEXT-1:

... [*S15771] authority to respond to such calls for help from local officials by declaring areas that have been particularly hard-hit by crime as violent crime and drug emergency areas. The President, with the assistance of the Attorney General, will be able to direct agencies to respond with personnel, equipment, technical, financial, managerial and other ...

LEVEL 1 - 3 OF 12 REPORTS

Congressional Record -- Senate

Tuesday, November 9, 1993

103rd Cong. 1st Sess.

139 Cong Rec S 15384

REFERENCE: Vol. 139 No. 156

TITLE: VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

SPEAKER: Mr. BIDEN; Mr. BRADLEY; Mr. BRYAN; Mr. D'AMATO; Mr. DOMENICI; Mr. FEINGOLD; Mr. GRAMM; Mr. HATCH; Mr. STEVENS

TEXT-1:

... [*S15384] imposition of the death penalty if death results from commission of the offense.

(4) Lieberman amendment No. 1143, to provide for the declaration of violent crime and drug emergency areas, and to provide emergency Federal assistance to protect property, public health, and safety.

Mr. BIDEN. Mr. President, I thank ...

LEVEL 1 - 4 OF 12 REPORTS

Congressional Record -- House

Tuesday, November 9, 1993

103rd Cong. 1st Sess.

139 Cong Rec S 15411

REFERENCE: Vol. 139 No. 156 -- Part 2

TITLE: CALL TO ORDER

SPEAKER: Mr. AKAKA; Mr. BAUCUS; Mr. BIDEN; Mr. BOREN; Mrs. BOXER; Mr. CHAFEE; Mr. CRAIG; Mr. DANFORTH; Mr. DASCHLE; Mr. DeCONCINI; Mr. DODD; Mr. DOLE; Mr. EXON; Mrs. FEINSTEIN; Mr. FORD; Mr. GRAMM; Mr. GRASSLEY; Mr. HATCH; Mr. JOHNSTON; Mr. KENNEDY; Mr. KOHL; Mr. LAUTENBERG; Mr. LEVIN; Mr. LIEBERMAN; Mr. MATHEWS; Mr. METZENBAUM; Mr. MITCHELL; Ms. MOSELEY-BRAUN; Mr. MURKOWSKI; Mr. PRYOR; Mr. ROTH; Mr. SIMON; Mr. SIMPSON; Mr. STEVENS; Mr. THURMOND

TEXT-1:

... [*S15411] elected official of a State or local government to apply to the President of the United States to declare an area within their jurisdiction a violent crime or drug emergency area.

If a President so declares, the President will be authorized to send whatever help he can, personnel, resources, equipment, financial assistance, ...

LEVEL 1 - 5 OF 12 REPORTS

Congressional Record -- Senate

Monday, November 8, 1993

103rd Cong. 1st Sess.

139 Cong Rec S 15295

REFERENCE: Vol. 139 No. 155

TITLE: AMENDMENT NO. 1140

SPEAKER: Mr. BIDEN; Mr. DOLE; Mr. DOMENICI; Mr. GORTON; Mr. HATCH; Mr. LIEBERMAN; Mr. WARNER

TEXT-1:

... [*S15304] needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety.

(b) Declaration of Violent Crime and Drug Emergency Areas. -- If a major violent crime or drug related emergency exists throughout a State or a part of a State, the President, in consultation with the Attorney General and other appropriate officials, may declare the State or part of a State to be a violent crime or drug emergency area and may take any and all necessary actions authorized by this section and other law. For the purposes of this section, the term "State" shall be ...

... [*S15304] territory or possession.

(c) Procedure. --

(1) In general. -- A request for a declaration designating an area to be a violent crime or drug emergency area shall be made, in writing, by the chief executive officers of a State and local government, respectively (or in the case of the ...

... [*S15304] more cities, counties, States, or the District of Columbia may submit a joint request for designation as a major violent crime or drug emergency area under this subsection.

(2) Finding. -- A request made under paragraph (1) shall be based on a written finding that the ...

... [*S15305] Period. -- The Attorney General shall review a request submitted pursuant to this section, and the President shall decide whether to declare a violent crime or drug emergency area, within 30 days after receiving the request.

(g) Federal Assistance. -- The President may --

(1) direct any Federal agency, with or ...

... [*S15305] h) Duration of Federal Assistance. --

(1) In general. -- Federal assistance under this section shall not be provided to a Violent Crime or Drug Emergency Area for more than 1 year.

(2) Extension. -- The chief executive officer of a jurisdiction may apply to the Attorney General ...

... [*S15305] serious about fighting crime on a national basis. Declaring a neighborhood, a city, or a State a violent crime or drug emergency area will have two immediate, positive effects:

First, it would be a powerful signal to lawbreakers that all of society takes their crimes seriously -- not ...

... [*S15306] serious about fighting crime on a national basis.

Declaring a neighborhood or a city or a State a violent crime or drug emergency area will have at least two effects that go beyond the direct help that will be provided by Federal personnel and perhaps even ...

... [*S15306] logistical assistance into a crime-plagued region, giving the President the power, as he does in a natural disaster, to effectively say that these violent [*S15307] crime and drug emergency areas have become unnatural disasters, man-made disasters, and to take the resources provided to the President, to the Justice Department under existing law and ...

... [*S15308] law, hopefully, will be at the call of the President to organize and target these areas that have just gone out of control and, quite literally, have become violent crime and drug emergency areas. The words that the chairman of the Judiciary Committee spoke are just right.

We have natural disaster areas. No one objects. Everyone supports the ...

LEVEL 1 - 6 OF 12 REPORTS

Congressional Record -- Senate

Monday, November 8, 1993

103rd Cong. 1st Sess.

139 Cong Rec S 15352

REFERENCE: Vol. 139 No. 155

TITLE: AMENDMENTS SUBMITTED;
LIEBERMAN AMENDMENT NO. 1143

TEXT-1: [*S15352] Mr. LIEBERMAN proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place insert the following:

SEC.. VIOLENT CRIME AND DRUG EMERGENCY AREAS.

(A) Definition. -- In this section, "major violent crime or drug-related emergency" means an occasion or instance in which violent ...

... [*S15352] needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety.

(b) Declaration of Violent Crime and Drug Emergency Areas. -- If a major violent crime or drug-related emergency exists throughout a State or a part of a State, the President, in consultation with the Attorney General and other appropriate officials, may declare the State or part of a State to be a violent crime or drug emergency area and may take any and all necessary actions authorized by this section and other law. For the purposes of this section, the term "State" shall be ...

... [*S15352] territory or possession.

(c) Procedure. --

(1) In general. -- A request for a declaration designating an area to be a violent crime or drug emergency area shall be made, in writing, by the chief executive officers of a State and local government, respectively (or in the case of the ...

... [*S15352] more cities, counties, State, or the District of Columbia may submit a joint request for designation as a major violent crime or drug emergency area under this subsection.

(2) Finding. -- A request made under paragraph (1) shall be based on a written finding that the ...

... [*S15352] Period. -- The Attorney General shall review a request submitted pursuant to this section, and the President shall decide whether to declare a violent crime or drug emergency area, within 30 days after receiving the request.

(g) Federal Assistance. -- The President may --

(1) direct any Federal agency, with or ...

... [*S15352] h) Duration of Federal Assistance. --

[*S15353] (1) In general. -- Federal assistance under this section shall not be provided to a Violent Crime or Drug Emergency Area area for more than 1 year.

(2) Extension. -- The chief executive officer of a jurisdiction may apply to the Attorney ...

LEVEL 1 - 7 OF 12 REPORTS

Congressional Record -- Senate

Monday, October 25, 1993

139 Cong Rec S 14264, *

103rd Cong. 1st Sess.

139 Cong Rec S 14264

REFERENCE: Vol. 139 No. 145

TITLE: INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

TEXT-1:

... [*S14264] provide increased support for Federal-State anti-drug and anti-violence task forces; to authorize the President to declare violent crime and drug emergency areas; to provide a program to assist discharged members of the Armed Forces obtain training and employment as law enforcement personnel and as managers and ...

LEVEL 1 - 8 OF 12 REPORTS

Congressional Record -- Senate

Monday, October 25, 1993

103rd Cong. 1st Sess.

139 Cong Rec S 14264

REFERENCE: Vol. 139 No. 145

TITLE: STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

SPEAKER: MR. LIEBERMAN

TEXT-1:

... [*S14264] criminals; to provide increased support for Federal-State anti-drug and anti-violence task forces; to authorize the President to declare violent crime and drug emergency areas; to provide a program to assist discharged members of the Armed Forces obtain training and employment as law enforcement personnel and as managers and ...

... [*S14273] ADOPTED, BROADLY DISSEMINATING INFORMATION ON THE RESULTS; AND

(3) TO THE EXTENT FEASIBLE, CERTIFY THE EFFECTIVENESS OF THE COST-SAVINGS EFFORTS.

TITLE V -- VIOLENT CRIME AND DRUG EMERGENCY AREAS

SEC. 501. VIOLENT CRIME AND DRUG EMERGENCY AREAS.

(A) DEFINITION. -- IN THIS SECTION, "MAJOR VIOLENT CRIME OR DRUG-RELATED EMERGENCY" MEANS AN OCCASION OR INSTANCE IN WHICH VIOLENT ...

... [*S14273] NEEDED TO SUPPLEMENT STATE AND LOCAL EFFORTS AND CAPABILITIES TO SAVE LIVES, AND TO PROTECT PROPERTY AND PUBLIC HEALTH AND SAFETY.

(B) DECLARATION OF VIOLENT CRIME AND DRUG EMERGENCY AREAS. -- IF A MAJOR VIOLENT CRIME OR DRUG-RELATED EMERGENCY EXISTS THROUGHOUT A STATE OR A PART OF A STATE, THE PRESIDENT, IN CONSULTATION WITH THE ATTORNEY GENERAL AND OTHER APPROPRIATE OFFICIALS, MAY DECLARE THE STATE OR PART OF A STATE TO BE A VIOLENT CRIME OR DRUG EMERGENCY AREA AND MAY TAKE ANY AND ALL NECESSARY ACTIONS AUTHORIZED BY THIS SECTION AND OTHER LAW.

(C) PROCEDURE. --

(1) IN GENERAL. -- A REQUEST FOR A DECLARATION DESIGNATING AN AREA TO BE A VIOLENT CRIME OR DRUG EMERGENCY AREA SHALL BE MADE, IN WRITING, BY THE CHIEF EXECUTIVE OFFICER OF A STATE OR LOCAL GOVERNMENT, RESPECTIVELY (OR IN THE CASE OF THE ...

... [*S14273] MORE CITIES, COUNTIES, STATES, OR THE DISTRICT OF COLUMBIA MAY SUBMIT A JOINT REQUEST FOR DESIGNATION AS A MAJOR VIOLENT CRIME OR DRUG EMERGENCY AREA UNDER THIS SUBSECTION.

(2) FINDING. -- A REQUEST MADE UNDER PARAGRAPH (1) SHALL BE BASED ON A WRITTEN FINDING THAT THE ...

... [*S14273] PERIOD. -- THE ATTORNEY GENERAL SHALL REVIEW A REQUEST SUBMITTED PURSUANT TO THIS SECTION, AND THE PRESIDENT SHALL DECIDE WHETHER TO DECLARE A VIOLENT CRIME OR DRUG EMERGENCY AREA, WITHIN 30 DAYS AFTER RECEIVING THE REQUEST.

(G) FEDERAL ASSISTANCE. -- THE PRESIDENT MAY --

(1) DIRECT ANY FEDERAL AGENCY, WITH OR ...

... [*S14274] FOR FY 1995; \$100 MILLION FOR FY 1996; \$150 MILLION FOR FY 1997.

PRESIDENTIAL DECLARATION OF VIOLENT CRIME AND DRUG EMERGENCY AREAS

AUTHORIZES THE PRESIDENT TO DECLARE THAT A VIOLENT CRIME OR DRUG EMERGENCY EXISTS IN A STATE OR PART OF A STATE AND TO ...

LEVEL 1 - 9 OF 12 REPORTS

CONGRESSIONAL RECORD -- House

Sunday, August 21, 1994

103rd Congress 2nd Session

140 Cong Rec H 8772

REFERENCE: Vol. 140 No. 120

TITLE: CONFERENCE REPORT ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

SPEAKER: MR. BROOKS

TEXT-1:

... [*H8774] penalty provisions of the controlled substances act and the controlled substances import and export act.

Sec. 90106. Advertising.

Sec. 90107. Violent crime and drug emergency areas. Subtitle B-National Narcotics Leadership Act Amendments

Sec. 90201. Implementation of National Drug Control Strategy.

Sec. ...

TEXT-2:

... [*H8824] practice, and does not attempt to propose or facilitate an actual transaction in a Schedule I controlled substance."

SEC. 90107. VIOLENT CRIME AND DRUG EMERGENCY AREAS.

(a) Definitions .-In this section-

"major violent crime or drug-related emergency" means an occasion or instance in which violent ...

... [*H8824] Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(b) Declaration of Violent Crime and Drug Emergency Areas .-If a major violent crime or drug-related emergency exists throughout a State or a part of a State, the President may declare the State or part of a State to be a violent crime or drug emergency area and may take appropriate actions authorized by this section.

(c) Procedure .-

(1) In general .-A request for a declaration designating an area to be a violent crime or drug emergency area shall be made, in writing, by the chief executive officer of a State or local government, respectively (or in the case of the ...

... [*H8824] more cities, counties, States, or the District of Columbia may submit a joint request for designation as a major violent crime or drug emergency area under this subsection.

(2) Finding .-A request made under paragraph (1) shall be based on a written finding that the ...

... [*H8824] Period .-The Attorney General shall review a request submitted pursuant to this section, and the President shall decide whether to declare a violent crime or drug emergency area, within 30 days after receiving the request.

(g) Federal Assistance .-The President may-

(1) direct any Federal agency, with or ...

... [*H8824] h) Duration of Federal Assistance .-

(1) In general .-Federal assistance under this section shall not be provided to a violent crime or drug emergency area for more than 1 year.

(2) Extension .-The chief executive officer of a jurisdiction may apply to the President for an ...

TEXT-4:

... [*H8872] 90106-House recedes to Senate section 1534, Advertising, with modifications.

Section 90107-House recedes to Senate section 1538, Violent Crime and Drug Emergency Areas, with modifications.

Subtitle B-National Narcotics Leadership Act Amendments

Sections 90201-08-House recedes to Senate section ...

LEVEL 1 - 10 OF 12 REPORTS
CONGRESSIONAL RECORD -- House
Wednesday, August 10, 1994
103rd Congress 2nd Session
140 Cong Rec H 7371

REFERENCE: Vol. 140 No. 110

TITLE: 1900

CONFERENCE REPORT ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

SPEAKER: MR. BROOKS

TEXT-1:

... [*H7374] penalty provisions of the controlled substances act and the controlled substances import and export act.

Sec. 90106. Advertising.

Sec. 90107. Violent crime and drug emergency areas. Subtitle B-National Narcotics Leadership Act Amendments

Sec. 90201. Implementation of National Drug Control Strategy.

Sec. ...

TEXT-2:

... [*H7429] practice, and does not attempt to propose or facilitate an actual transaction in a Schedule I controlled substance."

SEC. 90107. VIOLENT CRIME AND DRUG EMERGENCY AREAS.

(a) Definitions.--In this section-

"major violent crime or drug-related emergency" means an occasion or instance in which violent ...

... [*H7429] Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(b) Declaration of Violent Crime and Drug Emergency Areas.--If a major violent crime or drug-related emergency exists throughout a State or a part of a State, the President may declare the State or part of a State to be a violent crime or drug emergency area and may take appropriate actions authorized by this section.

(c) Procedure.--

(1) In general.--A request for a declaration designating an area to be a violent crime or drug emergency area shall be made, in writing, by the chief executive officer of a State or local government, respectively (or in the case of the ...

... [*H7429] more cities, counties, States, or the District of Columbia may submit a joint request for designation as a major violent crime or drug emergency area under this subsection.

(2) Finding.--A request made under paragraph (1) shall be based on a written finding that the ...

... [*H7430] Period.--The Attorney General shall review a request submitted pursuant to this section, and the President shall decide whether to declare a violent crime or drug emergency area, within 30 days after receiving the request.

(g) Federal Assistance.--The President may-

(1) direct any Federal agency, with or ...

... [*H7430] h) Duration of Federal Assistance.--

(1) In general.--Federal assistance under this section shall not be provided to a violent crime or drug emergency area for more than 1 year.

(2) Extension.--The chief executive officer of a jurisdiction may apply to the President for an ...

TEXT-4:

... [*H7479] 90106-House recedes to Senate section 1534, Advertising, with modifications.

Section 90107-House recedes to Senate section 1538, Violent Crime and Drug Emergency Areas, with modifications.

SUBTITLE B-NATIONAL NARCOTICS LEADERSHIP ACT AMENDMENTS

Section 90201-08-House recedes to Senate section ...

LEVEL 1 - 11 OF 12 REPORTS

Congressional Record -- Daily Digest

Tuesday, November 9, 1993

103rd Cong. 1st Sess.

139 Cong Rec D 1274

REFERENCE: Vol. 139 No. 156

NEW-LAWS:

... [*D1274] death results from commission of the offense. Pages S15408-09

(4) Lieberman Amendment No. 1143, to provide for the declaration of violent crime and drug emergency areas, and to provide emergency Federal assistance to protect property, public health, and safety. (See next issue.)

(5) By 58 ...

LEVEL 1 - 12 OF 12 REPORTS

Congressional Record -- Daily Digest

Monday, November 8, 1993

103rd Cong. 1st Sess.

139 Cong Rec D 1265

REFERENCE: Vol. 139 No. 155

NEW-LAWS:

... [*D1266] See 139 Cong Rec S 15301-04]

(4) Lieberman Amendment No. 1143, to provide for the declaration of violent crime and drug emergency areas, and to provide emergency Federal assistance to protect property, public health, and safety. [See 139 Cong Rec S 15304- ...

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103rd Cong.
2nd Sess.
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Congressional & Administrative News

103rd Congress

2nd Session ~ Public Laws
103-296 to 103-322 ~ 108 Stat. 1464 to 215

Social Security Independence and Program Improvements Act.....	(108 Stat. 1464)
Federal Aviation Administration Authorization Act.....	(108 Stat. 1564)
Appropriation Acts, 1995.....	(108 Stat. 1608, 1617, 1707, 1717)
Violent Crime Control and Law Enforcement Act of 1994.....	(108 Stat. 1794)
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LEGISLATIVE HISTORY

HOUSE CONF. REP. NO. 103-711

[page 388]

TITLE VI—DEATH PENALTY

Procedures: The House recedes to the Senate with the following exceptions: (1) Senate recedes to the House regarding the fire-arm aggravator; (2) Senate recedes to the House to add the aggravator for sexual assault or child molestation; (3) the Conferees modified the provision regarding information presented at sentencing to reflect current law.

Offenses: The House recedes to the Senate death penalties, including terrorism death penalties, with the following modifications: (1) the deletion of Senate section 203(a)(8), attempted assassination of the President; (2) the deletion of the part of Senate section 202(a) which adds section 3591(b)(3) to title 18 regarding unintentional deaths due to overdose; (3) the addition of the Hyde amendment to section 203(a)(2), espionage; (4) Senate section 504 recedes to House section 708 regarding correctional officers; (5) Senate section 716, torture, recedes to House section 713 with modifications to delete already enacted provisions; (6) the addition of an intent standard for carjacking; (7) Senate recedes to the House intent standard; (8) Senate section 2406, to federalize all murders committed with guns, recedes to House; (9) Senate section 711, weapons of mass destruction, recedes to House section 710; and (10) the modification of Senate section 215, alien smuggling, to increase penalties. House recedes to Senate sections 501-03 and 505.

House sections 901-02, racially discriminatory capital sentencing, recede to Senate.

Senate section 1021, racial and ethnic bias study grants, recedes to House.

Section 60026—Senate recedes to House proposal regarding appointment of counsel.

TITLE VII—MANDATORY LIFE IMPRISONMENT FOR PERSONS CONVICTED OF CERTAIN FELONIES

Senate sections 2408 and 5111 recede to House sections 501-02 with modifications. The authority provided to the Bureau of Prisons under this section is not to be construed as limiting any authority already possessed by the Bureau of Prisons with respect to the release of inmates.

TITLE VIII—APPLICABILITY OF MANDATORY MINIMUM PENALTIES

Senate section 2404 recedes to House sections 201-03 with modifications.

TITLE IX—DRUG CONTROL

SUBTITLE A—ENHANCED PENALTIES AND GENERAL PROVISIONS

In carrying out directions from the Congress, the U.S. Sentencing Commission shall assure reasonable consistency with other guidelines, avoid duplicative punishment for substantially the same offense, and take into account any mitigating circumstances which might justify exceptions. The Commission shall also carry out such

VIOLENT CRIME CONTROL ACT

P.L. 103-322

[page 389]

directions in light of the factors set forth in subsection 3535(a) of title 18, United States Code.

Section 90101—House recedes to Senate section 1501, drug trafficking in prisons.

Section 90102—House recedes to Senate section 1505, drug-dealing in drug free zones, with modifications.

Section 90103—House recedes to Senate section 1506, illegal drug use in prisons, with technical modification.

Section 90104—House recedes to Senate section 1531, clarification of narcotics and other dangerous drugs.

Section 90105—House recedes to Senate section 1532, conforming amendments to recidivist penalty provisions of the Controlled Substance Act and the Controlled Substances Import and Export Act.

Section 90106—House recedes to Senate section 1534, Advertising, with modifications.

Section 90107—House recedes to Senate section 1538, Violent Crime and Drug Emergency Areas, with modifications.

SUBTITLE B—NATIONAL NARCOTICS LEADERSHIP ACT AMENDMENTS

Sections 90201-08—House recedes to Senate section 5150, which reauthorizes the Office of National Drug Control Policy through September 30, 1997, with modifications.

In addition to the Director's authority to recommend to Federal agencies appropriate drug budget levels by July 1 of each year as those agencies are first developing their budgets for the following fiscal year, authority is granted to ensure that the agencies' budget submissions to the Office of Management and Budget are consistent with the National Drug Control Strategy.

The provision also provides authority to detail temporarily drug control personnel to other Departments or agencies to implement the National Drug Control Strategy. It further provides authority, except to the extent that the Director's authority is limited in an annual appropriations Act, to transfer up to 2% among National Drug Control Program accounts, upon advance approval of the Committees on Appropriations of each House of Congress. It is the intent of the Conferees that such advance approval be obtained from each of the Appropriations Subcommittees with jurisdiction over accounts increased or decreased by such budget shifts.

Several additional goals are added to the National Drug Control Strategy, including the "consequences" of drug abuse (such as emergency room overdoses and drug-related crime), assessment of national drug treatment system, and other evaluations of the strategy. Drug treatment and prevention are added to the mission of the Counter-Drug Technology Assessment Center. And, the provision prohibits the Director and other officials in the Office who are confirmed by the Senate from participating in Federal election campaigns.

Senate section 1504, anabolic steroids penalties, recedes to House as duplicative of stronger current law.

Senate section 1533, Program to provide public awareness of the provisions of Public Law 101-516, recedes to House.

Senate section 1537, Drug paraphernalia amendment, recedes to House.

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JK516.C63.1957

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ITEM 1 OF 1 IN SET

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(CRSP)

TITLE: FEMA and the Disaster Relief Fund.
DATE: May 7, 1992. 37 p.
AUTHOR: Bea, Keith.
ORDER CODE: 92-425 GOV TO ORDER, CALL 707-7132
NOTES: The Federal Emergency Management Agency (FEMA) was established in 1978 by President Jimmy Carter and consolidated the emergency management and preparedness functions of various Federal agencies. The agency is responsible for a broad range of statutory authorities and falls within the jurisdiction of a number of congressional committees and their subcommittees. FEMA administers the principal Federal disaster relief authority, the Robert T. Stafford Disaster Relief and Emergency Assistance Act. While authorized disaster relief funds have traditionally been appropriated with little debate, a funding shortfall occurred in 1991. Action was taken to prevent the recurrence of a shortfall in the future. (For more from CRS, see the Guide to CRS Products under Disasters)

PAGE 1 OF 2. READY FOR NEW COMMAND OR PAGE # (FOR NXT PG, XMIT):

LTR92-720 (continued):

SUMMARY:

This report provides background information on the Federal Emergency Management Agency (FEMA) and on Federal disaster relief policies. Emphasis is given to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, particularly the recent congressional debate over funding disaster relief authorized by the Act and administered by FEMA.

SUBJECT(S): Disaster relief--[U.S.]--Management
Emergency management--[U.S.]

BUCKET(S): CRS products
CRS Update: 1992-06
Emergency management
Federal programs

UPDATE TERM(S): Environmental protection

CRS FILES NO: HV 610

ACCESSION NO: LTR92-72

PAGE 2 OF 2. READY FOR NEW COMMAND OR PAGE #:

display item 2

ITEM 2 OF 6 IN SET

-----> Available on OPTICAL DISK. <-----
(CRSP)
TITLE: A descriptive analysis of Federal relief, insurance, and
loss reduction programs for natural hazards.
DATE: Coordinated by Malcolm Simmons, Environment and Natural
Resources Policy Division. Mar. 1, 1994. 151 p.
ORDER CODE: 94-195 ENR TO ORDER, CALL 707-7132
NOTES: Two issues confronting the United States pose considerable
challenges to the Congress--the compelling need to provide
assistance to victims of disasters, and the effort to
reduce the Federal deficit. In an effort to resolve these
issues, Members of Congress are debating the effectiveness
of current policies, their cost, and considering
alternative, more cost effective policies.
Published without revision from committee print 102-15,
October 15, 1992.

SUMMARY:

Two issues confronting the United States pose considerable challenges to
the Congress -- the compelling need to provide assistance to victims of
disasters, and the effort to reduce the Federal deficit. In an effort to
PAGE 1 OF 3. READY FOR NEW COMMAND OR PAGE # (FOR NXT PG, XMIT):

LTR94-195 (continued):

resolve these issues, Members of Congress are debating the effectiveness of
current policies, their cost, and considering alternative, more cost effective
policies.

Three types of policies comprise the framework for Federal emergency
management efforts: relief, insurance, and loss reduction (mitigation).
Disaster relief is provided through loans, grants or supplies. Insurance is
purchased by the recipient, who may select the benefits and costs. Loss
reduction, or mitigation, consists of measures taken to prevent future losses
or reduce the losses that might otherwise occur.

This report provides background information on Federal disaster relief
policies and efforts and discusses proposals (as of 1992) for revising those
policies.

SUBJECT(S): Disaster relief--[U.S.]
Disaster insurance--[U.S.]
Disaster loans--[U.S.]

PAGE 2 OF 3. READY FOR NEW COMMAND OR PAGE # (FOR NXT PG, XMIT):
display item 3

ITEM 3 OF 6 IN SET

(CRSP) ISSUE BRIEF
TITLE: Disaster management: issue brief.
DATE: Updated regularly.
AUTHOR: Bea, Keith.

ORDER CODE: IB93094

TO ORDER, CALL 707-7132

NOTES: Federal emergency management concerns include the role of the Federal Government, including top White House officials and the armed forces. Under scrutiny are the defense-related missions of the Federal Emergency Management Agency (FEMA) and the dispersion of emergency management authorities among many agencies. The overall intent of the Nation's emergency management policies may also be reconsidered. (For more from CRS, see the Guide to CRS Products under Disasters)

SUMMARY:

Since Hurricane Andrew devastated part of South Florida in 1992, Members of Congress have considered changes to the Nation's emergency management framework. At least six issues have been considered.

First, high costs in recent years, and potentially higher expenditures in
PAGE 1 OF 4. READY FOR NEW COMMAND OR PAGE #(FOR NXT PG, XMIT):

LTR93-2094 (continued):

the future, must be reconciled with the urgent needs of victims. Both the House and Senate established bipartisan task forces in the 103rd Congress to collect information on disaster assistance costs and to make policy recommendations.

Second, the Federal Government's role may be recast. Some claim that Federal agencies should be given greater authority to act, at times even before a forecasted disaster strikes. This approach might be characterized as "developing a Federal 911 capability." However, it also may be argued from a perspective of federalism as well as fiscal prudence that Federal action should continue to hinge on State requests for specific assistance.

Third, it has been proposed that the armed forces, including the National Guard and reserves, be given a greater role in responding to disasters. The military's access to material and to transportation facilities appears to support this option. Others question such a policy shift when civilian agencies and voluntary organizations have traditionally been relied upon.

Fourth, some argue that the President, Vice President, or high-ranking
PAGE 2 OF 4. READY FOR NEW COMMAND OR PAGE #(FOR NXT PG, XMIT):

LTR93-2094 (continued):

White House officers should more actively participate in emergency management activities. Others claim that this is not essential if the Director of FEMA has the confidence of the President or if the emergency management function is transferred to a department headed by a Cabinet-level official.

Fifth, the overall intent of the Nation's emergency management policies may be reconsidered. Many argue that loss control and prevention strategies should be emphasized. Others advocate new Federal insurance initiatives, including reinsurance authorities. Another option is to differentiate catastrophic disasters from other lesser incidents.

A sixth issue concerns the current dispersion of certain emergency management authorities among many agencies. Victims apply for assistance from several agencies. Some claim that, as a result, the Federal response and recovery procedures are too complicated and burdensome to victims already coping with extreme stress. Others argue that the present structure enables agencies better to serve their particular constituencies and that "red tape" is needed to prevent fraud.

PAGE 3 OF 4. READY FOR NEW COMMAND OR PAGE # (FOR NXT PG, XMIT):

LTR93-2094 (continued):

Some of these issues can be addressed only by Congress through legislation. One issue, the lack of a unified mission for FEMA, arguably has been addressed. Others, however, may be, and already have been, resolved through administrative actions.

SUBJECT(S): Emergency management--[U.S.]
 Civil-military relations--[U.S.]
 Executive reorganization--[U.S.]

BUCKET(S): CRS Update: 1993-09
 CRS products

UPDATE TERM(S): Emergency management
 Environmental protection
 Government and politics

ACCESSION NO: LTR93-209

PAGE 4 OF 4. READY FOR NEW COMMAND OR PAGE #:

Presidential Documents

Proclamation 6427 of May 1, 1992

Law and Order in the City and County of Los Angeles, and Other Districts of California

By the President of the United States of America

A Proclamation

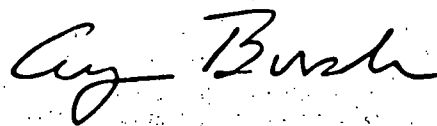
WHEREAS, I have been informed by the Governor of California that conditions of domestic violence and disorder exist in and about the City and County of Los Angeles, and other districts of California, endangering life and property and obstructing execution of the laws, and that the available law enforcement resources, including the National Guard, are unable to suppress such acts of violence and to restore law and order;

WHEREAS, such domestic violence and disorder are also obstructing the execution of the laws of the United States, in the affected area; and

WHEREAS, the Governor of California has requested Federal assistance in suppressing the violence and restoring law and order in the affected area.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, including Chapter 15 of Title 10 of the United States Code, do command all persons engaged in such acts of violence and disorder to cease and desist therefrom and to disperse and retire peaceably forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.



[FR Doc. 92-10666

Filed 5-4-92; 11:18 am]

Billing code 3195-01-M

GAO

United States General Accounting Office

Report to the Chairman, Legislation and
National Security Subcommittee,
Committee on Government Operations,
House of Representatives

January 1992

NATIONAL SECURITY

The Use of Presidential Directives to Make and Implement U.S. Policy



National Security and
International Affairs Division

B-246726

January 14, 1992

The Honorable John Conyers, Jr.
Chairman, Legislation and National
Security Subcommittee,
Committee on Government Operations
House of Representatives

Dear Mr. Chairman:

In response to your request, we attempted to determine whether national security directives (NSD), issued by the Bush administration through the National Security Council (NSC), have been used to make and implement U.S. policy; whether congressional committees have received copies of NSDs that discuss policy in their areas of jurisdiction; and how NSDs differ from executive orders.

Results in Brief

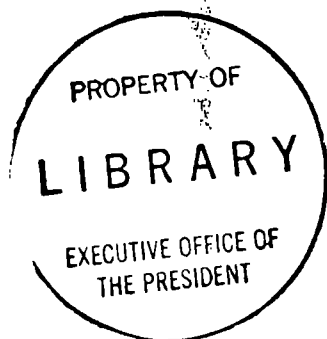
Because NSC did not give us access to the directives we could not analyze NSDs issued by the Bush administration. We do not know how many NSDs have been issued by the Bush administration, but we do know that 51 were issued through the fall of 1990. We examined unclassified NSC summaries of five NSDs issued by the administration and concluded that four of the five NSDs make U.S. policy. In addition, according to a Congressional Research Service (CRS) report, the administration also issued a classified NSD requiring a study of future U.S. international broadcasting policy.¹

NSC does not systematically or routinely inform congressional committees about NSDs before they are issued. Also, the Bush administration has not declassified any directives.

Unlike executive orders, NSDs

- embody foreign and military policy-making guidance rather than specific instructions,
- are classified,
- are usually directed only to NSC and the most senior executive branch officials, and
- do not appear to be issued under statutory authority conferred by Congress and thus do not have the force and effect of law.

¹U.S. International Broadcasting: An Assessment for Reform (CRS, Sept. 9, 1991).



Background

Since 1947, each administration has adopted and tailored a system for announcing and circulating within the administration presidential directives involving domestic, foreign, and military policies. Most of the directives issued during the Truman and Eisenhower administrations (1947-60) have been declassified and are maintained in the National Archives and Records Administration. In contrast, most of the presidential directives written since 1961 remain classified, and details about them are largely unavailable for congressional or public scrutiny.

In 1988 we issued a report on the use of presidential directives to make and implement U.S. policy.² The report includes an analysis of the directives that were publicly released between 1961 and 1988. We found that at least 1,042 presidential directives had been issued, and 247 had been publicly released. We also found that 116, or about half of the 247 examined served three functions; they established policy, directed the implementation of policy, and/or authorized the commitment of government resources.

The Bush Administration's Use of NSDs Is Not Fully Known

Without access to detailed information about NSDs, it is impossible to satisfactorily determine how many NSDs issued make and implement U.S. policy and what those policies are. Although we notified NSC on July 29, 1991, of our intentions to review NSDs issued by the Bush administration, to date NSC has not made them available to us. In this regard, an NSC letter written to you on September 9, 1991, reaffirmed NSC's position, taken 1 year previously, that if pressed on the matter of providing you with the title, number, and summary of each NSD issued by President Bush, the President would be advised to invoke executive privilege and not provide the information.

While the Bush administration has not declassified any NSDs, we obtained five unclassified summaries for NSDs that were issued early in the administration. One summary was issued as a press release from the White House and four were sent to implementing executive branch agencies. We obtained copies from the CRS and your Committee, which had received copies from executive branch agencies.

Our examination of the five unclassified summaries (see app. I) showed that four of the five NSDs established U.S. policy on such diverse issues as

²National Security: The Use of Presidential Directives to Make and Implement U.S. Policy (GAO/NSIAD-89-31, Dec. 28, 1988).

Soviet immigration, space, telecommunication security, and sealift. One NSD discussed the organization of NSC and did not address U.S. policy.

Also, according to the CRS report, the NSC issued NSD number 51 in the fall of 1990 that established two study groups to determine international broadcasting policy and consider the restructuring of U.S. government broadcasting organizations.

NSDs Are Not Made Available to Congress and the Public

We contacted the staff of the Senate and House Committees on Appropriations, the Armed Services, Foreign Relations/Affairs, and House Intelligence to determine if NSC had kept them informed about newly issued NSDs. None of the Committees are regularly receiving copies of NSDs or have been asked to review NSDs before they are issued. Instead, three Committees said they had learned about the existence of NSDs only if the executive branch had disclosed information citing a specific NSD and identified it by number.

NSDs are regularly classified and not required to be published in the Federal Register or any other public document. According to officials at the National Archives, the Bush administration has not sent any declassified NSDs to the Archives for release to the public.

NSDs and Executive Orders Differ in Many Important Respects

NSDs and executive orders are issued by the President and may impose general or specific responsibilities on subordinates; but in other important ways, they are quite dissimilar. Neither has been specifically defined in law, but they have been used for decades.

According to NSC, NSDs issued by the Bush Administration address national defense and foreign relations matters such as nuclear weapons, strategic forces, and arms control negotiations. Also, according to NSC, they communicate guidance directly from the President to NSC and senior officials such as the Vice President, the Secretaries of State and Defense, the Director of Central Intelligence, and the Chairman of the Joint Chiefs of Staff and are generally classified. It is unclear under what circumstances, if any, NSDs could have the force and effect of law because they (1) often embody policy-making guidance rather than specific instructions (2) are classified and are not readily available to the Congress or the general public (3) are not usually directed to the entire executive

branch and (4) do not appear to be typically issued under statutory authority conferred by Congress.

Executive orders, on the other hand, do not generally cover foreign policy guidance or military strategy and are generally instructions to executive branch officials about the performance of their duties. Many executive orders are issued under specific statutory delegations from Congress to the President. When the President issues an executive order under such authority, the order carries the force and effect of law. Executive orders are almost always unclassified, are readily available to the Congress and the general public, and most are published in the Federal Register under the Federal Register Act of 1935 (44 U.S.C. 1505).

Scope and Methodology

Although, we attempted to gain access to the NSDs issued by the Bush administration we were not given access. We did analyze unclassified summaries of five NSDs issued by the current administration. Our analysis was based on reading the summaries to determine if NSDs make and implement U.S. policy. In addition, we asked staff directors and key staff members of the Senate and House Committees on Appropriations, Armed Services, Foreign Relations/Affairs, and House Intelligence whether or not the Committees were systematically receiving NSDs. Finally, we reviewed pertinent legal documents to determine the differences between executive orders and presidential directives.

As you requested, we did not obtain agency comments on this report. We conducted our review between August and October 1991 in accordance with generally accepted government auditing standards.

As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from its issue date. At that time we will send copies to appropriate congressional committees and the Director, Office of Management and Budget.

Administration of George Bush, 1992 / May 1

Address to the Nation on the Civil Disturbances in Los Angeles, California May 1, 1992

Tonight I want to talk to you about violence in our cities and justice for our citizens, two big issues that have collided on the streets of Los Angeles. First, an update on where matters stand in Los Angeles.

Fifteen minutes ago I talked to California's Governor Pete Wilson and Los Angeles Mayor Tom Bradley. They told me that last night was better than the night before; today, calmer than yesterday. But there were still incidents of random terror and lawlessness this afternoon.

In the wake of the first night's violence, I spoke directly to both Governor Wilson and Mayor Bradley to assess the situation and to offer assistance. There are two very different issues at hand. One is the urgent need to restore order. What followed Wednesday's jury verdict in the Rodney King case was a tragic series of events for the city of Los Angeles: Nearly 4,000 fires, staggering property damage, hundreds of injuries, and the senseless deaths of over 30 people.

To restore order right now, there are 3,000 National Guardsmen on duty in the city of Los Angeles. Another 2,200 stand ready to provide immediate support. To supplement this effort I've taken several additional actions. First, this morning I've ordered the Justice Department to dispatch 1,000 Federal riot-trained law enforcement officials to help restore order in Los Angeles beginning tonight. These officials include FBI SWAT teams, special riot control units of the U.S. Marshals Service, the Border Patrol, and other Federal law enforcement agencies. Second, another 1,000 Federal law enforcement officials are on standby alert, should they be needed. Third, early today I directed 3,000 members of the 7th Infantry and 1,500 marines to stand by at El Toro Air Station, California. Tonight, at the request of the Governor and the Mayor, I have committed these troops to help restore order. I'm also federalizing the National Guard, and I'm instructing General Colin Powell to place all those troops under a central command.

What we saw last night and the night before in Los Angeles is not about civil rights. It's not about the great cause of equality that all Americans must uphold. It's not a message of protest. It's been the brutality of a mob, pure and simple. And let me assure you: I will use whatever force is necessary to restore order. What is going on in L.A. must and will stop. As your President I guarantee you this violence will end.

Now let's talk about the beating of Rodney King, because beyond the urgent need to restore order is the second issue, the question of justice: Whether Rodney King's Federal civil rights were violated. What you saw and what I saw on the TV video was revolting. I felt anger. I felt pain. I thought: How can I explain this to my grandchildren?

Civil rights leaders and just plain citizens fearful of and sometimes victimized by police brutality were deeply hurt. And I know good and decent policemen who were equally appalled.

I spoke this morning to many leaders of the civil rights community. And they saw the video, as we all did. For 14 months they waited patiently, hopefully. They waited for the system to work. And when the verdict came in, they felt betrayed. Viewed from outside the trial, it was hard to understand how the verdict could possibly square with the video. Those civil rights leaders with whom I met were stunned. And so was I, and so was Barbara, and so were my kids.

But the verdict Wednesday was not the end of the process. The Department of Justice had started its own investigation immediately after the Rodney King incident and was monitoring the State investigation and trial. And so let me tell you what actions we are taking on the Federal level to ensure that justice is served.

Within one hour of the verdict, I directed the Justice Department to move into high gear on its own independent criminal investigation into the case. And next, on Thursday, five Federal prosecutors were on their

way to Los Angeles. Our Justice Department has consistently demonstrated its ability to investigate fully a matter like this.

Since 1988, the Justice Department has successfully prosecuted over 100 law enforcement officials for excessive violence. I am confident that in this case, the Department of Justice will act as it should. Federal grand jury action is underway today in Los Angeles. Subpoenas are being issued. Evidence is being reviewed. The Federal effort in this case will be expeditious, and it will be fair. It will not be driven by mob violence but by respect for due process and the rule of law.

We owe it to all Americans who put their faith in the law to see that justice is served. But as we move forward on this or any other case, we must remember the fundamental tenet of our legal system. Every American, whether accused or accuser, is entitled to protection of his or her rights.

In this highly controversial court case, a verdict was handed down by a California jury. To Americans of all races who were shocked by the verdict, let me say this: You must understand that our system of justice provides for the peaceful, orderly means of addressing this frustration. We must respect the process of law whether or not we agree with the outcome: There's a difference between frustration with the law and direct assaults upon our legal system.

In a civilized society, there can be no excuse, no excuse for the murder, arson, theft, and vandalism that have terrorized the law-abiding citizens of Los Angeles. Mayor Bradley, just a few minutes ago, mentioned to me his particular concern, among others, regarding the safety of the Korean community. My heart goes out to them and all others who have suffered losses.

The wanton destruction of life and property is not a legitimate expression of outrage with injustice. It is itself injustice. And no rationalization, no matter how heartfelt, no matter how eloquent, can make it otherwise.

Television has become a medium that often brings us together. But its vivid display of Rodney King's beating shocked us. The America it has shown us on our screens these last 48 hours has appalled us. None of

this is what we wish to think of as American. It's as if we were looking in a mirror that distorted our better selves and turned us ugly. We cannot let that happen. We cannot do that to ourselves.

We've seen images in the last 48 hours that we will never forget. Some were horrifying almost beyond belief. But there were other acts, small but significant acts in all this ugliness that give us hope. I'm one who respects our police. They keep the peace. They face danger every day. They help kids. They don't make a lot of money, but they care about their communities and their country. Thousands of police officers and firefighters are risking their lives right now on the streets of L.A., and they deserve our support. Then there are the people who have spent each night not in the streets but in the churches of Los Angeles, praying that man's gentler instincts be revealed in the hearts of people driven by hate. And finally, there were the citizens who showed great personal responsibility, who ignored the mob, who at great personal danger helped the victims of violence regardless of race.

Among the many stories I've seen and heard about these past few days, one sticks in my mind, the story of one savagely beaten white truck driver, alive tonight because four strangers, four black strangers, came to his aid. Two were men who had been watching television and saw the beating as it was happening, and came out into the street to help; another was a woman on her way home from work, and the fourth, a young man whose name we may never know. The injured driver was able to get behind the wheel of his truck and tried to drive away. But his eyes were swollen shut. The woman asked him if he could see. He answered, "No." She said, "Well, then I will be your eyes." Together, those four people braved the mob and drove that truck driver to the hospital. He's alive today only because they stepped in to help.

It is for every one of them that we must rebuild the community of Los Angeles, for these four people and the others like them who in the midst of this nightmare acted with simple human decency.

We must understand that no one in Los

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je of them that we must nity of Los Angeles, for and the others like them of this nightmare acted decency. tand that no one in Los

Angeles or any other city has rendered a verdict on America. If we are to remain the most vibrant and hopeful Nation on Earth we must allow our diversity to bring us together, not drive us apart. This must be the rallying cry of good and decent people.

For their sake, for all our sakes, we must build a future where, in every city across this country, empty rage gives way to hope, where poverty and despair give way to opportunity. After peace is restored to Los Angeles, we must then turn again to the underlying causes of such tragic events. We must keep on working to create a climate of understanding and tolerance, a climate that refuses to accept racism, bigotry, anti-Semitism, and hate of any kind, anytime, anywhere.

Tonight, I ask all Americans to lend their hearts, their voices, and their prayers to the healing of hatred. As President, I took an

oath to preserve, protect, and defend the Constitution, an oath that requires every President to establish justice and ensure domestic tranquility. That duty is foremost in my mind tonight.

Let me say to the people saddened by the spectacle of the past few days, to the good people of Los Angeles, caught at the center of this senseless suffering: The violence will end. Justice will be served. Hope will return.

Thank you, and may God bless the United States of America.

Note: The President spoke at 9:03 p.m. from the Oval Office at the White House. The address was broadcast live on nationwide radio and television. The proclamation and Executive order on law and order in Los Angeles are listed in Appendix E at the end of this volume.

Exchange With Reporters Prior to a Meeting With Cabinet Members

May 4, 1992

Federal Aid to Cities

Q. Mr. President, what hopes do you have for any long-range help for urban areas like Los Angeles?

The President. We have some very good proposals out on the table right now, proposals that clearly have come of age. But we're going to be talking about that today and tomorrow. Today we're probably going to think more about what we can do immediately in the aftermath of this violence. And then tomorrow, we'll put it in a little longer term perspective.

But I'm very pleased that it's calmed down out there. And we will do everything we can to support the people out there, to make things tranquil, and then to help get to the core of the problems.

Q. Do you intend to visit any of the damage sites?

The President. We're talking now about the schedule. It will probably change from what had been planned. As you know, I planned a trip out there for some time, so it

fits in very nicely. And we had a briefing this morning from the Attorney General, who's here, Deputy Secretary of Defense, and Dave Jeremiah about the Federal presence on the ground and the state of play on the ground. And now we're going to be talking with our top people here as to how our various Cabinet Departments can assist. And then we'll have people going out there, and by Thursday a schedule will be worked out where I will be able to meet with the key participants in this recovery and those who also have responsibility for the long run.

Q. Are you saying, Mr. President, you have no idea what the core of this problem is?

The President. No, I'm not—didn't say that at all, Helen [Helen Thomas, United Press International]. I don't know how you could conclude that from what I just said. We have some very good ideas that we have out there that would have been extraordinarily helpful if they'd been put into

SUMMARY: The Environmental Protection Agency (EPA or Agency) is extending the comment period on the proposed no-migration variance decision for Exxon Company, U.S.A., Billings, Montana, which appeared in the Federal Register on March 28, 1992 (see 57 FR 10478). This extension of the comment period is provided to allow commenters an opportunity to finalize their review efforts and responses to the Agency's proposed decision.

DATES: EPA will accept public comments on the proposed decision until June 10, 1992. Comments postmarked after the close of the extended comment period will be stamped late.

ADDRESSES: Send three copies of your comments to EPA. Two copies should be sent to the RCRA Docket, Office of Solid Waste (OS-343), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. A third copy should be sent to Allyson Ugarte, Permits and State Programs Division, Office of Solid Waste (OS-343), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Identify your comments at the top with the regulatory docket number F-92-NEBP-FFFFF.

The RCRA regulatory docket where this information can be viewed is located at the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, except Federal holidays. Call (202) 260-9327 for appointments. Up to 100 pages may be copied free of charge from any one regulatory docket. Additional copies are \$0.15 per page.

A copy of the supporting record is also available to the public in Helena, Montana, at the EPA Region VIII, Montana Operations Office, Federal Building, 301 South Park. The public may make arrangements to view the documents by calling Stephanie Wallace at (406) 499-5414. This docket is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at (800) 424-9348 toll free or at (703) 920-9810 in the Washington, DC area. For technical information concerning this notice, contact Athena Rodbell, Office of Solid Waste (OS-343), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, at (202) 260-4519.

SUPPLEMENTARY INFORMATION: On March 28, 1992, EPA proposed to grant a no-migration petition submitted by

Exxon Company, U.S.A. (Exxon), Billings, Montana, pursuant to 40 CFR 268.6, to allow Exxon to conduct the land treatment of hazardous wastes generated at the Billings refinery. See 57 FR 10478 for a more detailed explanation of why the Agency proposed to grant Exxon's petition.

Since publication, the Agency has received several requests from commenters to extend the comment period because additional time is needed to review the extensive administrative record for this first proposal to grant a no-migration variance for any type of surface land disposal unit. In addition, one commenter stated that the public docket did not contain certain relevant documents and that a number of pages were missing from documents attached to the petition.

The Agency considered the commenters' requests and has decided to extend the comment period for 30 days to allow commenters additional time to review the entire record. The specific materials identified as missing have been placed in the docket for this notice and are available for public review.

The public comment period for the proposed notice to grant a no-migration variance was originally scheduled to end on May 11, 1992. Today's notice extends the public comment period for the proposed notice to allow commenters an opportunity to finalize their review and responses to the Agency's proposed decision.

Dated: May 8, 1992.

Sylvia K. Lawrence,
Director, Office of Solid Waste.
[FR Doc 92-11388 Filed 5-13-92; 8:45 am]
BILLING CODE 6550-50-01

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-943-DR]

California; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of California (FEMA-943-DR), dated May 4, 1992, and related determinations.

EFFECTIVE DATE: May 4, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal

Emergency Management Agency, Washington, DC 20472, (202) 646-3608.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated May 4, 1992, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of California, resulting from earthquakes and continuing aftershocks commencing on April 18, 1992, and continuing, is of sufficient severity magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of California.

In order to provide Federal assistance, you are hereby authorized to allocate available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide individual Assistance and Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Richard Buck of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of California to be affected adversely by this declared major disaster:

Humboldt County for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Wallace E. Stickney,

Director.

[FR Doc 92-11356 Filed 5-13-92; 8:45 am]
BILLING CODE 6710-02-01

Advisory Committee for the National Urban Search and Rescue System; Open Meeting

AGENCY: Federal Emergency Management Agency (FEMA).

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DEPARTMENT OF JUSTICE

DRAFT

Office of the Attorney General

28 CFR Part 92 [New]

[AG ORDER]

RIN 1105-AA29

Designation of Violent Crime and Drug Emergency Areas

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: This proposed rule implements a provision of the Violent Crime Control and Law Enforcement Act of 1994 that authorizes the President to designate a State or part of a State to be a violent crime or drug emergency area, and to direct Federal assistance to that area, when violent crime or drug-related activity in the area reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety. The provision also prescribes that the chief executive officer of a State or local government shall send requests for designation to the Attorney General, in such form as the Attorney General may require, for review, and that the Attorney General shall issue

regulations to implement the section. This proposed rule describes the information that must be set forth in a request for designation of a violent crime or drug emergency area, and the basic process for the Attorney General's review of such requests.

DATES: Comments must be received on or before [insert date 60 days after publication in the Federal Register].

ADDRESSES: Written comments should be submitted to:

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION: On September 13, 1994, the President signed the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103-322, 108 Stat. 1988(?) ("the Act"). Section 90107 of the Act authorizes the President, upon finding that a major violent crime or drug-related emergency exists in a given State or part of a State, to designate that State or part of a State to be a violent crime or drug emergency area and to make Federal assistance available to the designated area. The chief executive officer of a State or part of a State shall forward a request for such designation to the Attorney General in such form as the Attorney General may by regulation require; the Attorney General then must review the request, and the President must decide whether to declare a violent crime or drug emergency area. Section 90107 imposes a 30-day deadline for decision on such

requests. This proposed rule specifies what must be contained in requests for designation submitted to the Attorney General and describes the general process for the Attorney General's review of such requests.

Purpose of Section 90107

Section 90107 of the Act is designed to assist areas experiencing a major violent crime or drug-related emergency by authorizing the President to designate the area to be a violent crime or drug emergency area and to provide Federal assistance to the area. The term "major violent crime or drug-related emergency" is defined by section 90107 as "an occasion or instance in which violent crime, drug smuggling, drug trafficking, or drug abuse violence reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety." If the President finds that such an emergency exists in any State or part of a State and declares the area to be a violent crime or drug emergency area, the President may then make Federal assistance available to that area; specifically, the President may (1) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, financial assistance, and managerial, technical, and advisory services) in support of State and local assistance

efforts; and (2) provide technical and advisory assistance, including communications support and law enforcement-related intelligence information.

Prospective applicants for designation and assistance under section 90107 should be aware of that section's specific and limited purpose. The terms of section 90107 make clear that Federal assistance may be provided under the section only when violent crime or drug-related activity in a State or locality reaches extreme proportions that exceed the capabilities of the State and local governments; only for the purpose of alleviating the emergency situation; and only to the extent the Federal assistance will supplement, not supplant, State and local efforts to respond to the emergency. Additionally, section 90107 does not appropriate or authorize the appropriation of any additional funds to be used to assist designated violent crime or drug emergency areas; thus, all Federal resources to be provided must be funded under other Federal law and must be diverted from existing uses. Through numerous Federal programs, as well as through the assignment of FBI, DEA, ATF and other federal officials to deal with acute violent crime or drug problems, substantial Federal resources have already been committed to assisting States and localities fight violent crime and drug crime. Therefore, designation and assistance pursuant to section 90107 may be necessary only where Federal assistance available under other Federal programs or ordinary assignment of federal personnel is either unavailable, or, when combined with State and

local efforts, insufficient to alleviate a violent crime or drug emergency. For all of these reasons, it is anticipated that the President will declare only a very limited number of violent crime or drug emergency areas under the Act. [Examples of situations that might count as emergencies covered by the Act are when a jurisdiction has suddenly become a critical manufacturing, transshipment, or distribution center for illicit drugs, and the State and locality is fundamentally unequipped to handle this new development; or when a notorious gang or other organized crime group has moved into the jurisdiction, causing violent crime rates to dramatically escalate, and State and local law enforcement officials are not experienced in dealing with such organized violence.]

Consistent with the intent of section 91017, the rule proposed below is designed to elicit relevant information relating to requests for designation by jurisdictions experiencing extraordinary violent crime or drug problems that cannot be alleviated by State and local efforts, so that the Attorney General and the President can make an informed determination as to whether to divert Federal law enforcement resources from their existing uses to deal with an emergency situation. To that end, the proposed rule (1) requires applicants to provide detailed information, data, and certifications to assure the Attorney General and the President that the requested Federal assistance, if provided, would be to respond to a bona fide violent crime or drug emergency requiring

extraordinary Federal assistance, not to respond to routine crime problems in the area or to supplant State and local efforts; and (2) outlines basic procedures for the Attorney General's review of requests for designation.

Submission and Form of Request

Section 90107 provides the basic procedure for making requests for designations of a State or part of a State as a violent crime or drug emergency area. Under that section, the chief executive officer of a State or local government must forward a request for designation, in writing, to the Attorney General. One or more cities, counties, States, or the District of Columbia may submit a joint request for designation as a major violent crime or drug emergency area under section 90107. A request must be based on a written finding that the major violent crime or drug-related emergency is of such severity and magnitude that Federal assistance is necessary to ensure an effective response to save lives and to protect property and public health and safety. Section 90107 also provides that, as part of the request for designation and as a prerequisite to Federal assistance, the chief executive officer of the applying State or local government must: (1) furnish information on the nature and amount of State and local resources that have been or will be committed to alleviating the major violent crime- or drug-related emergency; (2) submit a detailed plan outlining that government's short- and long-term plans to respond to the violent crime or

drug emergency, specifying the types and levels of Federal assistance requested and including explicit goals (including quantitative goals) and timetables; and (3) specify how Federal assistance provided under this section is intended to achieve those goals.

Pursuant to section 90107(i), which authorizes the Attorney General to issue regulations to implement section 90107, and section 90107(c)(1), which requires requests to be submitted in such form as the Attorney General may by regulation require, this proposed rule further delineates the process for submitting requests. The proposed rule encourages the chief executive officer of the applying State or local government, before submitting a request for a designation, to consult informally with appropriate Federal law enforcement officials. The purpose of this informal consultation is to facilitate discussion of the nature of the emergency, the State or local efforts that have been made to resolve the emergency, the types and levels of Federal assistance desired, the requirements of section 90107 and of this rule, and the appropriateness of the proposed declaration. Once the chief executive officer has decided to make a request for designation, the request should be submitted, in the form of a letter addressed to the Attorney General, directly to [the Assistant Attorney General, Criminal Division/the Deputy Attorney General], together with [] copies. This process will permit the internal evaluation of a request

through the most appropriate channels and in the most expeditious manner.

The proposed rule requires a request for designation to contain the following information: Description of Emergency; State Resources; Local Resources; Plan of Action; Certifications; and Basic Information. The specific information to be provided in each of these sections is discussed below.

The chief executive officer of the applicant jurisdiction is required to provide a detailed statement of the nature of the emergency, including specification of the boundaries in which exists, its date of onset, cause, severity, and magnitude. This section of the request must contain any currently available and reliable statistics on the levels of the particular violent crime- or drug-related activity constituting the emergency within the requested violent crime or drug emergency area, since the date of onset of the emergency and in each of the five years preceding the date of onset of the emergency. It should also contain data on similar or related crimes and relevant indicators, such as drug- or violence-related hospital admissions, that would support the existence of the emergency. This information is required in order to allow the Attorney General and the President to determine whether the situation described in the request constitutes a violent crime or drug emergency within the meaning of section 90107.

Additionally, the proposed rule, like section 90107 itself, requires the applicant to provide details on the State and local

resources that have been or will be committed to alleviating the emergency, along with a discussion of reasons why such combined resources are not sufficient to resolve the emergency. This information is needed in order to determine whether Federal assistance is needed to supplement State and local efforts and capabilities.

The proposed rule also requires the chief executive officer to submit a plan of action specifying: (a) the actions, separated into short-term and long-term actions, that have been or will be taken to alleviate the emergency; (b) the types and levels of Federal assistance requested, stated as specifically as possible, and the Federal law enforcement agency or other Federal agency, if known, that possesses the types and amounts of Federal assistance requested; (c) explicit goals (including quantitative goals, if appropriate) to be achieved under the plan, and specific timetables for implementation of the plan; and (d) how Federal assistance provided under section 90107 is intended to achieve those goals. The submission of this information conforms to and implements the requirement of section 90107 that the chief executive officer shall submit a detailed plan outlining the applying government's short- and long-term plans to respond to the violent crime or drug emergency.

Finally, the proposed rule requires the chief executive officer of the applying State or local government to make various certifications, including (a) that there has been consultation between officials of the State government and officials of the

local government(s) included within the area requested to be designated to be a violent crime or drug emergency concerning the emergency and the need for Federal assistance to respond to the emergency; (b) that the chief executive officer has determined that the emergency is of such severity and magnitude that State and local resources cannot resolve the emergency; (c) that no resources provided pursuant to the request will be used to supplant any State or local resources that would otherwise be made available to respond to the emergency; and (d) that the chief executive officer agrees to be bound by section 90107, this rule, and any other guidelines that the Attorney General or the President may prescribe. The required certifications are designed to ensure that any assistance provided under section 90107 is used only for the intended purposes of that section.

In the event that a request comes from a local government, the request must also include a statement from the State's chief executive officer or chief law enforcement official regarding the emergency, the availability of State resources, and the need for Federal assistance.

Attorney General Review of Requests

This proposed rule sets out basic procedures for the Attorney General's review of requests for designation. It provides that the Attorney General shall review a request submitted pursuant to section 90107 in time to allow the President to make a decision regarding such request within 30

days of the Attorney General's receipt of the request. The proposed rule further provides that if the request fails to provide all information required by section 90107 or by these regulations that the Attorney General may return the request to the applicant for the provision of such information; in that event, the request is not deemed to be received for purposes of the review period until all required information has been provided. The proposed rule also authorizes the Attorney General or [the Assistant Attorney General, Criminal Division/Deputy Attorney General] to request information in addition to that required by the rule. Finally, in exigent circumstances, the applicant jurisdiction may receive a waiver of any requirements of this Part, so long as the statutory requirements are met. These provisions are designed to help the Attorney General obtain all relevant information regarding the request for designation before the review period expires.

Additionally, the proposed rule sets forth criteria that the Attorney General may consider in reviewing requests for designation. Section 90107 authorizes the President to designate a violent crime or drug emergency area if the President determines that the violent crime or drug-related activity in the area has reached such levels that Federal assistance is needed to respond effectively to the emergency. In reviewing requests for designation, the Attorney General will consider all factors that relate to the question whether the violent crime or drug-related activity has reached such emergency levels. Factors that the

Attorney General may consider include: (a) the nature, cause, and extent of the emergency within the requested area; (b) the availability of State and local resources to respond to the emergency, and whether the State and local government(s) have committed or will commit available resources to alleviating the emergency; (c) the efforts of State and local government(s) to free up resources to respond to the emergency; (d) the nature and amount of the Federal assistance requested, whether the requested assistance is consistent with the mission and operational capacities of a Federal agency, and whether the requested assistance would duplicate or supplant State or local assistance efforts; (e) the coherence and feasibility of the applicant jurisdiction's plan for responding to the emergency, and whether the requested Federal assistance will significantly contribute toward achieving the goals set forth in that plan; (f) whether the applicant jurisdiction has received, or could receive, Federal resources under some other provision or program to alleviate the emergency; and (g) other demands on Federal law enforcement resources. Whether or not the applicant jurisdiction is a highly populated or a less populated area is not a relevant factor. The specified criteria are each consistent with, and designed to implement, the basic objective of section 90107: that Federal assistance be provided only when needed to supplement State and local efforts to alleviate a violent crime or drug emergency.

In addition to setting criteria for the Attorney General's review of requests submitted under section 90107, the proposed rule also prohibits the applicant jurisdiction from using funds for purposes other than to alleviate the violent crime or drug emergency on which the designation is based, or to supplant any State or local resources that would otherwise be made available to alleviate the emergency. Such supplantation, in the Department's view, is inconsistent with the intent of section 90107, which, but its terms, authorizes the provision of funds to supplement State and local efforts and capabilities. [The proposed rule also requires the return of equipment or supplies, the relinquishment of use of any personnel or services provided, and the repayment of the value of any financial assistance provided under section 90107 in the event that any such equipment, supplies, personnel, services or financial assistance is used by the recipient in violation of section 90107 or of this Part, or for any purpose other than the purpose for which the assistance is provided.] Section 90107, and the proposed rule, also limit the duration of assistance that may be provided under section 90107 to one year, unless the President agrees to extend the assistance, which extension may be for up to an additional 180 days.

Finally, the proposed rule clarifies that it is designed neither to limit the actions that the President may take under section 90107 or under any other provision of law nor the

otherwise lawful activities of the Attorney General, the Department of Justice, or any other Federal agency.

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this proposed rule and by approving it certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Executive Order No. 12866

This proposed rule has been drafted and reviewed in accordance with Executive Order 12866, § 1(b), Principles of Regulation. The Department of Justice has determined that this rule is not a "significant regulatory action" under Executive Order 12866, § 3(f), Regulatory Planning and Review, and accordingly this rule has not been reviewed by the Office of Management and Budget.

Executive Order No. 12612

The regulations proposed herein will have not substantial direct effect on the States, on the relationship between the national government and the States, and on the distribution of power and responsibilities among the various levels of

government. Therefore, in accordance with Executive Order 12612, it does not have sufficient federalism implications warranting the preparation of a Federalism Assessment.

Executive Order No. 12606

The Attorney General certifies that she has assessed this proposed rule in light of the criteria in Executive Order 12606 and has determined that it will have no effect on family well-being.

Paperwork Reduction Act

The information collection requirements contained in this proposed rule have been cleared by the Office of Management and Budget ("OMB") under the provisions of the Paperwork Reduction Act. The OMB control number for this collection is [].

List of Subjects

By the authority vested in me as Attorney General by section 90107(i) of the Act, and for the reasons set forth in the preamble, chapter I of title 28 of the Code of Federal Regulations is proposed to be amended by adding a new part 92 as follows:

Part 92 -- Designation of Violent Crime or Drug Emergency Areas

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§ 92.1 Purpose

The regulations of this Part describe the required form and content of the information that must be included in requests submitted by the chief executive officer of a State or local government to the Attorney General for a Presidential designation of the State or locality as a violent crime or drug emergency area under section 90107 of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103-322, 108 Stat. 1988(?). These regulations also describe the basic procedure for the Attorney General's review of such requests.

§ 92.2 Definitions

(a) The Act means § 90107 of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103-322, 108 Stat.1988(?).

(b) *major violent crime or drug-related emergency* means an occasion or instance in which violent crime, drug smuggling, drug trafficking, or drug abuse violence reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety.

(c) *State* means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(d) *Local Government* means a political subdivision of a State, including, but not limited to, a city, town, village, county, township or parish.

(e) *Requested violent crime or drug emergency area or requested area* means the physical area including any State, city, town, village, county, township or parish, or part thereof, specified in a request for designation of a violent crime or drug emergency area.

§ 92.3 Consultation Prior to Submission of Request

The Department strongly encourages the chief executive officer of a State and local government, if possible, to consult informally with all appropriate Federal law enforcement officials prior to submitting a formal request for designation of a violent

crime or drug emergency area under section 90107. The purpose of this informal consultation is to facilitate discussion of the nature of the emergency, the State or local efforts that have been made to resolve the emergency, the types and levels of Federal assistance desired, the requirements of section 90107 and this Part, and the appropriateness of the proposed designation.

§ 92.4 Submission of Request

(a) *Requesting Official.* A request for a declaration designating an area to be a violent crime or drug emergency area under section 90107 of the Act shall be made, in writing, by the chief executive officer of a State or local government, respectively (or in the case of the District of Columbia, the mayor). The chief executive officer of a State government may request a declaration designating the State or any part of the State to be a violent crime or drug emergency area; the chief executive officer of a local government may make a request for designation of that part of the State under his or her jurisdiction. One or more cities, counties, States, or the District of Columbia may submit a joint request for designation as a major violent crime or drug emergency area under section 90107.

(b) *Designated Official to Receive Requests.* A request under section 90107 shall be submitted in the form of a letter addressed to the Attorney General of the United States, and sent directly to the [Assistant Attorney General, Criminal

Division/Deputy Attorney General], United States Department of Justice, 10th St. & Constitution Ave. NW, Washington, D.C. 20530, Attn: Violent Crime and Drug Emergency Area Requests Coordinator. The submission shall include [] copies of the request.

§ 92.5 Contents of Request

A request for a designation under section 90107, signed by the chief executive officer of the applicant jurisdiction, shall include the information set forth in the following paragraphs. If a request is submitted by the chief executive officer of a local government, the requests shall also include a statement from the State's chief executive officer or chief law enforcement official regarding the emergency, the availability of State resources, and the need for Federal assistance.

(a) *Description of Emergency.* A statement of the nature of the emergency, including specification of:

(1) the political and/or geographic subdivision(s) in which the emergency exists;

(2) the date of onset of the emergency;

(3) the cause of the emergency; and

(4) the severity and magnitude of the emergency,

including the following data:

(A) currently available and reliable data on the levels of the particular violent crime (murder, rape, aggravated assault, robbery, etc.), drug smuggling, drug trafficking or drug

abuse violence that produced the emergency, in the period since the date of onset of the emergency, and in each of the [five] years preceding the date of onset of the emergency, within the requested area,

(B) currently available and reliable data on the levels of similar or related crimes that would support the existence of the emergency, in the period since the date of onset of the emergency, and in each of the [five] years preceding the date of onset of the emergency, within the requested area, and

(C) currently available and reliable data on relevant indicators, such as drug- or violence-related hospital admissions (DAWN statistics), drug seizures, or results of drug testing of arrestees (DUF statistics), in the period since the date of onset of the emergency, and in each of the [five] years preceding the date of onset of the emergency, within the requested area.

(b) *State Resources.* A statement of the nature and amount of all State resources, including both State law enforcement resources and State non-law enforcement resources, that have been committed, as of the date of the submission of the request, or that will be committed to specific actions to resolve the emergency.

(c) *Local Resources.* A statement of the nature and amount of all local resources, including all local police resources within the area requested to be designated to be a violent crime or drug emergency area, that have been committed, as of the date

of the submission of the request, or that will be committed to specific actions to resolve the emergency.

(d) *Inadequacy of Available Resources.* A discussion of reasons why the available resources listed in paragraphs (b) and (c) of this section, when combined with any Federal assistance already received, are not sufficient to resolve the emergency;

(e) *Plan of Action.* A detailed plan outlining the applicant government's short- and long-term plans to respond to the violent crime or drug emergency, including specification of:

(1) Actions Taken or to be Taken Under State or Local Law. Actions, separated into short-term and long-term actions, that have been taken or will be taken under State or local law to alleviate the emergency,

(2) Requested Federal Assistance. (A) The types and levels of Federal assistance requested under Section 91017, stated as specifically as possible (including personnel, equipment, supplies, facilities, financial assistance, and managerial, technical, and advisory services),

(B) the Federal law enforcement agency or other Federal agency, if known, that possesses the types and amounts of Federal assistance requested, consistent with the Federal agency's mission and operational capacities,

(C) the length of time for which the resources are requested or the specific event that will terminate the need and request for such resources, and

(D) all related Federal assistance, awards, and requests for Federal assistance, current or anticipated, including whether any non-law enforcement resources have been or will be requested to respond to non-law enforcement elements of the emergency, and including the agency from whom the assistance or award was or will be received or to whom the request was or will be made, and the program under which the request was or will be made; and

(3) Explicit Goals to Be Achieved and Timetables for Implementation. Explicit goals (including quantitative goals, if appropriate) to be achieved under the plan, specific timetables for implementation of the plan, and how Federal assistance provided under section 90107 is intended to achieve those goals.

(f) Certifications. Certifications

(1) that there has been adequate consultation between the chief executive officer or other appropriate official of the State government and the chief executive officer(s) or other appropriate official(s) of the local government(s) included within the requested area concerning the nature of the emergency, the extent of State or local resources available to respond to the emergency, and the need for Federal assistance to respond to the emergency;

(2) that the chief executive officer has determined that the major violent crime or drug related emergency is of such severity and magnitude that Federal assistance is necessary to

ensure an effective response to save lives and to protect property and public health and safety;

(3) that no resources provided pursuant to the request will be used to supplant any State or local resources that would otherwise be made available to respond to the emergency; and

(4) that the chief executive officer agrees to be bound by the provisions of section 90107 and of this Part, and any other guidelines that the Attorney General or the President may prescribe.

(g) *Basic Information.* The full name, title, address and telephone number of the chief executive officer of the State or local government submitting the request, and of a principal contact person.

§ 92.6 Review of Request

(a) *Review Period.* The Attorney General shall review a request submitted pursuant to section 90107 and in accordance with the regulations set forth in this Part within time for the President to decide within 30 days of the Attorney General's receipt of such request whether to designate the requested violent crime or drug emergency area.

(b) *Incomplete Requests.* If the request does not include all information required by section 90107 or by this Part, and if there has not been an appropriate waiver under paragraph (d) of this section, the Attorney General may return the application to the applicant chief executive officer or request provision of the

omitted information. In the event that an incomplete request has been returned or omitted information requested, the request is not deemed to be received for purposes of the review period described in section 92017(f) and paragraph (a) above until all required information has been provided.

(c) *Additional Information.* The Attorney General or [the Assistant Attorney General, Criminal Division/Deputy Attorney General] may request information in addition to the information required to be submitted under § 92.5.

(d) *Waiver.* In exigent circumstances, the Attorney General, or the Assistant Attorney General, Criminal Division/Deputy Attorney General may waive any requirements of this Part, provided that the requirements of section 90107 are met.

(e) *Internal Consultation.* The Assistant Attorney General, Criminal Division/Deputy Attorney General may, on behalf of the Attorney General, consult with any appropriate Federal, State, or local official regarding a request made pursuant to section 90107.

(f) *Review Criteria.* Section 90107 of the Act provides that the President may designate a violent crime or drug emergency area if there exists an occasion or instance in which violent crime, drug smuggling, drug trafficking, or drug abuse violence reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property

and public health and safety. In reviewing requests for ~~an~~ ^{advisory} designation, the Attorney General will consider all factors relevant to the question whether the violent crime or drug-related activity in the requested area has reached such emergency levels. Whether or not the applicant jurisdiction is a highly populated or a less populated area is not a relevant factor. Factors that the Attorney General may consider include the following:

- (1) the nature, cause, and extent of the emergency within the requested area;
- (2) the availability of State and local resources to respond to the emergency, and whether the State and local government(s) have committed or will commit available resources to alleviating the emergency;
- (3) the efforts of State and local government(s) to free up resources to respond to the emergency, including whether local officials have temporarily or permanently restructured resources to maximize the number of officers involved in direct community and patrol law enforcement;
- (4) the nature and amount of the Federal assistance requested, whether the requested assistance is consistent with the mission and operational capacities of a Federal agency, and whether the requested assistance would duplicate or supplant State or local assistance efforts;
- (5) the coherence and feasibility of the applicant government's plan for responding to the emergency, and whether

the requested Federal assistance will significantly contribute to achieving the goals set forth in that plan;

(6) whether the applicant jurisdiction has received, or could receive, Federal resources under some other program to alleviate the emergency; and

(7) other demands on Federal law enforcement resources.

(g) *No Limitation on Presidential Actions.* Notwithstanding any provision of this Part, the President may take any action otherwise permitted by law or section 90107 of the Act. This Part shall not be construed to limit the authority of the President in any way.

§ 92.7 Limitations on Use and Duration of Federal Assistance

(a) *Limitations on Use.* Section 90107 of the Act provides for use of Federal resources to supplement State and local efforts to alleviate major violent crime or drug-related emergencies. No funds, equipment or services provided under section 90107 shall be used for any purpose other than to alleviate the violent crime or drug emergency, or to supplant any State or local resources that would otherwise be used to respond to such emergency.

(b) *Duration of Assistance.* (1) Federal assistance under section 90107 shall not be provided to a violent crime or drug emergency area for more than 1 year;

(2) The chief executive officer of a jurisdiction may apply for an extension of assistance beyond 1 year, and the

President may extend the provision of Federal assistance for not more than an additional 180 days.

[(c) *Violation of Conditions: Return, Relinquishment, and Repayment of Assistance.* If the Federal assistance provided under section 90107 is used by the recipient of such assistance in violation of section 90107 or the regulations set forth in this Part, or for any purpose other than the purpose for which that assistance is provided, then such recipient shall promptly return any equipment or supplies provided under section 90107, relinquish use of any personnel, facilities or managerial, technical and advisory services provided under section 90107, and repay to the Attorney General an amount equal to the value of any financial assistance provided under section 90107.]

COORDINATE WITH THE OIG

§ 92.8 Records, Audits and Repayments.

(a) *Records.* Each chief executive officer receiving Federal assistance under section 90107 shall keep such records of the use and disposition of any resources provided thereunder as are required under generally accepted accounting standards to facilitate a full and complete audit of the use and disposition of such resources.

(b) *Audits.* The Attorney General, or any designated agent of the Attorney General or the Inspector General of the Department of Justice, shall be given access, for the purpose or audit and examination, to any books, documents, and records of

the chief executive officer of the State or local government provided assistance under section 90107 which, in the opinion of the Attorney General or the Inspector General of the Department of Justice, or his or her designee, are related to the use and disposition of such resources.

(c) Confidentiality. [DISCUSS WITH OIG WHETHER ANY CONFIDENTIALITY PROVISION SHOULD BE ADDED]

§ 92.9 Disclaimer

These regulations do not, are not intended to, and shall not be construed to exclude, supplant, or limit otherwise lawful activities of the President, Attorney General, the Department of Justice, or any other Federal agency. These regulations do not, are not intended to, shall not be construed to, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal.

THE WHITE HOUSE
WASHINGTON

January 31, 1995

file - Crime Bill
Clarissa
for me.

MEMORANDUM FOR ABNER MIKVA
COUNSEL TO THE PRESIDENT

FROM: CLARISSA CERDA *CC*
ASSISTANT COUNSEL TO THE PRESIDENT

SUBJECT: Implementation of Crime Bill § 90107,
"Presidential Declaration of Violent Crime and
Drug Emergency Areas"

BACKGROUND

Pursuant to the Crime Bill, the President may declare a jurisdiction a violent crime or drug emergency area and direct federal agency assistance to state and local authorities for crime-fighting. Pub. L. No. 103-322 § 90107, 108 Stat. 1988 (1994). This crime emergency declaration power raises various legal and political considerations and, as drafted and implemented by the DOJ proposed rule, it also leaves several problems unresolved.

This section established the declaration process as follows: (1) A state or local CEO requests a presidential declaration through the Attorney General; (2) the Attorney General reviews the request, and (3) forwards the request along with a recommendation to the President, who must reject the request or make the declaration within 30 days of the request's submission. Id. § 90107(b).

The statute and DOJ's proposed rule further detail the submission and review process for and requirements of a declaration request. 28 C.F.R. Part 92 (DOJ draft proposal).

To implement the statute and avoid practical problems and political embarrassment, a structure should be devised that facilitates prompt and effective Presidential action so the White House is prepared if and when a crime emergency declaration request is made. This office should pursue a number of implementing strategies, including: comments to DOJ regarding the rulemaking; presidential action via executive order, presidential directive, or internal memorandum; and, if necessary and appropriate, a legislative initiative to amend the crime emergency provision.

SUMMARY OF RECOMMENDATIONS

Recommendations for Comments to DOJ

- The regulations should include a policy statement affirming that a Presidential declaration of a crime emergency area in no way effects civil liberties or criminal procedural safeguards.
- Authority to request declarations should be required to go through or be restricted to states' governors.
- The first line of response to a crime emergency declaration should be the President's establishment of an intergovernmental, interagency command group to coordinate efforts. This would highlight presidential involvement, centralize crime-fighting efforts, and avoid unnecessary financial commitments.

Recommendations for Establishing Internal White House Framework

- The cabinet affairs staffer in charge of DOJ should serve as crime emergency liaison, coordinating communications between the White House and DOJ, and should facilitate administration responses to declaration requests. As necessary, a DOJ agency representative should serve in the White House Office to further facilitate the declaration process.
- Upon receipt of requests for a declaration, DOJ should notify the President through the staff liaison immediately. Thereafter, DOJ should brief the staff liaison on the status of their review of the request on a daily or other appropriate basis. DOJ should also prepare a draft document package (see § 4, below) and forward it to the White House to facilitate prompt presidential action.

DISCUSSION

1. Protection of civil liberties during crime emergencies

The DOJ regulations should begin with a general policy statement affirming that, absent explicit and extraordinary governmental action, a crime emergency declaration in no way limits civil and criminal rights, and that all judicial and other remedies remain available to citizens whose rights are abused. Alternatively, a section might reaffirm that in crime emergency areas government officers are liable for any abuses under 42 U.S.C. § 1983. *yes*

Two examples demonstrate how such a policy statement might be folded into the regulations: The DOJ draft regulations already include a short disclaimer indicating that the declaration-power does not otherwise effect presidential powers. 28 C.F.R. § 92.6(g) (DOJ draft proposal). An example of a longer policy statement included in agency regulations is found in the DoD regulations governing the domestic use of federal troops, which begins with several paragraphs reaffirming the constitutional and statutory limitations on emergency mobilizations. 32 C.F.R. § 215.4.

2. Request authority should be restricted to governors or legislatures

As drafted, the statute explicitly authorizes most any state or subdivision CEO, even local and rural government CEOs, to request a declaration, exposing the executive branch to declaration requests from literally tens of thousands of jurisdictions. Pub. L. No. 103-322 § 90107(c)(1). Under FEMA regulations, by contrast, request authority is restricted to governors, 44 C.F.R. § 205.33(b). Similarly, domestic mobilization of federal troops in a state can be requested only by a state legislature or governor, not subdivisions. 10 U.S.C. § 331.

To create a workable crime emergency chain of command, similar restrictions should apply here. If this would be inconsistent with the statutory text, the draft rule should at minimum be strengthened to require that local officials make their request through the state legislature or the governor, in addition to the current requirement that they demonstrate they have already exhausted all state resources. Alternatively, the Administration should lobby Congress to include an amendment restricting request authority in pending crime legislation. } *yes*
no

3. Prevention of crime emergency declaration demands exceeding federal capabilities

Along the same lines, to avoid the political embarrassment of requests overwhelming the DOJ-White House response capabilities and federal resources, DOJ should rigorously screen requests, or even be authorized to reject patently frivolous requests. Under draft 28 C.F.R. § 92.6 (DOJ proposed draft), the Attorney General may return incomplete requests, or require additional information of those making a request. The Attorney General might further be given a joinder or consolidation power in the case of multiple requests. By analogy, 28 C.F.R. § 92.4(a) (DOJ draft proposal) would allow multiple jurisdictions to make single, consolidated declaration requests. *yes*

Political embarrassment might result, moreover, if federal responses to crime emergency requests are deemed inadequate-- a real danger, as the Crime Bill provides for no additional funds for crime emergencies. Therefore, to provide effective responses without expense, interagency and intergovernmental coordination of existing efforts should be emphasized as the first line of federal assistance.

4. Internal White House procedure

The draft rules' provision for DOJ-White House communication and the timing of such communication is sparse: 28 C.F.R. § 92.6(a) (DOJ draft proposal) provides that "the Attorney General shall review a request... within time for the President to decide [whether to make a declaration] within 30 days".

DOJ-White House communications require more structure. A White House Office staff member -- logically, the cabinet affairs staffer for DOJ -- should serve as the official liaison between DOJ and the White House in order to centralize crime emergency communications in a single person and to ensure rapid response to requests.

The staff liaison's responsibilities should include: facilitating communications between the President, the Attorney General, other federal officers, and other White House offices; the preparation of a package of draft documents -- a draft declaration, rejection, press release, etc.; and briefing and coordinating action with the COS, the Counsel to the President, domestic policy advisors, agency heads, and/or other White House staff as appropriate.

In addition, a DOJ agency representative might be assigned to work within the White House office to assist the White House liaison.

5. DOJ preliminary communications

Regarding the timing of DOJ-White House communications, the Attorney General's office should give the President notification immediately upon receipt of a request. Thereafter, DOJ should continue to update the staff liaison on the review's status on a daily or regular basis.

CONCLUSION

Action is required to implement the Crime Bill's § 90107, to address practical problems of implementation, and to avoid political embarrassment. Establishing an internal White House structure now is essential to ensuring the White House will be prepared to respond rapidly and appropriately to crime emergency requests in the future.