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

March 9, 1994

LEGISLATIVE REFERRAL MEMORANDUM

LRM #M-1184

TO: Legislative Liaison Officer -

HHS - Frances White - (202)690-7760 - 328
EDUCATION - John Kristy - (202)401-2670 - 207
TREASURY - Richard S. Carro - (202)622-1146 - 228
ONDCP - Babette Hankey - (202)395-6739 - 257

FROM: JAMES J. JUKES (for)
Assistant Director for Legislative Reference

OMB CONTACT: Douglas STEIGER (395-3386)
Secretary's line (for simple responses): 395-3454

SUBJECT: JUSTICE Proposed Report on Crime Legislation

DEADLINE: 5 PM TODAY March 9, 1994

COMMENTS: This referral contains a Justice letter commenting on several crime provisions expected to be marked up tomorrow by a House Judiciary subcommittee. Some were included in the Senate-passed crime bill. At a later date Justice may submit a broader views letter discussing other Senate-passed crime bill provisions.

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

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:

C. Walden/J. Cerda
Karen Hancox
C. Edley/M. Shaw
Ken Schwartz
Jim Duke
Harry Meyers
Chris Brown
Barry Clendenin

Jill Blickstein
Mark Schwartz
Peggy Young
Barry White
Clarissa Cerda
Bernie Martin

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Draft

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

Dear Chairman Brooks:

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

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

I. Crime Prevention Proposals

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

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

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

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

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

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

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

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

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

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B. Police Partnerships for Children

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

C. Community Justice Grant Program

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

D. Community Youth Academies

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

E. TRIAD Programs

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

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11. Drug Courts and other Supervised Release Programs for Drug Abusing Offenders

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

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

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

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

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

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

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

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

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

IV. Federal death penalty offenses

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

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

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

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

VI. Drug Law Mandatory Penalties

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

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

VII. Broadened Adult Prosecution for Violent Juvenile Offenders

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

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

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

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

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

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

VIII. Victim-oriented Provisions

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

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

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

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

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

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

Report on "Battered Women's Syndrome." The Senate has passed a provision in § 2964 of H.R. 3365 which requires a report on "battered women's syndrome" and its use in criminal trials. We are advised that the same provision will be considered in the Subcommittee on Crime and Criminal Justice.

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

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

X. Police Corps and Related Programs

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

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

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

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

Sincerely,

TO: Karen Hancox
Margaret Shaw

From: Doug Steiger - OMB - 395-3386

Jobs proposal for Crime bill

Justice language for House Judiciary.

Includes comments from Labor & HUD.

We'll have some OMB edits.

Justice is looking to go to the Hill
late tonight.

Please advise if any edits or
concerns.

1 **SEC. 104. PARTICIPANTS.**

2 **(a) ELIGIBLE POPULATION.—**

3 (1) AGE.— Young adults ages 16 to 25 shall
4 be eligible for employment programs funded under
5 this title and, in certain circumstances as
6 determined by the Attorney General and the
7 Secretaries of Labor and Housing and Urban
8 Development (hereinafter Secretaries), young
9 adults up to age 30 and youth age 14 to 15 may be
10 eligible to participate; and

11 (2) RESIDENCY.— Any young adult residing in
12 the target area or attending school in the target
13 area shall be eligible to participate in the
14 programs under this title.

15 **(b) RESPONSIBLE BEHAVIOR BY PARTICIPANTS.**

16 Continued participation in a program under this title
17 shall be conditioned, during participation in the
18 program, on the following:

19 (1) avoiding crime, including illegal drug
20 use;

21 (2) regular attendance and satisfactory
22 performance at work;

23 (3) paying child support when paternity has
24 been established; *+ the participant has*

25 (4) in-school young adults in high school
26 remaining in school until graduation; and

What if no income (age 14)?
as per #9+10
any family besides job?

(5) requiring young adults ages 16-17 who have dropped out of high school and who have not obtained a General Equivalent Diploma (GED) to return to school or an alternative education program.

SEC. 105. ALLOWABLE ACTIVITIES.

(a) EXPENDITURE OF FUNDS.— Funds awarded under this title shall be expended only for crime prevention related activities undertaken to carry out the approved application, such as—

(1) apprenticeship programs linking work and learning;

(2) on-the-job training in the private sector;

(3) youth conservation and service corps;

(4) programs emphasizing neighborhood infrastructure, such as YouthBuild and employment of public housing residents;

(5) work experience in private nonprofit organizations and public agencies;

(6) entrepreneurial and microenterprise development;

(7) crime prevention and security measures for profit and not-for-profit businesses employing substantial numbers of

1 youth from high crime areas ;

2 (8) transportation links to jobs in the
3 labor market area;

4 (9) initiatives to increase the
5 educational attainment, occupational skills,
6 and career aspirations of target area young
7 adults, including work-based learning; and

8 (10) job placement and related case
9 management and follow up services.

10 (h) WORK EXPERIENCE PROGRAMS.— Work experience
11 programs funded under this title shall:

12 (1) pay wages in accordance with the Fair
13 Labor Standards Act and relevant State law;

14 (2) include adequate supervision, equipment,
15 and materials and supplies to accomplish useful
16 work projects;

17 (3) include a private sector job development
18 component to facilitate the transition of
19 participants to private sector jobs, which shall
20 include developing portfolios of skill attainment,
21 mentorship opportunities, and other efforts to
22 increase job networks for participants; and

23 (4) include an extensive job placement
24 component.

25 (c) TWO YEAR LIMITATION. — The combination
26 of all subsidized employment for a participant shall

1 not exceed two years.

2 **SEC. 106. APPLICATION FOR GRANTS.**

3 (a) **APPLICATION PLAN.**— To be eligible to receive
4 a grant under this title, a chief local elected
5 official, with the timely review and comment of the
6 Governor, shall apply to the Secretary of Labor for a
7 Youth Employment and Skills Crime Prevention grant by
8 submitting an application that shall contain a plan for
9 reducing crime by substantially increasing the
10 employment levels of young adults in the target area.
11 Such a plan shall:

12 (1) describe the measurable outcomes that
13 will be used to evaluate the local success of the
14 program, including reduced crime and substance
15 abuse, increased employment, reduced drop out
16 rates, and increased educational attainment;

17 (2) specify the organization that shall
18 administer the program;

19 (3) describe the specific employment programs
20 that will be offered by the program;

21 (4) describe the public/private partnership
22 that will promote collaboration between the state
23 and local governments, private sector, public
24 housing authorities, local residents, community-
25 based organizations, and nonprofit organizations,
26 including linkage with community policing, gang

1 prevention activities and juvenile justice or
2 delinquency prevention initiatives;

3 (5) specify how the public and private
4 sectors will work together to assist youth and
5 young adults to make the transition from
6 subsidized to unsubsidized jobs;

7 (6) describe how links to jobs throughout the
8 labor market area will be provided;

9 (7) specify the manner by which the job
10 network for youth and young adults will be
11 expanded by mentors and other programs; and

12 (8) such other information as the Secretary
13 of Labor, *in case of AG & kind* may require.

14 (b) COORDINATION WITH OTHER FEDERAL PROGRAMS.—

15 The application will demonstrate that the proposed
16 Youth Employment and Skills Crime Prevention program
17 shall build upon and be coordinated with other Federal
18 initiatives relating to such matters as crime control
19 and prevention, youth employment, education, economic
20 development, community service, or social services.

21 (c) LEVERAGING AND LINKAGES.— As a condition of a
22 grant award, local areas shall establish linkages with
23 the local private sector, local employment and job
24 training programs, and other appropriate entities to
25 enhance the provision of services under this title.
26 Such activities may include leveraging by and linkages

1 with:

2 (1) the local private sector to--

3 (A) develop a mentoring program to
4 improve the job network for young adults in
5 the target area;

6 (B) develop a specified number of
7 career-track jobs for young adults graduating
8 from high school and college in the target
9 area; and

10 (C) develop part-time jobs to support
11 young adults while they are receiving job
12 training, or secondary or post secondary
13 education,

14 (D) develop apprenticeship programs with
15 unions that provide matching funds to create
16 training and employment opportunities;

17 (2) the local service delivery area under the
18 Job Training Partnership Act to identify funds --

19 (A) for on-the-job training and work-
20 based training programs, based on successful
21 program models, for residents of the target
22 area;

23 (B) to develop a summer jobs program for
24 in-school young adults residing in the target
25 area; ~~and~~

26 (C) for new youth initiatives in the

target area; and
(CD) for child care + supportive services;
(3) local programs to provide employment

services and supportive services, such as
transportation service to link target area
residents to jobs in the labor market area, and
(4) the local educational agency to provide
activities that will support the program and
assist in achieving the goals specified in the
application.

SEC. 107. AWARD PRIORITIES.

In evaluating the applications submitted under
this title, the Secretaries and Attorney General shall
give priority to applications that:

(a) demonstrate extensive community support
and linkages to crime prevention programs and
employment related programs;

(b) target areas that include public and
assisted housing projects; and

(c) demonstrate evidence of severe social and
economic problems.

SEC. 108. GRANT DURATION AND NUMBER.

(a) DURATION OF GRANTS. — Grants shall be for 1
year, and renewable for each of the four succeeding
years.

(b) NUMBER OF GRANTS. — There shall be no more
than twelve grants awarded under this title.

1 **SEC. 109. FEDERAL RESPONSIBILITIES.**

2 (a) IN GENERAL.— The Secretary of Labor in
3 conjunction with the Attorney General and the Secretary
4 of Housing and Urban Development shall establish a
5 system of performance measures for assessing programs
6 established pursuant to this title.

7 (b) EVALUATION.— The Secretary of Labor in
8 conjunction with the Attorney General and Secretary of
9 Housing and Urban Development shall conduct a national
10 evaluation of Youth Employment and Skills Crime
11 Prevention programs funded under this title that will
12 track and assess the effectiveness of those programs,
13 and include an evaluation of reduced crime, increased
14 employment, *entrepreneurship*, reduced drop out rates, and increased
15 educational attainment.

16 (c) TECHNICAL ASSISTANCE.— The Secretary of Labor
17 in conjunction with the Attorney General and the
18 Secretary of Housing and Development may provide
19 appropriate technical assistance to carry out Youth
20 Employment and Skills Crime Prevention programs under
21 this title.

22 (d) ADMINISTRATION.— The technical assistance and
23 evaluations authorized by this section may be carried
24 out directly by the Secretary of Labor or through
25 grants, contracts, or other cooperative arrangements
26 with the Attorney General, Secretary of Housing and

Urban Development or other entities or agencies.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.— There are authorized to be appropriated to the Secretary of Labor \$75 million for fiscal year 1995, \$100 million for fiscal year 1996, \$110 million for fiscal year 1997, \$115 million for fiscal year 1998, and \$125 million for fiscal year 1999 to carry out this title.

(b) AVAILABILITY OF FUNDS.— Funds appropriated pursuant to this section are authorized to remain available for obligation until expended.

(c) EVALUATIONS AND TECHNICAL ASSISTANCE.— Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary of Labor in conjunction with the Attorney General and Secretary of Housing and Urban Development may reserve not more than 5 percent of such amounts for each fiscal year to carry out evaluations and technical assistance.

SEC. 111. SANCTIONS.

The Secretary of Labor may terminate or suspend financial assistance, in whole or in part, to a recipient or refuse to extend a grant for a recipient, if the Secretary of Labor in consultation with the Attorney General and Secretary of Housing and Urban Development determines that the recipient has failed to meet the requirements of this title, or any regulations

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1 or guidelines under this title, or any approved
2 application submitted pursuant to this title.
3

4 **SEC. 112. LABOR STANDARDS.**

5 Labor Standards under the Job Training Partnership
6 Act (29 U.S.C. 1553) shall apply to programs under this
7 title.

8 **SEC. 113. REGULATIONS OR GUIDELINES.**

9 The Secretary of Labor in ^{conjunction} ~~consultation~~ with the
10 Attorney General and Secretary of Housing and Urban
11 Development shall issue such regulations or guidelines
12 as may be necessary to carry out the purposes of this
13 title.

14 **SEC. 114. WAIVERS.**

15 The Secretary of Labor in ^{conjunction} ~~consultation~~ with the
16 Attorney General and Secretary of Housing and Urban
17 Development may prescribe regulations or guidelines
18 that establish criteria for waiver of application
19 requirements of programs ~~under this title~~ to the extent
20 that they duplicate or conflict with the requirements
21 specified in similar laws.

22 **SEC. 115. PROHIBITION ON PRIVATE RIGHTS OF ACTION.**

23 Nothing in this title shall be construed to
24 establish a right for any person to bring an action to
25 obtain services under this title.

26 **SEC. 116. ACCEPTANCE OF GIFTS, AND OTHER MATTERS.**

1 The Secretaries and Attorney General are
2 authorized, in carrying out this title, to accept,
3 purchase, or lease in the name of the Department of
4 Justice or the Department of Labor or the Department of
5 Housing and Urban Development, and employ or dispose of
6 in furtherance of the purposes of this title, any money
7 or property, real, personal, or mixed, tangible or
8 intangible, received by gift, devise, bequest, or
9 otherwise, and to accept voluntary and uncompensated
10 services notwithstanding the provisions of section 1342
11 of title 31.

94 DOL 314.OMB

Daily Talking Points on Anti-Crime Legislation

Wednesday, March 23, 1994 (update)

Pass The Crime Bill - Now!

- The U.S. House of Representatives begins consideration of the crime bill on the floor today. Final passage is expected on Friday. There should be no delay in getting a bill passed and signed into law!
- While violent criminals are terrorizing Americans every day, some are still saying "let's wait and work on this some more and think about it some more."
- The fact is, almost all of the provisions of this crime bill have been pending in House Committees in similar or identical form for months, if not years. **It's time for action!**
- There is no good reason for delay. House members must adopt the rule and move immediately to consideration of the bill.
- House deliberations must not get bogged down or stalled. **Every day we delay in passing the crime bill is a day that we could have had an impact on crime, and didn't.**
- Given the seriousness of the crime problem in America and the months during which Members have had to formulate and propose their solutions, it is hard to understand why the House should delay consideration of this important piece of legislation
- We must pass a balanced crime bill -- featuring police, punishment and prevention -- now!

Daily Talking Points on Anti-Crime Legislation Wednesday, March 23, 1994

Pass The Crime Bill - Now!

- The U.S. House of Representatives begins consideration of the crime bill on the floor today. Final passage is expected on Friday.
- Put simply, there is no time for delay. House members must adopt the rule and move immediately to consideration of the bill.
- House deliberations must not get bogged down or stalled. Every day we delay in passing the crime bill is a day that we could have had an impact on crime, and didn't.
- The House bill contains the essential features of a good crime bill:
 - * More Police and Community Policing
 - * A "Smart and Tough" Approach to Youth Crime
 - * Measures to Stiffly Punish Violent Crime
 - * A Substantial Crime Prevention Agenda
- And as another reminder of the importance of acting quickly to pass the crime bill, the Justice Department released new statistics today regarding crime and seniors. A few notable items included in the report are:
 - * When compared to younger crime victims, elderly victims are about twice as likely to suffer broken bones, internal injuries, or loss of consciousness at the hands of an assailant
 - * More than 1 out of 3 violent crimes against those 65 and over is a robbery - a rate 50% higher than the portion of forcible or threatened force thefts from younger people
- We must pass a balanced crime bill -- featuring police, punishment and prevention -- now!

MEMORANDUM TO: Jennifer O'Connor, Cabinet Affairs

FR: Karen Hancox, Legislative Affairs

DT: February 8, 1994

RE: Cabinet Travel/Top Target Crime Districts

It is imperative that Cabinet Secretaries give Members advance notice of travel to their districts and that Secretaries give the Member every opportunity to be a part of their trip.

The following is a list of the top 28 targeted districts for crime travel. They are not in a specific rank order:

<u>MEMBER (STATE-DISTRICT)</u>	<u>MAJOR CITY *</u>
Rep. Louise Slaughter (NY-28)	Rochester
Rep. Sam Gejdenson (CT-02)	
Rep. Bill Hughes (NJ-02)	Atlantic City
Rep. Bobby Scott (VA-03)	Richmond, Norfolk
Rep. Kweisi Mfume (MD-07)	Baltimore
Rep. Ron Klink (PA-04)	
Rep. Margolies-Mezvinsky (PA-13)	(Main Line towns, Montgomery County)
Rep. Eleanor Holmes-Norton (DC)	D.C.
Rep. Bobby Rush (IL-01)	Chicago
Rep. Harold Ford (TN-09)	Memphis
Rep. Buddy Darden (GA-07)	Marietta
Rep. Don Johnson (GA-10)	Athens, Augusta
Rep. John Lewis (GA-05)	Atlanta
Rep. Jim Bacchus (FL-15)	Palm Bay, Vero Beach
Rep. Carrie Meek (FL-17)	Miami
Rep. Bill Hefner (NC-08)	Concord
Rep. Mel Watt (NC-12)	Charlotte
Rep. Maxine Waters (CA-35)	Los Angeles (So. Central)
Rep. George Brown (CA-42)	San Bernardino
Rep. Cleo Fields (LA-04)	Baton Rouge, Shreveport
Rep. Ted Strickland (OH-06)	
Rep. Eric Fingerhut (OH-19)	(Cleveland's suburbs)
Rep. Louis Stokes (OH-11)	Cleveland
Rep. David Bonior (MI-10)	(Macomb County)
Rep. Bart Stupak (MI-01)	(Upper Peninsula area)
Rep. John Conyers (MI-14)	Detroit
Rep. Peter Hoagland (NE-02)	Omaha
Rep. Karen Shepherd (UT-02)	Salt Lake City

* Please note that many of these cities span more than one Congressional District. When coordinating travel, it is important that you take care to choose a site within the targeted district.

cc: Rahm Emanuel

REPUBLICAN TARGETS OF OPPORTUNITY

Horn	(R-CA) - Long Beach
Kim	(R-CA) - Ontario; Pomona
Shays	(R-CT) - Bridgeport; Greenwich; Stamford
Johnson	(R-CT) - New Britain; Bristol
Castle	(R-DE) - Ar-lange
Ros-Lehtinen	(R-FL) - Miami
Leach	(R-IA) - Davenport; Cedar Rapids
Porter	(R-IL) - N. Shore
Morella	(R-MD) - Bethesda
Roukema	(R-NJ) - Bergen County
Bateman	(R-VA) - Tidewater; Newport News; Williamsburg
Wolf	(R-VA) - Fairfax; Loudon; Prince William Counties
Young	(R-FL) - St. Petersburg
Fawell	(R-IL) - S.W. Corner - Cook Co. - DuPage Co.
Torkildsen	(R-MA) - Salem; North of Boston
Bentley - MD	(R-MA) - Baltimore
Ehlers	(R-MI) - Grand Rapids
Upton	(R-MI) - Kalamazoo; St. Joseph
Saxton	(R-NJ) - suburbs of Philly → Cherry Hill
Boehlert	(R-NY) - Utica; Rome
Quinn	(R-NY) - Buffalo
Greenwood	(R-PA) - Bucks County
Machtley	(R-RI) - Providence
Klug	(R-WI) - Madison
Diaz-Balart	(R-FL) - Miami
Gilchrest	(R-MD) - Annapolis; Eastern Shore
Ramsted	(R-MN) - Eagan; Burnsville
Gallo	(R-NJ) - Morris County
Zimmer	(R-NJ) - E. Brunswick
Fish	(R-NY) - White Plains; northern Westchester County
Dunn	(R-WA) - Bellevue;
Nussle	(R-IA) - Dubuque; Waterloo
Grandy	(R-IA) - Sioux City
Molinari	(R-NY) - Staten Island
Pryce	(R-OH) - Columbus
Moorhead	(R-CA) - Pasadena; Burbank; Glendale
Lightfoot	(R-IA) - Newton; (Des Moines media mkt.)
Snowe	(R-ME) - Lewiston
Zeliff	(R-NH) - Manchester
Paxon	(R-NY) - Buffalo; Erie County
Weldon	(R-PA) - Delaware Co.; Main Line Suburbs
Sundquist	(R-TN) - Memphis
Petri	(R-WI) - Green Bay; Madison
Roth	(R-WI) - Green Bay
Thomas	(R-CA) - Tulare; Kern
McCandless	(R-CA) - Riverside
Stearns	(R-FL) - Ocala County; Jacksonville
Bilirakis	(R-FL) - Tampa
Shaw	(R-FL) - Miami
Gilman	NY - Rockland Co.; Orange Co.
MS Pade	PA - Scranton
Lazio	NY - Suffolk Co. (Long Island)
Walsh	NY - Syracuse

REPUBLICAN TARGETS OF OPPORTUNITY

— Horn	(R-CA)
Kim	(R-CA)
— Shays	(R-CT)
— Johnson	(R-CT)
— Castle	(R-DE)
— Ros-Lehtinen	(R-FL)
— Leach	(R-IA)
— Porter	(R-IL)
— Morella	(R-MD)
— Roukema	(R-NJ)
— Bateman	(R-VA)
— Wolf	(R-VA)
— Young	(R-FL)
— Fawell	(R-IL)
— Torkildsen	(R-MA)
— Bentley	(R-MO)
— Ehlers	(R-MI)
— Upton	(R-MI)
— Saxton	(R-NJ)
— Boehlert	(R-NY)
— Quinn	(R-NY)
— Greenwood	(R-PA)
— Machtley	(R-RI)
— Klug	(R-WI)
— Diaz-Balart	(R-FL)
— Gilchrest	(R-MD)
— Ramsted	(R-MN)
— Gallo	(R-NJ)
— Zimmer	(R-NJ)
— Fish	(R-NY)
Dunn	(R-WA)
Nussle	(R-IA)
Grandy	(R-IA)
— Molinari	(R-NY)
— Pryce	(R-OH)
— Moorhead	(R-CA)
— Lightfoot	(R-IA)
— Snowe	(R-ME)
— Zeliff	(R-NH)
Raxon	(R-NY)
— Weldon	(R-PA)
— Sundquist	(R-TN)
— Petri	(R-WI)
— Roth	(R-WI)
— Thomas	(R-CA)
— McCandless	(R-CA)
— Stearns	(R-FL)
— Bilirakis	(R-FL)
— Shaw	(R-FL)
— Gilman	NY
— McDade	PA
— Lazio	NY
— Walsh	NY

ROUGH DRAFTPROGRESSIVE DEMOCRATS WHO MAY OPPOSE THE BILL

Dellums	(D-CA)
Stark	(D-CA)
Edwards	(D-CA)
Waxman	(D-CA)
Becerra	(D-CA)
Waters	(D-CA)
Schenk	(D-CA)
Schroeder	(D-CO)
Meek	(D-FL)
Hastings	(D-FL)
Lewis	(D-GA)
McKinney	(D-GA)
Mink	(D-HI)
Rush	(D-IL)
Reynolds	(D-IL)
Gutierrez	(D-IL)
Collins	(D-IL)
Jefferson	(D-LA)
Fields	(D-LA)
Frank	(D-MA)
Wynn	(D-MD)
Mfume	(D-MD)
Kildee	(D-MI)
Levin	(D-MI)
Ford	(D-MI)
Conyers	(D-MI)
Collins	(D-MI)
Clay	(D-MO)
Wheat	(D-MO)
Clayton	(D-NC)
Watt	(D-NC)
Payne	(D-NJ)
Ackerman	(D-NY)
Flake	(D-NY)
Towns	(D-NY)
Owens	(D-NY)
Rangel	(D-NY)
Serrano	(D-NY)
Stokes	(D-OH)
Blackwell	(D-PA)
Margoles-Mezvinsky	(D-PA)
Ford	(D-TN)
Washington	(D-TX)
Johnson	(D-TX)
Scott	(D-VA)
Smith	(D-IA)
Oberstar	(D-MN)
Obey	(D-WI)
Sanders	(I-VT)
Dixon	(D-CA)
Yates	(D-IL)
Vento	(D-MN)
Williams	(D-MT)
Moran	(D-VA)

MODERATE DEMOCRATS WHO ARE AT RISK

McCurdy	(D-OK)
Spratt	(D-SC)
Lloyd	(D-TN)
Coleman	(D-TX)
Frost	(D-TX)
Browder	(D-AL)
Thornton	(D-AR)
Hutto	(D-FL)
Cooper	(D-TN)
Clement	(D-TN)
Tanner	(D-TN)
Andrews	(D-TX)
Bevill	(D-AL)
Tauzin	(D-LA)
Danner	(D-MO)
Taylor	(D-MS)
Hefner	(D-NC)
Brewster	(D-OK)
Wilson	(D-TX)
Stenholm	(D-TX)
Skelton	(D-MO)
Volkmer	(D-MO)
Cramer	(D-AL)
Condit	(D-CA)
Parker	(D-MS)
Traficant	(D-OH)

Daily Talking Points on Anti-Crime Legislation

Monday, March 21, 1994

SOMETHING TO SAY "YES" TO: THE PRESIDENT'S YOUTH EMPLOYMENT AND SKILLS CRIME REDUCTION PROGRAM

- A major factor underlying the nation's crime problem has been the growing concentration of poverty and sharp erosion in the economic position of disadvantaged youth and young adults. The President's Y.E.S. initiative is a highly targeted program to prevent crime by improving the labor market prospects of at-risk youth in high crime and economically distressed areas.
- By improving the employment and long-term career prospects of youth and young adults, the poverty-crime-violence cycle can be broken. As the President said in the State of the Union address, young people must have something to say "yes" to.
- Building upon other Administration supported initiatives, Y.E.S. includes a highly leveraged but flexible direct job creation component providing employment opportunities primarily for youth and young adults ages 16-25. Key program features include:
 - * Careful targeting to disadvantaged youth living in high crime, high poverty neighborhoods, including public housing;
 - * Neighborhood-wide interventions, intensive programming and a wide range of services to address the employment related needs of participants;
 - * Tying participation to good behavior, such as completing school, paying child support and avoiding involvement in criminal activity or substance abuse;
 - * Emphasizing private sector job placement, while also supporting some public sector employment linked to placing participants in private sector positions; and
 - * Leveraging other federal, state, local, and private sector resources with matching commitments from the community.
- Proposals for ten renewable (up to four years) grant awards will be evaluated on the basis creativity in leveraging resources; ability to effectively link the program to permanent private sector placements for participants; evidence of need based upon the incidence of crime, poverty rate and other factors; and program design and implementation plan quality.
- Rigorous evaluation will track and assess the effectiveness of the programs, including the extent to which they reduce crime, enhance employment and earnings, promote entrepreneurship, reduce drop out rates, and increase educational attainment.

The White House
Office of the Press Secretary

For Immediate Release

August 11, 1993

**THE CLINTON ADMINISTRATION PLAN
TO EXPAND COMMUNITY POLICING AND REDUCE GUN VIOLENCE**

It is time for America to make a serious commitment to community policing, to having people back on the beat, working the same neighborhoods, making relationships with people in ways that prevent crime How will the federal government provide 100,000 more police officers? First of all, by getting the crime bill passed.

Bill Clinton
Detroit, Michigan
October 17, 1992

The first duty of government is to keep its citizens safe. The Clinton Administration is offering a number of initiatives to prevent crime and reduce gun violence:

- * Expand community policing in cities and towns across America by putting up to 100,000 more officers on the streets.
- * Keep handguns out of the hands of criminals by passing the Brady Bill, which will require a five-day waiting period before purchasing a handgun, and taking other measures on assault weapons that will begin to end the arms race in our streets.
- * Provide community boot camps, which give young people discipline, training, and a better chance to avoid a life of crime, and provide criminal addicts with drug treatment.
- * Pass a crime bill that increases penalties for gun offenses, reforms habeas corpus procedures to raise counsel standards and limit appeals, and imposes federal death penalties for killing a federal law enforcement officer and other heinous crimes.

PUTTING 100,000 MORE OFFICERS ON THE STREET

A first step we can take to reduce crime in America is to put more police on the streets, walking the beat and working with neighbors as partners against crime. The Clinton Administration's anti-crime initiative will expand community policing throughout the nation. This innovative way of thinking about policing has already helped reduce crime in several communities across the country. From New York to St. Louis to Los Angeles, police departments are using this approach to put more police on the streets.

The Clinton Administration has launched a government-wide effort to put 100,000 more officers and public safety personnel on the street:

Supplemental Appropriations: Congress passed and the President signed into law on July 2 an FY93 supplemental appropriations bill that included \$150 million in community policing grants to hire and rehire police officers. This competitive grants program will become available to states and localities in early September, and will put more than 2,100 new police on the streets over the next three years.

Policing and Public Safety: The cornerstone of the President's community policing plan to put police on the street is the Policing and Public Safety program that will be part of this year's crime bill. An expansion of the Cop-on-the-Beat legislation introduced by Rep. Charles Schumer (D-NY), the Justice Department program will challenge communities to implement community policing by providing grants, training, and technical assistance for police officers. The program is authorized at \$3.4 billion over the next five years, which will help communities put up to 50,000 new officers on the street. The Administration will make full funding for this program a priority.

Police Corps: This four-year, \$100 million program will give college scholarships and police training to as many as 4-5,000 students who are willing to make a four-year commitment to serve their communities as police officers. As Governor of Arkansas, President Clinton instituted the nation's first state Police Corps program.

Safe Schools Initiative: Schools should be a safe haven for children, free of weapons, drugs, and crime. Education Secretary Richard Riley has introduced emergency Safe Schools legislation, based on a proposal by Rep. Schumer and others, that will enable local education authorities to hire security personnel and pay for police officers who include schools as part of their community policing "beat". The Administration's budget request includes \$475 million for Safe Schools over the next five years, which would fund up to 4,000 sworn and non-sworn officers.

Community Partnerships Against Crime: Some of the nation's worst pockets of crime are concentrated in neighborhoods with public housing. To help make public housing safer, Housing and Urban Development Secretary Cisneros is transforming his department's Drug Elimination Grant Program into a more effective program called Community

Partnerships Against Crime (COMPAC). The Administration's budget request includes more than \$700 million over the next five years to put as many as 5,000 sworn and non-sworn officers to work in law enforcement, security, and community policing in public housing.

National Service: Up to one-quarter of the slots in the national service plan Congress is expected to put on the President's desk in September will be available for young people who choose to pay their country and their communities back through public safety and law enforcement. The program could put up to 25,000 young people to work as non-sworn personnel for local police departments, crime prevention groups and other public safety efforts. The President hopes to put the first National Service participants to work by the summer of 1994.

Empowerment Zones and Enterprise Communities: The economic plan which the President signed into law August 10 will create jobs in depressed urban and rural areas around the country by targeting growth incentives and investments into nine Empowerment Zones and 100 Enterprise Communities. The Administration's budget request includes up to \$500 million for up to 6-7,000 officers to do community policing in these areas, because businesses can't create jobs where the streets are not safe. While the Empowerment Zone proposal passed as part of budget reconciliation, the Appropriations Committees have not approved the Administration's budget request.

Troops-to-Cops: As we downscale the military in the aftermath of the Cold War, we need to put our best trained, most talented men and women to work keeping America safe here at home. To help police departments tap into the pool of talented military personnel, Secretary of Labor Robert Reich will make as much as \$10 million from the Defense Diversification Program available to retrain up to 1,500 veterans who are leaving the military for jobs with state and local police departments.

Paying for Public Safety: Funding for these policing programs is included in the Administration's budget baseline for FY 1994-98. If additional funds are required for these and other Administration initiatives, the Administration will continue to pursue additional budget cuts, including ones the Administration sought but has not yet achieved in Congress this year. It is expected that Congressional leadership and the National Performance Review will identify additional savings. Community policing programs assume some state/local match.

REDUCING GUN VIOLENCE

The Clinton Administration is committed to passing the Brady Bill, and reducing the wave of gun violence that is plaguing America.

Brady Bill: This legislation -- named for former Reagan press secretary James Brady, and championed by his wife Sarah -- will impose a five-day waiting period for

handgun purchases, and require background checks so that we can help keep handguns out of the hands of criminals. The Brady Bill passed both houses of Congress last session with bipartisan support.

Assault Weapons: Recent attacks on children at a swimming pool in Washington, D.C., and on a law firm in San Francisco have underscored the need for Congress to consider legislation addressing the sale and availability of semiautomatic assault weapons -- the guns of choice for drug- and gang-related crime.

Presidential Action: Today, the President will sign Presidential Memoranda to suspend the importation of assault pistols, which are not covered under the existing assault weapons import ban, and to toughen enforcement of compliance procedures in issuing federal firearms licenses to gun dealers.

COMMUNITY BOOT CAMPS FOR YOUNG OFFENDERS AND DRUG TREATMENT FOR CRIMINAL ADDICTS

In Arkansas, Governor Clinton pioneered the use of community boot camps, which provide young people the discipline, education, and training they need for a better chance to avoid a life of crime. The Administration will work with Congress to convert closed military bases and other appropriate facilities into a system of boot camps. Director of the Office of National Drug Control Policy Lee Brown and Attorney General Janet Reno will work to ensure that we use the criminal justice system to provide criminal addicts with drug treatment.

FEDERAL DEATH PENALTY

The Administration will ask Congress to pass crime legislation that provides the death penalty for nearly 50 offenses -- including killing a federal law enforcement officer and killing state officers in the course of cooperative investigations with federal agencies.

HABEAS CORPUS REFORM

Senator Biden has introduced breakthrough habeas reform legislation, with strong support from district attorneys, state attorneys general, and the Administration. The legislation will, for the first time, limit inmates to filing a single, federal habeas corpus appeal within a six-month time limit. At the same time, the legislation will also assure that all indigent capital defendants will be represented by counsel who meet specific, rigorous experience and qualification standards.

CRIME BILLS THAT PASSED THE HOUSE PRIOR TO ADJOURNMENT

Unless otherwise noted, Bills remain pending in Senate

Last updated: 12-29-93

**** H.R. 175**, to amend title 18, United States Code, to authorize the Federal Bureau of Investigation to obtain certain telephone subscriber information, P.L. 103-142, signed into law 11-17-93.

H.R. 324, the "Jacob Wetterling Crimes Against Children Registration Act"

H.R. 796, the "Freedom of Access to Clinic Entrances Act of 1993"

H.R. 829, the "DNA Identification Act of 1993"

**** H.R. 1025**, the "Brady Handgun Violence Prevention Act", P.L. 103-159, signed into law 11-30-93.

H.R. 1133, the "Violence Against Women Act of 1993"

H.R. 1152, the "Hate Crimes Sentencing Enhancement Act of 1993"

**** H.R. 1237**, the "National Child Protection Act of 1993", P.L. 103-209, signed into law 12-20-93.

H.R. 1385, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow formula grants to be used to prosecute persons driving while intoxicated

H.R. 3098, the "Youth Handgun Safety Act of 1993"

**** H.R. 3216**, to control the diversion of certain chemicals used in the illicit production of controlled substances such as methcathinine and methamphetamine, P.L. 103-200, signed into law 12-17-93.

H.R. 3350, to establish a program of residential substance abuse treatment within Federal prisons

H.R. 3351, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation

H.R. 3353, to amend the Omnibus Crime Control and Safe Street Act of 1968 to allow grants to develop more effective programs to reduce juvenile gang participation and juvenile drug trafficking

H.R. 3354, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing and implementing residential substance abuse treatment programs within States correctional facilities, as well as within local correctional facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment

H.R. 3355, Community Policing/Cops on the Beat (Senate: took up H.R. 3355 as passed by House, substituted entire Senate omnibus crime package, and asked for a conference -- House has not responded.)

**** H.R. 3378**, to amend title 18, United States Code, with respect to parental kidnapping, and for other purposes, P.L. 103-173, signed into law 12-2-93.

**** signed into law by the President**

JIM CHAPMAN
FIRST DISTRICT
TEXAS

2417 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4301
TELEPHONE: (202) 226-3036

COMMITTEE:
APPROPRIATIONS

SUBCOMMITTEES:
ENERGY AND WATER DEVELOPMENT
VA. HUD. AND INDEPENDENT
AGENCIES
LEGISLATIVE

Congress of the United States
House of Representatives
Washington, DC 20515-4301

December 9, 1993

The Washington Post Says It All About Violent Crime

Support Truth in Sentencing to Keep Criminals Locked Up

Dear Colleague:

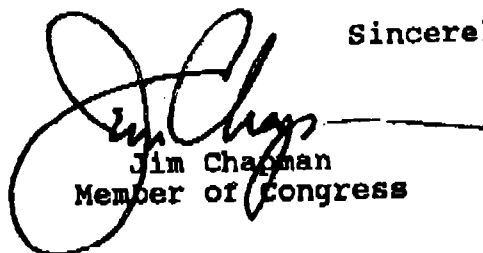
On the other side of this page is an editorial from the Washington Post which makes the case for locking up violent criminals -- like the man who abducted and killed Polly Klaas -- and keeping them locked up. Please take a moment to read this piece and consider cosponsoring H.R. 3584, the Truth in Sentencing Act.

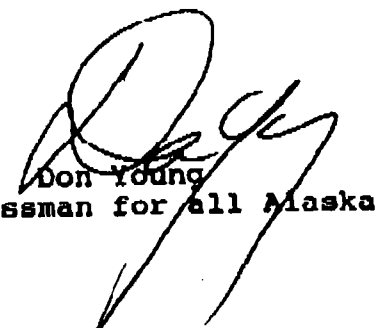
We have introduced H.R. 3584 to help the states' criminal justice system crack down on violent criminals. This legislation will enable the states to obtain federal funding to expand prison space when they adopt Truth in Sentencing standards. These standards will require that a violent criminal serve at least 85% of the sentence a court imposes before that convict becomes eligible for parole or any other early release possibility. Like the Senate's crime initiatives, H.R. 3584 uses reductions in the federal bureaucracy to provide the funding.

Senseless, preventable tragedies like the Polly Klaas case, as the Post states, "are at the root of people's tremendous concern about crime." The American people have lost faith that the criminal justice system will protect them from violent repeat offenders with no qualms about inflicting pain and suffering and no respect for human life. As this editorial testifies, we must act now "to protect the public from violent repeat offenders who have forfeited the right to live outside prison walls."

We urge you to read this editorial and to cosponsor H.R. 3584. Please contact one of us or Pat Devlin 5-3035 if you have questions.

Sincerely,


Jim Chapman
Member of Congress


Don Young
Congressman for all Alaska

The Washington Post

AN INDEPENDENT NEWSPAPER

WEDNESDAY, DECEMBER 8, 1993

... *The Petaluma Case*

THE KIDNAPPING and murder of 12-year-old Polly Klaas in Petaluma, Calif., is every parent's nightmare. Safely at home in her own room with two friends, she was forcibly taken away late at night on Oct. 1 while her mother and sister slept in adjacent rooms. The crime sparked a massive and highly effective community effort in Petaluma that mobilized citizen volunteers and organized a nationwide search.

The grief felt in that community when her body was found over the weekend is real, but it isn't the only emotion that is widespread in the aftermath of this crime. The case provokes a very real anger that goes beyond a single killing to the matter of how the law enforcement and criminal justice systems handle offenders like Richard Allen Davis, the man who has been arrested and charged with the murder.

Mr. Davis has been described as a career criminal. He is said to have a rap sheet 12 pages long, and he has twice before been convicted of kidnapping. Furthermore, he was on parole after having served only half his latest sentence at the time Polly Klaas was abducted. Why was a man with such a violent history paroled in the first place? And why, given his background and the fact that he was discovered trespassing in a nearby town under suspicious circumstances on the night of the crime, was he not immediately treated as a suspect?

Cases such as this one are at the root of people's tremendous concern about crime. It is hard enough to deal with the horror of the kidnapping, which required planning, careful execution and undeniable malice on the part of the kidnapper. But even more difficult to understand is the fact that the suspected murderer—who left a palm print in the child's bedroom and directed the police to her body—had been convicted of kidnapping twice and set free before serving his full sentence.

We have, in this space, repeatedly opposed mandatory minimum sentences, particularly for first offenders convicted of nonviolent crimes. We believe judges should have some flexibility and parole officials some room for mercy in cases where it is reasonable to assume that public safety will not be threatened. But how could anyone have looked at Mr. Davis's record and made that assumption? The pressure for mandatory minimums across the board increases when unwarranted leniency results in atrocious crimes like the Klaas kidnapping. This should be obvious to the judicial and corrections officials who oppose rigid sentences, as we do. But if they want to maintain the flexibility and discretion to deal with offenders on an individual basis, they must exercise their responsibility to protect the public from violent repeat offenders who have forfeited the right to live outside prison walls.

103D CONGRESS
1ST SESSION

H. R. 3584

To encourage each State to adopt truth in sentencing laws and to help fund additional spaces in the State correctional programs as needed.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 20, 1993

Mr. CHAPMAN (for himself, Mr. YOUNG of Alaska, Mr. PETE GEREN of Texas, Mr. GEKAS, and Mr. BREWSTER) introduced the following bill; which was referred jointly to the Committees on the Judiciary and Post Office and Civil Service

A BILL

To encourage each State to adopt truth in sentencing laws and to help fund additional spaces in the State correctional programs as needed.

1 *Re it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Truth in Sentencing
5 Act of 1993".

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) it is the responsibility of the Federal Gov-
2 ernment to provide States with assistance in reduc-
3 ing violent crime;

4 (2) the responsibility for protecting citizens
5 against most violent crime and for punishing most
6 violent criminal offenders is primarily a matter of
7 State and local governance;

8 (3) the incidence of violent crime nationwide
9 has risen dramatically and constitutes a national pri-
10 ority of the highest order; and

11 (4) the United States Sentencing Guidelines
12 have proven to be an effective means of achieving,
13 at the Federal level, a more uniform, proportionate,
14 predictable, and appropriately punitive criminal sen-
15 tencing system by incorporating truth in sentencing
16 provisions which restrict release of a convicted crimi-
17 nal until at least 85 percent of the sentence which
18 has been imposed by a judge or jury has been
19 served.

20 **SEC. 8. GRANTS FOR TRUTH IN SENTENCING.**

21 (a) **GRANT AUTHORIZATION.**—The Director of the
22 Bureau of Justice Assistance is authorized to provide
23 grants to States to build, expand or operate space in cor-
24 rectional facilities in order to implement truth in sentenc-
25 ing requirements.

1 (b) ELIGIBILITY.—In order to be eligible for funding
2 under this Act, a State shall have in effect throughout the
3 State truth in sentencing requirements which include—

4 (1) a provision in its criminal code which re-
5 stricts parole, good-time credit release, or other
6 forms of early release to require that criminals con-
7 victed of crimes of violence, as herein defined, serve
8 at least 85 percent of the sentence imposed by a
9 judge or jury;

10 (2) a provision which requires the sentencing
11 authority to allow the defendant's victims or the
12 family of victims the opportunity to be heard regard-
13 ing the issue of sentencing;

14 (3) a provision which allows as a sentencing op-
15 tion a "life sentence" without the possibility of pa-
16 role; and

17 (4) a provision which provides that the victim
18 and victim's family is notified whenever such defend-
19 ant is to be released.

20 (c) EXCEPTION.—The sentencing requirements under
21 paragraphs (1) and (4) of subsection (b) shall apply except
22 that the State may provide that the Governor of the State
23 may allow for the release of a prisoner after a public hear-
24 ing in which representatives of the public and the pris-

1 oner's victims have an opportunity to be heard regarding
2 a proposed release.

3 (d) **ADDITIONAL ELIGIBILITY PROVISION.**—A State
4 shall also be eligible for funding under this Act when such
5 State has enacted legislation that provides for the State
6 to be in compliance with this section not later than 3 years
7 after the date of the enactment of such legislation.

8 **SEC. 4. FEDERAL FUNDS.**

9 (a) **DISTRIBUTION OF FUNDS.**—Of the total amount
10 of funds appropriated under this Act in any fiscal year,
11 there shall be allocated to each participating State an
12 amount which bears the same ratio to the amount of funds
13 appropriated pursuant to this Act as the number of pris-
14 oners convicted of violent crimes serving sentences during
15 the previous fiscal year in that State bears to the number
16 of prisoners convicted of crimes of violence, as herein de-
17 fined, serving sentences during the previous fiscal year in
18 all the participating States. (Such numbers of prisoners
19 to be determined by the Bureau of Justice Statistics.)

20 (b) **AUTHORIZATION OF APPROPRIATIONS.**—In order
21 to build and operate the spaces in correctional facilities
22 necessary to implement the required truth in sentencing
23 provisions, there are authorized to be appropriated—

24 (1) \$500,000,000 for fiscal year 1994;

25 (2) \$1,000,000,000 for fiscal year 1995;

1 (3) \$2,000,000,000 for fiscal year 1996;

2 (4) \$3,000,000,000 for fiscal year 1997; and

3 (5) \$4,000,000,000 for fiscal year 1998;

4 (c) LIMITATIONS ON FUNDS.—

5 (1) NONSUPPLANTING REQUIREMENT.—Funds
6 made available under this section shall not be used
7 to supplant State funds, but shall be used to in-
8 crease the amount of funds that would, in the ab-
9 sence of Federal funds, be made available from
10 State sources.

11 (2) ADMINISTRATIVE COSTS.—Not more than 3
12 percent of the funds available under this section may
13 be used for administrative costs.

14 (3) MATCHING FUNDS.—The portion of the
15 costs of a program provided by a grant under this
16 section may not exceed 75 percent of the total costs
17 of the program as described in the application.

18 (4) DURATION OF GRANTS.—A grant under this
19 section may be renewed for up to 3 years beyond the
20 initial year of funding if the Director determines
21 that the applicant demonstrates satisfactory
22 progress toward achievement of the objectives set
23 out in an approved application.

1 **SEC. 5. REDUCTION OF FEDERAL FULL-TIME EQUIVALENT**
2 **POSITIONS.**

3 (a) **DEFINITION.**—For purposes of this section, the
4 term “agency” means an executive agency as defined
5 under section 105 of title 5, United States Code, but does
6 not include the General Accounting Office.

7 (b) **LIMITATIONS ON FULL-TIME EQUIVALENT POSI-**
8 **TIONS.**—The President, through the Office of Manage-
9 ment and Budget (in consultation with the Office of Per-
10 sonnel Management), shall ensure that the total number
11 of full-time equivalent positions in all agencies shall not
12 exceed—

- 13 (1) 2,095,182 during fiscal year 1994;
- 14 (2) 2,044,100 during fiscal year 1995;
- 15 (3) 2,003,845 during fiscal year 1996;
- 16 (4) 1,963,593 during fiscal year 1997;
- 17 (5) 1,923,339 during fiscal year 1998; and
- 18 (6) 1,883,086 during fiscal year 1999.

19 (c) **MONITORING AND NOTIFICATION.**—The Office of
20 Management and Budget, after consultation with the Of-
21 fice of Personnel Management, shall—

- 22 (1) continuously monitor all agencies and make
- 23 a determination on the first date of each quarter of
- 24 each applicable fiscal year of whether the require-
- 25 ments under subsection (b) are met, and

1 (2) notify the President and the Congress on
2 the first date of each quarter of each applicable fis-
3 cal year of any determination that any requirement
4 of subsection (b) is not met.

5 (d) COMPLIANCE.—If at any time during a fiscal
6 year, the Office of Management and Budget notifies the
7 President and the Congress that any requirement under
8 subsection (b) is not met, an agency may not hire any
9 employee for any position in such agency until the Office
10 of Management and Budget notifies the President and the
11 Congress that the total number of full-time equivalent po-
12 sitions for all agencies equals or is less than the applicable
13 number required under subsection (b).

14 **SEC. 6. DEFINITION; CRIME OF VIOLENCE.**

15 For purposes of this Act, the term "crime of vio-
16 lence" has the same meaning given such term in section
17 16 of title 18, United States Code.

○

Congress of the United States
House of Representatives

U.S. CONGRESSMAN JIM CHAPMAN

1st Congressional District, Texas
(202) 225-3035

2417 Rayburn House Office Building
Washington, DC 20515

FAX FORM

TO: Al Maldon
FAX #: 456-2604
FROM: Pat Devlin

FAX #: (202) 225-7263

NUMBER OF PAGES INCLUDING THIS ONE: 10

COMMENTS: Al - Here is some info + the
text of my boss's Talk in Sentencing
legislation. It is getting good
bipartisan support.
Thanks for taking a look
at it.
I'm looking forward
to lunch Tues.
Once again, Al, congratulations!

Pat

Date: 09/24/93 Time: 10:16

Quick Action Expected on New Anti-Crime Legislation

WASHINGTON (AP) Congressional leaders are hoping for quick action on anti-crime legislation putting 50,000 more police officers on the streets, limiting death-row appeals and expanding the federal death penalty.

Bills introduced Thursday in the House and Senate would require \$5.9 billion over five years and are similar to a measure that failed in the last Congress after Senate Republicans threatened a filibuster.

The new legislation, however, deletes a death-penalty provision for drug kingpins, and the Senate version does not include the so-called Brady bill requiring a five-day wait and background check on would-be handgun buyers.

In 1991, the House passed the Brady bill as a stand-alone measure, and Democratic supporters have sought separate action on it this year.

"For too long, a majority of this body has preferred politics to pragmatics," Sen. Joseph R. Biden Jr., D-Del. and chairman of the Senate Judiciary Committee, said Thursday in introducing the Senate bill.

Biden said the battle over habeas corpus appeals by death-row inmates that helped kill last year's measure should not occur this time. He said he spent five months negotiating with the nation's prosecutors over the bill, which restricts such appeals.

On the House side, Judiciary Committee Chairman Jack Brooks, D-Texas, said past efforts to pass a broad anti-crime bill "have been thwarted by a handful of politicians more interested in posturing than in taking action."

"This year, however, I am hopeful these obstructionists are ready to opt for 'lock-up' rather than 'gridlock' when it comes to fighting crime," Brooks said.

Biden said he is seeking Senate debate on the bill in October even as he said he has "no illusions that the path to enacting a crime bill will be easy." In the House, aides said they anticipate a Judiciary Committee vote in the next three weeks.

Among the bills' provisions:

Authorization for \$3.4 billion over five years for 50,000 new community police, part of Clinton's campaign pledge to put 100,000 more cops on the beat. Clinton announced his support for the crime bills last month.

Four dozen new federal death penalty crimes, including the murder of a law enforcement officer and terrorist killings and reinstatement of capital punishment for crimes that carried it before the Supreme Court overturned the death penalty in 1972 because of procedural problems.

Restrictions on death-row inmates' rights to federal habeas corpus appeals, plus provisions to get them better attorneys from the start.

Establishment of alternative punishments such as boot camps for young, nonviolent offenders.

Biden said he left out the Brady bill at the request of gun-control advocate Sarah Brady, who is pushing for a separate vote on the measure. Her husband, former White House press secretary James Brady, was shot in the 1981 assassination attempt on President Reagan.

House crime subcommittee Chairman Charles Schumer, D-N.Y.,

called the omnibus measure he co-sponsored ``a tough bill, but it's also a fair bill,'' although it dropped some elements he wanted such as the death penalty for drug kingpins who are not directly responsible for any deaths.

A congressional aide said the changes were made at Attorney General Janet Reno's ``insistence and urging,'' but Associate Attorney General Webster Hubbell said the bills' sponsors asked for advice on any constitutional concerns the Justice Department had.

``We did not make any decisions to drop provisions one way or the other, but where there were constitutional concerns, we raised them,'' Hubbell said.

The department cited a 1977 Supreme Court decision that struck down the death penalty for the rape of an adult woman, but a congressional aide said the issue is more complicated than simply whether capital punishment is constitutional when there is no murder victim.

``Everybody believes the death penalty for treason and espionage are constitutional, and those remain in the bill,'' the aide said.

Also dropped are a dozen new mandatory minimum sentences that were in the previous conference report.

Reno is studying whether the existing mandatory minimum sentences are filling up expensive prison space with nonviolent offenders, leaving insufficient room for violent and other major offenders.

APNP-09-24-93 1017EDT

CRIME BILL ISSUES

On Thursday, Senator Biden and Chairman Brooks plan to introduce revised Senate and House versions of last year's crime bill conference agreement. While the bills will be largely the same, they will not be identical. The Leadership in both houses has agreed to act on these measures this fall.

Legislative text for both of these bills will not be finalized until late today or early tomorrow. At our request, the chairman have scaled back the authorization levels from last year's bill (more than \$8 billion), to a total of \$5-6 billion over the next five years. The Administration has pledged to fight for full funding of the community policing provision, but we have made no guarantees about the rest of the provisions.

Here is a brief overview of some of the issues:

- **BRADY BILL:** The Brady Bill, which mandates a national 5-day waiting period for handgun purchases (until replaced by an instant-check system), will be included in the House's version of the crime bill. The Senate will take up Brady as a stand alone bill during the crime bill's consideration. We have told the House and Senate that Brady is a must-pass provision for the President, and that he wants it any way he get it.
- **COMMUNITY POLICING:** The House and Senate have agreed to make Title I of the crime bill the President's Community Policing Initiative. This proposal -- fashioned by DPC, OMB and Justice -- authorizes \$3.4 billion to put 50,000 more police on the street "in community-oriented policing." Along with Brady, this is the most important part of the crime bill to the President. (Several other programs will help keep the President's 100,000 cops campaign pledge -- national service, Safe Schools, Empowerment Zones, Troops-to-Cops, etc.)
- **ASSAULT WEAPONS:** An assault weapons ban will not be included in the crime bill as introduced, but the President has called for an assault weapons ban and will ask for its consideration alongside the crime bill. The Senate has passed a ban before, but the House has defeated every such effort.
- **HABEAS CORPUS REFORM:** The President and the Attorney General support Senator Biden's legislation to reform the death penalty appeals process, and the Attorney General has committed to help in selling this proposal to Members and outside groups. Because the Administration wants the public debate to revolve around community policing and gun legislation, the President's and the Attorney General's public focus will be primarily on these initiatives.
- **SAFE SCHOOLS:** The House and Senate have included a Safe Schools provision similar to the Administration's proposal, which allows local educational authorities to apply for emergency funds to build metal detectors, hire police and security personnel, implement anti-violence and anti-drug curricula, and other activities. We have told Brooks and Biden that we prefer the Administration proposal to that in the crime bill.

OTHER ISSUES:

- **MANDATORY MINIMUMS:** No new mandatory minimums will be included in the crime bill as introduced, but neither will any language be accepted to repeal or "fix" already existing mandatories. We believe this issue is best addressed outside of the crime bill context.
- **BOOT CAMPS AND DRUG TREATMENT:** The President's proposed crime package also calls for more boot camps and criminal justice drug treatment and testing. We have not committed to any specific funding levels for these programs.
- **DEATH PENALTY:** Both the House and Senate bills will include 47 new death penalty categories with a uniform set of death penalty procedures for implementation. The controversial non-homicidal death penalties in last year's bill have been deleted, but are likely to be attached at a later point.
- **POLICE CORPS:** Both the House and Senate will include a Police Corps, but at different authorizations levels. The House includes a \$25 million per year Corps while the Senate's Corps will cost \$100 million in the first year and "such sums" thereafter.
- **REGIONAL PRISONS:** Last year's crime bill included a costly proposal to establish 10 region, state-federal prisons for drug offenders. OMB and Justice were very concerned with the cost of this proposal. It has been pared down significantly and changed to a federal grant program to help states establish multi-state prisons. House and Senate Republicans are sure to make prisons their defining issue during the crime bill debate.

Crime Bill

Break

Break through on habeas corpus
moderate. AG's / DA's ~~are~~ around US will support

Brady, habeas, death penalty, police

Tues - want to sit down w/ Biden, Brooks, - AG

Police

	<u>Just.</u>	<u>WH</u>	
90% for uniformed officers	75	85	- Floor
90% for training tech.	25	15	
5% for Admin. shld come off the top			

localities & how \$ is split

As ^{much} ~~best~~ as possible

3 yr. fed. funding 75 - 50 - 25

→ or flexible phase in - so localities can change

(*) 90% from yr. to yr. - tho' end amt wld stay the same - cld be funded longer than 3 yrs - but again amt stays the same

Author. Cap per police officer

avg. annual cost \$50,000 per cop - ceiling in any yr. & total \$75,000 cap & waiver - but ~~no~~ → then costs

or a scale of caps - so low cost areas get less per cop & high cost areas get > per cop

Ab does not want to promise \$ she can not deliver

- wants WH + OMB to decide

- they envision 50,000 over 5 yrs costing \$3B ^{but that is rising}

she does not want to say 100,000 costing \$6-\$8B + she not have the \$

~~Police Corps~~

50,000 - out of crime bill

50,000 - or whatever # it turns out to be from:

Nat'l Service

MUD, Educ.

~~Police Corps~~

Foolish way to spend \$ on cops

Ab wants \$5M/yr not \$25M/yr funding level

Brooks does
not like @ all

what is its purpose?

prefer to give college educ. to lower class cops
rather than pull mid-class people into cop jobs

Adam Wolinsky wants \$800M for Syns

go w/ \$25M + our proposal + let Cong decide how it goes

Immigration
15/16
19/20
21

Just 9 Members
to be invited

Basic part of package

Which House Members < Brooks
Mazzilli

Expedited Exclusion

- aliens arriving w/ fraudulent documents

credible fear of persecution

- higher than standard used in Europe
but lower than Guantanamo Bay

1) go before Asylum Board

Criminal Smuggling

↑ penalties

⊛ wiretapping authority to INS

expands forfeiture provisions - seizing property

falls under EICO

Required Resources for "COPS" Initiative
Static Federal Matching Share
DOJ Option

Assumptions:

85% Percent of Total Resources Must Be Allocated for Hiring of New Cops (Based on draft DOJ Bill)

Full Cost of an Officer \$50,000 (Includes training, capital equipment, salary and benefits)

Federal Share (Match)	<u>1st year</u>	<u>2nd year</u>	<u>3rd year</u>	<u>4th year</u>	<u>5th year</u>
	0.75	0.75	0.75	0.75	0

# of New Cops Funded Each Year (50,000 by 1998)	10,000	10,000	10,000	10,000	10,000
---	--------	--------	--------	--------	--------



Calculations:

	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>
Class #A - BA Required	150,000,000	150,000,000	150,000,000	150,000,000	0	0
# of Cops funded	5,625	5,625	5,625	5,625	5,625	5,625
Class #B - BA Required		375,000,000	375,000,000	375,000,000	375,000,000	0
# of Cops funded		10,000	10,000	10,000	10,000	10,000
Class #C - BA Required			375,000,000	375,000,000	375,000,000	375,000,000
# of Cops funded			10,000	10,000	10,000	10,000
Class #D - BA Required				375,000,000	375,000,000	375,000,000
# of Cops funded				10,000	10,000	10,000
Class #E - BA Required					375,000,000	375,000,000
# of Cops funded					10,000	10,000
Class #F - BA Required						375,000,000
# of Cops funded						10,000

TOTAL COPS
FUNDED →

55,625

"COPS"						
Resources Required	\$150,000,000	\$525,000,000	\$900,000,000	\$1,275,000,000	\$1,500,000,000	\$1,500,000,000
				Total over 6 years →		\$5,850,000,000

TOTAL Implied						
Appropriations Required	\$176,470,588	\$617,647,059	\$1,058,823,529	\$1,500,000,000	\$1,764,705,882	\$1,764,705,882
				Total over 6 years →		\$6,882,352,941

Appropriations Required	\$200,000,000	\$700,000,000	\$1,200,000,000	\$1,700,000,000	\$2,000,000,000	\$2,000,000,000
Total over 6 years —→						\$7,800,000,000

Required Resources for "COPS" Initiative
Declining Federal Matching Share
OMB Option

Assumptions:

85% Percent of Total Resources Must Be Allocated for Hiring of New Cops (Based on draft DOJ Bill)

Full Cost of an Officer	\$50,000 (Includes training, capital equipment, salary and benefits)				
Federal Share (Match)	1st year	2nd year	3rd year	4th year	5th year
	0.75	0.5	0.25	0	0
# of New Cops Funded Each Year (50,000 by 1998)	10,000	10,000	10,000	10,000	10,000

Calculations:

	1993	1994	1995	1996	1997	1998
Class #A - BA Required	150,000,000	100,000,000	50,000,000	0	0	0
# of Cops funded	5,625	5,625	5,625	5,625	5,625	5,625
Class #B - BA Required		375,000,000	250,000,000	125,000,000	0	0
# of Cops funded		10,000	10,000	10,000	10,000	10,000
Class #C - BA Required			375,000,000	250,000,000	125,000,000	0
# of Cops funded			10,000	10,000	10,000	10,000
Class #D - BA Required				375,000,000	250,000,000	125,000,000
# of Cops funded				10,000	10,000	10,000
Class #E - BA Required					375,000,000	250,000,000
# of Cops funded					10,000	10,000
Class #F - BA Required						375,000,000
# of Cops funded						10,000

**TOTAL COPS
FUNDED -->**

55,625

"COPS"						
Resources Required	\$150,000,000	\$475,000,000	\$675,000,000	\$750,000,000	\$750,000,000	\$750,000,000

Total over 6 years ---->

\$3,550,000,000

TOTAL Implied						
Appropriations Required	\$176,470,588	\$558,823,529	\$794,117,647	\$882,352,941	\$882,352,941	\$882,352,941

Total over 6 years ---->

\$4,176,470,588

Required Resources for "COPS" Initiative
Declining Federal Matching Share
OMB Option

Assumptions:

75% Percent of Total Resources Must Be Allocated for Hiring of New Cops (Based on draft DOJ Bill)

Full Cost of an Officer \$50,000 (Includes training, capital equipment, salary and benefits)

Federal Share (Match)	1st year	2nd year	3rd year	4th year	5th year
	0.75	0.5	0.25	0	0
# of New Cops Funded Each Year (50,000 by 1998)	10,000	10,000	10,000	10,000	10,000

Calculations:

	1993	1994	1995	1996	1997	1998
Class #A - BA Required # of Cops funded	150,000,000 5,625	100,000,000 5,625	50,000,000 5,625	0 5,625	0 5,625	0 5,625
Class #B - BA Required # of Cops funded		375,000,000 10,000	250,000,000 10,000	125,000,000 10,000	0 10,000	0 10,000
Class #C - BA Required # of Cops funded			375,000,000 10,000	250,000,000 10,000	125,000,000 10,000	0 10,000
Class #D - BA Required # of Cops funded				375,000,000 10,000	250,000,000 10,000	125,000,000 10,000
Class #E - BA Required # of Cops funded					375,000,000 10,000	250,000,000 10,000
Class #F - BA Required # of Cops funded						375,000,000 10,000

TOTAL COPS
FUNDED →

55,625

"COPS"

Resources Required	\$150,000,000	\$475,000,000	\$675,000,000	\$750,000,000	\$750,000,000	\$750,000,000
				Total over 6 years →		\$3,550,000,000

TOTAL Implied

Appropriations Required	\$200,000,000	\$633,333,333	\$900,000,000	\$1,000,000,000	\$1,000,000,000	\$1,000,000,000
				Total over 6 years →		\$4,733,333,333

EXECUTIVE OFFICE OF THE PRESIDENT

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

August 11, 1993

August 11, 1993

MEMORANDUM FOR THE SECRETARY OF THE TREASURY

SUBJECT: Importation of Assault Pistols

A category of pistols commonly referred to as assault pistols has increasingly become the weapon of choice for drug dealers, street gang members, and other violent criminals. These pistols, generally characterized by their bulky military-style appearance and large magazine capacity, include domestically manufactured TEC-9's and MAC-10's as well as imported models like the Uzi pistol and the H&K SP-89. Their popularity appears to stem from their intimidating appearance and their considerable firepower.

These weapons have been used to harm and terrorize many Americans, particularly our children, in recent years. As a result, it is no longer possible to stand by and witness the deadly proliferation of these weapons without acting to protect our communities.

Although addressing the domestic production of these weapons requires a change in the statute, which I support, existing law already bans the importation of firearms unless they are determined to be particularly suitable for or readily adaptable for sporting purposes. I am informed that shortly after enactment of the Gun Control Act of 1968, the Treasury Department adopted a factoring system to determine whether handguns were importable pursuant to this standard. The system entails the examination of the firearm against a set of criteria, with points being awarded for various features. A minimum score is required before importation is approved. The criteria and weighted point system were designed to address the crime gun of the day, the cheap, easily concealable "Saturday Night Special." Under this 25-year old system, small caliber, easily concealable handguns score few points and are banned from importation.

However, assault-type pistols -- the new crime gun of the day -- because of their large size, weight, and caliber, easily score the necessary points to qualify for importation even though none of these pistols appears to have any legitimate sporting purpose. Accordingly, it is time to reassess how the present regulatory approach can be made more effective in achieving the legislative directive to preclude importation of firearms that are not particularly suitable for or readily adaptable for sporting purposes.

I hereby direct you to take the necessary steps to reexamine the current importation factoring system to determine whether the system should be modified to ensure that all nonsporting handguns are properly denied importation. You have advised me that the Bureau of Alcohol, Tobacco and Firearms (ATF) will issue a notice of proposed rule-making in the near future that will propose changes to the factoring system to address the assault pistol problem. You have further advised me that effective immediately action on pending applications to import these weapons will be suspended, and that final action on any application will be delayed until this review process is completed.

Nothing herein shall be construed to require actions contrary to applicable provisions of law. You are hereby authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON

#

EXECUTIVE OFFICE OF THE PRESIDENT

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

August 11, 1993

August 11, 1993

MEMORANDUM FOR THE SECRETARY OF THE TREASURY

SUBJECT: Gun Dealer Licensing

A major problem facing the Nation today is the ease with which criminals, the mentally deranged, and even children can acquire firearms. The gruesome consequences of this ready availability of guns is found in the senseless violence occurring throughout the country with numbing regularity. While there is not one solution to the plague of gun-related violence, there is more than sufficient evidence indicating that a major part of the problem involves the present system of gun dealer licensing, which encourages a flourishing criminal market in guns.

The Gun Control Act of 1968 established a licensing system for persons engaged in businesses of manufacturing, importing, and dealing in firearms. These licensees are allowed to ship firearms in interstate commerce among themselves, and are required to abide by State laws and local ordinances in their sale of firearms to non-licensees. They are also prohibited from selling firearms to felons, certain other classes of persons, and generally to out of state persons. This Act also established a comprehensive record-keeping system and authorized the Secretary to conduct inspections to ensure compliance with the Act. The statutory qualifications for a licensee are that the applicant is at least 21 years of age, is not a felon or other person prohibited from possessing firearms, has not willfully violated the Gun Control Act, and has premises from which he intends to conduct business. The license fee for a basic dealer's license is only \$10 a year.

The minimal qualification standards of the statute, coupled with policies of neglect and opposition to legitimate regulatory efforts by past Administrations, leave us with a situation where in some ways we have made it easier to get a license to sell guns than it is to get and keep a driver's license. Today there are in excess of 287,000 Federal firearms licensees, and a great number of these persons probably should not be licensed. The Bureau of Alcohol, Tobacco and Firearms (ATF) estimates that only about 30 percent of these are bona fide storefront gun dealers. ATF estimates that probably 40 percent of the licensees conduct no business at all, and are simply persons who use the license to obtain the benefits of trading interstate and buying guns at wholesale. The remaining 30 percent of licensees engage in a limited level of business, typically out of private residences. While the Federal statute creates no minimum level of business activity to qualify for a license, many of the licensees in this category operate in violation of State and local licensing, taxing, and other business-related laws. Since the overall purpose of the Gun Control Act was to assist State and local gun control efforts, at the very least we need to coordinate the Federal licensing process with the appropriate State and local agencies.

This Administration is committed to doing more to prevent this criminal market in illegal guns from continuing to flourish. Since all new firearms used in crime have at some point passed through the legitimate distribution system, Federal firearms licenses represent the first line of defense in our efforts to keep guns out of the hands of criminals.

Accordingly, you have informed me that you will direct the Department of the Treasury and ATF to take whatever steps are necessary, to the extent permitted by law, to ensure compliance with present licensing requirements, such as:

- (a) improving the thoroughness and effectiveness of background checks in screening dealer license applicants;
- (b) revising the application process to require the applicant to supply all information relevant to establishing qualification for a license, and to require more reliable forms of identification of the applicant, such as fingerprinting, to assist in identifying an applicant's criminal or other disqualifying history;

(c) making the "premises" requirement of the statute more meaningful by increasing field checks and the use of other procedures to verify compliance;

(d) increasing the scrutiny of licensees' multiple handgun sales reports and providing automated access to multiple sales report information by serial number for firearms trace purposes;

(e) requiring dealers to obtain more reliable identification from purchasers;

(f) reviewing sanctioning policies to determine the feasibility and desirability of adding the option of license suspension for certain violations;

(g) expanding the use of cooperative agreements with State and local law enforcement agencies to address licensing and trafficking problems;

(h) expanding ATF's capabilities to utilize effectively the firearms transaction records of out-of-business licensees for tracing purposes through the use of automation and other technology.

Acting pursuant to your statutory authority, you shall make such determinations and issue orders, regulations and rulings, as appropriate, to achieve the objectives stated in this memorandum.

I further direct that you initiate these actions as soon as possible and report your progress implementing these and other measures consistent with the foregoing to me within 90 days and annually thereafter.

All Executive agencies shall, to the extent permitted by law, cooperate with and assist you in carrying out the objectives of this memorandum. You shall consult with the Attorney General, the Director of National Drug Control Policy, and other Executive agencies as necessary to coordinate and implement the objective of this memorandum. To the maximum extent possible, the Attorney General, through the Office of Justice

Programs, Bureau of Justice Assistance, will expand support to State and local agencies working with ATF on joint projects relating to licensing and trafficking in firearms. Nothing in this memorandum shall be construed to require actions contrary to applicable provisions of the law. You are hereby authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON

The White House
Office of the Press Secretary

For Immediate Release

August 11, 1993

**THE CLINTON ADMINISTRATION PLAN
TO EXPAND COMMUNITY POLICING AND REDUCE GUN VIOLENCE**

It is time for America to make a serious commitment to community policing, to having people back on the beat, working the same neighborhoods, making relationships with people in ways that prevent crime How will the federal government provide 100,000 more police officers? First of all, by getting the crime bill passed.

Bill Clinton
Detroit, Michigan
October 17, 1992

The first duty of government is to keep its citizens safe. The Clinton Administration is offering a number of initiatives to prevent crime and reduce gun violence:

- * Expand community policing in cities and towns across America by putting up to 100,000 more officers on the streets.
- * Keep handguns out of the hands of criminals by passing the Brady Bill, which will require a five-day waiting period before purchasing a handgun, and taking other measures on assault weapons that will begin to end the arms race in our streets.
- * Provide community boot camps, which give young people discipline, training, and a better chance to avoid a life of crime, and provide criminal addicts with drug treatment.
- * Pass a crime bill that increases penalties for gun offenses, reforms habeas corpus procedures to raise counsel standards and limit appeals, and imposes federal death penalties for killing a federal law enforcement officer and other heinous crimes.

PUTTING 100,000 MORE OFFICERS ON THE STREET

A first step we can take to reduce crime in America is to put more police on the streets, walking the beat and working with neighbors as partners against crime. The Clinton Administration's anti-crime initiative will expand community policing throughout the nation. This innovative way of thinking about policing has already helped reduce crime in several communities across the country. From New York to St. Louis to Los Angeles, police departments are using this approach to put more police on the streets.

The Clinton Administration has launched a government-wide effort to put 100,000 more officers and public safety personnel on the street:

Supplemental Appropriations: Congress passed and the President signed into law on July 2 an FY93 supplemental appropriations bill that included \$150 million in community policing grants to hire and rehire police officers. This competitive grants program will become available to states and localities in early September, and will put more than 2,100 new police on the streets over the next three years.

Policing and Public Safety: The cornerstone of the President's community policing plan to put police on the street is the Policing and Public Safety program that will be part of this year's crime bill. An expansion of the Cop-on-the-Beat legislation introduced by Rep. Charles Schumer (D-NY), the Justice Department program will challenge communities to implement community policing by providing grants, training, and technical assistance for police officers. The program is authorized at \$3.4 billion over the next five years, which will help communities put up to 50,000 new officers on the street. The Administration will make full funding for this program a priority.

Police Corps: This four-year, \$100 million program will give college scholarships and police training to as many as 4-5,000 students who are willing to make a four-year commitment to serve their communities as police officers. As Governor of Arkansas, President Clinton instituted the nation's first state Police Corps program.

Safe Schools Initiative: Schools should be a safe haven for children, free of weapons, drugs, and crime. Education Secretary Richard Riley has introduced emergency Safe Schools legislation, based on a proposal by Rep. Schumer and others, that will enable local education authorities to hire security personnel and pay for police officers who include schools as part of their community policing "beat". The Administration's budget request includes \$475 million for Safe Schools over the next five years, which would fund up to 4,000 sworn and non-sworn officers.

Community Partnerships Against Crime: Some of the nation's worst pockets of crime are concentrated in neighborhoods with public housing. To help make public housing safer, Housing and Urban Development Secretary Cisneros is transforming his department's Drug Elimination Grant Program into a more effective program called Community

Partnerships Against Crime (COMPAC). The Administration's budget request includes more than \$700 million over the next five years to put as many as 5,000 sworn and non-sworn officers to work in law enforcement, security, and community policing in public housing.

National Service: Up to one-quarter of the slots in the national service plan Congress is expected to put on the President's desk in September will be available for young people who choose to pay their country and their communities back through public safety and law enforcement. The program could put up to 25,000 young people to work as non-sworn personnel for local police departments, crime prevention groups and other public safety efforts. The President hopes to put the first National Service participants to work by the summer of 1994.

Empowerment Zones and Enterprise Communities: The economic plan which the President signed into law August 10 will create jobs in depressed urban and rural areas around the country by targeting growth incentives and investments into nine Empowerment Zones and 100 Enterprise Communities. The Administration's budget request includes up to \$500 million for up to 6-7,000 officers to do community policing in these areas, because businesses can't create jobs where the streets are not safe. While the Empowerment Zone proposal passed as part of budget reconciliation, the Appropriations Committees have not approved the Administration's budget request.

Troops-to-Cops: As we downscale the military in the aftermath of the Cold War, we need to put our best trained, most talented men and women to work keeping America safe here at home. To help police departments tap into the pool of talented military personnel, Secretary of Labor Robert Reich will make as much as \$10 million from the Defense Diversification Program available to retrain up to 1,500 veterans who are leaving the military for jobs with state and local police departments.

Paying for Public Safety: Funding for these policing programs is included in the Administration's budget baseline for FY 1994-98. If additional funds are required for these and other Administration initiatives, the Administration will continue to pursue additional budget cuts, including ones the Administration sought but has not yet achieved in Congress this year. It is expected that Congressional leadership and the National Performance Review will identify additional savings. Community policing programs assume some state/local match.

REDUCING GUN VIOLENCE

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handgun purchases, and require background checks so that we can help keep handguns out of the hands of criminals. The Brady Bill passed both houses of Congress last session with bipartisan support.

Assault Weapons: Recent attacks on children at a swimming pool in Washington, D.C., and on a law firm in San Francisco have underscored the need for Congress to consider legislation addressing the sale and availability of semiautomatic assault weapons -- the guns of choice for drug- and gang-related crime.

Presidential Action: Today, the President will sign Presidential Memoranda to suspend the importation of assault pistols, which are not covered under the existing assault weapons import ban, and to toughen enforcement of compliance procedures in issuing federal firearms licenses to gun dealers.

COMMUNITY BOOT CAMPS FOR YOUNG OFFENDERS AND DRUG TREATMENT FOR CRIMINAL ADDICTS

In Arkansas, Governor Clinton pioneered the use of community boot camps, which provide young people the discipline, education, and training they need for a better chance to avoid a life of crime. The Administration will work with Congress to convert closed military bases and other appropriate facilities into a system of boot camps. Director of the Office of National Drug Control Policy Lee Brown and Attorney General Janet Reno will work to ensure that we use the criminal justice system to provide criminal addicts with drug treatment.

FEDERAL DEATH PENALTY

The Administration will ask Congress to pass crime legislation that provides the death penalty for nearly 50 offenses -- including killing a federal law enforcement officer and killing state officers in the course of cooperative investigations with federal agencies.

HABEAS CORPUS REFORM

Senator Biden has introduced breakthrough habeas reform legislation, with strong support from district attorneys, state attorneys general, and the Administration. The legislation will, for the first time, limit inmates to filing a single, federal habeas corpus appeal within a six-month time limit. At the same time, the legislation will also assure that all indigent capital defendants will be represented by counsel who meet specific, rigorous experience and qualification standards.

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