

CRIME BUREAU



TO: Jose
 DEMOCRATIC STUDY GROUP • U.S. HOUSE OF REPRESENTATIVES
 202-225-5858 • 1422 LONGWORTH BUILDING • WASHINGTON, D.C. 20515

HON. MIKE SYNAR (OK) — Chairman

SCOTT LILLY — Executive Director

1-800-SKY

551-3759

FACT SHEET

No. 103-29

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1-800-SKY-PAGE

612-349-4000

April 12, 1994

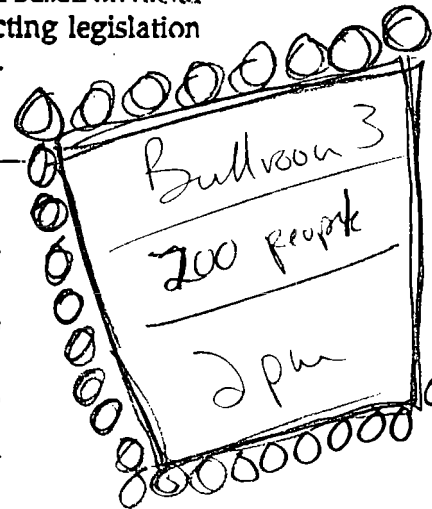
Crime Bill Amendments

This Fact Sheet deals with the amendments to H.R. 4092, Violent Crime Control and Law Enforcement Act, made in order by the second recommended rule. The House is scheduled to begin consideration of amendments on Wednesday if the rule is adopted. The rule makes in order 17 major amendments and 50 other amendments that could be incorporated into an en bloc amendment offered by Chairman Brooks.

Controversy is expected to center on an amendment by Rep. Hyde to strike the bill's provisions limiting death-row habeas corpus appeals; an amendment by Rep. Derrick that restricts defendants' ability to challenge their state conviction in federal court, and that delays for one year the requirement that states must provide legal counsel for death penalty defendants; and on two amendments by Rep. McCollum to eliminate the bill's prohibition on executing prisoners whose conviction is demonstrated to be based on racial discrimination, and to make prison grants contingent upon states enacting legislation requiring repeat violent offenders to serve at least 85% of their sentences.

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DSG Contact: Kit Judge

Section I

Complete List of Amendments

This section describes all 67 amendments to H.R. 4092, Violent Crime Control and Law Enforcement Act, made in order by the second recommended rule. The amendments are listed below in the order in which they will be considered (except that some amendments may be incorporated into an en bloc amendment offered by Chairman Brooks), and the debate time allocated to each amendment is given at the end of each description.

Death Penalty

(see Section VI)

REP. DUNCAN will offer an amendment which authorizes the death penalty for kidnapping when the death of a minor results. Debate time: 10 minutes. (Staff Contact: Ryan Hunse, ext. 55435)

REP. WATT will offer an amendment to eliminate the bill's provisions imposing the death penalty for drug kingpins, even if no death results. Debate time: 10 minutes. (Staff Contact: Leroy Jones or Zach Silverstein, ext. 51510)

REP. SCOTT will offer an amendment to strike the bill's provisions making murders committed during carjackings, drive-by shootings, and federal drug and gun crimes subject to the death penalty. Debate time: 10 minutes. (Staff Contact: Brian Woolfolk, ext. 58351)

REP. KOPETSKI will offer an amendment to eliminate the bill's provisions permitting the death penalty for certain crimes, and instead provides for a sentence of up to life imprisonment for defendants convicted of these crimes. Debate time: 20 minutes. (Staff Contact: Tim Kringen, ext. 55711)

Death Penalty Procedures

REP. McCOLLUM will offer an amendment to add procedures for imposing the death penalty for drug "kingpins," where no death results. (The bill permits the death penalty for drug "kingpins," but does not provide procedures for imposing the death penalty.) Debate time: 15 minutes. (Staff Contact: Barbie Howe, ext. 52176)

REP. GEKAS will offer an amendment to specify that elements that must be proved to convict the defendant of the offense (such as premeditation) could be aggravating factors to be considered in deciding whether to impose a death sentence. (Under the bill, elements that must be proved to convict the defendant of the offense cannot be considered as an aggravating factor.) The amendment also deletes the bill's provisions that require that the jury be instructed that it is never required to impose a death penalty. The amendment also eliminates life imprisonment without parole as a possible sentence for the specified crimes. Debate time: 15 minutes. (Staff Contact: Ray Smietanka, ext. 57087)

REP. WATT will offer an amendment to delete the bill's provisions regarding death penalty procedures that state that aggravating factors, not specified in the bill, may be considered in imposing the death penalty. Under the amendment, only those aggravating factors specified in the bill could be considered. Debate time: 15 minutes. (Staff Contact: Leroy Jones or Zach Silverstein, ext. 51510)

Habeas Corpus

(see Section III)

The following two amendments will be considered under a king-of-the-hill procedure (i.e., the last one adopted prevails), and will be considered in the order listed.

REP. HYDE will offer an amendment to strike the habeas corpus provisions in the bill limiting death-row appeals. (Staff Contact: Kathryn Hazeem, ext. 57195)

REPS. DERRICK and LAUGHLIN will offer an amendment on death row appeals/habeas corpus provisions.

As compared with the bill, the amendment narrows the instances in which "new rules" of law, which the Supreme Court announces after a prisoner's state (non-habeas corpus) appeals have been finally decided, would retroactively be applied in habeas corpus appeals by the prisoner. Specifically, the amendment deletes provisions of the bill that would allow for the retroactive application of a "new rule" ordered by a court in certain instances — i.e., when the rule holds that the death penalty for a particular offense is unconstitutional after the defendant has been sentenced, or when the rule requires new legal procedures.

The amendment narrows further than the bill the instances in which a second habeas appeal would be heard. Under the amendment, a second petition could be heard only if the new claim, if proven, would undermine

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the court's confidence in either the prisoner's guilt or the prisoner's legal eligibility for the death sentence. (Under the bill, if the new claim would undermine the court's confidence in the validity of the death sentence, a second habeas petition would be heard.)

The amendment delays for one year the bill's requirement that all states that impose the death penalty provide qualified counsel to indigents in capital cases — at trial, on appeal, on state collateral review, and on petitions for discretionary review by the U.S. Supreme Court.

Finally, the amendment eliminates provisions in the bill which establish sanctions when a state fails to provide counsel, or when appointed counsel fails substantially to meet the qualifications or performance standards set out in the bill. (Staff Contact: Wren Ivester, ext. 55301)

"Three Strikes, and You're Out"

REP. SOLOMON will offer an amendment to provide that a conviction of a serious drug offense would count as the third strike mandating life imprisonment under the bill's three strikes provision. (Under the bill, the third strike must be a conviction of a federal violent crime, and not a drug offense.) Debate time: 10 minutes. (Staff Contact: Geoff Gleason, ext. 57985)

REP. FRANK will offer an amendment which removes a "serious drug offense" from felonies that would be counted toward the "three strikes, you're out" provisions of the bill. (Under the bill, life imprisonment would be mandated for a conviction of a third violent felony, after conviction of two "serious drug offenses.") Debate time: 10 minutes. (Staff Contact: Robert Raben, ext. 55931)

REP. VOLKMER will offer an amendment to add two more specified offenses to the "three strikes, and you're out" provision that requires life imprisonment. Under the bill, convictions of bank robbery, and robberies and burglaries involving controlled substances would count as a strike for purposes of this provision. (Under the bill, only robbery where a dangerous weapon is used and resulted in serious bodily injury would count as a strike.)

Further, the amendment requires that the defendant prove that there was no threat of the use of a firearm during a robbery in order for the offense not be subject to the "three strikes" provision. (Under the bill, the prosecutor must show that a dangerous weapon was used and resulted in serious bodily injury in order for the robbery to count as a strike.) Debate time: 10 minutes. (Staff Contact: Cherry Schloman, ext. 52956)

Prisons

(see Section V)

REP. CHAPMAN will offer an amendment that authorizes \$10.5 BILLION through FY 1999 for a new program of grants for state prisons. Of the funds, 25% of grants would be reserved for states that are making progress in enacting "Truth in Sentencing" legislation. To be eligible for these grants, states must show that they have increased the percentage of violent offenders sentenced to prison, increased the average time served by violent offenders, and increased the percentage of sentence that violent offenders serve. If a state adopts requirements that violent felons serve at least 85% of their sentences, allows victim impact statements regarding sentencing, or enacts a "three strikes and you're out" provision, then this would be evidence that a state is making progress in "truth in sentencing," and thus would be eligible for these grants.

The other 75% of the funds would be allocated among eligible states based on their violent crime rate. To be eligible for these funds, a state must make assurances that it will make good faith and cost effective efforts to become eligible for the other grants. Debate time: 20 minutes. (Staff Contact: Pat Devlin, ext. 53035)

REP. SCHIFF will offer an amendment to strike provisions in the bill that would require states – as a condition of receiving prison grants for – to have a comprehensive plan with an integrated approach to managing correctional programs, including various diversion programs, such as alternatives to incarceration, a prisoner screening and security classification program, prisoner rehabilitation and treatment programs, and prisoner work activities and job skills programs. Debate time: 20 minutes. (Staff Contact: Lisa Hecker, ext. 56316)

REP. McCOLLUM will offer an amendment that authorizes \$10 BILLION in FY 1995 through FY 1999 to state and regional prisons, conditioned on states enacting "truth in sentencing" legislation. Under the measure, to be eligible for these grants, states must require that prisoners convicted of a second violent felony serve at least 85% of the sentenced ordered. Further, it requires states to have a "three strikes and you're out" provision, and pretrial detention similar to federal law, based on dangerousness, instead of risk of flight. The bill specifies that states would have up to three years to enact such legislation. Debate time: 20 minutes. (Staff Contact: Barbie Howe, ext. 52176)

REP. HUGHES will offer a substitute to the McCollum amendment. The substitute would authorize a total of \$3 BILLION in FY 1995 through FY 1999 in grants for state or regional correctional facilities to provide for the incarceration of violent offenders. Under the measure, these grants would be available to a state or group of states to develop, expand, or improve correctional facilities to ensure that prison space is available for violent repeat offenders.

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Under the substitute, a state must submit a comprehensive plan to the Justice Department, including assurances that it has implemented or will implement correctional policies, including truth-in-sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed and assurances that it has policies recognizing victims rights.

However, the substitute, unlike the McCollum amendment, does not condition these grants on states enacting "truth in sentencing" legislation, requiring prisoners to serve at least 85% of the sentenced ordered; requiring enactment of a "three strikes and you're out" legislation; or requiring pretrial detention similar to federal law, based on dangerousness, instead of risk of flight. Debate time: 20 minutes. (Staff Contact: Jarilyn Dupont, ext. 53926)

Racial Justice

(see Section IV)

REP. MCCOLLUM will offer an amendment to strike the provisions of the bill that bar execution of prisoners who demonstrate that their death sentence was imposed because of racial discrimination, and that permit the use of statistical evidence showing a significant racially discriminatory pattern in this determination.

The amendment would codify current law, that prohibits considering race in determining the sentence for a defendant. Under the amendment, using racial quotas and statistical data for imposing or invalidating the death penalty, or any other penalty, would be explicitly prohibited, unlike the bill.

It requires the questioning of potential jurors on racial bias when there is a substantial likelihood that such bias would affect the consideration of the case; requires a change of the location of the proceedings if an impartial jury cannot be obtained in the original location because of racial prejudice; and prohibits appeals to racial bias in statements by the prosecutor or the defense attorney.

The amendment requires instructions to the jury in capital cases that they should not consider the race of the defendant or victim in sentencing. It also requires certification by each juror that he or she did not impose the sentence based on race. The amendment specifies that racial prejudice in a killing shall be considered an aggravating factor in deciding whether to impose the death penalty. Debate time: 20 minutes. (Staff Contact: Barbie Howe, ext. 52176)

En Bloc Amendments

Under the recommended rule, the following individual amendments could be incorporated into an en bloc amendment offered by Chairman Brooks, or may be offered separately with debate limited to 10 minutes for each amendment. As of press time, it was not known which amendments would be included in the Chairman's en bloc amendment.

REP. PORTER will offer an amendment to require that the U.S. flag be flown at half staff on all government buildings on Peace Officers Memorial Day (held each May 15 to recognize the dedication of, and sacrifices made by, police officers). (Staff Contact: Suzanne Conolly, ext. 54835)

REP. KARCA will offer an amendment that expresses the sense of the Congress that violent felonies against truckers should be prosecuted to the fullest extent under federal law. (Staff Contact: Stephanie Stearns, ext. 53031)

REP. OLVER will offer an amendment to authorize a demonstration program under which Justice Department grants would be provided to states for the establishment of specialized "domestic violence court advocates" in courts where a significant number of protective orders are granted. Such advocates generally help victims of domestic violence who are seeking court protection from their abusers by providing them with advice on their legal options, emotional support as they encounter the court system, help with safety planning, and referrals to support agencies. The amendment authorizes such sums as necessary for these grants. (Staff Contact: Maureen Keck, ext. 55335)

REP. GILMAN will offer an amendment generally increasing criminal penalties for visa and passport abuse crimes to 10 years in prison. (Staff Contact: Mara Mullin, ext. 53776)

REP. WATT will offer an amendment to ensure that programs funded under the Model Intensive Grant Program and Local Partnership Act are coordinated with existing federal programs. (Staff Contact: Leroy Jones or Zach Silverstein, ext. 51510)

REP. HOYER will offer an amendment authorizing the Secret Service to detect, arrest, and investigate persons who violate any U.S. law involving fraud or other illegal activities in or against financial institutions subject to the Treasury Department's regulatory authority (through the Office of the Comptroller of the Currency and the Office of Thrift Supervision) such as a federal branch or agency of a foreign bank. (Staff Contact: John Berry, ext. 54131)

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REP. HOYER will offer an amendment authorizing \$210 million in each of the next five fiscal years for Treasury Department law enforcement activities (Bureau of Alcohol, Tobacco, and Firearms; Customs Service; Internal Revenue Service; and Secret Service). (Staff Contact: John Berry, ext. 54131)

REP. LIVINGSTON will offer an amendment which requires the Justice and Defense Departments to jointly evaluate the suitability of military installations to be closed under the Defense Base Closure and Realignment Act for conversion into federal prison facilities. Under the amendment, the Defense Department must transfer to the Justice Department three military installations that are determined to be the most suitable for conversion; these facilities would be modified to incarcerate criminals convicted of violent federal felonies. (Staff Contact: Stan Skocki, ext. 53015)

REP. SLAUGHTER will offer an amendment to make technical changes to the appointment procedures for the Commission to Support Law Enforcement (established by PL 101-515). (Staff Contact: Bill McGeveran, ext. 53615).

REP. SLAUGHTER will offer an amendment to outlaw the possession of explosives for the same people who are prohibited under current law from possessing firearms; make theft of explosives a felony crime; and enhance penalties for second and subsequent offenses of crimes involving explosives. (Staff Contact: Bill McGeveran, ext. 53615)

REP. MARTINEZ will offer an amendment to establish a demonstration program under which the Health and Human Services Department would provide grants for the activities of certain advisory organizations in federally-designated "empowerment zones." Such organizations (to be composed of consortia of public and private nonprofit local social service organizations) would serve as umbrella agencies for the strategic planning and evaluation of service programs serving local low-income communities. The amendment also authorizes the Justice Department to provide grants to local organizations (such as the Boys and Girls Clubs of America) that carry out programs which help prevent young children from becoming involved in gangs. The amendment authorizes \$20 million in FY 1995, and such sums thereafter, for each of these two programs. The amendment also establishes a demonstration program of anti-crime youth councils to be made up of students, and authorizes \$5 million in FY 1995 to be administered by the Justice Department. (Staff Contact: Terry Deshler, ext. 51850)

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REP. ABERCROMBIE will offer an amendment to allow the Justice Department to assist local law enforcement officials in investigating state violent crimes against travellers. The amendment defines a traveller as an individual who is not a resident of the state in which the crime occurred. (Staff Contact: Alan Yamamoto, ext. 52726)

REP. SMITH (N.J.) will offer an amendment to express the sense of Congress that child pornography is a crime deserving full prosecution under the federal child pornography statutes, and that the brief submitted by the Justice Department for the case *Knox v. U.S.* represents a misinterpretation of the statute. (Staff Contact: Michelle Colitsas, ext. 53765).

REP. SCOTT will offer an amendment that provides that local governments could use funds provided under the bill's Local Partnership Act provisions for job programs in order to prevent crime, in addition to education and substance abuse programs as under the bill. (Staff Contact: Brian Woolfolk, ext. 58351)

REP. BONILLA will offer an amendment that requires the Justice Department to study and report to Congress within six months of enactment on the use of portable, temporary, or prefabricated structures as a means of easing prison overcrowding. The amendment also requires the Justice Department to begin implementing the findings of the study within two years after the study is submitted to Congress. (Staff Contact: Richard Martinez, ext. 54511)

REP. SMITH (Mich.) will offer an amendment to clarify that states may receive federal grants for the construction and expansion of correctional facilities for violent repeat offenders without becoming part of a regional compact of states applying for such funds. (Staff Contact: Kurt Schmautz, ext. 56276)

REP. INSLEE will offer an amendment authorizing the Immigration and Naturalization Service to accept non-federal assistance when carrying out the voluntary deportation of undocumented aliens charged with violating criminal statutes. Current policy prohibits the INS from accepting assistance from non-federal sources. (Staff Contact: Louis Alex, ext. 55816)

REP. FILNER will offer an amendment which authorizes the use of Juvenile Trafficking and Gang Prevention Grants in the bill for programs that reduce the incidence of graffiti, and promote the removal and prevention of graffiti. (Staff Contact: Sharon Schultze, ext. 58045)

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REP. HALL (Ohio) will offer an amendment lifting the current four-year limit on grants to victims assistance programs under the Byrne Memorial Fund, which makes grants to state and local governments for anti-drug and crime activities. (Staff Contact: Gail Amidzich, ext. 56465)

REP. BECERRA will offer an amendment that authorizes such sums as may be necessary in FY 1994 through FY 1998 for the expeditious adjudication of asylum claims, and the expeditious deportation of asylum applicants whose applications have finally been denied. The amendment authorizes such sums as may be necessary to increase the Immigration and Naturalization Service's (INS) resources for the Border Patrol, Inspections Program, and Deportation Branch in order to apprehend illegal aliens and those who overstay their visas. It also authorizes such sums as may be necessary in FY 1995 through FY 1998 to expand the program for the deportation of those convicted of aggravated felonies, and authorizes such sums as may be necessary in FY 1996 to construct two INS Processing Centers for the detention of criminal aliens. (Staff Contact: Valerie Small Navarro, ext. 56235)

REP. WHEAT will offer an amendment to create the National Commission on Crime and Violence, which would review and report on the effectiveness of the nation's criminal justice system in preventing and controlling crime and violence, including such issues as assault weapons, youth gangs. The commission also would develop a comprehensive crime control and antiviolence plan. (Staff Contact: Evan Reid, ext. 54535)

REP. VENTO will offer an amendment to add the Secretary of the Interior to the "Ounce of Prevention Council," established by the bill, which would advise the Health and Human Services Department in making grants to social service organizations for programs to reduce gang membership and providing alternatives to at-risk youth. (Staff Contact: Sandy Scott, ext. 67736)

REPS. WISE, CONDIT, and SCHIFF will offer an amendment to clarify that the bill is intended to increase Federal funds for state and local communities in fighting crime through additional programs, but that the bill does not preclude or replace funding for state and local governments who currently receive funds under the Edward Byrne Memorial Formula Grant Program. (Staff Contact: Debbie Hersman, ext. 52711)

REP. MILLER (Calif.) will offer an amendment which constitutes the text of H.R. 4034, the Urban Recreation and At-Risk Youth Act, which passed the House on March 22 by a vote of 361 to 59 under suspension of the rules. The measure establishes a new category of competitive grants - "At-Risk Youth Recreation Grants" - under the Urban Park and Recreation Recovery Program (UPARK), which would be used for projects

to improve recreation facilities and expand recreation services in urban neighborhoods and communities that have a high incidence of crime. The amendment does not authorize any additional funding, since less than one-third of the \$750 million authorized under the 1978 law creating the UPARR program has been appropriated to date. (Staff Contacts: Mark Trautwien, ext. 56042, and Sandy Scott, ext. 67736)

REPS. FAZIO and STUPAK will offer an amendment which expresses the sense of the Congress that Attorney General Reno should ensure that funding for programs in the bill under the state formula component of the Edward Byrne Memorial State and Local Law Enforcement Assistance program is distributed such that rural areas continue to receive comparable support for their broad-based crime fighting initiatives. The amendment also expresses the sense of the Congress that rural communities should not receive less funding than they received in FY 1994 for anti-crime initiatives as a result of any legislative or administrative action. (Staff Contact: Linda Wingate, ext. 55716)

REPS. STRICKLAND and HORN will offer an amendment to require states to provide appropriate professional training to corrections officers who deal with violent repeat offenders before they could receive federal grants to help build or expand prisons for violent repeat offenders. (Staff Contact: Annalise Hafer, ext. 55705).

REP. BROOKS will offer an amendment to specify that the Justice Department must, in distributing grants for prisons among the states, take into account the number of illegal aliens in state prisons. (Staff Contact: GERALYN DUPONT, ext. 53926)

REPS. LONG, DAESLER, and EWING will offer an amendment which takes several actions to fight drugs and crime in rural areas. Specifically, the amendment authorizes \$71 million per year through FY 1998 for anti-drug trafficking efforts in rural areas (including \$50 million per year for assistance to rural law enforcement agencies, \$1 million per year to train rural drug enforcement officers, and \$20 million per year to hire additional DEA agents); establishes Rural Crime and Drug Enforcement Task Forces (interagency task forces intended to coordinate law enforcement efforts) in every rural federal judicial district; and permits penalties for drug trafficking to be doubled for persons convicted of drug offenses within 1,000 feet of a truck stop or highway rest area (with penalties for subsequent convictions to be tripled). The amendment also authorizes \$10 million in each of fiscal years 1995 through 1997 in grants for rural areas to investigate and prosecute incidents of domestic violence and child abuse, to provide treatment and counseling to those victims, and to develop community domestic violence and child abuse education and prevention programs. (Staff Contacts: Dan DeSimone, ext. 54436; John Townsend, ext. 51706; and Kate Coler, ext. 52371)

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REP. ROSTENKOWSKI will offer an amendment to authorize \$12 million in each of fiscal years 1995 through 1997 for the establishment of Boys and Girls Clubs in public housing. The amendment would direct the Housing and Urban Development Department, in consultation with the Justice Department, to enter into contracts with the Boys and Girls Clubs of America (a national nonprofit group) for the establishment of these programs. (Staff Contact: Chuck Pizer, ext. 54061)

REP. FRANK will offer an amendment to increase various fines and prison terms for illegal trafficking in counterfeit goods and services. The amendment would raise various fines and would raise certain prison terms from five to 10 years and from 15 to 20 years for such illegal trafficking. (Staff Contact: Robert Raben, ext. 55931)

REP. HUNTER will offer an amendment authorizing hiring an additional 6,000 Border Patrol Agents and support staff (for a total of 10,000 agents) over the next five fiscal years. (Staff Contact: Wayne Hickey, ext. 55672)

REPS. BEILINSON, BERMAN, CONDIT, and THURMAN will offer an amendment that authorizes the Justice Department, subject to appropriations, to reimburse states and localities for the costs of incarcerating undocumented criminal aliens who have been convicted of a felony in state or local courts. (Staff Contact: Joyce Chiang, ext. 54695)

REP. TRAFICANT will offer an amendment to provide penalties of not more than \$100,000 to anyone who intentionally affixes a fraudulent "Made in America" label to any product that is purchased with funds authorized under the bill. (Staff Contact: Dan Blair, ext. 55261)

REP. McCANDLESS will offer an amendment which increases the penalties for selling a Congressional Medal of Honor. Currently, persons found guilty of such violations are subject to fines up to \$250; the amendment provides for the imposition of fines, prison sentences up to one year, or both. (Staff Contact: Mike Riith, ext. 55330)

REP. KENNEDY will offer an amendment establishing a "Community-Based Justice Grant Program," and authorizing \$100 million over the next five years for the program. The program would help local prosecutors, school officials, police, probation officers, and youth and social service professionals to identify and prosecute young violent offenders. The amendment also requires local prosecutors to coordinate community resources including law enforcement, education, and social services, in order to develop and administer violence prevention programs. (Staff Contact: Johnathan Miller, ext. 55111)

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REP. KENNEDY will offer an amendment providing law enforcement officials and courts access to criminal history information for use in cases involving stalking and domestic violence. The amendment also authorizes federal and state criminal justice agencies to include information about stalking and domestic violence offenses in criminal history records, and authorizes \$2 million for such purposes. Finally, the amendment directs the National Institute of Justice to conduct training programs for judges to handle such cases. (Staff Contact: Jonathan Miller, ext. 55111)

REPS. GORDON, HOLDEN, and FIELDS (Tex.) will offer an amendment that prohibits the awarding of Pell Grants to anyone incarcerated in either federal, or state penal institutions. (Staff Contact: Harrison Wadsworth, ext. 54231; Bruce Andrews, ext. 55546; or Bryan Wirwicz, ext. 54901)

REP. WYNN will offer an amendment to prohibit the awarding of Pell Grant to anyone incarcerated in either federal, state, or local penal institutions after January 1, 1996, unless the Education Department and State governors certify that Pell grants to prisoners show satisfactory evidence of reducing recidivism, are cost-effective, and require that inmates are making satisfactory academic progress toward completion of the education program for which the grant was made. (Staff Contact: James Dallentime, ext. 58699)

REP. McCURDY will offer an amendment that establishes a Police Corps program (similar to ROTC) which would provide, on a competitive basis, federal college scholarships of up to \$10,000 per year, in return for a four-year commitment to serve in a state or local police force. Participants who fail to complete the agreed upon service would be required to pay back the entire scholarship aid, plus 10%. The amendment also establishes a law enforcement scholarship program under which existing law enforcement personnel could receive financial assistance to further their education (with participants agreeing to work in a law enforcement position in that state for one month for each credit hour for which assistance is made), and under which state and local law enforcement agencies may hire high school and college students interested in law enforcement careers for summer and part-time employment. Federal aid could be used for only 60% of the costs of such educational scholarships and employment. The amendment authorizes \$100 million in FY 1995, \$250 million in FY 1996, and such sums thereafter for the Police Corps program, and it authorizes \$30 million per year for the law enforcement scholarship program. (Staff Contact: Stephanie Reed, ext. 56165)

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REP. MORAN will offer an amendment which would prohibit state motor vehicle departments from disclosing, without authorization, personal information about individual license-holders to persons who do not have a legitimate business interest. The amendment would continue to provide unlimited access to drivers' records for courts, law enforcement, and other government agencies, and for certain automobile safety activities. (Staff Contact: Kris King, ext. 54376)

REP. MARTINEZ will offer an amendment which requires states to establish minimum standards for background investigations and training of private security guards, and which authorizes access to FBI files for such background and criminal history checks. (Staff Contact: Terry Deshler, ext. 51850)

REP. OWENS will offer an amendment which constitutes the text of H.R. 2722, Age Discrimination in Employment Amendments, which passed the House on November 8, 1993, by voice vote under suspension of the rules. The measure would permanently exempt state and local public safety agencies (such as police and fire departments) from the Age Discrimination in Employment Act, thereby permitting them to continue to consider age in their hiring and retirement policies (such as the establishment of mandatory retirement ages). (Staff Contact: Braden Goetz, ext. 67532)

REPS. EVANS, EDWARDS (Calif.), BONIOR, and BROWN (Calif.) will offer an amendment which requires states seeking grants for correctional facilities to determine the veteran status of inmates and take appropriate steps to ensure that incarcerated veterans receive the veteran benefits to which they are currently entitled. (Staff Contact: Jeff Lande, ext. 55905)

REP. RANGEL will offer an amendment that authorizes such sums as may be necessary to extend the Edward Byrne Memorial State and Local Law Enforcement Assistance Program. The Byrne program, provides grants to state and local law enforcement agencies for a wide variety of programs to control violent crime and drug abuse, and to improve the criminal justice system. (Staff Contact: Todd Stern, ext. 54365)

REP. HUGHES will offer an amendment making criminal penalties for possession, trafficking, and dealing in "crack" cocaine the same as the penalties for powder cocaine. (Under current law, the criminal penalties for "crack" cocaine are significantly harsher than for powder cocaine. For example, possession of five grams of "crack" cocaine is a felony penalized with a mandatory minimum sentence of five years, while possession of five grams of powder cocaine is a misdemeanor.) (Staff Contact: Jarilyn Dupont, ext. 53926)

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REP. FRANKS (N.J.) will offer an amendment which requires federal prisoners who do not possess a high school diploma or its equivalent to earn a General Education Development (GED) certificate before they are eligible for early release from prison. (Staff Contact: David Cook, ext. 55361)

REP. MANZULLO will offer an amendment to extend federal death benefits to the families of police and fire department chaplains who are killed in the line of duty. (Under current law, the families of police and firemen killed in the line of duty are entitled to a one-time \$100,000 benefit; the families of department chaplains who may be killed in responding to emergency situations are not currently eligible, however.) (Staff Contact: Kurt Markva, ext. 55676)

REP. PRYCE will offer an amendment requiring the Federal Bureau of Prisons to prevent prisoners from strength-training or any activities that may increase their fighting abilities and to remove all equipment which aids in such purposes.

REP. CANADY will offer an amendment to require that prisoners exhaust the prison's administrative remedies before they file a civil rights action in a federal court. It also requires that federal courts dismiss civil rights motions brought by prisoners, if the court finds the motion fails to state a claim on which relief can be granted, or finds that the motion is frivolous or malicious. The amendment eliminates the requirement that, in order to have their grievance systems certified, correctional facilities include inmates in an advisory role in the formulation, implementation, and operation of their inmate grievance system. Furthermore, it allows state prison grievance systems to be certified, if the Justice Department or federal court finds they are fair and effective. Finally, the amendment requires the dismissal of proceedings brought by a poor inmate if the motion fails to state a claim, makes an untrue claim of poverty, or makes a frivolous or malicious claim, and requires courts, in such proceedings, to assess full or partial filing fees based on a prisoner's ability to pay. (Staff Contact: Kerri Harrison, ext. 51252)

REPS. CANADY and GEREN will offer an amendment requiring that a federal court shall not hold prison or jail overcrowding unconstitutional under the Eighth Amendment, unless the plaintiff inmate proves that the crowding causes the infliction of cruel and unusual punishment on that inmate. The amendment limits equitable relief for a constitutional violation to the least intrusive means necessary to remedy

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the violation, and prohibits courts from imposing caps on prison population unless the court finds that crowded conditions have inflicted the cruel and unusual punishment on particular prisoners. Finally, the amendment mandates that federal courts reconsider provisions of a federal court order or consent decree to remedy an Eighth Amendment violation at the request of the state at least every two years. (Staff Contacts: Keri Harrison, ext. 51252, and K C McKee, ext. 55071)



dpc legislative bulletin

SUPPLEMENT D

**S. 1607,
Violent Crime Control and
Law Enforcement Act of 1993**

**POSSIBLE AMENDMENTS
(reflects action as of 6 p.m., 11/8/93)**

DPC Staff Contact: Lauren Griffin (202-224-3232)



Democratic Policy Committee
United States Senate
Washington, D.C. 20510

George J. Mitchell, Chairman
Thomas A. Daschle, Co-Chairman

democratic policy committee

Possible Amendments

1. **Federal Gun Dealer License Tampering (*Boxer*):** makes Federal gun dealer licenses more forgery proof. (Alan Thomas, 4-3553)
2. **Licensing Fees and Federal Taxes (*Bradley*):** states the sense of the Senate that dealer licensing fees and Federal taxes on handguns, assault weapons, and ammunition for these firearms should be increased because of health care costs associated with firearm-related violence. (Ari Fitzgerald, 4-3224)
3. **Work Programs for Prisoners (*Brown*)**
4. **Criminal Street Gang Crime (*Brown*)**
5. **School Safety and Punishment for School Violence (*Brown*)**
6. **4 Immigration Amendments (*Bryan*):** (Renee Rappaport, 4-6244)
7. **Telemarketing Fraud (*Bryan*)**
8. **Felon Gun Penalty Act (*Campbell*):** enhances existing penalties for individuals who violate Federal gun laws. For example, this amendment would create a mandatory five-year minimum sentence without opportunity for parole for the unlawful possession of a firearm by a convicted felon, fugitive from justice, unlawful user of a controlled substance, or a knowing transferrer or receiver of a stolen firearm. (Larry Vigil, 4-5852)
9. **State and Multi-state Prisons for Violent Offenders (*Conrad/Lieberman*):** authorizes \$1 billion in grants for States and multi-state compact associations to construct, operate, expand and improve secure prison spaces for violent repeat offenders. To qualify for this funding, States must show that: (1) any prison spaces funded under this section shall incarcerate only repeat offenders; and (2) provide assurances that those violent repeat offenders will serve at least 85 percent of the sentences. (Daria Romfo, 4-5779)
10. **Death Penalty for Bombing Homicides (S. 527) (*D'Amato*)**

11. **Mandatory Minimum for Gun Crimes (*D'Amato*)**
12. **Assault Weapons (*DeConcini*)**. (Dennis Burke, 4-4521)
13. **Missing Children's Task Force (S. 1599) (*DeConcini*)**
14. **Indian Nation Funding (*DeConcini*)**
15. **Law Enforcement Partnerships (*Dodd*)**: authorizes grants to law enforcement agencies for the creation of partnerships with child and family support agencies to augment police services and community policing efforts in trying to address the needs of children exposed to violence. (Tony Orza, 4-2823)
16. **Habeas Corpus (*Feinstein*)** (Adam Eisgrau, 4-3841)
17. **Assault Weapons (*Feinstein*)**
18. **Safety Officers' Benefits (*Feinstein*)**
19. **Life for Three-time Losers (*Gramm*)**
20. **Modify Drug Courts (*Hatch*)**
21. **Strike Prisoner/Drug Treatment Early Release (*Hatch*)**
22. **Domestic Violence Community Initiative Act (*Hatfield*)**: authorizes demonstration projects that will coordinate strategies at the community level to attack domestic violence. (Scott Corwin, 4-8320)
23. **Children and Guns (*Kennedy*)** (Ron Weich, 4-3657)
24. **Youth Handgun Safety Act (S. 1807) (*Kohl*)**: makes it a Federal crime for a minor to own guns or ammunition and for adults to give children guns or ammunition in most circumstances. (John Liebowitz, 4-4933)
25. **Technical Amendment Relating to Guns (*Kohl*)**

26. Federal Law Enforcement Rapid Deployment Force (*Lieberman*): establishes a unit of 2,500 Federal law enforcement officers to be deployed rapidly on a temporary basis to assist State and local law enforcement agencies in combatting crime. (Nina Bang-Jensen 4-2681)

27. Presidential Declaration of Violent Crime and Drug Emergency Areas (*Lieberman*): authorizes the President to declare that a violent crime or drug emergency exists in a State or part of a State and to provide emergency Federal assistance to protect property, public health, and safety.

28. Increased Support for Federal/State/Local Task Forces (*Lieberman*): authorizes \$150 million to bolster Federal/State/local task forces in the investigation, arrest, and prosecution of violent criminals and drug traffickers.

29. Retraining and Placement of GIs in Law Enforcement and Public Housing Management Careers (*Lieberman*): mandates that a portion of funds set aside for defense conversion be used by FBI and National Institute for Justice to retrain and place recently retired or discharged GIs in law enforcement and public housing management careers.

30. Use of Anti-Loitering Laws to Fight Crime (*Lieberman*): directs the National Institute of Justice to examine use of anti-loitering laws, to eradicate open-air drug markets and other blatant criminal activity, and to prepare a model anti-loitering statute.

31. Extension of Serious Habitual Offender Comprehensive Action Program (SHOCAP) (*Lieberman*): authorizes new State and local demonstration projects under the Serious Habitual Offender Comprehensive Action Program, which focuses law enforcement and prosecutorial resources on arresting and prosecuting repeat juvenile offenders.

32. Incentives to States to Enact Tough Sentences for Repeat Violent Offenders (*Lieberman*): provides that States that do not enact State laws, within two years, providing for mandatory 20-year sentences without the possibility of parole for violent career criminals (three or more convictions for violent crime or serious drug offense) who commit a crime using a firearm, will lose 50 percent of the funds that would otherwise be eligible to them under the *Omnibus Crime Control and Safe Streets Act of 1968* "Byrne" grants program.

33. Carjacking (*Lieberman*): provides that if a death results from a carjacking, the death penalty may be applied regardless of whether a firearm was used in the course of the carjacking. **S. 1488's** carjacking provision applies only if a firearm is used.

34. Terrorism (*Lieberman*): provides authority to the Attorney General and the Secretary of State to determine jointly when an alien or a member of an alien's family needs to be admitted quickly into the U.S. for protection because he or she has provided information or assistance to the U.S. in preventing an act of terrorism or in prosecuting an act of terrorism or in apprehending a terrorist.

35. Parental Responsibility for Juvenile Crimes (*Moseley-Braun*): allows civil fines to be imposed against parents of juveniles who commit crimes under Federal jurisdiction.

36. Mandatory Education for Incarcerated Juveniles (*Moseley-Braun*): authorizes \$125 million annually, for five years, in grants to States and local governments to provide education which satisfies the curriculum guidelines of the local school district for incarcerated juveniles.

37. Children and Guns (*Moseley-Braun*): makes it a Federal crime for an individual to supply a juvenile with a firearm which the individual knows or has reason to believe will be used in the commission of a crime or in furtherance of a criminal conspiracy.

38. Non-discriminatory Enforcement of Juvenile Justice (*Moseley-Braun*): makes it unlawful for officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles to engage in a pattern or practice of conduct which deprives any person of rights, privileges or immunities secured by the Constitution or laws of the United States.

39. Racial Bias Study on Jury Selection (*Moseley-Braun*): authorizes a study on the role of race in jury selection procedures in that State.

40. Decentralization of the Courts (*Moseley-Braun*)

41. Victim Impact Statements in Cases of Death Sentences (*Nickles*)

42. ***Banks and Community Reinvestment Act (Pryor)***: states the sense of the Senate that banks should be given *Community Reinvestment Act* credit for loans and investment to help fight crime. (Desten Broach, 4-2353)

43. ***Regional Violent Crime Assistance (Riegle)***: earmarks funds for grants to States to enhance law enforcement and criminal justice systems in regions that suffer from high violent crime rates or face particular violent crime problems that warrant Federal assistance and to develop and implement multi-jurisdictional strategies to respond to and prevent violent crime. (Yvette Meftah, 4-3422)

44. ***Relevant Amendment (Robb)***

45. ***Reform Criminal Alien Deportation (Roth)***: restricts the defenses which aliens who are aggravated felons may use to prevent their deportation.

46. ***Life Imprisonment (Simon)***: substitutes mandatory life imprisonment without opportunity for parole for conviction of offenses for which the death penalty is authorized under S. 1488. (Susan Kaplan, 4-5573)

47. ***Prison Programs for Incarcerated Parents (Simon/Moseley-Braun)***: authorizes the National Institute of Corrections to make grants for demonstration projects that would allow eligible parents to serve their sentence in a community-based correctional facility with their children.

48. ***Port of Entry Inspections Improvement Act (S. 667) (Simpson)***

49. ***Alien Smuggling Control Act (S. 1196) (Simpson)***

50. ***Asset Forfeiture (Jeffords)***: reimburses municipalities for tax liens on forfeited property.

51. ***Authorize Bureau of Prisons to Incarcerate State Life Inmates Under State Habitual Offender Laws (Specter)***

52. ***Establish Office of Corrections Job Training Within Department of Labor (Specter)***

53. ***Technical Amendment Regarding Correctional Education (Specter)***

54. **Domestic Violence Firearm Prevention (*Wellstone*)** (Sherry Ettleson, 4-8449)

55. **Citizens Police Academy (*Wofford*)**: authorizes \$1 million from the Public Safety and Community Policing grants section of S. 1607 for local law enforcement agencies or private nonprofit organizations to train citizens in a wide range of crime-preventing measures. (Cassandra Butts, 4-6324)

56. **Victim's Right to Speak at an Offender's Sentencing and Parole Hearing (*Dorgan*)**: states the sense of the Senate resolution that a victim of a violent crime or sexual abuse should be allowed to speak at an offender's sentencing hearing and any parole hearing. (Mark Miskovsky, 4-2551)

57. **Regional Prisons for Violent Offenders (*Hatch*)**: authorizes \$3 billion for the construction of 10 regional prisons and provides \$3 billion in grants to provide matching funds for States to build or operate State facilities. To participate in the grant program States would have to assure that offenders would serve 85 percent of their sentences.

58. **Death Penalty for Drug Kingpins (*D'Amato*)**

59. **Prohibition of Federal Benefits for Illegal Aliens (*Exon*)**: provides that illegal aliens are not entitled to direct Federal financial benefits. A preliminary estimate from CBO shows that this would save \$2.2 billion over five years.

60. **Relevant (*Wellstone*)** (Sherry Ettleson 4-5641)

61. **Child Abuse (*Biden*)**

62. **Immigration Documents Forgery (*Boxer*)**. (Alan Thomas, 4-3553)

63. **Increased Penalties for Firearm Offenses (*Boxer*)** (Alan Thomas, 4-3553)

64. **Driver Privacy Protection Act (*Boxer*)**: prohibits State motor vehicle departments from disclosing personal information about a licensee without the licensee's consent. (Alan Thomas, 4-3553)

65. **Immigration Documents Forgery (*Boxer*)** (Alan Thomas, 4-3553)

- 66. **Safe Schools (*Boxer*)** (Alan Thomas, 4-3553)
- 67. **Firearms Penalties (*Boxer*)** (Alan Thomas, 4-3553)
- 68. **Gun Dealers (*Boxer*)** (Alan Thomas, 4-3553)
- 69. **Stalking (*Chafee*)**
- 70. **Elderly Abuse (*Cohen*)**
- 71. **Juvenile Mental Health (*Cohen*)**
- 72. **Prisons (*Cohen*)**
- 73. **2 Prison Amendments (*Cochran*)**
- 74. **Instant Background Check (*Craig*)**
- 75. **State Preemption (*Craig*)**
- 76. **Police Liability (*Craig*)**
- 77. **Mental Incompetence (*Craig*)**
- 78. **Waiting Period Limitation (*Craig*)**
- 79. **Academic Progress in Prisons (*Conrad*)** (Darla Romfo, 4-2043)
- 80. **Pilot on Police (*Conrad*)** (Darla Romfo, 4-2043)
- 81. **Juveniles (*Conrad*)** (Darla Romfo, 4-2043)
- 82. **Relevant (*Conrad*)** (Darla Romfo, 4-2043)
- 83. **Authorizing Gang Resistance and Education (*DeConcini*)** (Dennis Burke, 4-4521)
- 84. **Money for Federal Judiciary (*Domenici*)**
- 85. **Youth Gang Prevention (*Domenici*)**

86. **DWI (*Domenici*)**
87. **Juvenile Justice (*Domenici*)**
88. **Violence Against Women (*Domenici*)**
89. **4 Relating to Firearms (*Dole*)**
90. ***Neighborhood Security Act* (*Dole*)**
91. **Peremptory Challenges (*Dole*)**
92. **Family Breakdown (*Dole*)**
93. **Los Angeles (*Dole*)**
94. **Violence Against Women (*Dole*)**
95. **Gangs (*Dole*)**
96. **Troops to Cops (*Dole*)**
97. **2 Relevant (*Dorgan*)** (Mark Miskovsky, 4-2551)
98. **Federal Firearms Licensees (*Feinstein*)** (Adam Eisgreau, 4-3841)
99. **Military Bases (*Glenn*)** (John Haseley 4-1519)
100. **Law Enforcement Training (*Hatch*)**
101. **Federal Prosecutors (*Hatch*)**
102. **Gangs (*Hatch*)**
103. **Rural Crime (*Hatch*)**
104. **FBI Agents (*Hatch*)**
105. **DEA Agents (*Hatch*)**

106. **Quantico** (*Hatch*)
107. **Grants to States** (*Heflin*) (Winston Lett, 4-4050)
108. **Community Policing** (*Kempthorne*)
109. **Minimum Population/Grants** (*Kempthorne*)
110. **Rural Law Enforcement** (*Kempthorne*)
111. **Clinic Violence** (*Kennedy*) (Ron Weich, 4-3657)
112. **Coordination with HHS** (*Kennedy*) (Ron Weich, 4-3657)
113. **Substance Abuse Treatment** (*Kennedy*) (Ron Weich, 4-3657)
114. **Libya** (*Kennedy*) (Ron Weich, 4-3657)
115. **DOJ Guidelines/Study** (*Kennedy*) (Ron Weich, 4-3657)
116. **Safe Schools** (*Kennedy*) (Ron Weich, 4-3657)
117. **2 Relevant** (*Kennedy*) (Ron Weich, 4-3657)
118. **Community policing** (*Kerrey*) (Margaret Shugrue, 4-6551)
119. **Youth Violence Prevention** (*Kerrey*) (Margaret Shugrue, 4-6551)
120. **Police Corps** (*Kerry*) (David McKean, 4-2742)
121. **Drug Czar** (*Kerry*) (David McKean, 4-2742)
122. **Civil Action Against Violations of *Controlled Substances Act* and Distributors of Drug Paraphernalia** (*Kohl*) (John Liebowitz, 4-4933)
123. **Rural Crime** (*Leahy*) (Tris Coffin, 4-3406)

124. Guns and Felons (*Lautenberg*): prohibits permanently the possession of firearms by persons who have been convicted of a violent felony by closing two loopholes which presently allow felons to obtain guns. First it provides that convicted felons shall be banned from buying guns even if other civil rights have been restored. Second, it prohibits a convicted felons ability to obtain a gun even if the Bureau of Alcohol, Tobacco and Firearms determines the individual is no longer a threat to society. (Bruce King, 4-9712)

125. Gang Related (*Lautenberg*): expands the anti-gang grant program in the bill which funds programs in public housing projects to include assisted housing areas. (Bruce King, 4-9712)

126. Relevant (*Lautenberg*) (Bruce King, 4-9712)

127. Fingerprints (*Levin*) (Alison Pescale, 4-6221)

128. Aftercare for Bootcamps (*Levin*) (Alison Pescale, 4-6221)

129. Drug Treatment (*Levin*) (Alison Pescale, 4-6221)

130. Death Penalty (*Levin*) (Alison Pescale, 4-6221)

131. Life Imprisonment (*Levin*) (Alison Pescale, 4-6221)

132. Bankruptcy Fraud (*Metzenbaum*) (Gail Laster, 4-5701)

133. Guns (*Metzenbaum*) (Gail Laster, 4-5701)

134. Relevant (*Metzenbaum*) (Gail Laster, 4-5701)

135. Relevant (*Moynihan*) (Mark Patterson, 4-4451)

136. Improvement of Indian Children Records (*McCain*)

137. Parental Accountability (*McCain*)

138. Child Sex Abuse (*McCain*)

139. Parent Locator (*McConnell*)

- 140. **Public Corruption (*McConnell*)**
- 141. **Border Patrol (*Reid*):** institutes a \$3.00 border crossing fee to fund additional border patrol. (David Chartier, 4-3542)
- 142. **Criminal Justice Impact Statement (*Simon*)** (Susan Kaplan 4-5573)
- 143. **Prison Impact Statement (*Simon*)** (Susan Kaplan 4-5573)
- 144. **Gun Dealer Amendment (*Simon*)** (Susan Kaplan 4-5573)
- 145. **Sexual Violent Predators (*Gorton*)**
- 146. **Relevant (*Gorton*)**
- 147. **Social Security/Incompetence (*Helms*)**
- 148. **Prison Caps (*Helms*)**
- 149. **Prisons (*Helms*)**
- 150. **Mandatory Minimums Repeal (*Gramm*)**
- 151. **Prisons (*Gramm*)**
- 152. **International Child Pornography (*Grassley*)**
- 153. **Interstate Fees (*Coats*)**
- 154. **Boot Camp (*Coats*)**
- 155. **Relevant (*Coats*)**
- 156. **Triad Programs (*Lott*)**
- 157. **Community Schools (*Danforth*)**
- 158. **Police Brutality (*Danforth*)**

159. 2 Relevant (Danforth)

160. Police Overtime (Hutchison)

161. Restitution of Defendants (Hutchison)

162. Immigration (Smith)

163. Mandatory Minimums (Smith)

164. Law Enforcement Funding (Smith)

165. Asylum (Kassebaum)

166. Televise Executions (Hatfield)

167. 4 Habeas Corpus Amendments (Specter)

168. State Sentencing Requirements (Stevens)

169. State Criminal Justice Reforms (Stevens)

170. Violent Crime Penalties (Stevens)

171. Youth Crime (Pressler)

172. Naming of Federal Courthouse (Warner)

173. Relevant (Warner)

Senate Action on Amendments as of 6 P.M., Monday, Nov. 8

Laid Aside

1. Mandatory Minimums (Gramm): strikes provisions dealing with mandatory minimum sentences and provides mandatory minimums for violent crimes and gun felonies committed with a firearm; provides mandatory minimums for those who sell illegal drugs to minors or who use minors in drug trafficking. *Laid aside as of 6 p.m. on November 8.*

Amendments Adopted

1. Hate Crimes (Feinstein): directs the U.S. Sentencing Commission to promulgate sentencing guidelines or amend existing guidelines to increase penalties for hate crimes. *Adopted by a vote of 95-4 on November 4.*

2. Child Pornography (re: Knox case and DOJ) (Grassley): sense of the Senate resolution that the intention of Congress was not accurately reflected in the Department of Justice's brief in *United States v. Knox* by requiring total nudity to constitute pornography as defined in the *Child Protection Act*. *Adopted by a unanimous vote of 100-0 on November 4.*

3. Bipartisan Compromise (Byrd-Mitchell-Dole): ensures funding for the *Violent Crime Control Act* by taking \$22.68 billion in savings resulting from the President's proposed cuts in Federal employees over the next five years and placing it in the Violent Crime Reduction Trust Fund. Provides \$12.27 billion to fund **S. 1607** as originally introduced; \$3.7 billion to fund an additional 40,000 police officers; \$3 billion for the construction of regional prisons; \$1 billion for the construction of jail, boot camps, and minimum security facilities; \$500 million for secure facilities to house violent juveniles; and \$1.8 billion for the *Violence Against Women Act*. *Adopted by a vote of 95-4 on November 4.*

4. **Increased Penalties for Arson (Dole-Boxer-Feinstein):** increases the penalties for arson. *Adopted by voice vote on November 4.*

5. **Admissibility of Evidence of Similar Crimes (Dole):** allows evidence of similar crimes to be offered against a defendant in cases involving sexual assault and child molestation. *Adopted by a vote of 75-19 on November 5.*

6. **Reversing the Presumption of "Good Time" Credit for Federal Prisoners (Dorgan):** requires an affirmative showing of good behavior for crediting of "good time" to prisoners serving a sentence for a crime of violence. *Adopted by voice vote on November 5.*

7. **Presidential Summit on Violence (Boxer):** states the sense of the Senate that the President shall hold a Summit on Violence. *Adopted by voice vote on November 4.*

8. **Health Care Fraud (Cohen):** enhances penalties for health care fraud. *Adopted by voice vote on November 5.*

9. **Telemarketing Fraud (Hatch):** enhances penalties for telemarketing fraud (*the Senior Citizens Against Telemarketing Scams Act of 1993*). *Adopted by voice vote on November 5.*

10. **Federal Benefits to Aliens (Exon):** prohibits illegal aliens from receiving direct Federal financial benefits or social insurance benefits for AFDC, SSI for the Aged, Blind and Disabled; food stamps; medicaid except for emergency; legal services; assistance under the *Job Training and Partnership Act*; unemployment compensation; and post-secondary student financial aid. *Adopted by a vote of 85-2 on November 5.*

11. **Attorney Fees for Federal Employees (Hatch):** awards Attorney's fees to current and former employees of the Department of Justice who are the subject of a criminal or disciplinary investigation if the investigation does not result in adverse action against the employee. *Adopted by voice vote on November 5.*

12. **Commission on Violence and Safe Schools (Robb):** establishes a two-year commission to study violence and schools, and develop solutions to this problem. *Adopted by voice vote on November 5.*

13. **Civil Rights of Institutionalized Persons (Grassley):** requires Federal prisoners bringing civil rights remedies to exhaust first the administrative procedures available to them prior to going to court. *Adopted by voice vote on November 5.*

14. **Prosecution of Armed Juveniles Above the Age of 13 as Adults (Moseley-Braun):** provides Federal assistance for bindover programs which will allow States to prosecute violent juvenile offenders age 13 and over as adults. *Adopted by a vote of 65-23 on November 5.*

15. **National Triad Program (Johnston):** authorizes \$6 million to establish programs to assist law enforcement agencies and senior citizens in implementing specific strategies for crime prevention, victim assistance, citizen involvement, and public education. *Adopted by voice vote on November 5.*

16. **Mailing Nonindigenous Plants and Animal Species (Akaka):** establishes a task force to facilitate the enforcement of laws relating to the introduction of nonindigenous plant and animal species and to establish a criminal penalty for mailing injurious animals, plant pests, plants, or illegally taken fish, wildlife, or plants. *Adopted by voice vote on November 5.*

17. **International Organized Crime (Roth):** states the sense of the Senate concerning the expansion of the role of the United Nations in international organized crime control. *Adopted by voice vote on November 5.*

18. **Royal Hong Kong Police Officers (Roth):** requires the Attorney General to provide a report on the success in recruiting former Royal Hong Kong police Officers into the Federal Law Enforcement positions. *Adopted by voice vote on November 5.*

19. **Efficiency and Standardization in Prison Construction (Lieberman):** directs the Bureau of Prisons to establish a task force of experts in prison construction to evaluate standardized construction plans, technologies, materials, and techniques for prison and prison components, to cut prison construction costs. *Adopted by voice vote on November 5.*

20. **Interstate Wagering (Specter-Wofford):** prohibits the electronic transmission in interstate commerce of lottery tickets. *Adopted by voice vote on November 8.*

21. Child Safety (Wellstone): authorizes grants for supervised visitation centers for families with a history of domestic violence. *Adopted by voice vote on November 8.*

22. Alien Terrorists (Smith-Simpson): provides special procedures for the removal of alien terrorists. *Adopted by voice vote on November 8.*

23. Three-time Loser (Lott): provides for mandatory life imprisonment for persons convicted of a third violent felony. *Adopted by a vote of 91-1 on November 8.*

24. Efficiency in Law Enforcement and Corrections (Glenn): promotes efficiency in law enforcement and corrections. *Adopted by voice vote on November 8.*

25. Restriction of Social Security Disability Payments for Incarcerated Persons (Helms): prohibits Social Security disability payments to individuals confined to public institutions pursuant to court order based on a verdict that the individual is guilty, but insane or not guilty by reason of insanity. *Adopted by voice vote on November 8.*

26. Definition of Parent for the Purposes of the Parental Kidnapping Statute (Thurmond-Metzenbaum): provides that the term "parent" does not include a person whose parental rights with respect to the victim of an offense under the act have been terminated by court order. *Adopted by voice vote November 8.*

27. Hatch Second Degree Amendment to Gramm (Mandatory Minimums): provides for increased mandatory minimum sentences for criminals using firearms and for life imprisonment without release for prisoners convicted a third time; and allows flexibility in sentencing for certain nonviolent offenses in which a mandatory minimum term of imprisonment is imposed by law. *Adopted by voice vote on November 8.*

Amendments Tabled

1. **Study on Federal Benefits to Illegal Aliens (Graham):** directs the Attorney General to analyze and report to Congress within two years on the impact on Federal financial benefits by illegal aliens. *Tabled 64-29 on November 5.*

2. **Juvenile Death Penalty Prohibition (Simon):** prohibits the use of capital punishment for individuals under the age of 18. *Tabled 52-41 on November 8.*

**BIDEN CRIME BILL (S. 1488)
POTENTIAL FLOOR AMENDMENTS**

ISSUE (SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND VOTE OUTCOME
Abortion Clinic Access (Kennedy)	Criminal and civil penalties for obstruction of access to clinics. (DOJ support bill, but unsure whether should be amended to Crime Bill.)	Support if offered
Abortion Clinic Access- Amendment to Kennedy Amt. (Probably Hatch)	So-called evenhandedness amendment to apply penalties of Kennedy measure to violence against pro-life protestors outside clinics.	Oppose
Abortion Clinic Access- Amendment to Kennedy Amt. - Aggrieved Persons (possibly Kassebaum or Durenberger)	Amendment to limit "aggrieved persons" who may bring civil action. Multiple variations likely. (Some form of this amendment may be acceptable out of political necessity as a compromise with those seeking stronger evenhandedness amendment (above). However, extent of limitations will determine acceptability.)	Wait and See
Asset Forfeiture - S. 220 (Smith)	Reimburses municipalities for tax liens on forfeited property.	Cleared
Attorney's Fees (Hatch)		Passed
Auto Theft (Lautenberg)		
Bankruptcy Fraud (Heflin and Metz)	Would create a specific bankruptcy fraud offense modeled after the mail and wire fraud statutes, which would prohibit any scheme to defraud in the bankruptcy context, and would add this offense to the predicate acts list under RICO and the electronic surveillance statute. (DOJ supplied drafting language, but may have small changes (pending clearance)).	Support - Cleared

ISSUE (SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND VOTE OUTCOME
Bankruptcy - Concealment of Assets (Heflin)	Would amend 18 U.S.C. § 152 to add the U.S. Trustee to the list of individuals from whom concealment of estate assets and withholding of records are prohibited.	Support
Bankruptcy - Embezzlement Against the Estate (Heflin)	Would expand 18 U.S.C. § 153 to prohibit embezzlement of any estate property or destruction of estate documents.	Support
Bankruptcy - Adverse Interest and Conduct of Officers (Heflin)	Would amend 18 U.S.C. § 154 to increase the amount of the criminal penalty and to clarify that failure to permit the U.S. Trustee to inspect documents subjects an officer to removal.	Support
Bankruptcy - Willful Disregard of Bankruptcy Law or Rule (Heflin)	Would provide criminal penalties for paid bankruptcy petition preparers whose willful attempt to disregard the Bankruptcy Code or Rules results in dismissal of the bankruptcy case.	Support (with some modifications)
Banks and Community Reinvestment (Pryor)	Sense of Senate that banks should be given Community Reinvestment Act credit for loans and investment to help fight crime.	
Births - Out of Wedlock (Moynihan)	Sense of Senate that HHS should prepare analysis of causes of increase in out of wedlock births.	Cleared
Boot Camps - Military Conversion (Dorgan)	BOP to establish 10 boot camps for fed ($\leq 20\%$) and state prisoners on closed military bases. Strikes DOJ program in Biden bill. (Many problems -- See Grace memo.)	Oppose (Mooted by Byrd)
Carjacking (Lieberman)	If death results, death penalty may be applied regardless if a firearm was used during the carjacking. Biden bill language requires use of firearm.	
Child Pornography (Grassley)	Concerning <u>Knox</u> case and DOJ.	Passed

ISSUE(SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND VOTE OUTCOME
Child Pornography - International (Grassley)	Penalties for international trafficking in child pornography.	Cleared with comments
Coordination of Grant Programs (Hatch)	Provide for coordinated administration of grant programs and for limit of participation in drug court program to nonviolent offenders.	
Courts - Decentralization (Mosley-Braun)	Additional Grant Projects (Title I, Section 1701) shall include satellite or video decentralized court facilities.	Cleared
Credit for Crime Fighting Amendment (Pryor)	Sense of Senate to encourage financial institutions to provide credit and make investments to fight crime in their communities.	
Criminal Justice Impact (Simon)	Require assessment of crim justice impact be made for each congressional bill, amendment, resolution, etc.	
Death Penalty (Simon)	Replace death penalty with mandatory life w/o parole.	no position
Death Penalty - Bombing Homicides (D'Amato)		
Death Penalty - Guidelines (Kennedy)	AG to formulate guidelines stating when USAs may seek death penalty.	
Death Penalty - Gun Crimes (D'Amato)		
Death Penalty - Juvenile (Simon)		tabled
Death Penalty - Terrorist Activities (D'Amato)		

ISSUE(SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND VO. OUTCOME
DNA Identification (Simon)	Establishes a new, separately administered DNA grant and technical assistance program under BJA. Allows private sector scientists to sit on advisory board on quality assurance standards.	Support - Cleared
Domestic Violence - Community Partnerships (Hatfield)	Authorizes HHS to establish a demonstration grant program to coordinate local strategies for intervention and prevention of domestic violence.	
Domestic Violence - Offender Rehab (Domenici)	First time offender to attend offenders program if readily available or w/in 50 mile radius. (Too ambiguous; what are alternatives; what if def. kills spouse?)	Problems
Domestic Violence - Rural (Leahy)	New grant program for cooperative effort against domestic violence and child abuse in rural areas. Law enforcement may also use community policing grant funds for police component of this effort.	Cleared after revision
Driver Privacy Protection Act (Boxer)		
Driving While Intoxicated (Domenici)	Provides programs for prosecution of DWI to be included in Byrne grant program.	Cleared
Drugs - ONDCP Enhancement (DeConcini)		
Drugs - ONDCP Reauthorization (Biden)		
Drugs - Sales to Minors (Gramm)	Mandatory minimums. 10 yrs for selling to minor.	
Drugs - Sales to Minors (Nickles)		

ISSUE (SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND VOTE OUTCOME
Drugs - Trafficking in Rural Areas (Hatch)	Establish task force; cross-designation of fed leos.	Passed
Drug Courts - Modification (Hatch)	Reduce age from 28 to 25	Passed
Efficiency in Law Enforcement (Glenn)	AG shall encourage innovative methods for reduction of construction, administrative and overhead costs.	Passed
Electronic Surveillance (Metzenbaum)		
Evidence - Child Molestation (Dole)	Allow previous incidents as evidence.	Passed
Exclusionary Rule - Good Faith	Codify good faith exception.	OK
Exclusionary Rule - Good Faith	Universal good faith.	Oppose
Fed Law Enforcement Rapid Deployment Force (Lieberman)	2,500 fed leos for temporary, rapid deployment by AG to assist state and locals in combatting crime.	
Fiscal Impact Statement (Simon)		Cleared
Gangs (Brown)	Fed offense for certain crimes committed by criminal street gangs.	
Guns - Ammunition - Real Cost Act S.179 (Moynihan)	1,000% tax on certain caliber ammo. (9mm, .25 and .32).	

ISSUE(SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND VOTE OUTCOME
Guns - Ammunition - Recordkeeping S.109 (Moynihan)	Licensed importers and manufacturers of ammo must maintain records and make annual reports concerning amount, caliber and type of ammo sold.	
Guns - Ammunition - Bullet Death and Injury Control S.32 (Moynihan)	Establish within CDC a Bullet Death and Injury Control Program to research bullet-related death. Also, increase tax on certain caliber ammo.	
Guns - Assault Weapons (Feinstein)	Compromise between DeConcini and Metz versions.	Support if offered.
Guns - Assault Weapons (DeConcini)		
Guns - Assault Weapons (Metzenbaum)		
Guns - Assault Weapons (Bingaman)	Sense of Senate that assault weapon	
Guns - Brady - No wait (possible Stevens)	Delete waiting period and require instant check within 2 years.	Oppose
Guns - Brady (Kohl)	Make waiting period permanent.	
Guns - Dealer Licensing (Simon)	Strengthen fed stds for dealer licensing.	
Guns - Dealer Licensing S.113 (Moynihan)	Applicant and chief local law enforcement officer must certify that applicant has complied with all state and local dealer requirements.	

ISSUE(SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND VOTING OUTCOME
Guns - Dealer License Fees (Bradley)	Sense of Senate that dealer license fees and taxes on handguns, assault weapons and ammo for these firearms should be increased because of health care costs of gun violence.	
Guns - Dealer License Report (Feinstein)	Sec Treasury to report on cost of fed firearm license program.	
Guns - Dealer License Tampering (Boxer)	Make fed gun dealer licenses more forgery proof.	
Guns - Domestic Violence Firearm Prevention (Wellstone)	Prohibit sale of firearms to, or receipt of firearms by, persons convicted of domestic violence offense. (Minor suggestions.)	Cleared with changes.
Guns - Felon Possession Ban (Boxer)		
Guns - Felon Possession Ban (Lautenberg)	Prohibit violent felons from possessing firearms.	
Guns - Mandatory Minimums (Campbell)	Felon Gun Penalty Act: Mand. min (5 years) for unlawful possession of firearm by convicted felon, fugitives, unlawful users of drugs or transferor or receiver of stolen firearm. Also, enhance (from 5 to 10 years) general penalty for fed firearms law violations.	
Guns - Mandatory Minimums (possible D'Amato)	Mandatory mins for possession of firearm during any drug-related or violent crime committed under state jurisdiction.	Oppose
Guns - Mandatory Minimums (Gramm)	Mandatory mins for gun crimes by violent criminals and drug felons.	

ISSUE(SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND VOTE OUTCOME
Guns - Providing to Juveniles (MB)	Fed offense for individual to provide a firearm to a minor when the individual has reason to believe the firearm will be used in the commission of a crime.	Cleared
Guns - Second Amendment Restoration Act (S. 458)		
Gun Owners - Insurance and Liability (MB)	Requirement that gun owners have insurance for discharge of weapon in amount of \$1 million. Manufacturers, dealers and owners of handguns and assault weapons may be held strictly liable for injuries relating to discharge.	
Habeas (Feinstein)	Strike habeas corpus title.	Oppose
Habeas - Full and Fair (likely Hatch)	Allow dismissal of petition if prisoner had full and fair hearing at state level.	Oppose
Hate Crimes Sentencing Enhancement (Feinstein)	Enhance sentences for offenses which are hate crimes.	Passed
Health Care - Anti-Fraud (Cohen)		Passed
Hong Kong Police - (Biden for Roth)	AG to report on success in recruitment from Royal Hong Kong Police.	Passed
Immigration (Brown)		
Immigration - Alien Smuggling (Simpson)	Prevention and punishment of alien smuggling.	

ISSUE(SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND OUTCOME
Immigration - Alien Terrorists (Smith)	Special procedures for removal of alien terrorists.	Passed
Immigration - Aliens Convicted of Crime (Simpson)	Procedures for prompt deportation.	
Immigration - Asylum (Kassebaum)	Sense of Congress that aliens seeking asylum instead apply outside US for admission as refugees.	
Immigration - Exclusion and Visa Ineligibility for HAMAS Member (D'Amato)		
Immigration - Border Patrol (Feinstein)	Enhanced Border Patrol for Southwest.	
Immigration - Criminal Alien Deportation Reform (Roth)		
Immigration - Criminal Alien Prisoners (Graham)	Upon state request, AG to take custody of state incarcerated criminal aliens.	
Immigration - Federal Benefits for Illegal Aliens (Exon)	Stop benefits.	Passed with modification.
Immigration - Port of Entry Inspections Improvement Act (S. 667)		

ISSUE(SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND VOTE OUTCOME
Immigration - State and Local Cooperation (Roth)	Encourage state and local cooperation with INS.	
Indians - Child Protection and Family Violence (McCain)	Provide tribes access to fed, state and local criminal justice records.	
Indians - Grant Applications (Daschle)	Tribes may apply for cops grants directly to AG.	Cleared
Indians - Grants (DeConcini)	Apply directly to AG, fed funds may be used as matching requirement and cops funds not to supplant Interior funds.	Cleared
Indians - Grants (Daschle)	5% of cops grants allocated to tribes.	Oppose
Indians - Grants - Matching Funds (Daschle)	Fed funds appropriated for Indian governments may be used for non-fed matching requirement.	Cleared
Indians - Grants - Supplant (Daschle)	Cops funds not to supplant Dept. of Interior funds.	Cleared
International Organized Crime Control S. 1091 (Roth)		
Judiciary - Funding (Domenici)	Authorization of additional funding for fed judiciary.	
Juveniles - Alternatives for Nonviolent (Moseley-Braun)		

ISSUE (SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND VOTE OUTCOME
Juveniles - Boot Camp - Aftercare (Levin)	Ensure that boot camp programs provide appropriate aftercare.	Cleared as modified
Juveniles - Community Based Treatment (Conrad)	Provide boot camp-style detention facilities for violent offenders.	Concept included in Byrd.
Juveniles - Drug and Gang Activity (Lautenberg)	Reduce drug and gang-related activity in fed assisted low-income housing.	Cleared
Juveniles - Education for Incarcerated Juveniles (MB)	Grants of \$125 million annually for 5 years to assist in giving all incarcerated juveniles the same ed. instruction as the local school district.	Working - provided language
Juveniles - Federal Lands (Graham)	Sense of Senate that youth programs on fed lands should be established and supported.	
Juveniles - Gangs (Dole)		Vote on 11/9.
Juveniles - Gang (GREAT) Projects (DeConcini)	80 Gang Resistance Education and Training projects to be established by Dept. of Treasury/BATF.	
Juveniles - Gun-Free Schools (Kohl)		Cleared
Juveniles - Guns (Kennedy)		
Juveniles - Guns in Schools (Bingaman)	Withhold fed highway funds for states that do not require revocation of drivers license for those found in possession of handgun on premises of elementary or secondary school.	

ISSUE(SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND VOTE OUTCOME
Juveniles - Juv. Justice Conference (Graham)	Require President to convene White House conference on Juvenile Justice.	Cleared
Juveniles - Nondiscriminatory Enforcement of Juvenile Justice (MB)	AG may bring civil action to eliminate pattern or practice of civil rights violations in the administration of juv justice or incarceration of juveniles.	Cleared
Juveniles - Parent Locator Service (McConnell)	Service to be available to OJJDP.	
Juveniles - Parents of Violent Juveniles (MB)	Parents of juveniles who commit fed crimes shall be subject to fines of up to \$5,000.	Amended McCain - passed
Juveniles - Parents (McCain)	Parent must attend all court proceedings and may be liable for civil penalty of up to \$10K.	Passed, as modified by Moseley-Braun
Juveniles - Parenting and Nonviolent Dispute Resolutions Grants (MB)	Provides that Juv. Drug Trafficking and Gang Prevention Grants may be used for parenting training for parents of high-risk youths and for programs which offer training in nonviolent dispute resolution to adolescents.	Cleared
Juveniles - Schools - Commission on Violence in (Robb)	Establish commission comprised of various disciplines to study violence in schools.	Passed
Juveniles - Crime Free School Zones (Brown)	Fed prosecution of crimes committed on school grounds.	
Juveniles - Safe Schools Act (Dodd)		

ISSUE (SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND VOTE OUTCOME
Juveniles - School Safety and Punishment for School Violence (Brown)		
Juveniles - Solicitation to Commit a Crime (Pressler)	Sentencing Comm'n to provide enhancement for soliciting a minor to commit a crime.	
Juveniles - Task Force for Missing Children (DeConcini)	Establishes task force of fed law enforcement officials to work with National Center for Missing Children to coordinate fed assistance of state and local authorities in missing children cases. (Serious problems - no \$, agencies w/o expertise)	Cleared
Juveniles - Trying as Adults (MB)	Authorizes fed prosecution of juveniles 13 and over as adults for murder, attempted murder, armed (w/ firearm) robbery, crim sexual penetration when armed w/ firearm and for drive-by shootings.	Passed
Juveniles - Firearms Offenses and Grants (Graham)	Allow states that incarcerate juveniles for firearms offenses to continue to receive juvenile justice grants.	Support
Juveniles - Safe Schools Act (Boxer)		
Juveniles - Uniting Women and Kids in Prison (MB)	BOP to establish 2 demonstration projects in which children under age three may stay in prison with their mothers.	Simon version is cleared
Juveniles - Victims of Child Abuse Act (Biden)	Reauthorization.	

ISSUE (SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND OUTCOME
Juveniles - Youth Development Centers Act (Domenici)	Grants for various youth development initiatives.	
Juveniles - Youth Handgun Safety Act (Kohl)	Criminal penalties for transfer of handgun to, or possession by, a juvenile. (We request an amendment to JJ Act to state that grant monies will not be denied to states that incarcerate juveniles under this bill.)	Support
Kidnapping - Parental (Thurmond or Metzenbaum)	Provides that term "parent" does not include a person whose parental rights with respect to a victim of an offense under Parental Kidnapping Act have been terminated by court order.	Passed
Loitering Laws (Lieberman)	NIJ to determine how anti-loitering laws, w/o violating Constitution, to fight open-air drug markets and other blatant criminal activity.	
Lottery Ticket information (Specter and Wofford)	Criminal penalties for interstate transmission of info to be used for the purchase of a lottery ticket.	Passed
Mental Health Screening (Cohen)	AG and HHS to study improvement of mental health screening within juvenile justice system.	
Narcotics Nuisance Abatement Programs (Simon or MB)	Create exemption from Byrne Grant 4-year funding limit for narcotics nuisance abatement programs. Attempt to resurrect failed amendment to FY 94 approps bill. (DOJ opposes because extending fed funding of seed programs reduces funding available for new programs. If a program is successful, the state should continue the funding.)	Oppose

ISSUE(SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND VOTE OUTCOME
Nonindigenous Species (Akaka)	Task force concerning introduction of nonindigenous species and criminal penalties for mailing injurious animals, plant pests, plants, or illegally taken fish, wildlife or plants.	Passed
Police - Brutality (Damforth)	AG to report on potential problem officer early warning programs and develop model program.	
Police - Citizens Police Academy (Wofford)	Authorize \$1 million from the Public Safety and Community Policing grants section for local law enforcement agencies or private nonprofit organizations to train citizens in a wide range of crime-preventing measures.	Modified to remove \$ - Cleared
Police - Community Policing Grants (Graham)	Preference for areas that have a disproportionate rate of crime.	Cleared
Police - Community Policing Grants (Hutchison)	Authorize Additional Grant Project funds for police overtime.	
Police - Community Policing Grants (Kempthorne)	Reduce from 150K to 100K the population necessary for a locality to apply directly to AG.	Oppose
Police - Defense Conversion (Lieberman)	Portion of defense conversion funds to be used to place displaced GIs in law enforcement or public housing mgt. careers. FBI and NIJ to select and train at least 1,000 vets per year who will receive preference under police hiring grants. (Duplicative of other crime bill initiatives -- police corps and police hiring.)	Oppose

ISSUE(SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND VOTE OUTCOME
Police - Equipment Funding (DeConcini)		
Police - Law Enforcement and Family Partnerships (Dodd)	Grants available for law enforcement organizations that form partnership with a child and family service organization to provide consultation services, 24-hour crisis response and appropriate training for law enforcement. Designed to combat youth violence.	Cleared
Police - Improved Training (Hatch)	Grants for improved technical training and automation of state and local leos.	Passed
Presidential Dec. of Violent Crime and Drug Emergency Areas (Lieberman)	Pres. may declare violent crime or drug emergency exists in a state or part of state and may provide fed assistance in form of personnel, equipment, supplies, etc.	Soft oppose
Prisoners - Alternative Dispute Resolution (Grassley)		
Prisoners - Cost of Incarceration (Grassley)		Cleared
Prisoners - Drug Treatment (Hatch)	Strike prisoner drug treatment/early release.	
Prisoners - Good Time (Dorgan)	Shift burden to affirmative showing that good time deserved.	Passed
Prisoners - Good Time - Education for (Conrad)	Tie ability to earn good time to completion of GED program, pursuing continuing higher ed., or job training.	Problem trying to work out.

ISSUE (SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND VOTING OUTCOME
Prisoners - Parents (Simon)	Authorizes N'tl Institute of Corrections to make grants for demonstration projects that would allow eligible parents to serve their sentence in a community-based correctional facility with their children.	Cleared
Prisoners - State Life Inmates (Specter)	Authorizes BOP to incarcerate state life inmates under state habitual offender laws.	Problems
Prisons - Base Conversion (Conrad)	Provide funding to states to convert closed military bases into prisons or build new prisons. To incarcerate chronic and violent adult offenders.	Covered by Byrd
Prisons - Capacity Review (Graham)	AG to review capacity of fed prisons and report on initiatives to release fed prison space for state inmates.	
Prisons - Construction Task Force (Lieberman)	BOP to establish task force of experts to evaluate standardized construction plans and disseminate recommendations.	Cleared
Prisons - Correctional Education Technical (Specter)		Cleared
Prisons - Corrections Job Training (Specter)	Establish within Dept. of Labor. Job training and placement services.	Working w/ Labor
Prisons - Family Unity (Simon)	NIC to make grants to states to establish family unity demonstration projects.	
Prisons - Lorton (Robb)	Lorton not to be expanded unless approved by Fairfax County and Commonwealth of Va.	

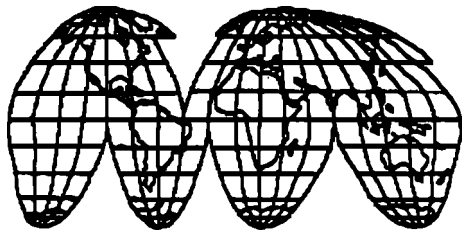
ISSUE (SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND VOTE OUTCOME
Prisons - Prison Work Program Improvements Act (Brown)	Expand Federal Prison Industries. (DOJ believes that this is premature. NPR concerns.)	Oppose
Prisons - Regional		Passed as part of Byrd
Prisons - State Prisons for Violent Offenders (Dorgan)	Substitute for the regional prison p	Covered by Byrd
Prosecution Standards - (Graham)		Oppose
Public Corruption (McConnell)	Criminal penalties government/public	
Public Safety Officers benefits (Feinstein)	Expand to cover safety officers w result of response or police emergency	
Racial Bias Study (MB)		Cleared w/ modifications.
Racketeering (Metzenbaum)		
Regional Violent Crime Assistance (Riegel)	Earmarks funds to enhance law enforcement criminal justice that suffer from rates or face particular crime problems to assistance and to jurisdictional state to and prevent violence	Cleared
Retroactivity (Simon)		

ISSUE (SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND OUTCOME
Sentencing - Costs (Grassley)	Sentences to account for costs of imprisonment, release and probation. Fines may include these costs.	
Sentencing - Mandatory Minimums (Simon)		
Sentencing - Mandatory Minimums (Gramm and others)	Enact additional mandatory minimums.	Oppose
Sentencing - Mandatory Minimums (Hatch)	Currently pending compromise with Gramm.	
Sentencing - Mandatory Minimums - State (Lieberman)	Loss of 50% Byrne Grants for states that do not enact mandatory minimums of 20 years w/o parole for violent career criminals who commit crime using firearm.	Oppose
Sentencing - Report (Dorgan)	AG must publish annual report on sentences imposed by individual fed judges in felony cases. Also withdraw Byrne money from states that do not compile and publish such info about state judges. (Fed sentencing already constrained by guidelines, so not needed to combat excessive leniency. Not good for states either as it's better to encourage them to adopt guidelines or truth-in-sentencing than to harass judges.)	Oppose
Sentencing - Restitution (Hutchison)	Restitution shall not be reduced based upon time served in prison.	
Sexual Violence (Cohen)	Expand Child Protection title of bill to address violence against the elderly and disabled.	

ISSUE(SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND VOTE OUTCOME
Sexually Violent Predators (Gorton)	Encourage states to establish registration and tracking procedures and community notification for released sexually violent predators. Sentencing Comm'n to promulgate guidelines to allow judges to imprison certain offenders until no longer a sexual predator.	
SHOCAP Program Extension (Lieberman)	Extension of Serious Habitual Offender Comprehensive Action Program (SHOCAP) by authorizing new state and local projects to arrest and prosecute repeat juvenile offenders.	
Street Gangs - (Brown)		
Task Forces - Increased Support (Lieberman)	\$150 million to bolster fed/state/local crime task forces. Additional funding for fed component of task forces.	Cleared
Telemarketing Fraud (Bryan)	(Haven't seen yet, but expect problems with litigation authority for FTC.)	
Telemarketing Fraud (Hatch)		Passed
Terrorism - Alien Protection (Lieberman - D'Amato)	Authority for AG and Sec of State to determine when an alien needs quick admittance into US for protection b/c the person provided assistance to US in preventing or prosecuting terrorism.	
Three-time Losers (Lott)	Life.	Passed
Triad Program (Johnston)	\$6 million grant program to establish 50 pilot programs to prevent crime against senior citizens.	Passed
Triad Program (Roth)		

[illegible]

ISSUE (SPONSOR)	PURPOSE (& DOJ CONCERNS)	DOJ POSITION AND VOTE OUTCOME



TELECOPIER COVER SHEET

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SUBJECT: CRIME BILL
FLOOR AMENDMENTS

SEE REMARKS BELOW

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Amendments To The House Crime Bill

Likely Problematic Provisions

Adverse Funding Implications [Table Attached]

#11 - Hunter - Additional 6,000 Border Patrol Agents

Authorizes "such sums" for the hiring and training 6,000 additional full-time equivalent agent positions and support staff. This increase is over and above levels authorized as of October 1, 1993. [Although qualifying Border Patrol for funding under VCRTF, amendment works against enacted FTE constraints].

#174 - Washington - Crime Prevention Programs

Increases funding for Subtitle I of Title X Community Partnership Act grants from \$2 billion to \$4 billion. Adds a total of \$15.5 billion from 1995 to 1999 for a variety of prevention, treatment, and jobs programs. [Requires deficit neutrality through offsetting cuts in appropriations for that particular fiscal year to fund various titles].

#167 & #168 - McCollum - Violent Repeat Offender Incarceration

Two amendments seek to increase funding for Title VI grants from \$3 billion to \$10 billion. Ties funding eligibility to so-called "truth in sentencing" provisions which require State to retain inmates for 85% of their sentence.

#169 & #170 - McCollum - Transfer Title X Funds To Prisons

Transfers half of funding authorizations with Title X Crime Prevention and Community Justice programs to Title VI Violent Repeat Offender Incarceration Act programs.

#155 - Chapman - State Prison Grants for "Truth in Sentencing"

Provides \$10.5 billion by formula to high crime states to increase prison bed capacity and provides incentives for states to use "truth in sentencing" standards. [Mandates 85% of sentence to be served thus weakening alternatives to incarceration programs].

#125 - Schumer - Violent Crime Reduction Trust Fund

Creates VCRTF and reduces Federal FTE to specified levels. [Virtually replicates Senate version without "fixing" problems with funding or providing for inclusion of Brady as an eligible expense under the Fund].

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

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

#177 - Gingrich - Violent Crime Reduction Trust Fund

Creates VCRTF [Senate version] and requires 90% of funds by used for prison construction. [Same rationale as Schumer amendment above].

#159 - McCurdy - Police Corps

Creates a fully funded Police Corps program and provides for payments to States and localities for hiring Corps graduates. [Administration has embraced a demonstration program to test feasibility of concept at one-tenth cost and with not Federal bureaucracy created].

Increased Sentences and Mandatories**#40 - Simmer - Mandatory Sentence For Firearms Possession**

Requires mandatory minimum five-year prison term for unlawful possession of a firearm by a convicted felon, a fugitive from justice, a drug addict or illegal drug user, or one who transfers or receives stolen firearms.

#42 - Simmer - Doubles Penalty For Using Child To Commit A Crime

Doubles maximum imprisonment and fine for any adult [over 18] who uses a child to commit a crime or to avoid apprehension.

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

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

#53 - Solomon - Drug Offenses Counted In 3 Strikes

Allows serious drug offenses to be counted as any or all of three strikes for purposes of imposing a life sentence.

#58 - Slaughter - New Federal Explosives Crime

Adds penalty for use of explosives and provides for enhanced penalties for use of explosives for second and subsequent offenses. Makes theft of explosives a federal felony.

#65 - Doolittle - Enhanced 3 Strikes

Provides for life imprisonment for three violent felony convictions, but does not require that the convictions arise from separate episodes.

#66 - Abercrombie - Traveler Protection

Allows Federal law enforcement to "assist" in investigations of assaults upon foreign tourists if asked to do so by the State law enforcement authorities.

#89 - Lehman - Conditions to Alternative Punishment for Youth

Requires 50% of grants funds under "Alternatives Punishment for Young Offenders" programs shall be made available to State which have increase punishment for three time violent offenders.

#137 - Goodling - Increased Penalties For Gun Possession

Increases penalties for possessing a firearm while committing a misdemeanor drug crime and makes unlawful the possession of a firearm for five years after the commission of a misdemeanor conviction.

#146 - Schiff - 2 Strikes For Violent Serial Offense

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

#172 - McCollum - Double Penalties For Assault on Young/Old

Doubles the applicable penalty for serious violent assaults against victims under the age of 18 years or older than age 64.

#180 - McCollum - Mandatory Prison Terms

Provides for mandatory prison terms for use, possession or carrying of a firearm or destructive device during a serious violent felony or serious drug trafficking offense for which the person may be prosecuted in a court of any state.

Criminal Alien Provisions

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

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

#156 - Condit - Federal Custody of Criminal Aliens

Requires the Attorney General to take custody of any criminal alien, within 30 days of a request by a state or local government, and to imprison the alien in a federal prison in accord with the sentence of the state court and compensate the state or local government for time served.

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

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

#29 - Packard - Law Enforcement Access To INS Legalization Records

Gives federal law enforcement officials access to legalization immigration files for the purpose of a criminal investigation.

#160 - Smith - Criminal Aliens

Establishes Criminal Alien Tracking Center. Requires registration of criminal aliens on probation or parole. Provides for expedited deportation and expands definition of aggravated felony. Increases penalty for failure to depart and provides wiretap authority for alien smuggling operations. Increases penalties for passport and visa fraud. [DOJ objects to provisions allowing summary deportation, alien transfer authority without consent, and enhanced penalties for failure to depart].

Firearms Provisions

#110 - Wilson - Modify Brady

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

Other Issues

#6 - Sensenbrenner - Strike Local Partnership Act

Strikes provisions of Title X Local Partnership Act. Included in this title is the Administration's Youth Employment and Skills "YES" program. #86 (Goodling) also seeks to strike the "YES" program, but specifically.

#46 - Dornan - "Profit Seeking" As Part of RICO Definition

Adds the requirement of a "profit seeking motive" to the definition of a "pattern of racketeering activity" under the RICO Act. Definition would be retro-actively applied and could have the effect of exempting anti-abortion groups from prosecution under the act. [Clearly controversial].

#47 - Hoyer - Secret Service Financial Fraud Investigations

Authorizes Secret Service to investigate and arrest those who violate financial institution fraud statutes. [DOJ objects to USSS involvement in such cases].

Points of Law and Constitutionality

#67 - Owens - Age Discriminations In Law Enforcement Hiring

Permanently exempts state and local public safety agencies from Age Discrimination in Employment Act in order to permit them to consider age in their hiring and retirement policies.

#71 - Kyl - Penalties and Remedies for Sexual Violence

Provides for pretrial detention in serious sex offense cases; increases penalties for repeat sex offenders; repeat child abusers; and for drug distribution to pregnant women. Allow for evidence of similar crimes in sex offense cases to be used in court. [Goes against judicial procedure applied to other types of crimes and holds sexual offenses to a different legal standard].

#138 - Gekas - Death Sentencing Inclusion of Aggravating Factors

Deletes the provision that limits aggravating factors to those not relating to the underlying offense. This would allow aggravating factors which are elements of the underlying offense to be used in the determination of the death sentence.

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

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

3/22/94
4 p.m.

**Amendments to H.R 4092, The Violent Crime Control
and Law Enforcement Act of 1994**

1. **Porter:** Requires that the U.S. flag be flown at half staff on all government buildings on Peace Officers Memorial Day. *Wet*
2. **Cunningham:** Exempts current and former law enforcement officers from state laws that prohibit the carrying of concealed firearms. *0*
3. **Clement:** Modifies the presumption of interstate transportation in kidnapping cases from 24 hours to 3 hours. *?*
4. **Clement:** H.R. 796, Drug Free Truck Stop Act of 1993. *?*
Increases penalties for distribution of controlled substances at truck stops and rest areas.
5. **Oxley:** Requires criminals convicted of federal crimes to make restitution to their victims. *?*
6. **Sensenbrenner:** Strikes Subtitle I of Title X -- the Local Partnership Act. (Title X) *0*
7. **Duncan:** Allows a jury to impose the death sentence for federal kidnapping charges when the death of minor results. (Title VII)
8. **Harman** Denies felons convicted of violent or drug-related crimes the right to appeal to BATF for the right to own firearms. *Nice*
9. **Castle** Restricts the sale and donation of excess firearms owned or held by federal agencies and codifies GSA regulations restricting such transactions. *S*
10. **Barca** SoC that violent felonies against truckers should be prosecuted to the fullest extent under federal law; encourages public/private evaluation of how best to prevent these crimes. *N/C*
11. **Hunter** Authorizes an additional 6,000 Border Patrol Agents and support staff over 5 years.
12. **Reynolds:** Adds a new title that bans 175 specifically named semi-automatic weapons.
13. **Foglietta:** Establishes a federal grant program that establishes corridors of safety for senior citizens in crime-troubled areas. *P/O*

14. **Doolittle:** Denies federal benefits, including social security and welfare payments, to individuals convicted of crimes of violence.
15. **Clinger** Expands Title III--which increases penalties for assaulting children--to include the elderly.
16. **Olver:** New subtitle, "Grants for Court Advocacy".
Authorizes the Attorney General to make 10 state demonstration grants that provide for at least one specialized domestic violence court advocate in every court where a significant number of protective orders are granted. (Title X)
17. **Traficant:** Requires the Federal Bureau of Prisons to give 30 days prior notice to all interested parties who were instrumental in convicting a federal prisoner that he or she is being released.
18. **Traficant:** Allows a sentencing judge the flexibility to give non-violent offenders alternatives to imprisonment. Provides that non-violent offenders must pay to have their photos in local newspapers.
19. **Traficant:** Provides penalties of not more than \$100,000 to anyone who intentionally affixes a fraudulent "Made in America" label to any product that is purchased with funds authorized under the H.R. 4092.
20. **Traficant:** Authorizes \$3 million to establish counseling centers for retired disabled police officers.
21. **Quinn:** Requires a federal permit for all purchases of explosives and requires a photograph and a set of fingerprints to accompany the application.
22. **McCandless:** Strengthens the penalties for selling a Congressional Medal of Honor.
23. **Solomon:** Provides for a sentence of life in prison without parole for child kidnapping. Exempts family members or legal custodians.
24. **Burton** Provides the death penalty or life imprisonment without parole, probation or suspension for trafficking in those drugs specified in the amendment by amounts specified in the amendment.
25. **Burton** Provides death penalty for murders committed during a sexual assault.

26. **Burton** SoC that criminal background checks should be performed for all prospective employees or volunteers of State-license or tax-funded organizations that interact with children.
27. **Skaggs** Expands the bill's prohibition against possession of a handgun by a juvenile or the private transfer of a handgun to a juvenile to include all guns.
28. **Gilman** Increases the criminal penalties for visa and passport abuse crimes.
29. **Packard** Gives federal law enforcement officials access to legalization immigration files for the purpose of a criminal investigation.
30. **Ackerman** Directs the AG to establish a placement program to assist displaced military personnel in obtaining employment as law enforcement officers with state and local law enforcement agencies upon their discharge or release from active duty.
31. **Valazquez** Provides family violence and prevention services to underserved populations regardless of race, culture, language diversity or geographic isolation, and establishes model programs to educate youth about domestic violence.
32. **Kennedy** Establishes a community-based Justice Grant Program to create programs which help prosecutors, school officials, police, youth and social service professionals cooperate to identify and speed the prosecution of young violent offenders (\$100 million over 5 years).
33. **Kennedy** Gives law enforcement officials and courts access to criminal history information for use in stalking and domestic violence cases; authorizes pertinent agencies to include information on stalking and domestic violence offenses in criminal history records, including a \$2 million grant program; and directs NIJ to conduct training programs for judges in handling such cases.
34. **Watt** Strikes language providing death penalty for drug kingpins even when death does not result from the crime.
35. **Watt** Strikes death penalty for drive-by shootings.
36. **Watt** Strikes language that allows prosecuting attorneys to use aggravating factors that are not specified in the bill when seeking the death penalty during sentencing hearing.

37. **Watt** Requires the coordination of existing federal programs with programs funded under the Model Intensive Grant Program and Local Partnership Act.
38. **Levy** Penalizes those who transport firearms across state lines or international borders with the knowledge they will be used to kill, injure or intimidate; provides life in prison or death penalty if weapon is actually used in a violent crime.
39. **Moran** Prohibits state motor vehicle departments from disclosing personal information about any individual with certain specified exceptions, including use by a court, a federal, state or local agency, or for certain business uses. Permits state motor vehicle departments to establish procedures for disclosure which do not fall into one of these categories.
40. **Zimmer:** Requires mandatory minimum five-year prison term for unlawful possession of a firearm by a convicted felon, a fugitive from justice, a drug addict or illegal drug user, or one who transfers or receives stolen firearms, without possibility of parole, suspended or concurrent sentence. Doubles penalties for certain violations of firearms law and increases penalties for use or possession of a firearm in the commission of a violent crime or drug trafficking.
41. **Zimmer:** Limits remedies available in district court for a successful challenge to the constitutionality of conditions of confinement, specifically denying the court jurisdiction to impose population ceilings, adjust release dates, or prohibit use of tents or prefabricated housing structures. Requires consent decrees regarding conditions of confinement also to provide only narrowly tailored relief.
42. **Zimmer:** Doubles the maximum imprisonment and fine for any offense if the adult offender (over 18 years old) uses a child to commit the crime or to assist in avoiding apprehension. After a previous conviction for this offense, the maximum imprisonment and fine are tripled.
43. **Gordon:** Prohibits awarding Pell basic grants to anyone
Holden/Fields incarcerated in a federal or state prison.
44. **Gordon:** (Perfecting amendment to any amendment restricting ownership of assault weapons) Exempts from all restrictions semiautomatics used for sporting purposes, defined as: semiautomatic rifles weighing more than 25 pounds.

45. Klug: Prohibits possession of a firearm at or near a day care center or a community center.
46. Dornan: Adds the requirement of "a profit-seeking purpose" to the definition of "pattern of racketeering activity" under RICO Act.
47. Hoyer: Authorizes Secret Service to detect and arrest those who violate U.S. laws involving fraud or other illegal activities against specified financial institutions including a federal branch or agency of a foreign bank.
48. Hoyer: Authorizes appropriations for up to 50 Gang Resistance Education and Training (GREAT) projects, up to \$800,000 per project, with the projects to be selected by BATF; authorizes \$30 million to hire at least 200 BATF agents to investigate trafficking of guns to gangs; authorizes \$6 million to hire Secret Service agents to supplement international counterfeiting and other investigative authorities.
49. Hoyer: Authorizes \$210 million for each of FY 1995 - FY 1999 to help meet Treasury Department's increased law enforcement responsibilities, (including activities of BATF, Customs, I.R.S., Secret Service).
50. Solomon: Expresses sense of Congress that no federal department or agency should study or finance research involving the legalization of drugs.
51. Solomon: Strikes title II of the bill, maintaining current sentencing for those involved in serious drug offenses.
52. Solomon: Prohibits participation in any program receiving funds under the Act by anyone convicted twice of drug possession offenses or once of a drug sale offense (unless that person completes a certified drug rehabilitation program).
53. Solomon: Adds "serious drug offenses" to the serious violent felonies that count as one or all of the three strikes.
54. Solomon: Adds to title III (Assaults Against Children) assaults against the elderly (65 or older).

55. DeLauro: Authorizes special grants to states that enact laws to revoke the driver's license of anyone who brings a handgun into an elementary or secondary school zone, that the revocation is immediate and automatic upon receipt of notification from a principal or equivalent official, and that the revocation is for five years on the first offense and 10 years for each further offense.
56. Livingston: Requires the Secretary of Defense and the Attorney General to study all military installations selected to be closed and to identify three of the most suitable bases for the conversion into Federal prison facilities.
57. Slaughter: Technical amendment resolving technical dispute about appointment procedures for the Commission to Support Law Enforcement.
58. Slaughter: New Title XXIV - Explosive Crime Penalties. Enhances penalties for second and subsequent offenses; makes theft of explosives a felony offense; outlaws possession of explosives for the same people who are prohibited from possessing firearms.
59. Martinez: Authorizes the Secretary of HHS to fund two demonstration projects for Hope in Youth in Los Angeles and the activities of Boys and Girls Clubs.
60. Martinez: "Private Security Officers Quality Assurance Act of 1994". Establishes requirements for states under which they would enact regulations regarding background investigations and training requirements that apply to all persons providing private security services for a fee.
61. Frank: Amends Mandatory Life Imprisonment for Persons Convicted of Certain Felonies to remove serious drug offenses from felonies qualifying for mandatory life imprisonment ("three strikes you're out").
62. Frank: Amends Applicability of Mandatory Minimum Penalties in Certain Cases to delete the current minimum mandatory sentences for the offense of simple possession of any controlled substance.
63. Frank: Amends the Crime Prevention and Community Justice provision to express the sense of Congress that drug treatment and prevention programs should be given the highest priority and that, if necessary,

funds should be shifted from drug interdiction into treatment and prevention for the successful pursuit of these efforts.

- 64. Frank:** Amends the Death Penalty section to remove from eligibility for that penalty a defendant found guilty of an offense under the Controlled Substances Act as part of a continuing criminal enterprise, if the offense involves marijuana only.
- 65. Doolittle:** Provides the punishment of life imprisonment after three violent felony convictions. Does not require that the convictions arise from separate episodes. *
- 66. Abercrombie:** Grants local law enforcement officials the option to utilize the resources of the federal government to assist in the investigation of violent crimes against travelers.
- 67. Owens:** Permanently exempts state and local public safety agencies from the Age Discrimination in Employment Act in order to permit them to consider age in their hiring and retirement policies. Authorizes \$5 million to support research in the area of performance and ability tests as an alternative to age requirements.
- 68. Lazio:** Authorizes the SecHUD to make payments to local public housing authorities to relocate residents who face retribution for assisting local law enforcement authorities in the arrest, prosecution, or conviction of criminals in or near public housing property.
- 69. Durbin:** Prohibits the possession of an illegal firearm on public housing property. And, with certain exceptions, the reckless discharge or attempted discharge of any firearm on public housing property. Makes violations punishable by up to five years in prison, a \$5,000 fine, or both.
- 70. Baesler:** Allocates a minimum of 20% of the funds authorized under the local government fiscal assistance fund for grants to units of general local government with populations of under 100,000.

71. Kyl:

Provides for pretrial detention in serious sex offense cases; increases penalties for repeat sex offenders, repeat child abusers, and for drug distribution to pregnant women; increases sentencing guidelines for sex offenses; requires HIV testing for defendants in federal sex offense cases; authorizes courts to enforce restitution orders by suspending federal benefits for offenders who refuse to comply with restitution obligations; protects the victim's right to an impartial jury by equalizing the number of peremptory challenges accorded to the defense and to the prosecution in felony cases; allows for evidence of similar crimes in sex offense cases; and provides for the right of the victim to fair treatment in legal proceedings.

72. Smith (NJ):

Sense of Congress that child pornography is a crime deserving full prosecution under the federal child pornography statute and that the brief submitted by the Justice Department for the case *Knox v. U.S.* represents a misinterpretation of the statute.

73. Scott:

Adds "job program to prevent crime" as an acceptable expenditure of funds provided by the Local Partnership Act.

74. Scott:

Strikes language which provides for the death penalty in murders committed during carjackings, drive-by shootings, and federal drug and gun crimes.

75. Stearns:

Creates a new Title, "Carrying of Concealed Handguns", to allow, notwithstanding any provision of the state law, the carrying of a concealed weapon if the individual is 21 years of age, has no felony convictions or history of mental illness, and has completed successfully a handgun safety course offered by the state.

76. Evans:

Amends Title VI, section 601(b), to require states to determine the veteran status of inmates and take appropriate steps to ensure that incarcerated veterans receive the veteran benefits to which they are currently entitled.

77. Waters:

Amends Ounce of Prevention Grant Programs Subtitle to include community service organizations in the list of entities eligible to receive grants. Under the section establishing which entities shall be given priority for the distribution of grants, adds language to include local community service organizations in areas of concentrated

poverty, high crime and unemployment which agree to provide a 50% match under the program.

- 78. Waters:** Creates new Title, "Voting Rights for Former Offenders", to provide that the voting rights of a U.S. Citizen, who otherwise is qualified to vote in any election for Federal office, shall not be denied or abridged because he or she has committed a criminal offense, unless such citizen is imprisoned in a correctional institution or facility or has not completed his or her full sentence at the time of such election.
- 79. Waters:** Creates new Title, "Private In-Private Out", to provide that a prisoner who has worked for a private contractor in prison shall receive a letter of reference from that private contractor (rather than the prison system) when seeking work after his/her release. The letter would state that based upon the prisoner's work experience the prisoner is eligible for labor union membership.
- 80. Bonilla:** Creates new Title, "Study and Report by Attorney General", to require the Attorney General to study the issue of overcrowding in prisons and to implement actions recommended in her report.
- 81. Canaday/Geren:** Creates new Title, "Prison Overcrowding", to provide that a Federal court shall not hold prison or jail crowding unconstitutional under the eighth amendment except to the extent that an individual plaintiff inmate proves that crowding causes the infliction of cruel and unusual punishment of that inmate.
- 82. Canaday/Geren:** Requires states applying for grants under the Violent Repeat Offender Incarceration Act to include in their application to the Attorney General assurances that they have established a system to prosecute juveniles who are 14 years or older and charged with violent crimes as adults. Requires states to keep records of these crimes for use in future proceedings.
- 83. Goodling:** Strikes Title X, subtitle J, the Youth Employment and Skills Crime Prevention Program in its entirety, as it is duplicative of programs for disadvantaged youth under Title II-C of the Job Training Partnership Act, and the Youth Fair Chance Program established under Title IV, Part H of the Job Training Partnership Act.

84. **Vucanovich:** Allows any grants made under subsection (b) of Section 2001 to be used for programs, projects and other activities to provide for overtime costs, training, the purchase and maintenance of vehicles and equipment, technology and civilian support staff.
85. **Volkmer:** Adds two more offenses to the "three strikes you're out" provision: (1) Bank robbery and incidental crimes; and (2) Robberies and burglaries involving controlled substances. Also, under non-qualifying felonies section, adds language to require proof that there was no threat of use of a firearm or other dangerous weapon during a robbery, or an attempt, conspiracy, or solicitation to commit robbery.
86. **Franks (NJ):** Creates new Title, "Penalties for Repeat Sex Offenders", to increase penalties for repeat sex offenders. Makes second offenses punishable by not less than five years and not more than three times the maximum sentence otherwise applicable. A third offense would be punishable by mandatory life imprisonment.
87. **Franks (NJ):** Requires Federal prisoners to obtain General Equivalency Degree (GED) before being eligible for early release from prison.
88. **Manzullo:** Designates police and fire chaplains as public safety officers thereby making them eligible for Federal death and injury benefits.
89. **Lehman:** Requires that at least 50% of the funds made available under the section entitled "Alternative Punishments For Young Offenders" shall be made available to states which have increased punishment for three time violent offenders.
90. **Hoagland:** Clarifies the constitutionality of gun free school zones by defining firearm as a firearm that has been transferred through interstate commerce. (Title XIX).
91. **Molinari:** Provides for death and disability benefits for retired public safety officers who die or are permanently injured and totally disabled as a result of injuries while responding to a fire, rescue, or police emergency.
92. **Molinari:** Changes Federal Rules of Evidence by providing for the admissibility of evidence of similar crimes in sexual assault cases and child molestation cases.

93. Wynn: Reduces the number of false identifications found in an individual's possession from five to three before imposing a jail sentence. Also imposes jail term and/or fine for mailing false identifications and would require that senders of identifications be identified.
94. Beilenson: Requires the Federal Government to share in costs of incarcerating undocumented aliens convicted in state courts.
95. Smith (MI): Alters requirements for Federal grants to correctional facilities for diversional programs.
96. Smith (MI): Eliminates requirement of "multi-State compact agreement" as condition for qualifying for correctional facilities grants.
97. Romero-Barcelo: Includes Puerto Rico in definition of "state" anywhere in this act. Also, would remove any cap or limitation on program eligibility or participation for Puerto Rico in programs or funding provided in this act.
98. Romero-Barcelo: Deletes Puerto Rico from the special allocation provision for the Territories in Title IX -- Local Partnership Act -- and instead includes it in the same section as the states.
99. Inslee: Adds a new title allowing the INS to accept assistance when carrying out the voluntary deportation of undocumented aliens charged with violating criminal statutes.
100. Rangel: Makes recipients of the "Byrne (anti-drug abuse) Program" eligible for funds from the Violent Crime Reduction Trust Fund.
101. Filner: Allows Juvenile Drug Trafficking and Gang Prevention Grants to be used for programs that reduce graffiti, remove graffiti, and promote graffiti prevention programs. (Title XXII)
102. Reed: Increases coordination with community mental health providers, to assist law enforcement officers in effectively evaluating and responding to people with serious mental illness.
103. Hall (OK): Lifts the four year limit in receiving victims assistance under the Byrne Memorial Fund.

104. Barton: Requires that drive-by-shootings should be classified as a Federal felony offense.
105. Barton: Requires, within 6 months of enactment, a feasibility study on classifying drive-by-shootings as a felony offense.
106. Barton: Adds a new provision regarding prosecution as adults of violent juvenile offenders.
107. Becerra: Adds new title on immigration provisions including expedited deportation for denied asylum applicants; improved border controls; expanded special deportation proceedings; and construction of INS service processing centers to detain criminal aliens.
108. Wheat: Adds a new title to the bill to create a commission on crime and violence.
109. Vento: Add the Secretary of the Interior to the "Ounce of Prevention Council," established under Title X.
110. Wilson: Clarifies that the waiting period and interim background check provisions of the Brady Handgun law does not apply to the return by a federal firearms licensee of a handgun to the person from whom it was received.
111. Berman: Authorizes the AG, subject to appropriations, to reimburse States and localities for the costs of incarcerating undocumented criminal aliens who have been convicted of a felony.
112. Wise: Seeks to clarify that the intention of the Violent Crime Control and Law Enforcement Act of 1994 is to enhance the present efforts of States and local communities in fighting crime through additional programs but yet not replace or eliminate the eligibility of present recipients of the Edward Byrne Memorial Formula Grant Program.
113. Weldon: Provides state and local authorities \$30 million in matching funds from the Crime Prevention Trust Fund for gun buy-back programs.
114. Miller: H.R. 4034, The Urban Recreation and Risk Youth Act of 1994. Authorizes competitive matching grants to urban areas with a high prevalence of crime in order to expand park and recreation opportunities for at-risk urban youth.

115. Fazio: Sense of the Congress with respect to the funding of programs for rural areas under the Byrne Memorial Fund.
116. Hughes: Requires states to include truth-in-sentencing laws that ensure that violent repeat offenders serve a substantial portion of their sentences.
117. Hughes: Adds a new title regarding penalties for crack cocaine.
118. Edwards (CA): Provides that the Title IX (the Racial Justice Act) will not be retroactive.
119. Edwards (CA): Clarifies and limits the discretion of the jury in recommending a death sentence.
120. Edwards (CA): Limits the application of Title IX (the Racial Justice Act) to Federal death sentences only.
121. Canady: Adds a new title on civil rights of institutionalized persons, including a requirement that state prison inmates exhaust the prison's administrative remedies prior to filing a section 1983 action in Federal court.
122. Stearns: Expresses sense of Congress that the Constitution provides all citizens the right to keep and bear arms.
123. Orton: Creates a new category of federal prosecution against "child abuse and endangerment" for inflicting serious physical injury on a minor or permitting another to inflict such injury on a minor under one's care or custody.
124. Hyde: Strikes title VIII, regarding habeas corpus reform.
125. Schumer: Creates violent crime reduction trust fund; transfers specific amounts into the fund; specifies that amounts in the fund or appropriated from the fund for authorized purposes are excluded from budget enforcement; lowers discretionary spending caps to reflect amounts in the fund.
126. Schumer: Authorizes \$20,000,000 to the Secretary of Labor for the development of model intensive job training programs for federal prisoners.
127. Kopetski: Substitutes life imprisonment without parole for all death penalty provisions in the bill.

- 128. Wolf:** Provides for pilot programs, conducted by the Federal Prison Industries (FPI), to test the feasibility of teaming private U.S. firms with FPI to produce goods currently made offshore to the meet the need for increased employment of federal prisoners.
- 129. Kennelly:** Authorizes \$100 million over each of the next three fiscal years (1995-1997) to be distributed through a need-based grant program established with the AG's office of the DOJ to hire additional prosecutors.
- 130. Hughes:** Substitute for Title VI of the bill -- makes changes in the Title VI to require assurances from the States that truth-in-sentencing laws have been implemented, require the AG, in making grants, to give consideration to the number of illegal aliens incarcerated by States, and change the authorization dates to provide consistency with other authorizations in the bill.
- 131. Strickland/
Horn:** Establishes a Corrections Scholarship Program designed to offer corrections officers who are on the job the opportunity to obtain a college education.
- 132. Strickland/
Horn:** Extends coverage of the Public Safety Officers Death Benefits Act to personnel who work in correction facilities.
- 133. Strickland/Horn** Requires states, when seeking grants under the "incarceration of violent repeat offenders program", to provide assurances that corrections officers are given appropriate professional training in dealing with violent repeat offenders.
- 134. Hutchinson** Provides penalties for the following offenses when committed within a federal jurisdiction: the intentional homicide, voluntary manslaughter, involuntary manslaughter, assault or aggravated assault of a child before birth.
- 135. Tucker** Redirects \$500 million of Title X money to an adoption program entitled "Just One Child."

136. Dunn/Deal Encourages states to establish registration and tracking procedures and community notification with respect to released sexually violent predators, including convicted stalkers.
137. Goodling Increases penalties for individuals possessing a firearm while committing a misdemeanor drug crime (such as simple possession), and makes it unlawful for anyone using a firearm during a misdemeanor drug crime to possess a firearm for 5 years after conviction.
138. Gekas: Deletes provision that aggravating factors cannot be elements of the offense.
139. Gekas: Deletes provision in bill that requires a jury be instructed that it is never required to sentence an individual to death, even if warranted by evidence, because aggravating factors outweigh mitigating factors. Replaces with language that structures a jury's discretion.
140. Gekas: Clarifies loophole in drive-by murder provision by including defendants who immediately exit and remain close to a motor vehicle.
141. Schiff: Extends U.S. jurisdiction to crimes committed overseas by civilian employees of the military or their dependents if those acts would be federal crimes if committed in the U.S.
142. Schiff: Adds the commission of robbery as qualifying for one of the first two strikes under the three strikes provisions.
143. Schiff: Adds "battery while armed with a deadly weapon or resulting in serious bodily injury" to the list of specified violent felonies under the bill.
144. Schiff: Changes the mandatory life imprisonment for persons convicted of certain felonies from "three strikes" to "two strikes."
145. Schiff: Adds to the three strikes provisions -- the commission of burglary while armed with a deadly weapon or if the offense results in serious bodily injury.
146. Schiff: Adds to the three strikes provisions -- mandatory life for the conviction of two serial violent felonies.

147. Schiff: Strikes paragraph four of section 601, which requires States to provide alternatives to incarceration and alternative correctional facilities for persons convicted of certain crimes.
148. Brooks: Technical amendments.
149. Wynn: Directs the SecEd to report to Congress within six months after the date of enactment on the use of Pell Grants to prisoners.
150. Long/Baesler/
Swing: Authorizes \$355 million for rural anti-crime and anti-drug initiatives; provides additional manpower by providing more DEA agents and by authorizing the AG to cross-designate Federal law enforcement agents for use in rural areas. Creates rural anti-drug task forces in every area with significant rural population. Authorizes \$30 million for rural domestic violence and child abuse enforcement. Enhances penalties for drug distribution at or near truck stops and safety rest areas.
151. Byrne: Makes grants to correctional facilities contingent upon a state or a multi-state compact having a mandatory sentence of life imprisonment without parole for individuals who have been previously convicted of a crime of violence at the State or Federal level.
152. Hefley: Makes grants conditional upon a state or multi-state compact having a policy that calls for and assures that those who have been convicted of a violent felony serve at least 85% of their sentence.
153. Hefley: Amends Title 18, U.S. Code to cap "satisfactory behavior" time credit for prisoners at 36 days. Currently, the cap is 54 days each year.
154. Hefley: Prohibits payment of Social Security or veterans' benefits to those confined by court order in connection with verdicts of "not guilty by reason of insanity" or similar verdicts.
155. Chapman: Authorizes \$2.5 billion for FY 1995 and \$2 billion for each of FY 1996 through FY 1999; permits Attorney General to provide grants to States to increase prison bed capacity, sets State allocation formula for FY 1995 and another formula for FY 1996 - FY 1999, and provides incentive funds for States achieving

"truth-in-sentencing" standards -- (1) increasing the percentage of violent-crime offenders being sentenced to prison, (2) increasing the average time served by those prisoners, and (3) increasing the percentage of the sentence time actually being served.

156. **Condit:** Requires Attorney General to take custody of any criminal alien, within 30 days of a request by a state or local government, and to imprison the alien in a federal prison in accord with the sentence of the state court and compensate the states or local government for time served. "Criminal alien" is defined as an alien convicted of a felony in the U.S. who was admitted as a nonimmigrant and is now subject to a final order of exclusion or deportation and is now in a state or local prison. The requirement takes effect beginning in FY 1999, subject to appropriations.
157. **Condit:** Authorizes Attorney General to reimburse States for incarceration of criminal aliens.
158. **McCurdy** Increases the authorization for prisons by \$1 billion, with offsets from the crime prevention and community justice authorization
159. **McCurdy** Establishes (1) a Police Corps program to allow state and local law enforcement agencies to recruit young people to serve a term with the police in return for aid for a college education, and (2) a Law Enforcement Scholarship matching grant program for current law enforcement personnel and young people interested in a career in law enforcement.
160. **Smith (TX)** Establishes a Criminal Alien Tracking Center to help identify, incarcerate and deport criminal aliens; requires registration of aliens on criminal probation or parole; increases funding for INS investigators; establishes expedited deportation procedures for certain criminal aliens; expands definition of "aggravated" felony to include trafficking in explosives, child pornography, spying and other specified activities; increases penalties for failing to depart or reentering after final order to depart; provides wiretap authority for alien smuggling investigations; and increases criminal penalties for passport and visa document fraud.

161. Washington Prohibits imposition of the death penalty in a racially discriminatory pattern; requires states which allow the death penalty to collect data on the pattern of applying the death penalty.
162. Washington Strikes provisions in current law dealing with mandatory minimums to give judges discretion on length of sentences.
163. Washington Ensures that forfeiture of property can only take place after the conviction of the owner; provides comprehensive due process and oversight protections for victims of civil asset forfeiture; redistributes the assets seized.
164. Derrick Authorizes the Consumer Product Safety Commission to regulate the risk of injury associated with firearms.
165. Derrick Strikes language in the habeas corpus section pertaining to exceptions to the applicability of law; also strikes language pertaining to procedural default in state court.
166. McCollum: Amends Title VI - Violent Repeat Offender Incarceration, increases the funding authorization from \$600 million to \$1.485 billion for each of fiscal years 1994 through 1998.
167. McCollum: Strikes Title VI, Violent Repeat Offenders Incarceration Act and inserts Violent Offender Incarceration Act. Provides \$10 billion to individual states and to eligible States organized as regional compacts. States are eligible for grants if they establish truth in sentencing policies and certain mandatory minimums.
168. McCollum: Strikes Title IX, the Racial Justice Act, inserts the Equal Justice Act - provides safeguards against racial discrimination and racial bias in the administration of the death penalty and other penalties.
169. McCollum Strikes half the funding authorized for Title X, Crime Prevention and Community Justice
170. McCollum Transfers half the funding for Title X (Crime Prevention and Community Justice) to Title VI, Violent Repeat Offender Incarceration

171. McCollum: Bars exclusion in Federal proceedings of evidence obtained in circumstances justifying an objectively reasonable belief that a search and seizure was in conformity with the fourth amendment.
172. McCollum: Amends Title III and make serious violent assault felonies against victims either less than 18 years old or 64 years old or older punishable by a maximum term of imprisonment twice that authorized without regard to this section.
173. McCollum: Adds eight aggravating factors for the drug offense death penalty in addition to the two in the bill: 1) espionage and treason, and 2) homicide.
174. Washington: Adds \$4.5 billion for Local Crime Prevention, \$3.4 billion for Nurturing Children, \$2.2 billion for Drug Treatment, \$2 billion for Economic Development and Job Training, \$1.5 billion for Cost-Effective Corrections, \$800 million for Preventing Violence Against Women and Children, and \$500 million for Treatment of Crime Victims for a total cost of \$15.3 billion from FY 1995 - FY 1999. Requires deficit neutrality through offsetting cuts in appropriations for that particular fiscal year to fund these titles.
175. Rostenkowski: Authorizes establishment of Boys and Girls Clubs in public housing facilities. Authorizes \$12 million in each of FY 1995 - FY 1997.
176. Mazzoli/Barlow: Deals with TVA law enforcement personnel.

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175. **Rostenkowski:** Authorizes establishment of Boys and Girls Clubs in public housing facilities. Authorizes \$12 million in each of FY 1995 - FY 1997.
176. **Mazzoli/Barlow:** Deals with TVA law enforcement personnel.
177. **Gingrich:** Creates violent crime reduction trust fund financed with reductions in federal employees (similar to Senate language); requires that 90% of the funds be used for prison construction grants to states that have enacted truth-in-sentencing laws.
178. **Pryce:** Requires Federal Bureau of Prisons to prevent prisoners from strength-training or improving their fighting ability and to remove all equipment designed for those purposes.
179. **Frank:** Increases penalties for trafficking in counterfeit goods and services.