

made in H.R. 2538 are purely technical in nature. There are no substantive modifications to the criminal law made by this bill. For example, the bill corrects a number of misspelled words, and errors in punctuation and other items of grammar. The bill also corrects a number of cross-references in the criminal law that resulted when several new laws were added to title 18 in last year's crime bill. The bill also deletes several specific statutory fine amounts that unintentionally remain in the printed code, notwithstanding the fact that several years ago Congress deleted specific fine amounts from title 18 in favor of a uniform fine statute applicable to all crimes.

Mr. Speaker, some may ask why we are even bothering to make such changes if they are not substantive in nature. Well, I believe it is appropriate that the Congress ensure that the written Federal law, as read by both practitioners and the public, reflects an appropriate level of care for detail and the true intent of Congress. This, among other benefits, strengthens the public's confidence in the legislative branch.

For example, I mentioned criminal fines. In 1987, Congress established a uniform fine of up to \$250,000 for a felony conviction. Criminal offenses established prior to that time contained other specific, and mostly lower, fine amounts. Those amounts are no longer effective as a result of the 1987 act, yet they remain on the books. This can be confusing to those who are unfamiliar with Federal criminal law.

This bill helps us achieve the goals I have outlined. I urge all of my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SCHUMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not want to go through it, but this is as uncontroversial a bill as we are going to get. It has been carefully reviewed by our side to make sure it has no substantive changes in our Federal law.

Mr. Speaker, I urge all Members to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I, too, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 2538, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise

and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

INCREASING PENALTY FOR ESCAPING FROM FEDERAL PRISON

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1533) to amend title 18, United States Code, to increase the penalty for escaping from a Federal prison.

The Clerk read as follows:

H.R. 1533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 751(a) of title 18, United States Code, is amended by striking "five" and inserting "10".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 20 minutes, and the gentleman from New York [Mr. SCHUMER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is simple and noncontroversial, and yet it makes an important improvement to Federal criminal law. As Federal law enforcement has increased its attack in recent years on serious violent criminals and major drug traffickers by imposing long prison sentences on these most dangerous offenders, the penalty for escaping from prison and other forms of Federal custody has not increased in a corresponding manner.

This presents a risk to the safety of Federal employees who work for the Bureau of Prisons, the Marshals Service, and the other enforcement agencies charged with maintaining the custody of persons convicted of Federal crimes. H.R. 1533 fixes this problem.

This bill was introduced by the gentleman from Tennessee [Mr. BRYANT]. I want to commend him for having the idea and for his initiative.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. BRYANT] so that he may explain his bill.

Mr. BRYANT of Tennessee. Mr. Speaker, I am pleased to have the opportunity today to speak on behalf of H.R. 1533, a bill which I introduced earlier this year. I especially thank the distinguished chairman of the Subcommittee on Crime, the gentleman from Florida [Mr. MCCOLLUM] for his help in moving this legislation to this point of consideration for the full House of Representatives.

H.R. 1533 would simply double from 5 years to 10 years the maximum penalty that Federal escapees can receive. The penalty applies to all escapees and attempted escapees who are in the Attorney General's custody. Therefore this penalty would apply to those who escape or attempt to escape from a Fed-

eral prison, from the custody of the United States marshals while in transit or from a halfway house or from other non-Federal facilities such as a private prison or local jails.

I might add that the National Sheriffs' Association supports this bill because of that.

Mr. Speaker, it is time to raise the penalty for escaping from Federal custody. Currently a Federal escapee faces a maximum of 5 years in jail. Of course, due to the sentencing guidelines, he received the 5-year maximum penalty.

There are two primary reasons why such an increase is necessary and needed at this time. First, it would serve as a greater deterrent to those people who would be thinking about attempting to escape from jail, and second, it would maintain the alignment, a better alignment, if my colleagues will, with today's longer-based sentences. Federal prison escapes are up, and they have been going up since 1992 when over 550 Federal detainees jumped the fence, or held up a guard, or smuggled themselves out by way of a trash truck, did whatever they had to do to break out, break away from, the law and creep back into the society to resume their unlawful and in too many instances violent ways. That number has continued to increase to around 600 escapees in 1993 and up to 660 escapees last year.

A Federal marshal and a court security officer have already been killed in one of these attempted escapes in a senseless and intolerable act of misbehavior. This occurred in Chicago under circumstances that I happened to be in that city that day on business and followed that case very closely where a man in transit by a marshal in a Federal courthouse in the parking garage part somehow came into possession of a key to handcuffs and escaped and overcame the guard, the marshal that was accompanying him, took the gun and shot that marshal as well as another court security officer, certainly an example of a tragic incident where we need better and tougher laws against people who make attempts to escape.

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Overall, to their credit, the U.S. Marshals Service has already done an outstanding job of handling these cases successfully, recapturing nearly 500 of the 660 prisoners who have escaped. But tracking these criminals certainly is not easy, let alone a criminal who has escaped and is trying to hide out. When an individual knows they are being pursued, just finding out where they are can cost literally hundreds of hours of investigative work and cause quite a few headaches. This successful record that the marshals have still leaves over 150 escapees from 1994 still out on the streets committing more crimes.

I mentioned earlier the consequences and the risks of escaping. Let us consider exactly what those consequences are and then ask ourselves, are these

consequences working to deter people from trying to escape? Under current law, the maximum penalty which can be administered to a Federal escapee, either caught trying to escape or caught after escaping, is the 5 years, as I mentioned earlier. Five years, Mr. Speaker, as we all know, due to the sentencing guidelines, few of those actually caught either after they have escaped or attempting to escape would actually receive this full maximum of 5 years.

I ask the question: Are the current penalties for escaping from Federal custody strong enough? I do not believe so. I do not think that when some Federal prisoners are sitting in the back of a squad car or in a transport van or sitting in their jail cells thinking about making a break for it; I do not think they are thinking about what would happen to them if they got caught. If those who escape or are trying to escape are thinking about it, then we are certainly not deterring them from it. The latest most current penalties must not be working, at least not for these particular people. If they are not thinking about what may happen to them if they are caught, then we definitely need to give them something more to think about.

Mr. Speaker, it is past time to raise the stakes for escaping from Federal custody. When this bill passes, it will not take long for the word to circulate among the jails and the prisons in the county, jails where some of these Federal inmates are kept, about this increase in punishment and the higher risks that they will get caught up in if they attempt to make a break. The penalty will be doubled, and they will understand that.

There is another reason why we need to pass this bill. That is to stay consistent with the much tougher penalties we have already put in place for other crimes due to the tougher sentencing guidelines and due to the mandatory sentence. Quite frankly, a lot of these people in jail who are serving the longer sentences that we are getting today are not much deterred, are not much affected by the fact that they might risk another 1 or 2 years on the already long jail sentence, so it is worth the risk to them to attempt to escape.

What we are doing by doubling the punishment is, again, raising the stakes and making it more of a serious threat to them and a deterrent to them, because when they try to escape it is not just simply a matter of scooting out the back door, running away and hiding in society. Very often they injure people, they hurt people, as I mentioned in the incident in Chicago, where two completely innocent people doing their jobs were shot dead by this person. So it is a problem that actually does need to be addressed at this time.

One might say, though, "Well, rather than approaching it from this end, why not just simply tighten up the security at the Federal prisons?" Our Bureau of

Federal Prisons, our Bureau of Prisons, those folks like the U.S. marshal are doing a tremendous job, but most of the Federal escapes do not occur out of the Federal prisons. As it was pointed out earlier, the U.S. Marshals have to transport these prisoners back and forth, sometimes as witnesses, sometimes as defendants in their own case. They have to be brought all around the country, sometimes, in airplanes and vehicles to courthouses; again, as in Chicago, the gentleman was being escorted out the Federal building in the courthouse and back to the jail.

Many of these Federal prisoners are also kept in State and local jails and in private penitentiaries where security might not be as strong as the BOP, the Bureau of Prisons, on the federal level. This bill addresses those types of prisoners, too. It might be because the county jail is overcrowded, or that they are in a minimum security temporary holding facility. Resources, quite frankly, are just limited. It makes it easier for some of these folks, again, to risk the additional 1 or 2 years they might get to going over the fence and actually probably hurting somebody while they do that.

This is where the brunt of the problem is. Mr. Speaker, it is our responsibility as a Congress to set a reasonable penalty in place as an effort to reduce the number of escapees from increasing every year with our ever-growing prison population. The fact is we must point our escape policy in a different direction than where the increasing number of escapees have pointed it over the course of the next 4 years. Doubling the current 35-year penalty, I believe, is the correct starting point.

Finally, let me add, the Department of Justice supports this bill because of the reasons I have just outlined. A letter from the Assistant Attorney General for Legislative Affairs says the Department of Justice considers any criminal offense committed during incarceration to be egregious, particularly escape attempts.

I am also pleased to have the bipartisan support from many of my colleagues who have supported this legislation, and it passed out of the Committee on the Judiciary by a voice vote overwhelmingly.

In closing, I want to add my personal thanks to a deputy marshal in Memphis, TN, who worked with me when I was U.S. attorney there, Deputy Marshal Scott Sanders, who suggested this idea to me, to double the penalty there.

Finally, I would urge my colleagues to vote in support of H.R. 1533, as it represents another brick in the wall toward restoring law and order in America. I urge its passage.

Mr. MCCOLLUM. Reclaiming my time, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first commend the gentleman from Tennessee [Mr. BRYANT] for offering this legislation to begin with. I do not want to make but

a couple of comments, and then I will let the gentleman from New York [Mr. SCHUMER] say his piece on this bill.

I think all of us know that dangerous criminals understand the Federal criminal justice system is much tougher than the State systems. We have broad pretrial detention authority, we have mandatory minimum sentences for serious drug trafficking crimes, crimes involving firearms, and we have no parole. Criminals do not want to be prosecuted in the Federal system. A lot of them are pretty tough-looking criminals who break down and even cry. I would like to see the States have those same types of tough laws.

Because the Federal system is so tough, there is a real risk, as the gentleman from Tennessee [Mr. BRYANT] says, that desperate offenders will attempt to escape. No matter what the professionalism of our skilled law enforcement officials who are doing a difficult job, anytime it happens, public servants and law enforcement personnel are at great risk, so I believe this additional penalty for escapes is very important. I am very proud to support the gentleman's bill that is out here today.

Mr. Speaker, I reserve the balance of my time.

Mr. SCHUMER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SCHUMER asked and was given permission to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, I rise in support of this bill. This bill, as has been stated, increases the maximum penalty for escaping from Federal prison from 5 to 10 years. I strongly support it, and it was strongly supported by the Department of Justice.

There may be lots of disagreements in this Chamber about basic crime strategies, but in my judgment there is little room for disagreement about the danger that prison escapes present. Prison escapes threaten correctional staff, they threaten the communities in which the correctional institutions are located, they threaten the inmates who may be caught up in a given escape scenario.

Although this Congress has steadily increased underlying penalties for many crimes—something, in my judgment, that has a good deal to do with the decrease in crime rates we are seeing; I know some say one has nothing to do with the other, but I do not believe that; I know in my State it has had an effect and it is going to have an effect in places all over America—we have not increased the penalty for prison escape.

This has led to a situation in which, speaking relative to the possibility of punishment, escaping is becoming a low-risk proposition. This bill corrects that situation by making the penalty more severe, and in the judgment of the Department of Justice, severe enough to substantially discourage escape attempts.

Before I conclude, I want to thank the gentleman from Tennessee [Mr.

BRYANT] for his diligence in pushing this bill through. It is a needed bill, and I do not know if this is the first bill the gentleman is passing on the floor of the House, but I congratulate the gentleman, whatever bill it is; it is his first one, so I congratulate him on this landmark occasion in his long and distinguished career.

Mr. CONYERS. Mr. Speaker, with all of the problems facing our prison system today—a system which has proven to be a breeding ground for more serious crime—what the majority sends us is a bill increasing the penalties for escaping from prison. And instead of explaining why such a bill is necessary, we hear that the problem is that the judges don't give stiff enough sentences.

H.R. 1533 responds to a non-existent problem. I am unaware of any great rash of prison breaks. In 1993 for example, only 6 people escaped from Federal prisons, 197 people were considered walk aways—people who did not return to halfway houses.

Prison officials are not clamoring for this change in the law. This increased penalty is unnecessary. It is ridiculous to think that potentially higher sentences will deter attempts to escape from prison. Those individuals who attempt such escapes are not thinking about the penalty for getting caught, because they do not think they will get caught. If they thought they would be caught, they wouldn't try to escape in the first place.

There is no way to characterize legislative proposals such as this other than whistling past the graveyard. Just last week the Justice Department released a startling midyear report showing that the incarceration rate in this country had reached an all-time record of 1.1 million people. The number of prisoners grew by 90,000 people last year—another all-time record. The incarceration rate in this country is higher than any other country in the world and is 8 to 10 times higher than other industrialized nations.

And the racial make up of our prison population is even more striking. Last year some 33 percent of black men in their 20's were in prison or on parole. This contrasts with the rate for white men, which was 6.7 percent. Why are such an increasing number of African-Americans serving more time in prison? The Sentencing Project concludes that "the statistics primarily reflected changes in law enforcement policies that have resulted in a greater number of defendants receiving prison sentences, especially prison sentences, rather than an increase in the number of crimes committed by black men."

So instead of trying to deal with the very real, very serious problems which face our prisons—like the problem of a disparity in crack cocaine sentences—we will be voting on a bill to increase sentences for attempted escapes from prison. The bill we are considering today is a complete waste of time. I only wish the majority would spend half as much time on the real problems facing our prisons as they do trying to score political points by acting tough on crime.

The SPEAKER pro tempore (Mr. EWING). All time has expired.

The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1533.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1240, H.R. 2418, and H.R. 1533.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

NATIONAL TECHNOLOGY TRANSFER AND ADVANCEMENT ACT OF 1995

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2196) to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Technology Transfer and Advancement Act of 1995".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Bringing technology and industrial innovation to the marketplace is central to the economic, environmental, and social well-being of the people of the United States.

(2) The Federal Government can help United States business to speed the development of new products and processes by entering into cooperative research and development agreements which make available the assistance of Federal laboratories to the private sector, but the commercialization of technology and industrial innovation in the United States depends upon actions by business.

(3) The commercialization of technology and industrial innovation in the United States will be enhanced if companies, in return for reasonable compensation to the Federal Government, can more easily obtain exclusive licenses to inventions which develop as a result of cooperative research with scientists employed by Federal laboratories.

SEC. 3. USE OF FEDERAL TECHNOLOGY.

Subparagraph (B) of section 11(e)(7) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)(7)(B)) is amended to read as follows:

"(B) A transfer shall be made by any Federal agency under subparagraph (A), for any fiscal year, only if the amount so transferred by that agency (as determined under such subparagraph) would exceed \$10,000."

SEC. 4. TITLE TO INTELLECTUAL PROPERTY ARISING FROM COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Subsection (b) of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)) is amended to read as follows:

"(b) ENUMERATED AUTHORITY.—(1) Under an agreement entered into pursuant to sub-

section (a)(1), the laboratory may grant, or agree to grant in advance, to a collaborating party patent licenses or assignments, or options thereto, in any invention made in whole or in part by a laboratory employee under the agreement, for reasonable compensation when appropriate. The laboratory shall ensure, through such agreement, that the collaborating party has the option to choose an exclusive license for a field of use for any such invention under the agreement or, if there is more than one collaborating party, that the collaborating parties are offered the option to hold licensing rights that collectively encompass the rights that would be held under such an exclusive license by one party. In consideration for the Government's contribution under the agreement, grants under this paragraph shall be subject to the following explicit conditions:

"(A) A nonexclusive, nontransferable, irrevocable, paid-up license from the collaborating party to the laboratory to practice the invention or have the invention practiced throughout the world by or on behalf of the Government. In the exercise of such license, the Government shall not publicly disclose trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code, or which would be considered as such if it had been obtained from a non-Federal party.

"(B) If a laboratory assigns title or grants an exclusive license to such an invention, the Government shall retain the right—

"(i) to require the collaborating party to grant to a responsible applicant a nonexclusive, partially exclusive, or exclusive license to use the invention in the applicant's licensed field of use, on terms that are reasonable under the circumstances; or

"(ii) if the collaborating party fails to grant such a license, to grant the license itself.

"(C) The Government may exercise its right retained under subparagraph (B) only if the Government finds that—

"(i) the action is necessary to meet health or safety needs that are not reasonably satisfied by the collaborating party;

"(ii) the action is necessary to meet requirements for public use specified by Federal regulations, and such requirements are not reasonably satisfied by the collaborating party; or

"(iii) the collaborating party has failed to comply with an agreement containing provisions described in subsection (c)(4)(B).

"(2) Under agreements entered into pursuant to subsection (a)(1), the laboratory shall ensure that a collaborating party may retain title to any invention made solely by its employee in exchange for normally granting the Government a nonexclusive, nontransferable, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the Government for research or other Government purposes.

"(3) Under an agreement entered into pursuant to subsection (a)(1), a laboratory may—

"(A) accept, retain, and use funds, personnel, services, and property from a collaborating party and provide personnel, services, and property to a collaborating party;

"(B) use funds received from a collaborating party in accordance with subparagraph (A) to hire personnel to carry out the agreement who will not be subject to full-time-equivalent restrictions of the agency;

"(C) to the extent consistent with any applicable agency requirements or standards of conduct, permit an employee or former employee of the laboratory to participate in an effort to commercialize an invention made by the employee or former employee while in