

[Mr. MILLER], who is a member of that committee, join the chairman in that group.

Hopefully, he will be persuaded, as I was, that there are many, many more people that are much better off because of the fact that they get an opportunity to leave the poverty of the Philippines and part of China and part of other areas, come there and work 2 years, go back very wealthy. And they have long lines to do that. And, of course, it is not perfect.

If there are any of the things that the gentleman from California [Mr. MILLER] has related going on there, none of us on this floor condone it. We just need to get the hard, cold facts out on the floor.

Mr. ROHRBACHER. Mr. Chairman, not only do we not condone it, I would applaud the gentleman from California [Mr. MILLER] that we should, as a country, make sure that we take the steps necessary to stop that.

But to condemn, basically to throw the baby out with the bath water and say this is part and parcel of this free-enterprise revolution that they have going on in the Northern Marianas is just an inaccurate picturing of what is going on in the lives of most people in the Northern Marianas.

I met with a lot of the reformers there from the churches who have been active in trying to correct the problems that the gentleman from California [Mr. MILLER] brought up, and they admitted to me that in the last 5 years things have gotten dramatically better because the decent people of the Northern Marianas, who, after all, in any area are decent people, have made a commitment to make those changes.

Mr. BRADY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a brief colloquy with the distinguished gentleman from Kentucky [Mr. ROGERS], chairman of the House Appropriations Subcommittee on Commerce, Justice, State, and Judiciary.

First, I want to thank the chairman for his work in providing \$600 million in total funding for the Senate Criminal Alien Assistance Program. This is \$100 million more than the Fiscal Year 1997 level and the Fiscal Year 1998 level requested by the President and recently passed by the Senate.

When this bill goes to conference, I urge the gentleman from Kentucky [Mr. ROGERS] to fight for the House-passed level. As the chairman is aware, language was included in the 1997 Commerce, Justice, State appropriations bill that allowed California to use its Violent Offender Incarceration and its Truth-In-Sentencing incentive grant awards to offset the cost of incarcerating criminal aliens. Such language is again included in the House committee-passed fiscal year 1998 appropriations bill.

Mr. Chairman, I believe that Texas, the State with the second largest criminal alien incarceration population, and other States with signifi-

cant numbers of incarcerated criminal aliens would greatly benefit if they were given similar latitude in the use of their VOI grant award funds.

In conference, I urge the gentleman from Kentucky [Mr. ROGERS], the chairman, to work for the House-passed level of \$600 million. However, if during negotiations that level is reduced, would the chairman be willing to work with us to provide some additional flexibilities to States like ours with high criminal alien incarceration populations in the use of their VOI grant award funds?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BRADY. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I am very sympathetic to the needs of Texas and other States that have the highest criminal alien incarceration populations and believe that the additional \$100 million the House provides for in the program will alleviate most of the problems that my colleagues are encountering.

I recognize the need for those affected States to have greater flexibility in using their staff reimbursements. If we are not able to provide them this additional funding, I will work with my colleague and others to find a solution.

Mr. BRADY. I thank the gentleman from Kentucky [Mr. ROGERS], the chairman, for his leadership and assistance.

The CHAIRMAN: Are there further amendments to the bill through page 18, line 10?

If not, the Clerk will read.

The Clerk read as follows:

IMMIGRATION AND NATURALIZATION SERVICE  
SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police type use (not to exceed 2,904, of which 1,711 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility; \$1,609,441,000; of which not to exceed \$400,000 for research shall remain available until expended; of which not to exceed \$10,000,000 shall be available for costs associated with the training program for basic officer training, and \$5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; and of which not to exceed \$5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That none of the funds

available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of \$30,000 during the calendar year beginning January 1, 1998: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed \$5,000 shall be available for official reception and representation expenses: *Provided further*, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis: *Provided further*, That not to exceed 32 permanent positions and 32 full-time equivalent workyears and \$3,101,000 shall be expended for the Office of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: *Provided further*, That, during fiscal year 1998 and each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service may be used to accept, process, or forward to the Federal Bureau of Investigation any FD-258 fingerprint card, for the purpose of conducting criminal background checks for any benefit under the Immigration and Nationality Act, which has been prepared by, or received from, any individual or entity other than an office of the Immigration and Naturalization Service or State or local law enforcement agency and beginning on March 1, 1998 and each fiscal year thereafter only an office of the Immigration and Naturalization Service may accept, process or forward FD-258 fingerprint cards to the Federal Bureau of Investigation for any of these applications which require an interview: *Provided further*, That, during fiscal year 1998 and each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service shall be used to complete adjudication of an application for naturalization unless the Immigration and Naturalization Service has received confirmation from the Federal Bureau of Investigation that a full criminal background check has been completed, except for those exempted by regulation as of January 1, 1997: *Provided further*, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears: *Provided further*, That notwithstanding any other provision of law, during fiscal year 1998, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or Department Leadership on any matter.

AMENDMENT OFFERED BY MR. WEYGAND

Mr. WEYGAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows

Amendment offered by Mr. WEYGAND:

Page 20, line 10, strike "during fiscal year 1998" and insert "beginning June 1, 1998".

Page 20, line 21, strike "March" and insert "June".

Mr. WEYGAND. Mr. Chairman, I would like to first of all begin by thanking the gentleman from West Virginia [Mr. MOLLOHAN], our ranking member, and the gentleman from Kentucky [Mr. ROGERS], chairman of the committee, for their indulgence and their assistance and their advice on this amendment.

After a lot of discussions, Mr. Chairman, I will eventually withdraw the amendment. But what I would like to talk about is the key part of my amendment deals with the transition with regard to designated fingerprinting services. Because of the concerns over quality and veracity of the prints being given to the INS for background checks at the FBI, this bill halts the ability of INS to accept prints from various outside sources after March 1 of next year.

In addition, though, the committee very aptly put into the bill \$22.3 million to be spent on a new electronic fingerprinting system which will scan the fingerprints of applicants and electronically transfer them to the FBI for background check, a very welcome and needed addition to the INS and naturalization process, very important for a number of reasons. First of all, it would be more accurate. Secondly, it would be more speedy.

Our concern, though, Mr. Chairman was the transition between what is presently in place right now to the new system. Currently, the bill will mandate that INS will take over all of those services as of March 1. In the interim, there will be a 5-month transition in which State and local law enforcement agencies will be able to provide these fingerprints to the INS.

But it will eliminate from this point forward any opportunity for DFS's or designated fingerprinting services, which are nonprofit or for-profit agencies to provide this service. And as the chairman has aptly pointed out, and correctly so, there have been many problems with many of the for-profit and even not-for-profit DFS's.

We have had a problem with people being naturalized that should never have been naturalized. But, quite frankly, there have been some very good DFS's that are providing valuable service to the INS.

In my district in Rhode Island, the INS branch office in Providence has found no problems with the four facilities that provide these fingerprinting services. In my State there are nine local law enforcement agencies that assist these 4 facilities. The three that are most used are the International Institute, the Catholic Social Service, and a community-based organization called Progresso Latino. These have been providing very good and important services to our people in our district.

An example, International Institute, located in Providence, not only does it

provide DFS services to the INS, it provides such things as classes in citizenship, English as a second language, job training programs to many people who came here in the United States not having any skills whatsoever, computer classes and translation classes. It is a community-based organization which provides services for those trying to assimilate into our country and to become active and fruitful participants in the United States.

Before being certified as DFS's, these services are required by regulation to undergo training and must adhere to the strictest requirements to maintain their status. Unfortunately, those that have been bad DFS's in all parts of this country have not been really overseen quickly enough and fervently enough by the INS.

That is unfortunate, because there are some very good DFS's and there are some very bad. Unfortunately, we are going to be throwing all of these DFS's out as of October 1. I have talked to the chairman and to the ranking member. I can fully understand their position. It is a very complex and difficult situation. But I would hope in the future we can look at valuable institutions like the International Institute as being a backup for the INS when in fact they need them.

Mr. Chairman, I will withdraw my amendment at this time and I would ask that I would join with my colleague, the gentleman from North Carolina [Mr. WATT] in an amendment that will provide some additional extension of the transition with regard to the fingerprinting services.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. ROGERS. Mr. Chairman, I move to strike the last word. I will not take the full time. However, since the gentleman has brought up this subject, it requires me to say a couple of words about the problem at INS.

One of the problems at INS last year, when we discovered that INS had granted naturalization of citizenship to a million-three, which is four times the annual historic amount, we then discovered that they had waived the policy, the then policy of the department on requiring an FBI criminal check before a person becomes a citizen. We had always done that in every case.

Last year, for whatever reason, before the election the administration waived that, did not require it. Now we have discovered tens of thousands of people were naturalized who were felons, criminals, walking the streets of our country. We found out also that on those that they did require a background check, including a fingerprint, that INS had contracted out the fingerprinting process. So that one could go to any one of 3,000 different places to get fingerprints made, sup-

posedly, which would then submit that fingerprint to the INS, the FBI for checking to see if someone did have a criminal record.

Now, who did they get to take the fingerprints? Let me just read my colleagues a couple of them here. This is in L.A. and these are the people, now bear in mind, that are submitting the proof as to whether or not one can become an American citizen with all the rights and privileges thereunto and apertaining.

They can go to Pookies' Parcel Post and get their fingerprints made. How about Harbour Liquors? How about Freeman's Hallmark Store. Or they could go to Fast Photo. I am not saying these are bad places. I am just saying I have got a question. New Land Travel and Tours. Fred's One Hour Photo. King Kong One Hour Photo. They can go to Sam's Electronics and get their fingerprints made to check it out to see if they were a criminal supposedly. They can go to Quick Sale Realty to get their fingerprints made. Or how about J.L. Investment and Traffic School, Mr. Chairman? Or they might go to Lindy's Mexican Products or even go to Lulu's Professional Services and get their fingerprints made. I will not comment any further on that.

However, Mr. Chairman, I think all of us can unanimously agree that the process of fingerprint taking for the purpose of becoming an American citizen has to be tightened up. And the bill does that. Our bill does away with places like Pookies' Parcel Post where we get our fingerprints made for American citizenship.

It is okay to go there for whatever one goes to Pookies' Parcel Post for, except for fingerprints for American citizenship. We abolish that practice. We make the INS do it in their shop or a law enforcement agency in due course in time. And we are giving them the money to get the fingerprint machine so this can be done in the proper way under proper supervision.

Number two, as I have said before, we make it a violation of the law anymore in waiving the criminal check. Any more it becomes law, not just policy of the department in requiring a criminal check. It is not right for any agency of the United States Government to be authorized to grant American citizenship to someone who is a criminal, a felon, who has come to this country in violation of their laws, not to mention ours, and become an American citizen.

I commend the gentleman for his concern about the issue, and we will be dealing with it in a subsequent amendment that is coming up shortly.

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina:

Page 20, line 21, strike "March" and insert "June".

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Mr. WATT of North Carolina. Mr. Chairman, I want to start by thanking the chairman of the committee and the ranking member for their cooperation in getting to what I believe is an agreement on this amendment. It is my understanding that they are prepared to accept it.

Let me start by first of all agreeing with the chairman of the committee about what he just said. I do that because I sincerely do agree with him. What we need to put in context, however, is that Pookies' Parcel Post and Lulu's and Anita's are all private enterprises in this country. This is one of those times when this notion that we should privatize everything that the Federal Government is doing basically went awry. This program, the DFS program, has been in existence for 15 years. It was put in during the Reagan administration. And now what we have found is that there are certain things that private enterprise cannot do as well as the Federal Government.

So on that, I have to agree with the chairman of the committee. It probably never should have been done in the first place. This is too serious a proposition to give out to just anybody. Now, maybe there are some private enterprises out there who can do it, but we certainly should not have just done it *carte blanche*.

My amendment does not address that issue. It addresses another issue. Beginning March 1 of 1998, applicants for benefits which require an INS interview, such as naturalization, will be required to have their fingerprints taken at the INS. No other fingerprints will be accepted, not even those taken by State and local law enforcement agencies. The rationale for this change, as the chairman has amply indicated, is that the INS intends to implement a new system where fingerprints will be scanned electronically and transferred directly to the FBI for processing.

I support this change in the fingerprinting process. I believe the INS should use technology more effectively and believe the system proposed will be more efficient than current ones, and the current system is the DFS system, which the chairman has just talked about.

Because of the problems associated with DFS's, my amendment does not extend the DFS program; however, it would extend the March 1, 1998 deadline to give the INS adequate time to transition to an electronic fingerprinting system. What we would do is move that deadline from March 1 of 1998 back to June 1 of 1998.

The INS has not purchased all of the equipment yet. There is a concern that it will not be able to implement the new system fully before the March 1 deadline. If this deadline stays in place, and the INS does not shift to an electronic system, the net result would be a tremendous fingerprinting backlog, and that backlog would translate into a *de facto* moratorium on the nat-

uralization process since no applications could be processed without fingerprints.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman's amendment would give INS until June 1, 1998 to transition to a fingerprinting system that would require most fingerprints be taken at INS offices, as we have discussed. I believe the amendment seeks to ensure an orderly transition, and I share that goal. We have met with INS about this as well. The INS will be ready to implement the new system on June 1. They will not be ready on March 1. In light of that, I am prepared to accept the amendment and would urge its adoption.

Mr. WATT of North Carolina. I thank the gentleman for accepting the amendment.

Mr. WEYGAND. Mr. Chairman, I move to strike the last word. I want to compliment the gentleman from North Carolina [Mr. WATT]. I think the amendment is really necessary. In light of what the chairman just said, the extension is really necessary for INS to make that transition. It also gives us 3 more months to evaluate how they are doing and, if necessary, even come back and look at that again. I wholeheartedly support it, and I join him in cosponsoring this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHUMER

Mr. SCHUMER. Mr. Chairman, I ask unanimous consent to offer an amendment that is on page 33 at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHUMER:

Page 33, line 20, strike "\$35,000,000" and all that follows through the comma on line 21 and insert the following: "\$34,000,000 shall be used for a law enforcement technology program, "\$1,000,000 shall be used for police recruitment programs authorized under subtitle H of title III of the 1994 Act."

Mr. SCHUMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SCHUMER. Mr. Chairman, I first want to thank the gentleman from Kentucky and the gentleman from West Virginia not only for helping put this amendment together, but allowing this unanimous-consent request. It is a simple and noncontroversial amendment. It would dedicate \$1 million of

unallocated balances from fiscal year 1997 for police recruitment grants authorized in the 1994 crime bill. The program was inspired by the efforts of St. Paul's Community Baptist Church in East New York. The purpose is to improve community policing by recruiting residents of inner-city neighborhoods to serve as police officers in their communities.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman has consulted with us on this amendment. We have examined it, believe it is meritorious, and are prepared to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SCHUMER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130002, 130005, 130006, 130007, and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, and section 813 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), \$690,957,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, \$70,959,000, to remain available until expended.

FEDERAL PRISON SYSTEM  
SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 834, of which 599 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$2,869,642,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed \$6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$90,000,000 for the activation of new facilities shall remain available until September 30, 1999: *Provided further*, That of the amounts provided for Contract Confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and

other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

#### VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, \$26,135,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

#### BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; \$255,133,000, to remain available until expended, of which not to exceed \$14,074,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committee on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: *Provided further*, That, of the total amount appropriated, not to exceed \$2,300,000 shall be available for the renovation and construction of United States Marshals Service prisoner-holding facilities.

#### FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

#### LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$3,490,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

#### OFFICE OF JUSTICE PROGRAMS JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, and sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996, \$162,500,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102-534 (106 Stat. 3524); of which \$25,000,000 is for the National Sexual Offender Registry.

#### STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, \$538,000,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102-534 (106 Stat. 3524), of which \$46,500,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the text of the bill through page 27, line 16, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

#### VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); \$2,437,150,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which \$523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: *Provided*, That no funds provided under this heading may be used as matching funds for any other Federal grant program: *Provided further*,

That \$20,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: *Provided further*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers; of which \$45,000,000 shall be for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; of which \$13,500,000 shall be available as authorized by section 1001 of title I of the 1968 Act, to carry out the provisions of subpart 1, part E of title I of the 1968 Act notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which \$420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which \$722,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which \$180,000,000 shall be available for payments to States for incarceration of criminal aliens, and of which \$25,000,000 shall be available for the Cooperative Agreement Program: *Provided further*, That funds made available for Violent Offender Incarceration and Truth in Sentencing Incentive Grants to the State of California may, at the discretion of the recipient, be used for payments for the incarceration of criminal aliens; of which \$7,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which \$2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which \$160,000,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act: *Provided further*, That, of these funds, \$7,000,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women and \$853,000 shall be provided to the Office of the United States Attorney for the District of Columbia for domestic violence programs in D.C. Superior Court; of which \$115,750,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act, including \$56,750,000 which shall be used exclusively for the purpose of strengthening civil and criminal legal assistance programs for victims of domestic violence; of which \$15,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which \$2,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act; of which \$1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which \$2,750,000 shall be for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; of which \$63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which \$10,000,000 shall be for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; of which \$900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which \$750,000 shall be for Motor Vehicle Theft Prevention Programs,

as authorized by section 220002(h) of the 1994 Act; of which \$30,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which \$1,000,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which \$300,000,000 shall be for Juvenile Accountability Block Grants to become available only upon enactment of an authorization for this program; and of which \$2,000,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act: *Provided further*, That funds made available in fiscal year 1998 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further*, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

AMENDMENT NO. 53 OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 53 offered by Mr. SCOTT:

Page 29, line 10, insert after the amount "(reduced by \$258,750,000)" and insert as follows: page 28, line 17, after the amount insert "(increased by \$80,000,000)"; page 29, line 20, after the amount insert "(increased by \$13,000,000)" and on line 22, after the amount insert "(increased by \$8,000,000)" and on line 25 after the amount insert "(increased by \$40,000,000)"; page 31, line 1, after the amount insert "(increased by \$37,000,000)" and on line 21 after the amount insert "(increased by \$76,750,000)" and on line 13 after the amount insert "(increase by \$4,000,000)".

Mr. SCOTT. Mr. Chairman, this amendment would transfer one half of the funds in the truth-in-sentencing prison grant program, approximately \$250 million, to crime prevention, drug treatment and family resource service programs that are inadequately funded in the bill.

Mr. Chairman, the so-called truth-in-sentencing approach to crime reduction is actually half-truth-in-sentencing. The proponents will tell you that no one gets out early. That is the half truth. The whole truth is that no one is held longer either. When States adopt truth-in-sentencing schemes, the first thing they do is to reduce the length of the total sentence and then direct that the defendant serve all of the reduced sentence.

I am not aware of any State that has been able to afford to abolish parole without reducing the time served by the worst criminals. For example, Mr. Chairman, in a 10-year sentence with parole, the average defendant will serve about 3½ years. The lowest risk prisoners will get out as early as 2 years. But the worst criminals will serve all 10 years. With truth-in-sentencing, everyone will serve the exact same average 3½ years. The less dangerous will serve more time; the most dangerous will serve less time. If the

State were to triple the average time served so that everyone serves 10 years and were able to triple their prison budget, the worst criminals would still serve exactly what they serve today, the 10 years, and the taxpayer will have been bilked of billions of dollars.

Mr. Chairman, furthermore the States are already spending tens of billions of dollars on prison construction. The Federal money, less than half a billion dollars, cannot possibly make any measurable difference either in the number of prison beds to be built or in the reduction in crime. But if that money is spent in prevention, we can make a difference.

This amendment assures that at least some of the money will be used to encourage States to adopt crime reduction approaches that actually will reduce crime. Of the approximately \$250 million, \$80 million would go to increasing funds for building and running boys' and girls' clubs in public housing and other sites for at-risk youth. Boys' and girls' clubs have been shown through study and research to be cost-effective ways of reducing crime for both at-risk youth when they are young and when they become adults.

Another \$40 million would go to grants to combat violence against women. \$13 million would go to court-appointed special advocates to help troubled youth in the criminal justice system, and \$8 million for the child abuse training programs funded in the bill. All of those are aimed at child abuse reduction. It is well documented that reducing family violence and child abuse will reduce crime.

The amendment also provides \$37 million for residential drug treatment for prisoners before they are released and approximately \$75 million for drug courts. Both prison drug treatment and drug courts have been shown to significantly reduce crime. The drug court program has been studied and compared to other persons who are sent to jail, and a year after completion of either the drug court or the prison sentence, they have found that those completing the drug court program had an 11 percent recidivism rate, while those who were sent to prison had a 68-percent recidivism rate. Moreover, those completing the drug court program had a cost of about \$1,000, while those completing prison were in prison at a cost of \$15,000 to \$30,000. These funds would therefore not only reduce crime, but also save money.

The amendment also adds \$4 million to the fund which supports law enforcement families.

Mr. Chairman, we do not have a problem putting people in jail in this country. The United States trades places with Russia year to year as the world's greatest incarcerator. This year Russia is ahead with 690 prisoners per 100,000, and the United States is a close second at 600 per 100,000, whereas the international average is only about 100 prisoners per 100,000 population. In some of our inner-city communities, the incar-

ceration rate actually exceeds 3,000 per 100,000. So it is not a question of putting too few people in jail, and this amendment does not suggest that we incarcerate any less than we already do. It just says that if you are going to spend new money, we ought to use the money to encourage States to adopt crime reduction strategies which have been actually shown to reduce crime.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. SCOTT] has expired.

(By unanimous consent, Mr. SCOTT was allowed to proceed for 1 additional minute.)

Mr. SCOTT. Mr. Chairman, the half billion dollars in truth-in-sentencing prison funding will not have a measurable effect in the crime rate because States are already spending tens of billions of dollars in prison construction, but this amendment will make the huge increases in proven crime prevention initiatives possible. I urge my colleagues to support this amendment to ensure that at least half of the money slated to be wasted on a few new prison beds will be redirected to productive use in actually reducing crime.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this would take \$258,750,000 from the State prison grant, cutting in half the resources to build and expand much needed prison space. The gentleman's amendment is an attack on an important crime policy that has been passed by the Congress, the policy that requires persons who commit crimes be held accountable by serving prison time that fits the crime. The gentleman has offered amendments the last 2 years that would do nothing more than undo this policy. The point he is trying to make is that prisons do not work.

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But his attempts have failed because it is recognized that crime is reduced when violent criminals stay locked up and off the streets. We are seeing the fruits of that policy today as crime rates are dropping, as more criminals are locked up.

Before Congress passed the Violent Offender Truth In Sentencing law, violent offenders were serving only about 43 percent of their sentences. That means in 1994, murderers with an average sentence of 16 years were released after serving only 7½ years. Rapists sentenced to 9 years were released after just 5.

This program is the only source of funding to help the States build prisons. Last year 48 States received funding through this program. With this money States built prisons, jails, juvenile facilities, and developed tougher sentencing policies, policies that assure offenders serve at least 85 percent of the sentence they receive. They deserve the support of Congress to insure that adequate bed space is available to maintain those kinds of policies. An estimated 9,000 new prison beds will be

built with last year's prison funding, and we can expect 9,600 more offenders to be taken off the streets of our country as a result.

While the gentleman's amendment would increase funding for other important crime programs, this bill already provides substantial increases for the programs that he has mentioned. For example, we already provide a \$109 million increase for Violence Against Women Act programs. That is \$57 million more than the President asked us and a 44-percent increase over current year. We already more than double the State prison drug treatment program by fully funding the President's request of \$63 million. He would also earmark an additional \$80 million of funds from the local law enforcement block grant for Boys and Girls Clubs, which the bill already provides a \$20 million boost for. This would take away much needed funds from the block grant for locally driven crime priorities such as law enforcement personnel, overtime, technology for our law enforcement people and equipment, safety measures around schools and drugs courts.

Mr. Chairman, crime is down across this country because we have provided a full arsenal of anticrime measures, more police with the tools and equipment they need, more prison space to make sure that criminals are held accountable for their crimes, and quality prevention programs designed to reduce risks. We cannot afford to lose the ground that we have gained against crime in the last few years.

Last year, Mr. Chairman, on this amendment or one similar to it, 326 Members, a majority of both parties, voted to support the State prison grant program and to defeat the gentleman's amendment which would have gutted the program. Three hundred twenty-six Members voted "no" on this amendment last year; I want to better that record at least by one.

I urge defeat of the gentleman's amendment.

Mr. MCCOLLUM. Mr. Chairman, I move to strike the last word.

I rise to oppose this amendment which I know that the gentleman from Virginia is offering in all good conscience. He and I served together on the Committee on the Judiciary for a long time, and I know his views and I know they are sincere. But as the chairman of this committee has said so eloquently, there is a lot of money in this bill already for prevention programs, the specific ones the gentleman wants to shift money from the prison truth in sentencing program to.

But overall in the entire system for delinquent and at-risk youth we have over \$4 billion, that is with a B, \$4 billion currently being spent, and even more would be appropriated through this appropriations cycle. There are over 120 individual programs for these delinquent and at risk youths in 13 different agencies of the Federal Government. I think that many of those pro-

grams probably could be consolidated, but I support many of them. I think they are very good and fine. But to take away over half the money or at least half the money in the truth in sentencing prison program to add to this \$4 billion that we are already spending on prevention just does not make any sense.

The truth in sentencing grant program was established in 1995. It has worked well since that time. What it has done, and what came through the committee I serve on as chairman of the Subcommittee on Crime and member of the Committee on the Judiciary, what it is designed to do is to provide incentives to States to take the most violent repeat offenders and lock them up for at least 85 percent of their sentences.

As we began years ago talking about this, prisoners who committed these violent crimes were only serving about a third of their sentences, then we got up to about 40 percent. Now, thanks to the fact that we have these truth in sentencing grants, we will be giving money to States to build more prisons if they will, in turn, agree to incarcerate their violent prisoners or felons for at least 85 percent of their sentence. We now have half the States who have adopted this, and we have States on average throughout this country with violent prisoners serving at least 50 percent of their sentences.

Now we need to get that up more. We need to get more than 25 of the 50 States doing this. And if we put out the \$500 million in this bill that is there today as an incentive to the States and say, "Look," to those other 25 States, "you can join with those 25 that have already adopted this policy and get money to build more prisons as you need it," I think more States will do that, and I think we will rise from half the States, 25 up to 30, 40, maybe all 50 States who adopt the rule that says that if one commits a violent felony, especially if they are a repeat violent felon, they are going to serve at least 85 percent of their sentence.

Now why is that important? It is important because, first of all, violent felons who go back out on the street again are the ones committing most other violent felonies. The crime rate in many of our States, especially the violent rate, is down, primarily because these violent felons that are the repeat ones are not getting back on the streets again to commit those crimes again, so they are being incapacitated.

And in addition to that, by having people serve pretty much their full sentences, by having really truth in sentencing across this Nation, we are sending a deterrent message. We are saying to the criminal population and the would-be criminals, "You do the crime, you do the time." And it is a powerful message. Criminals do pay attention to such things, and in many cases they are deterred. But where they are not deterred, and of course many are not unfortunately, they are

put away for long periods of time. They should be put away. They are really worst of the worst, should have the key thrown away, they should be locked in prison and just throw that key away. That is the objective.

Now again nobody is going to argue that we should not have some of these programs that the gentleman from Virginia wants to shift this money to. We already do have those programs. We should adequately fund those programs. But we should not do so at the expense of a program designed to protect the American public from the very worst violent criminals in this country, from those of the repeat violent felons. We need to have violent felons serving at least 85 percent of their sentences so that when some judge gives the sentence that says they are going to get 20 years, they are going to serve almost 20 years or very close to it, not out in a couple, 3 years as has been all too often the case. If somebody gets 40 years in prison, they ought to be serving pretty close to 40 years, 35 years or something like that. They should not be back out on the street again when they have served 8 or 10 years. The American justice system will not work until that happens.

So I urge the defeat of this amendment. We need to have the moneys going for the purposes they are intended in the underlying bill and the appropriations, the \$500 million, to build more prisons for those States that are willing to adopt the rule of truth in sentencing that requires that those who commit these violate crimes serve at least 85 percent of their sentences and use other money to do the prevention programs.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding.

I would just like to point out that one thing the proponents often leave out when they talk about 85 percent of the time is that the time given is less. For example, in Virginia we abolished parole and adopted the rhetoric of truth in sentencing. A 10-year sentence where some got out in a year and a half, some got out in 10 years, the average is 2½, we doubled the average time served to 5 years. But the most heinous criminals, those that could never make parole, were getting out in half the time they would have served. They will serve all 5 years, which is half the time they would have been able to serve if they had been, if the parole board had been able to deny the parole to the most dangerous, most heinous criminals. When one says 85 percent, one ought to say 85 percent of what, and the cost of getting up to half where the most dangerous criminals that get out in half the time, Virginia is in the process of spending \$2 billion to do that. This amount of money that we are talking about nationally is less



than a billion dollars, much less than a billion dollars. Virginia alone spent \$2 billion, and the most dangerous criminals will be getting out in half the time.

Mr. WATT of North Carolina. Mr. Chairman, reclaiming my time, I want to commend my colleague from Virginia [Mr. SCOTT] for bringing forward this amendment and rise in support of the amendment. There is no doubt that the popular political rhetoric and probably the vote, as the chairman of the committee has indicated, will be in favor of incarcerating more and more people.

The truth of the matter, however, is that every single study including studies by the Rand Corp., a very conservative group, indicate that they are just wrong in terms of what is effective in reducing crime. And we have studied those things, we have brought them to the attention of the chairman of the Subcommittee on Crime of the Committee on the Judiciary, and notwithstanding that we keep devoting more and more and more money to the construction of prisons and prison beds, when if we just took a step back and looked at what actually works to reduce the incidence of crime in this country and did not yield to the temptation to just do what is politically popular and politically expedient, we would find that what the gentleman from Virginia [Mr. SCOTT] is saying is absolutely correct and we should support the gentleman's amendment.

I will not belabor the point. I know where the body is going to go on this because it is a lot more popular to beat oneself on the chest and say one is being hard on crime, but we have a legislative responsibility here to try to do something that is effective, not just politically popular.

Mr. HUTCHINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Scott amendment, and I want to recognize that my friend from Virginia is offering this amendment in good faith and certainly well-intended, but I disagree on the policy statement reflected in this amendment.

One of the problems that I see in our Federal anticrime efforts and law enforcement efforts in this country is a lack of commitment and a lack of consistency in our programs. If we reflect back in the drug war that we initiated in the 1980's, we had soaring drug rates, we put in massive and substantial Federal efforts in this, and yet we saw in 1992 those efforts starting to decline. We changed our programs. We were starting to make progress with teen experimentation with drugs, we started to make progress in other areas of our drug war, and yet we stopped the substantial effort and the interdiction and other programs, and this saw the trend go back up again.

We have to have consistency in our Federal programs, and now our Federal truth in sentencing law is working, it

is building public confidence and acting as a deterrent, and this grant program to the States is working with them as well. It is not the time to retreat from this very important program. One-half the States, as already has been pointed out, are participating in this program, receiving funding, moving toward truth in sentencing laws.

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Violent crime is down. We cannot chop one-half of the funds to this important program and expect it to be effective; \$258 million to be cut off would render this program useless. It would be a shift in our Federal priorities and would send the wrong signal to the criminals.

Let me ask, why is Truth in Sentencing important? I believe it is important not simply because it perhaps increases punishment, but Truth in Sentencing is important because it restores public confidence in our criminal justice system. As someone said, when we create a system in which death does not mean death, life does not mean life, and a term of 10 years means 18 months with time off for good behavior, it is understandable that the public is cynical and mistrustful of that system. We are reversing that trend State by State with Truth in Sentencing laws.

So it is important to build public confidence.

Second, it is important as a deterrent. Criminals right now do not want to go to Federal court. If they have a preference, they would rather go to many State courts because they know there is more flexibility, they know the sentences do not mean what they say. So the tough sentencing guidelines do provide a deterrent effect.

In 1992, the Department of Justice reported that convicted violent offenders only served 60 percent. Only 60 percent of them are sentenced to prison. That has changed. Since 1993, the murder rate has dropped 23 percent, rape has decreased 12 percent, and robbery has decreased 21 percent. So there has been an effective deterrent toward violent crime. We must maintain down that path.

Let us not take a step in the wrong direction. Let us not retreat. Let us stick with the program that works. For this reason, I would urge my colleagues to oppose the Scott amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SCOTT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentleman from Virginia [Mr. SCOTT] will be postponed.

Are there further amendments to this section?

AMENDMENT NO. 55 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer Amendment No. 55.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 55 offered by Ms. WATERS: Page 29, line 10, after the dollar amount, insert "(decreased by \$30,000,000)".

Page 31, line 12, after the dollar amount, insert "(increased by \$30,000,000)".

Ms. WATERS. Mr. Chairman, I offer this amendment to change the funding of the Drug Courts Program from \$30 to \$60 million, a program which has already proven to be a tremendous success in reducing recidivism rates and encouraging rehabilitation for non-violent first time drug offenders.

What are Drug Courts? What do they do? Drug Courts programs interview and assess selected nonviolent drug offenders and match qualified candidates with the appropriate level of treatment, whether it is in an outpatient or residential program or narcotics anonymous or alcoholics anonymous meetings. All participants undergo mandatory drug testing throughout their treatment.

Drug Court programs also coordinate the drug addiction programs with other rehabilitation programs, including vocational training and job placement services, so that a successful graduate of the program is prepared to contribute to society.

Successful Drug Court programs emphasize rehabilitation for one time, nonviolent drug offenders, and as a result reduce the need for new prison construction and the attendant costs.

The Drug Courts Program was funded at \$30 million in fiscal year 1997. The President requested \$75 million for the Drug Courts Program, an increase of \$45 million. Unfortunately, the committee chose to fund the Drug Courts Program at last year's level of \$30 million.

At the same time, the amount proposed for State prison grants is \$517.5 million, which is \$30 million more than provided in fiscal year 1997. This amendment would simply maintain the current funding to the State prison grant program at the same level as last year. The amendment would shift the proposed \$30 million increase for the State prison grant program to the Drug Courts Program.

Preliminary data has shown that Drug Courts have saved the taxpayers money by spending less than \$2,500 annually per offender. The Drug Courts Program saves the \$20,000 to \$50,000 annual cost of incarcerating drug using offenders. Successful Drug Court programs reduced the need to build more prison cells with the capital cost of up to \$80,000 per cell.

Drug Courts have already been shown to work, even though they are relatively recent. The American University Drug Court Clearinghouse studied the effect of Drug Court programs and found over 70 percent of the 30,000 offenders placed in Drug Court programs in the past seven years either successfully completed or are currently enrolled in Drug Court programs. That

means 70 percent of all of those offenders are turning their lives around and contributing to society as productive citizens.

Society gains, nonviolent first time drug offenders contribute, and we target our focus of incarceration on the really serious violent habitual offenders. Drug Courts not only save taxpayer money on new prison construction, they free up jail space for these violent and habitual offenders. Drug Courts are an appropriate response to the crisis in our courts and judicial system where we have been pursuing a one-size-fits-all approach to the epidemic of drugs.

The American Bar Association Journal described Los Angeles's successful Drug Court Program, which handles defendants from my district in south-central Los Angeles. Drug Courts defendants in Los Angeles get 12 to 14 months of treatment, including drug tests five times a week for at least the first 6 months. A defendant must test clean for 6 straight months before graduation. Defendants who are expelled from the program must face their original charges, like any other defendant. But the success rate in Los Angeles is nearly 45 percent. In fact, of the court's 120 graduates since 1995, less than 10 percent have been re-arrested on any felony charge. That is compared to a 70 percent recidivism rate for most drug offenders.

We need to use our dollars well. We have been overincarcerating those first time, nonviolent offenders that can be rehabilitated instead of targeting the drug kingpins who have been shipping drugs into our communities and using murder and corruption to protect their narco profits.

The Congressional Black Caucus has made the fight against drugs our No. 1 priority.

Mr. Chairman, we have had a lot of rhetoric about dealing with the problem of drugs in our society, a lot of public relation efforts, a lot of just say no. And when we have the opportunity to really do something about drugs, I wonder what we are thinking when, in fact, we do not do something like increase the funding for Drug Courts, who have shown, who have proven, that they can turn these drug traffickers around, these first time offenders around.

Mr. Chairman, I urge my colleagues to support this very common sense amendment and expand the very successful Drug Courts programs nationwide.

Mr. MCCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to oppose the gentlewoman's amendment. I know that lots of people think the Drug Courts are wonderful, and in some communities they are, I am quite sure of that. The General Accounting Office, however, in a study within the last year, says that the validity and the usefulness of Drug Courts is not something they can make a conclusive

statement, positively saying they are a benefit in every community. As a matter of fact, it is a very inconclusive report.

That is why historically I have personally opposed setting aside specific money for Drug Courts at the Federal level and saying here is a pot of money, if you establish a Drug Court, take it.

Instead, I much prefer the method we have done with most prevention programs now in the last couple of years and is the case in this bill, and that is to set aside a specific large sum of money, in this case \$500 million, \$1 billion was authorized, but \$500 million has been appropriated the last couple of years and is in this bill, as block grants to the cities and the counties of this country to spend fighting crime as they see fit.

If a city wants to set up a Drug Court, they can use some of that \$500 million and set up a Drug Court. If they prefer and do not believe that is the most effective thing for their community, they can buy a new police car. If they would rather have midnight basketball, they can choose to do that. It is the local community's choice how to spend the money. Maybe they need more police officers, they could even spend the money for that.

But to set aside even more money than this bill does, the bill sets aside \$30 million in addition to the block grants, and any of the money in the block grants could be used for Drug Courts, it already sets aside \$30 million separate and apart and in addition to that specifically for Drug Courts, to take more money and take it out of the Truth in Sentencing grant program for this purpose, is not a good public policy and not a good thing to do, in my judgment.

I would point out that Truth in Sentencing is already underfunded, and I commend the gentleman from Kentucky, I know all the problems he has in funding these programs, that he has increased it slightly, a little bit above \$500 million this year, but the \$30 million the gentlewoman points out is only a drop in the bucket, in the shortage we have in this program.

We had authorized \$1 billion for Truth in Sentencing prison grants for the next several years. We have not been able to fund them but at half that rate. The little inching up that the gentleman from Kentucky and his colleagues on the appropriations subcommittee have been able to do is not adequate.

We need to be providing enough money in the Truth in Sentencing grants to the states that are willing to change their laws to get those other 25 states to change their laws, to make sure that those who commit repeat violent felonies serve at least 85 percent of their sentences, instead of the 50 percent or in some cases the third they do now, and to fund adequately those states that have already bought into the program, there are some 25 states that are already there, and as the gen-

tleman from Arkansas pointed out a few minutes ago in discussing Truth in Sentencing grants, we need to be consistent. We need to continue to keep our promises and say look, to those 25 states, you knew you were going to get money when you changed your laws to go to this Truth in Sentencing concept, to up the length of time somebody who commits a felony has to serve to 85 percent of their sentence. Now we will give you some money. You have been expecting that to come along.

But we cannot afford to be pulling any away from them as we have more states come on line who are willing to buy into the program. We do not want to diminish the amount of money the states are getting who are already committing themselves and are building these new prisons. We want them to be able to finish building those prisons, the ones that are already committed, and be able to bring on line some more.

That is why the gentleman has very slightly plussed up the \$500 million or so, and the gentlewoman would take away that little bit that he has added to the Truth in Sentencing grants and move it over to the Drug Courts area.

Again, I would say Drug Courts in some communities are fine, I see nothing wrong with them, although the reports are inconclusive about them. But I think that we ought to leave it at the present funding level for targeted Drug Courts, \$30 million, and then any city or county in this country that wants to use some of their block grant moneys, \$500 million spread out all over the country, lots of money going out to these communities, any of them that want to use them for Drug Courts, think that that is a better idea than spending their crime fighting money on something else, and it may well be, can do so.

Therefore, I urge the defeat of this amendment the gentlewoman offered.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, would the gentleman agree that the information that is available about the Drug Courts show the success rate that I indicated in my presentation to the House?

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, I would say the gentlewoman's presentation was relying on studies that are not the GAO study I referred to, and they, as far as I know, are accurate to the degree they are there.

But the General Accounting Office, that reports to Congress when we request it, has reported the effectiveness of Drug Courts as inconclusive, they do not have enough data, do not have enough success stories.

I would submit to the gentlewoman, and I would give her the benefit of the doubt, and say this Member would like to believe and does believe Drug Courts generally are effective. But that does



not mean we should put more money specifically targeted to them. There is plenty of money available for them. If they are successful as I hope they are and the gentlewoman believes, then the block grant program will fully fund them.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

□ 2045

Mr. Chairman, I rise in opposition to this amendment which would reduce the State prison grant funding by \$30 million. I have already stated the reason why we should not do that in the previous amendment.

The money would be used to increase funding for drug courts, which is another important crime program. I am here saying that I agree that drug courts work, and that is the reason why we have already included funding for them in the bill. The gentlewoman's amendment is not necessary.

In addition to the \$30 million already provided in the bill for the drug court program specifically, the gentlewoman from California [Ms. WATERS] should be aware that local communities can also use funding from the local law enforcement block grant for that purpose. Last year, in fact, localities chose to use \$15 million of that money for drug courts.

We include \$523 million for the local law enforcement block grant, which the President's request would have eliminated. Localities with choose to use any amount of that money for drug courts, and I would encourage them to do that, because I agree with the gentlewoman that they are very effective.

At any rate, Mr. Chairman, I urge my colleagues to reject this amendment, because the prison grant program is absolutely working.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I move to strike the requisite number of words. I rise to support the amendment submitted by my esteemed chairwoman, the gentlewoman from California [Ms. WATERS].

Mr. Chairman, we heard earlier about the \$200 million increase in the funding for drug programs, but Mr. Chairman, almost all of that money is for interdiction. This amendment addresses the needs of thousands in our community who are ill with the disease of drug addiction. People, even when they seek help, are turned away, less than 30 percent being able to receive needed treatment, and who crowd our jails.

Mr. Chairman, drug courts have been proven to provide a deterrent to drug-related crime, and we know that up to 85 percent of all criminal defendants are arrested under the influence or charged with crimes committed to support their substance abuse illness. Drug courts allow us to coordinate rather than duplicate programs, thus increasing the effectiveness of the funds and the programs that are available. They reduce recidivism, which re-

duces the impact on our communities, the courts, and the criminal justice system, and drug courts are cost-effective.

Mr. Chairman, this is a very worthy amendment. The States will not need the additional \$30 million for prisons if we put it into drug courts, but more importantly, Mr. Chairman, many who have nowhere to turn and who depend on us to provide the help and the treatment they need will be given the chance that they deserve for a better life.

Mr. Chairman, I urge my colleagues to support this amendment.

Ms. WATERS. Mr. Chairman, will the gentlewoman yield?

Ms. CHRISTIAN-GREEN. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, is the gentlewoman aware of the arguments that have been made by some of our friends on the other side of the aisle who have said over and over again, we cannot stop the use of drugs through interdiction, that we must decrease the demand, and while that argument has been made, we find that there is not a willingness to do what it takes to decrease the demand.

These drug courts are proven to be successful, and I appreciate the fact that the gentlewoman who chairs this subcommittee agrees with me. If, in fact, they are successful; if, in fact, we have the documentation to prove that they are successful; if, in fact, we are decreasing demand, are we not through these drug courts doing what those on the other side of the aisle have indicated we must do? Is that not the gentlewoman's understanding about what they have been saying in terms of decreasing the demand?

Ms. CHRISTIAN-GREEN. Mr. Chairman, yes, I am aware. Also, it was pointed out in one of the studies that out of 30,000 convicted criminals who went into drug courts, 70 percent, they have a 70 percent success rate. Seventy percent of those people over a 7-year period have not returned to crime or to drugs. That is a figure that we cannot argue with. It works, and we should support this amendment.

Ms. WATERS. I thank the gentlewoman.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have heard about the need to get tough on crime and have people serve 85 percent of their time. They keep leaving out the fact that the time to be served is going to be less. As I indicated, in Virginia, a 10-year sentence where Charles Manson would have served all 10 years has been converted; where others may have gotten out early, Charles Manson would have served 10 years. Now, he will get out in half the time, but he will serve all 5 years.

Mr. Chairman, the cost of that, to have Charles Manson serve as much as half of his time, will cost Virginia about \$2 billion. Even the supporters, after you have doubled the average

time served, Charles Manson, of course, will serve less time, double the average time served, they only promise approximately 3 percent reduction in crime. I think arguments could poke holes in the 3 percent, but if we give them the benefit of the doubt, we are spending billions of dollars for virtually no measurable reduction in crime.

Mr. Chairman, there is a more cost-effective way of dealing with crime, and the drug court program is certainly one of those strategies. It uses the criminal justice system as a hammer to make sure the defendants are serious about drug rehabilitation. The money can be used not just for the court system, but also for services, because many courts have no local services to which they can refer the defendants. So the money can be used to establish meaningful rehabilitation.

Mr. Chairman, drug rehabilitation has been studied over and over again. The gentleman from Florida has indicated one study that he said was inconclusive, but the study in California showed that there was so much crime reduction and reduced health care expenses that the State saved \$7 for every dollar they put into drug rehabilitation.

Mr. Chairman, we have a win/win possibility here. We cannot only reduce expenses, but also, we can reduce crime. We have to have the political courage to do it. I would hope that we would accept the amendment offered by the gentlewoman from California [Ms. WATERS].

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to transfer funds to the drug courts.

The statistics indicate that 56 percent of the people in our Federal prisons are in there on direct drug charges for possession or sale or distribution. When we add to that 56 percent figure the people who are in there because they robbed somebody or broke into somebody's house or mugged somebody or stole something because they had a drug habit that they were trying to support, the figure goes up over 80 percent.

So, if we could get some effective way of dealing with that 56 percent who are in there for direct drug charges, if we could treat them, if we could deal with them more intensively; many of them are first-time users or sellers, first-time charged people. If we could attack that problem, we would attack the robberies, the break-ins, the muggings, the thefts that result because people are strung out on drugs.

Now, what is the most effective tool in our whole system for dealing with those charged with drug offenses, especially first-time, minor offenses? It is drug courts, because drug courts, in drug courts they go and they deal intensively with the problem that is causing people to be in the court in the

first place. That is why they have been shown to be effective.

Right in North Carolina, my home State, they have already determined that that is one of the most effective ways to deal with drug charges and to deal with the consequences that come thereafter from drug charges. They put these people on intensive probation. They try to deal with their home situation. They try to find them jobs. They try to keep them reporting over and over to the courts, and they try to provide some kind of treatment for the problem, rather than just putting them in jail, keeping them there for a while, putting them back out on the street; they go right back to the drug habit that they had, and then they are back for the second time. They go to jail again, serve some time, go back out on the street, still with the same habit, and then the next thing we know they are back in court for the third time.

There is no more effective program to deal with drug offenses, especially in the earlier cycles, the first-time offenses, second-time offenses, than drug courts, because they recognize the source of the problem. And if we are not going to take responsibility to get to the source of the problem, we are never going to deal with the problem of drugs in this country. We cannot deal with it. We cannot put enough people in jail to jail our way out of this problem. We cannot interdict enough at somebody else's borders to deal with our problems unless we attack the problem at the source, which is demand. We are not going to get to the source of the problem; we are not going to solve the problem; we are not going to improve the problem.

So, my colleagues, let us just try to do what makes sense. Sure, it makes political sense. It is politically expedient to put more money in prisons, but imprisoning a first-time drug user rather than dealing with them at the source of their problem in a drug court makes no sense. It is not cost-effective to do it that way.

I simply urge my colleagues to consider seriously the gentlewoman's amendment and support it.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. WATERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentlewoman from California [Ms. WATERS] will be postponed.

Are there further amendments to the bill through page 32, line 6?

If not, the Clerk will read.

The Clerk read as follows:

#### WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities,

\$40,000,000, which shall be obligated by July 1, 1998, for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

#### COMMUNITY ORIENTED POLICING SERVICES

##### VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 ("the 1994 Act") (including administrative costs), \$1,400,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: *Provided*, That not to exceed 186 permanent positions and 186 full-time equivalent workyears and \$20,553,000 shall be expended for program management and administration: *Provided further*, That of the unobligated balances available in this program, \$100,000,000 shall be used for innovative community policing programs, of which \$35,000,000 shall be used for a law enforcement technology program, \$35,000,000 shall be used for policing initiatives in drug "hot spots", and \$30,000,000 shall be used for policing initiatives to combat methamphetamine trafficking.

In addition, for programs of Police Corps education, training and service as set forth in sections 200101-200113 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), \$20,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

##### JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred and merged with the appropriations for Justice Assistance, \$225,922,000, to remain available until expended: *Provided*, That these funds shall be available for obligation and expenditure upon enactment of reauthorization legislation for the Juvenile Justice and Delinquency Prevention Act of 1974 (H.R. 1818 or comparable legislation).

In addition, for grants, contracts, cooperative agreements, and other assistance, \$5,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, \$7,000,000, to remain available until expended, as authorized by section 214B of such Act.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

On Page 34, line 13 insert after \$225,922,000 the following: "(increased by \$750,000)".

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me first acknowledge the Chairman, Mr. ROGERS, of this committee and the ranking member, Mr. MOLLOHAN, for their cooperative spirit in this very, very challenging problem.

I would like to read the following to my Colleagues that in 1996 the Federal Bureau of Investigation announced that it executed search warrants in 20 cities as part of an ongoing nationwide investigation into the use of computer on-line services and the Internet to lure minors into illicit sexual relationships and to distribute child pornography using computers.

This amendment would allow the Department of Justice to enter into a contract with the National Research Council of the National Academy of Sciences to conduct a study of computer-based technologies and other approaches that could help to restrict the availability to children of pornographic images through electronic media, including the Internet and on-line services.

Additionally, this amendment could provide for the identification of illegal pornographic images with the goal of criminally prosecuting those purveyors of such pornographic images to children.

The estimated cost of this study is \$750,000. This amendment would increase funds in Sec. I, the Department of Justice part of H.R. 2267.

□ 2100

Mr. Chairman, as I yield to the gentleman, let me simply say that this also does not impact on my commitment to Internet and telecommunicating technologies, and it also gives the Justice Department or would give them the time to do this study.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I think the gentlewoman has brought up a very, very salient point. Her amendment is well-deserved. I am prepared to accept it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his kindness.

I simply want to acknowledge that as the Justice Department proceeds to do this study, I would encourage the chairman and the ranking member to be of further assistance. I do not think any Member would want to vote to have children have access to pornography. This legislation is for the children. Let us get pornography off the Internet.

Mr. Chairman, I am offering an amendment to add \$750,000 to the juvenile justice programs to the Commerce, Justice, State appropriations bill before the House today because our law enforcement community needs our help in order to better protect our Nation's children. I cannot imagine any Member of this body will speak against this amendment and in support of the purveyors of pornography, but I would hope that this amendment can be considered by the full House on its own merits. For this reason, I am offering this amendment to prevent children from being subjected to pornography on the Internet to the Commerce, Justice, State appropriations bill.

This amendment would direct that the Department of Justice enter into a contract with the National Research Council of the National Academy of Sciences to conduct a study of computer-based technologies and other approaches that could help to restrict the availability to children of pornographic images through electronic media including the Internet and online services. Additionally, this amendment would provide for the identification of illegal pornographic images with the goal of criminally prosecuting those purveyors of such pornographic images to children. The goal of this study is to understand the technological capabilities currently available for identifying digitized pornographic images stored on a computer, network, or other computer communication mediums by the use of software or other computer technologies.

The funding for this amendment would come from funds otherwise appropriated therefore revenue neutral to the Department of Justice, which should not exceed \$750,000. I would like to ask that you join me in support of this amendment to help eliminate the growing threat of pornographic images that our children who use the technology must face. We can act today to help all of our Nation's children have a safer future.

This amendment would address the capabilities of present-day, computer-based control technologies for controlling electronic transmission of pornographic images, and our ability to impose technological restrictions on access of these images by children. It will also address research needed to develop computer-based control technologies to the point of practical utility for controlling the electronic transmission of pornographic images. The research that is conducted as a result of this amendment would look at the inherent limitations of computer-based control technologies for controlling electronic transmission of pornographic images.

The estimated cost of \$750,000, in funding for this amendment would come from already appropriated funds. I would like to ask my colleagues to join me in support of this amendment.

On December 1996, the Federal Bureau of Investigation announced that it executed search warrants in 20 cities as part of an ongoing nationwide investigation into the use of computer online services and the Internet to lure minors into illicit sexual relationships and to distribute child pornography using computers.

FBI Director Louis J. Freeh said, that the "searches are a continuation of a highly successful investigation which has resulted in many convictions \* \* \*. These cases have already revealed the ease and frequency with which criminals have used modern technology to cause grave harm to children."

Director Freeh went on to say that "The safety of children demands aggressive enforcement of the law." I say that the safety of children demands the aggressive research prescribed by this amendment to provide the aggressive enforcement of the law using the best methods available.

The work that the FBI is engaged in is commendable, but they could use additional resources that could be identified by the research authorized by this amendment. They currently are not using image identification to locate or block the access of children to the pornographic images.

We must and should act to direct through this amendment the work that the Department of Justice should be engaged to protect our Nation's children. Any delay can mean that countless lives could be lost or interrupted by the predators of children which have been known to use the Internet to lure their victims away from the safety of their families.

I ask that my colleagues allow the inclusion of this amendment in the Commerce, Justice, State appropriations because this issue should not and cannot wait.

#### PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentlewoman will state it.

Ms. JACKSON-LEE of Texas. I just want to be clear about the acceptance of the amendment, Mr. Chairman. Do we need to call for a vote?

The CHAIRMAN. The Chair will put the question.

Are there further remarks?

If not, the question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

#### AMENDMENT NO. 35 OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer amendment No. 35.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. COBURN: Page 34, line 13, after dollar amount, insert the following: "(increased by \$74,100,000)".

Page 49, line 9, after the dollar amount, insert the following: "(reduced by \$74,100,000)".

Mr. COBURN. Mr. Chairman, this amendment is fairly straightforward. It is controversial to those who are receiving a subsidy from the Federal Government. It is not controversial in any other way.

The purpose of this amendment is to further fund juvenile justice block grants. It is to make an additional impact for the youth in our country. There are very alarming statistics that we need to deal with in terms of our young people. We have heard some of those tonight. But one of the things that the statistics do bear out is that the intervention programs that we have across the board are underfunded.

The statistics also bear out that the intervention programs we have are being successful. The FBI estimates that juvenile violent crimes will double by the year 2010. More than 260,000 ju-

venile arrests will be made. The growth in juvenile homicides and homicides involving juvenile offenders has surpassed that among adults. It is a very important concept. The number of juvenile homicides committed by juveniles has now exceeded the number of homicides that have been charged on adults.

Between 1982 and 1992 juvenile arrests have increased 117 percent, which is another statistic reflecting the growing rise in juvenile crime.

Why we should do this. More statistics. Juvenile arrests for aggravated assault, a 129-percent increase; juvenile arrests for murder, a 145-percent increase; juvenile arrests for forcible rape, predicted to increase 66 percent. We have good solutions for these problems. The juvenile justice block grant system has many programs that are not funded adequately.

Where do we get the money from? We take the money to support the juvenile justice block grant, \$74 million, from the Advanced Technology Program, a program that has had some good, a program that today has \$444 million in the pipeline that is not spent, money that has not been spent, and we are going to send another \$200 million-plus down that pipeline.

Mr. Chairman, that may not be a good enough reason to oppose it. Then there is a reason to oppose it based on the people who have been getting the grants. International Business Machines, known as Big Blue, has received \$111,279,000; General Motors, \$82,134,000; General Electric, \$75 million; Ford, \$66 million; Sun Microsystems, \$50 million, whose chief executive officer says they do not want this program. They do not believe that this is a program for established corporations.

Mr. Chairman, why is it important? Because those very corporations that I just listed, here are their earnings last year in net profit. International Business Machines earned \$5.4 billion. Why should we give them \$50 million to do research when we cannot take care of the youth in our country?

General Motors earned \$4.9 billion net profit. Why should we give them \$50 million to do research when they will do the research with their own profits? Why should we give money to General Electric, who earned \$7.3 billion last year, and we cannot take care of the juvenile justice programs and problems in our country?

Mr. Chairman, this is a contrast about choices. It is a choice about whether the wealthiest corporations we are going to subsidize for R&D, or we are going to take care of the disadvantaged youth we just got through hearing about, where we do not have enough money for the drug court programs, where we do not have enough money for the Challenge programs?

Finally, I want to stop and discuss for a minute one of the programs that works, one of the programs that has been highly successful throughout this country called the Challenge program.

The Challenge Program, there is one of them in Oklahoma. What it has done is taken young adults, juveniles, who have been in trouble with the law and have given them an opportunity to be self-sufficient, to win.

That program has been trimmed. That program has been cut. We are now raising money at the local levels to support Thunderbird Academy in Pryor, OK, an academy that has had an impact now in over 500 young people's lives, who would be in prison but now are paying taxes, are supporting our infrastructure, are actually participating as viable members of our society.

We have a choice to make. We are going to hear, this is a good program, that many things came about through this program. I do not deny that, that some positive research and benefits came. But when we have corporations like Ford Motor, who made \$4.4 billion this last year, getting \$1 million from the taxpayer to fund their research, or research they would not otherwise fund, we have to ask ourselves a question, are our youth worth it? Are we going to put corporate profits ahead of our youth? I do not think this body wants to do that.

Ms. STABENOW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first I would commend the subcommittee chair and the ranking member for the good work in putting together this budget bill, and for the fact that in this budget we have an increase in juvenile crime and prevention dollars of nearly three times what has been in the fiscal year 1997 bill, and \$157 million more than the President's request.

I would commend my colleagues for understanding what the maker of the amendment has eloquently talked about in terms of our juvenile justice needs. I would join with the gentleman in expressing a desire to have these dollars go for the intended purpose that he has spoken about.

But I would rise to oppose his amendment, because this really is a false choice that he has presented to us. We do have additional important dollars for juvenile justice in this bill, which I support and would continue to support. But we also have the opportunity as a country to move ahead and be competitive with other countries in creating jobs for the future through technology.

Unfortunately, there has been a tremendous amount of misinformation about the Advanced Technology Program. Just in the short term since I have been here as a Member in January, I know that this was also debated last session and voted down, and that there was a tremendous amount of misinformation at that time.

This program, which has been extremely successful in Michigan, is about partnering, and the Federal Government coming together with industries, like the automobile industry in Michigan, to form a partnership between large automobile companies, in our case, small business, our univer-

sities, and the Federal Government to look at systems change.

The dollars that have come in to us have gone to the universities. It is not characterized accurately to say that we are talking about a million dollars going to corporations that would otherwise be provided in research by the corporation. These are long-term, higher-risk kinds of projects that involve the importance of industries working together.

In a project report that was just put together regarding the Two Millimeter program in Michigan, and we have hot off the press a very important report about this, they indicate that there are numerous problems with a particular business trying to do this on their own; in this case, our automobile industry coming together to provide more quality in order to be able to compete internationally.

They indicate that the problem addressed by the Two Millimeter project is a systems problem requiring a high level of coordination among a number of quite different organizations. The problem at issue could not be solved by these individual organizations acting alone.

Forming large, complex research joint ventures to address a systems problem is a daunting effort. The ATP provided the impetus for companies to overcome coordination barriers. People that normally compete, GM versus Chrysler, all of our companies that normally are competing against each other, come together with the Federal Government serving as a neutral ground to allow them to organize, to look at long-term higher risk research that will allow us to create jobs.

This is about creating jobs. I would like to share with the Members some portions of a letter that IBM has submitted in opposition to information that was and continues to be shared regarding IBM. I will read just a portion of it. This was written to the maker of the amendment.

"Your Dear Colleague letter of September 18, 1997, about the ATP is inaccurate. It misrepresents IBM's participation in the ATP and seriously mischaracterizes the program.

"Your assertion that IBM has received \$111,279,738 in R&D grants is wrong," is wrong. "Since 1992 IBM has participated in seven ATP projects, of which two were IBM projects and five were joint ventures."

They go on to explain that in the joint ventures, they have been one of over 40 organizations working together with dollars going to universities to create partnerships.

They indicate that ATP enables organizations to share costs, risks, and technology expertise in precompetitive R&D, not what the corporations would be doing in the short term, but the precompetitive high-risk research & development that looks long-term at creating jobs.

By pooling resources, it allows projects to be pursued that otherwise

would not happen. Partnership programs like ATP help bridge the gap between the lab bench and the marketplace, and help spawn new innovations in industries.

The CHAIRMAN. The time of the gentlewoman from Michigan [Ms. STABENOW] has expired.

(By unanimous consent, Ms. STABENOW was allowed to proceed for 2 additional minutes.)

Ms. STABENOW. Mr. Chairman, if I might just summarize, we are competing as a country with other countries today. In those other countries, they are operating as a team: business, labor, universities, researchers, government, all together, focusing on long-term developments, and technologies so they can compete against America.

If we are not as wise as developing opportunities for teams to come together, we will lose the competitive race for new jobs. ATP is a very small program authorized by the Committee on Science at continuation levels that allows us to continue the ability to compete in a global marketplace.

It is not about corporate subsidies. It is about the ability for government and universities, researchers, and businesses, to work together to do those kinds of things that will allow us to continue to be innovative as a country. It is a very important investment in jobs.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,  
Washington, DC, September 23, 1997.

Hon. TOM A. COBURN,  
Cannon House Office Building, U.S. House of  
Representatives, Washington, DC.

DEAR REPRESENTATIVE COBURN: Your Dear Colleague letter of September 18, 1997 about the Advanced Technology Program (ATP) is inaccurate. It misrepresents IBM's participation in the ATP and seriously mischaracterizes the program.

Your assertion that IBM has received \$111,279,738 in R&D grants is wrong. Since 1992, IBM has participated in seven ATP projects, of which two were IBM projects and five were joint ventures. Government funding totaled less than \$4 million over three years in the single company projects. As the ATP requires, this was matched by IBM's own investment. In the joint venture projects, IBM was only one of over 40 organizations, including large and small companies and universities, which participated. Government investment in those projects was approximately \$40 million over five years. Again, the federal funding was matched by the project participants.

The ATP enables organizations to share costs, risks, and technology expertise in precompetitive R&D. By pooling resources, it allows projects to be pursued that otherwise would lie dormant. Partnership programs like ATP help bridge the gap between the lab bench and the marketplace and help spawn new innovations and industries. ATP works through rigorous, open competition. It is accessible to all businesses. All costs are at least matched by the participants. Further, ATP provides a ready mechanism for large and small companies to work together. Many small businesses are suppliers to large companies. Cooperative research programs like ATP strengthen them measurably. Smaller companies frequently state that they want to work with larger ones. Through these relationships, they gain access to

skills, technology, funding, and potential customers available in no other way.

In today's world, having the best technology or the best research is not sufficient for a country or company. Success depends upon speed—the time it takes to start new technological solutions. ATP partnerships create connections and enable faster technology introduction. The United States cannot ignore the international context of technology research and development. The nation cannot stand still while foreign infrastructures develop and improve.

I respectfully request that you reconsider your position and your justification for eliminating the Advanced Technology Program and that you share these facts with your colleagues.

Sincerely,

CHRISTOPHER G. CAINE.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly oppose the amendment offered by the gentleman from Oklahoma [Mr. COBURN] to the Commerce-Justice-State appropriations bill. It would transfer \$74 million from the \$185 million provided in the bill for the National Institute of Standards and Technology's Advanced Technology Program in fiscal year 1998 to the Department of Justice's juvenile justice and delinquency prevention program.

□ 2115

While we all support programs to reduce juvenile crimes, and I am on record as supporting them, H.R. 2267 already includes \$538 million for juvenile crime prevention, almost three times the amount appropriated last year. I commend the chairman of the committee for so doing.

This amendment, of course, that has been offered is not an effort to fund juvenile justice, but merely simply an attempt to kill the advance technology program. The appropriations bill already mirrors the House-passed authorization for ATP, H.R. 1274, the NIST authorization bill, which came from my Subcommittee on Technology of the Committee on Science, and it passed the House on April 24 of this year.

That bill funded ATP at \$185 million in fiscal year 1998, and that level is identical to the funding level in this appropriation bill. So it has been authorized and appropriated. The appropriated and authorized level for ATP already represents a cut to ATP of \$40 million from the fiscal year 1997 appropriated level of \$225 million. The total is \$90 million below the administration's request for fiscal year 1998 and the administration requested \$275 million.

So significant cuts have already been made and funding ATP at \$10 million in fiscal year 1998 would amount to the U.S. Government turning its back on its obligations. The problem is that ATP funds long-term, 5-year research grants. The funding for the remaining years of these 5-year grants is termed a "mortgage."

According to the administration, ATP is likely to have mortgages total-

ing well over \$100 million in fiscal year 1998. And while these mortgages are not liabilities for the Federal Government, they do represent commitments made by NIST to these research projects.

Terminating ATP would break NIST's commitments to its existing ATP partners. It would be like giving a 4-year scholarship to a student and then terminating it without cause after his or her freshman year.

The House-passed authorization for NIST already reforms ATP. The bill includes language to reform the grant process by requiring that grants can only go to projects that cannot proceed in a timely manner without Federal assistance.

The bill also increases the match requirements for ATP grant recipients to 60 percent for joint ventures and non-small business single applicants. Finally, the bill reduces ATP spending to \$150 million in fiscal year 1999. And through these reforms, the House is moving ATP in the right direction.

So with the reforms, the obligations, the fact that we are stressing partnerships, we are talking about public-private partnerships that are so critically important, that is what this bill does. It has been very well-crafted. So with the passage of H.R. 1274, the House took strong positive steps to reform ATP. I really do not think we should reverse this course now.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mrs. MORELLA. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, is it not true that in the report language coming out of the committee of the gentleman from Maryland [Mrs. MORELLA] that, in fact, what was said was "In an era of scarce Federal research and development dollars, funding ATP is simply a low priority"? That's No. 1.

No. 2, what was also said is that "ATP can function for 2 years without receiving 1 additional dollar from the Federal Government."

So why do we not just take this year and not fund the \$74 million and give it to juvenile justice? It is not going to have an impact in terms of funding because the money is not in the pipeline. Why not do that?

Mrs. MORELLA. Mr. Chairman, reclaiming my time, because we have made commitments. We have companies working with the Federal Government in conjunction with each other. We have reformed the ATP Program. We have reduced the ATP. It is a program that needs to continue beyond that.

The chairman of the committee has already given us a significant increase to juvenile justice programs. So I think this public-private partnership needs to continue. We are monitoring it so very, very closely.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, while I too would be the first person to admit that juvenile

justice programs should be given the priority in this Congress, we have in fact in this bill made them a priority. If the purpose of the gentleman from Oklahoma [Mr. COBURN] is to ensure that this program is funded robustly, let me assure him that the committee did it for him.

In fact, the bill before us today provides \$237.9 million for this line item, an increase of \$55 million over the funds provided in fiscal year 1997 and \$7.5 million above the administration's budget request for fiscal year 1998. Let me repeat. We have funded juvenile justice delinquency programs very robustly.

On the one hand, we funded juvenile justice very robustly. We appreciate the interest of the gentleman from Oklahoma [Mr. COBURN] in juvenile justice programs. But taking it from the ATP Program, if my colleague does want to increase juvenile justice, is not the right place to take it.

I would like to summarize my reasons for supporting this important ATP initiative. ATP is paramount to our Nation's global competitiveness. We are entering an era where global competitiveness is the way we really are going to compete in the world. Funding this program does nothing more than put us on a level playing field with our major competitors.

Right now, Mr. Chairman, the United States ranks 28th, 28th behind all of our major global competitors in the percentage of government R&D invested in civilian technologies. While we sit here debating an amendment that would cripple the ATP Program, across the oceans, our competitors, Japan, England, Germany, Australia, and Portugal, are investing heavily in similar initiatives.

Japan is spending about \$9 billion a year on precompetitive technology development, and the European Community is funding advanced technology research to the tune of \$5.5 billion annually.

Second, ATP funds precompetitive, generic technology developments which would not otherwise be undertaken by private industry. The ATP is not corporate welfare and it is not about picking winners and losers. The ATP is also not about product development. It is about funding the research and development efforts behind high-risk technologies.

While the Government provides a catalyst, industry conceives, manages, and executes ATP projects. ATP funds risky, precompetitive technologies that have the potential for a big payoff for our Nation's economy as we compete with those competitors that are investing so very heavily in similar programs.

Third, ATP was conceived as a bipartisan initiative. Although the ATP Program has become a political issue over the last several years, it did not start out that way. It did not start out that way. It had bipartisan beginnings.

ATP was started under President Reagan's administration and was authorized by former Republican Congressman Don Ritter.

In fact, D. Allan Bromly, President Bush's science advisor, had the following to say about the ATP Program: "In the Bush administration, we made a start toward more effective use of our technology strengths as, for example, in the successful advanced technology program."

It is important to note that while the Clinton administration feels strongly about the merits of the ATP, the issues and concerns raised by my Republican colleagues have not fallen on deaf ears. In fact, in response to Republican concerns, the Commerce Department recently completed an extensive review of the ATP Program.

To allow for broad public input, the Technology Administration solicited public comment over a period of 30 days. The Commerce Department received 80 responses to this notice predominantly from individual firms and professional trade associations. Based on this review, Secretary Daley has decided to make several important changes to the operation and policies of ATP, changes that will result in a stronger, more viable program.

For example, he plans to shift the priorities of the program by putting more emphasis on joint ventures and small- and medium-sized single applicants and less emphasis on individual applications filed by large companies.

Additionally, the Secretary plans to increase the cost-share requirement for large, single-applicant companies, I think addressing legitimate concerns that have come from the other side.

It is a strong program. It is getting stronger. I urge my colleagues in this competitive international environment not to support the amendment of the gentleman.

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. MOLLOHAN] has expired.

(On request of Mr. COBURN, and by unanimous consent, Mr. MOLLOHAN was allowed to proceed for 1 additional minute.)

Mr. MOLLOHAN. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I want to ask a couple questions.

It is true that new moneys for the ATP Program are for new grants, not for grants in the pipeline; is that correct?

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, there is money here for new grants.

Mr. COBURN. Mr. Chairman, if the gentleman would yield further, it is for new grants. So any of the programs that are presently funded by ATP and are forward funded in such a manner will not be affected whatsoever by any decrease in the amount of ATP funds through this appropriation; is that true?

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, if that would be

true, what is the point of the gentleman?

Mr. COBURN. Mr. Chairman, if the gentleman would continue to yield, the point is that we have a larger problem with juvenile justice and children and adolescents in this country where we are not addressing it. No matter what we have increased it, we have programs out there that are not going to be funded, like the Challenge Program.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, that is obviously the question in debate here, "Where is our priority? Do we want to eliminate a program that is extremely important for our competitiveness position as we move forward with this internationalization of our global economy, or not, and do we believe that this program contributes to that?"

I do. On a bipartisan basis, administrations have. And I hope that the body's majority does.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to proceed for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from Kentucky is recognized for 1 minute.

Mr. ROGERS. Mr. Chairman, we have one other amendment that is pending that is going to take some time. We are under a time constraint as it is, and we are on the verge of that time constraint.

Can we conclude debate on this fairly soon? I think we all know how we are going to vote anyway. Can we conclude this right away, Mr. Chairman?

The CHAIRMAN. The Chair would hope that the gentleman's words will be taken by Members on the floor.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise because I am on both the Committee on the Judiciary and Committee on Science, and I appreciate the leadership of the gentleman on this issue of juvenile prevention or juvenile crime prevention. We have worked on it for a very long period of time and very long hours.

I would have wished and encouraged the gentleman to have supported and been with the gentleman from Virginia [Mr. SCOTT], who was here on the floor earlier who had a similar piece of legislation, an amendment that would have answered the question that the gentleman is now raising about the concern of juvenile crime prevention. But let me acknowledge that his concern is important but his juxtaposing is not the correct way to do it.

As a member of the Committee on Science, let me say to my colleagues that since the inception of the ATP Program, 47 percent of all awarded projects have been led by small companies, particularly these ATP projects usually associated with universities.

In addition, even though the gentleman has mentioned that we would

have ongoing money or money for present projects, we would have no money for future projects.

The reason why it is important that I rise and discuss this is because just a few minutes ago, I rose and received the support of the chairman and passed an amendment that dealt with technology. That was where the Justice Department could enter into \$750,000 contract for 24-month period with the National Research Council of the National Academy of Sciences to conduct a study of computer-based technologies and other approaches that could help restrict the availability to children of pornographic images through electronic media, including Internet and on-line services, as well as identification of illegal pornographic images with the goal of prosecution.

I would never want that to be thought and conceived as being against an ATP Program that promotes the workings of those research entities to provide jobs for individuals moving into the 21st century.

□ 2130

Although the gentleman's intent is of high level and of great sense of commitment to the concerns dealing with juvenile crime, we already are moving in that direction. I applaud the leadership for increasing the amount in the bill. I would hope we would get more dollars, but I certainly think this is the wrong way.

Mr. Chairman, I rise to speak in opposition to the Coburn amendment which would transfer \$74 million from the National Institute of Standards and Technology's Advanced Technology Program in fiscal year 1998 to the Department of Justice's Juvenile Justice and Delinquency Prevention Program.

Currently, legislation provides \$225.9 million for juvenile justice programs. However this obligation of funds is dependent upon enactment of authorization legislation. At this point the fate of the reauthorization bills is uncertain.

Technology fuels the rapid growth in our Nation's economy. Every dollar invested through the Advanced Technology Program is returned through jobs, business expansion, and economic growth.

The Advanced Technology Program is not corporate welfare for large companies. The Advanced Technology Program is a competitive, peer reviewed, cost-shared program potentially high-payoff enabling technologies that otherwise would not be pursued because of technical risks and other obstacles that discourage private investment.

In the city of Houston, SI Diamond Technology, Inc., Applied Training Resources, Stress Engineering Services, Inc., and Genometrix, Inc. are a few of the firms which have been assisted by this important program.

Currently, there are 2,200 proposals submitted by industry with over 700 of which 280 projects were funded. Less than 4 percent of the proposals receive Advance Technology Program funds.

The Advance Technology Program has committed \$970 million and industry has put up more than \$1 billion in cost sharing.

Nearly half—46 percent—of the projects are led by small business who have also received



about half the Advanced Technology Program funding.

There are more than 100 universities involved in 157 Advanced Technology Program projects.

The Advanced Technology Program is an efficient and effective way to assist technology's transition to the marketplace.

I urge my colleagues to vote against this amendment.

Mr. BROWN of California. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

(Mr. BROWN of California announced and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Chairman, I will just point out that this program was created in the 1988 trade bill. It was title X, as I recall, the contribution of the Committee on Science, and this program had been studied in the Committee on Science for several years before that as a way of approaching the decreasing competitiveness of American industry in world trade. I hope that the gentleman will keep that in mind.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. COBURN].

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. COBURN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentleman from Oklahoma [Mr. COBURN] will be postponed.

The Clerk will read.

The Clerk read as follows:

#### PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340); and \$2,000,000 for the Federal Law Enforcement Education Assistance Program, as authorized by section 1212 of said Act.

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96-132, 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

#### AMENDMENT NO. 32 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

#### Amendment No. 32 offered by Ms. NORTON:

In title I, under the heading "General Provisions—Department of Justice", strike section 103.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes, and that the time be equally divided between the gentlewoman from the District of Columbia [Ms. NORTON] and the gentleman from Illinois [Mr. HYDE].

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I offer this amendment to offer the option of abortion to those that may be at once most in need of it and least likely to have access to this choice. I offer this amendment for the damned and the desperate.

In the United States 60 percent of pregnancies are unintended. Imagine what that figure is for women in prison. I ask for an exception to the ban on Federal funds in order that those funds be available for women in prison because they do not even have the option of other poor women. They cannot borrow, they cannot use State or Federal funds as some women who live in such localities can. They are in Federal custody. It would be barbaric to force such women to bear children against their will behind bars.

The number of women in Federal prisons has grown astronomically. There was 75 percent growth in the last decade. The annual growth rate is considerably greater than for State prisons. There is twice the growth rate for these women as for men. The rate of infection for HIV and AIDS exceeds the rate of infection for men in prison. Five percent of these women enter prison pregnant.

Who are these women? We have the figures for women in State prisons. They are roughly comparable to Federal figures. Forty percent have been sexually abused. Half committed the offense under the influence of alcohol or drugs. More than half used drugs the month before committing the offense. Forty percent use drugs daily. Fifty-eight percent use alcohol, 20 percent every day.

Who are the children of these inmates? They are five times as likely to be imprisoned as other children. Half of the children in the juvenile justice system have a parent in prison. The racial implications are awesome. Blacks, regardless of sex, are six times more likely to go to prison than whites. Black women have nearly the same chance as white men of going to prison.

Why Federal funds? Federal funds, because Federal funds must pay for ev-

erything for these women, for their food, for their shelter, for their clothes. So if there is to be a choice, and here the choice is most necessary, it can only come from Federal funds.

Providing an exception here is akin to the exception we provide for rape. There is no other way. These are women who, if they desire, and only if they desire, an abortion, should be most granted that desire, given their particular history.

Moreover, there has been experience in 1993, when this body lifted the restrictions on abortions for women in prison, the Bureau of Prisons handled the matter with great sensitivity, no complaints about it. There was medical, religious and social counseling. There was written documentation that that counseling had taken place. Employees who had a moral or religious objection had that objection recognized.

I recognize that there is an objection of many to abortion. We have recognized some exceptions, very rare, to our admonition against abortion. Surely if there are to be exceptions, this should be one.

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

Mr. HYDE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. I thank the gentleman for yielding me this time.

Mr. Chairman, I first of all want to thank the gentleman from Kentucky [Mr. ROGERS] for again renewing current law to prohibit taxpayer funding for abortion on demand in Federal prisons. And so I rise in very strong opposition to the Norton amendment which would strip this prolife provision out of the bill and thus authorize public funding for abortion on demand.

It is worth noting that in 1995, the House considered this issue and voted 281-146 to defeat the Norton amendment, and I urge a "no" vote again today.

Mr. Chairman, it is about time that we face the fact that abortion is violence against children. It is hard enough that this child abuse is legal and that each and every day boys and girls are slaughtered by the abortionists, but do not force us to pay for it. Abortion methods are violent acts. It is violence against children. Abortion methods are not designed to heal, but to kill. Abortion treats pregnancy like a disease to be vanquished and turns babies into objects, expendable, throw-aways, so much junk.

It has been pointed out that many women are incarcerated because of drug offenses. The logic of that argument is that the children of these women are somehow better off dead. All I can say is that is a very cynical view. Since when is being a victim of drug abuse a capital offense? Should children be brutally killed for the crimes of their parents or because they might have been injured by those crimes? Of course not.

Mr. Chairman, in our culture, abortionists sport white coats and a paper-thin facade of respectability, but the gut-wrenching reality is that abortionists dismember and poison babies for profit. They inject highly concentrated salt water and other poisons into the baby that lead to a very slow and painful death for those children. Abortionists routinely dismember children. They cut off their heads. They cut off their arms and legs. That is the reality. People can smirk and smile and think that that is not what happens, but that is what happens in an abortion.

A few days ago, Dr. Nathanson showed a film of a suction abortion. He is a former abortionist who did thousands of them. He showed this film, a laparoscopy caught on videotape, a baby being dismembered literally limb by limb. That is the ugly reality that so often is sanitized by the rhetoric of choice. Abortion, Mr. Chairman, is violence against children.

A few days ago, the world noted, Mr. Chairman, and many of us mourned, the passing of a woman of very deep compassion and love, Mother Teresa. I think many also remember that at the 1994 National Prayer Breakfast, Mother Teresa addressed thousands of people who were assembled, including President Bill Clinton and Vice President GORE. Few could listen to Mother Teresa and not be moved to believe that in this small, frail, humble woman there stood a very powerful messenger to directly speak to a President and Nation that had lost its moral compass.

Mother Teresa said, and I quote, "Please don't kill the child. I want the child," she went on to say. "We are fighting abortion with adoption, by care of the mother and adoption of the baby." Mother Teresa further stated, and I quote, "The greatest destroyer of peace today is abortion, because it is a war against the child, a direct killing of an innocent child." She then urged all Americans and diplomats who were assembled to more fully understand the linkage of abortion with other forms of violence. She said, and I quote, "Any country that accepts abortion is not teaching people to love, but to use violence to get what they want. This is why the greatest destroyer of peace and love is abortion."

Mr. Chairman, the children of incarcerated women are of no less value than any other children. No child anywhere at any time, including unborn kids, is a throwaway. Being unwanted does not make you less human. It does not allow others to turn you into an object that could be killed with poison shots or by dismemberment of your body. The children of the incarcerated women are precious, and they deserve our love and respect; again, not dismemberment and poison shots. I urge Members of this body to vote "no" for taxpayer funding for abortion, to vote "no" on the Norton amendment.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I think it is about time that we stop the use of inflammatory language around this very personal issue. I think it is time that we talk about this issue at least in ways that we can respect everybody that is involved. I think it is time that we talk about what real violence is. Real violence is a woman who has to do time in the Federal prison who comes in drug-addicted, HIV-infected, pregnant, the 6 percent of them who come in that way and who say, I don't believe I have the right to force the kind of violence on this child that I am confronted with for this child. I believe it is time that these women have some choice.

We talk about how much we love these children, but what happens to them? What happens to these children that are born unwanted, to HIV-infected women, to drug-infected women? What happens to these children? We do not know what happens to them. They go out somewhere, into maybe foster care. These are the children that are doomed to poverty, doomed to the inability to have a decent life. And so that is not our choice. It is the choice of the woman who finds herself in this unfortunate predicament. I would ask for support for the Norton amendment and I would not be influenced by the kind of language that does not really speak to the issue but simply inflames on this issue.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

□ 2145

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, this is a part of a much larger problem, that of increasing numbers of women in prison and their need for medical and other care. All too often these women are ignored. But beyond that, Mr. Chairman, I think about the plight of the women I visited within our correctional facility at home a few months ago, and I remember my good friend and classmate Angela. I recall her incarceration and the many visits I made to her to make sure that her many medical needs were met. What about the increasing number of women in our prisons who do not have a doctor for a friend?

It is primarily for this reason why I find the language of this bill before us today banning the use of Federal funds for abortion services for women in prison so troubling. Many female prisoners, as has been said, enter prison suffering from a myriad of physical and psychological ailments, and many are pregnant before they enter prison.

I know, Mr. Chairman, that the issue of abortion is one that has deep religious and philosophical implications, and it also deeply divides many Americans. Notwithstanding the complexity

of this issue, the fact remains that abortion is still a legal health care option for women in this country and has been for over 20 years now.

I urge my colleagues to vote "yes" on this amendment. Women in prison deserve to have access to needed health care services, and they deserve to have choice.

Ms. NORTON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA].

(Mrs. Morella asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, I rise in favor of the amendment offered by the gentlewoman from the District of Columbia, a Member with great compassion for these poor women who are so often the victims of domestic violence, incest, and other problems, who need our help.

Ms. NORTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from the District of Columbia for her outstanding work on behalf of the District of Columbia.

I want to say that we love children, we love life. It is tragic that we have to look to this tragedy of life when we find women in prison who have unfortunately been in desperate situations, and we have to realize that 6 percent of them come in pregnant when they enter prison, abused and certainly suffering from physical or sexual abuse. Almost half of these women in the Federal penitentiary system are under the influence of drugs or alcohol. They have limited prenatal care, isolation from family and friends, and the great tragedy of having this infant, if to term, to be lost to them forever, but, more importantly, incapable of taking care of them.

Abortion is legal. The right to life and the right to choice are things that are not mutually exclusive. We want to give life again to these women who have been battered and abused. It is unfair to deny them the simple medical procedure that would allow them as well the rights of any woman who is in this United States of America. They are poor; they must not be abandoned.

Mr. HYDE. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Illinois has 5 minutes remaining.

Mr. HYDE. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, just to respond briefly to the gentlewoman from California, she talked about being doomed to poverty, and of course we all need to fight against poverty and do whatever we can. But it seems to me that when we doom an unborn child to a horrific killing of chemical poisoning or dismemberment of that child, no matter how that is sanitized by the pro-abortion crowd, that is

a very, very sleazy, terrible thing; and that is not inflammatory, that is the truth. Read some of the text books and the descriptions given by the abortionists themselves. That is just a simple fact of what happens.

Let us not hide from the reality and the truth of what abortion is.

Mr. HYDE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman is recognized for 4½ minutes.

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

Mr. HYDE. Mr. Chairman, some years ago there was a great defense lawyer who worked out of Chicago. His name was Charles Darrow, and he was known as attorney for the damned because he represented people who committed serious crimes, capital crimes, Loeb and Leopold, and he was very successful in helping them escape the penalties of the law. If I were practicing law and I could pick my clients, I would choose to represent the unborn child of a woman who is in prison. I cannot think of a more humiliating, more humble circumstance, more powerless, more unwanted, more unthought about, more inconvenient than a poor tiny little child.

We did not hear much about the child. We heard about the women, and God knows the woman is suffering and has had the cards dealt to her from the bottom of the deck, and needs and deserves and must have our compassion, but for God's sake, 10 seconds for the little tiny child made in the image and likeness for God.

Forgive me, but I believe that little child is precious, has an immortal soul, has a destiny, and give that little child a chance. Love that little child. There ought not to be a deficit of compassion and of love, not a failure of imagination. Think about that little tiny powerless human life that cannot vote, cannot rise up in the streets, cannot escape, depends on the care and the concern of those around.

Now all this amendment does is strike the part of the bill that says no Federal money to pay for abortions for people who are incarcerated in prison. That is all. It does not deny an abortion. God help us, if the woman wants to exterminate her unborn child, fine, the law does not forbid her, and the prison will escort her to private premises; and if it is a question of money, let Planned Parenthood, which gets millions of dollars, pay for the extermination, the killing, not of that little clump of cells, not of the products of conception, but that tiny little living, breathing infant that, given a chance at life, might well be a human being who could save our country or compose music or just be a decent citizen.

Do not be so pessimistic. There are places that will take these children within walking distance of this building. Saint Coletta's. There are care and counseling centers all over this country. Birthright, they will take that little child.

Mother Theresa said the great tragedy is to say there is not room for one more little baby.

Think of the baby. I will think of the woman, I will pray for the woman, I will work to make conditions ameliorated for them. Will my colleagues please think of the little child for a second? A second?

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

The CHAIRMAN. The gentlewoman from the District of Columbia [Ms. NORTON] is recognized for the balance of the time, which is 1½ minutes.

Ms. NORTON. Mr. Chairman, the gentleman who just spoke eloquently of the unwanted powerless child who would be taken just a few blocks from this very Chamber, I beg to differ. Children whose parents have not been near prisons cannot be taken. We find no homes for them; and the children of incarcerated parents are more damned than those whose parents have not been incarcerated. The figures tell the story of what happens to foster children and children in prison, and the figures do not lie. Now Mother Theresa might have taken them, but there are not other takers out here.

The gentleman would be the first to come to the floor if Planned Parenthood came forward to try to pay for abortions for these children, to try to deny them funds to pay for abortions for these women. We are talking about voluntary abortions here, as always. I would prefer if there were a mechanism for these women to have their children adopted, assuming there were people who would, in fact, adopt them. There are not people who will adopt a homeless child on the street today, and everybody knows that.

The notion of violence raised here in this context is an amazing one indeed. What would of course be violent is forced childbirth. That is what would be left here. All of the inflammatory debate about abortion has not reduced support for abortion in this country. It is legal for women in society; it should be legal and accessible for women in jail.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. NORTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON] will be postponed.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the remainder of title I is as follows:

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed \$10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly-advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of \$100,000 or more, up to a maximum of \$2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. Section 524(c)(8)(E) of title 28, United States Code, is amended by striking "1996" and inserting "1997 and thereafter".

SEC. 109. (a) Section 1402(d)(2) of the Victims of Crime Act of 1984, (42 U.S.C. 10601(d)), is amended—

(1) by striking paragraph (1); and

(2) in paragraph (2), by striking "the next" and inserting "The first".

(b) Any unobligated sums hitherto available to the judicial branch pursuant to the paragraph repealed by section (a) shall be deemed to be deposits into the Crime Victims Fund as of the effective date hereof and may be used by the Director of the Office for Victims of Crime to improve services for the benefit of crime victims, including the processing and tracking of criminal monetary penalties and related litigation activities, in the federal criminal justice system.

The CHAIRMAN. Are their amendments to that portion of title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF COMMERCE  
AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT  
RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE  
REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$21,700,000, of which \$2,500,000 shall remain available until expended: *Provided*, That not to exceed \$98,000 shall be available for official reception and representation expenses.

Mr. ROGERS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.  
Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HUTCHINSON) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2267), making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

#### RECOGNIZING IMPORTANT CONTRIBUTIONS MADE BY AMERICANS OF AUSTRIAN HERITAGE

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 217) recognizing the important contributions made by Americans of Austrian heritage, and ask for its immediate consideration.

The Clerk read the title of the resolution.

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

There was no objection.

The Clerk read the resolution, as follows:

#### H. RES. 217

Whereas the United States and the Republic of Austria have enjoyed close and friendly relations since the inception of the Republic of Austria;

Whereas 1997 marks the 50th anniversary of the Marshall Plan which was critically important to the reconstruction of the Republic of Austria and to the establishment of friendly ties between the Republic of Austria and the United States;

Whereas on September 26, 1945, a conference of representatives of the nine Federal states of the Republic of Austria was held in Vienna that laid the foundation for the provisional Austrian Government and the early elections in November 1945; and

Whereas a number of States have already proclaimed September 26, 1997, as "Austrian-American Day": Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) declares that the warm and cordial relations between the people of the United States and the Republic of Austria should grow stronger; and

(2) acknowledges the important contributions to the United States by Americans of Austrian heritage.

#### GENERAL LEAVE

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this resolution.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HASTERT] is recognized for 1 hour.

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

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

Mr. Speaker, I am very pleased to present this resolution on behalf of its author, the distinguished gentleman from Nebraska [Mr. BEREUTER] and the distinguished chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN].

Mr. Speaker, September 26 will mark the 52d anniversary of the conference that established the post-war Austrian government. House Resolution 217 recognizes the pivotal role played by the United States in the establishment of a free and democratic Austria. It is particularly fitting that the gentleman from Nebraska [Mr. BEREUTER] be the author of this resolution as the only Austrian American currently serving in the House.

Mr. BEREUTER. Mr. Speaker, as the author of House Resolution 217, together with the distinguished chairman of the Committee on International Relations, this Member urges support for this simple and straightforward celebration of warm and cordial relations between Americans and the people of Austria.

September 26 will mark the 52d anniversary of the conference that established the post-war Austrian Government. Recognizing the pivotal role played by the United States in the establishment of a free and democratic Austria, the Government of Austria has declared September 26, 1997, to be Austrian-American Day. All around the United States, our State legislatures have followed suit, declaring September 26 to be Austrian-American Day.

Because of the rules of this body, we are not permitted to consider commemorative resolutions, or declare specific honorary days. However, this body can certainly join with the Government of Austria and the many State legislatures to note the long and positive history of Austrian-American relations. That is precisely what this House Resolution 217 does.

Mr. Speaker, as perhaps the only Austrian-American presently to be serving in the House, this Member would urge adoption of House Resolution 217.

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

The SPEAKER pro tempore. Without objection, the resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. BACHUS. Mr. Speaker, pursuant to clause 2 (a)(1) of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of privileges of the House.

The form of the resolution is as follows:

RESOLUTION DIRECTING THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO UNDERTAKE AN APPROPRIATE INVESTIGATION OF THE CIRCUMSTANCES SURROUNDING REPRESENTATIVE HILLIARD'S TRAVEL TO LIBYA

Whereas Libya is an unapologetic terrorist state that openly supports, promotes and inspires terrorists;

Whereas Libya arms, trains and harbors terrorists;

Whereas Libya was involved in the 1985 terrorist attacks on airports in Rome and Vienna that left 20 men, women and children, including 5 American citizens, dead;

Whereas Libya is responsible for the deaths of two American soldiers in a 1986 terrorist bombing in Berlin;

Whereas Libya is responsible for the deaths of 270 men, women and children, including 189 Americans, in the terrorist bombing of Pan Am flight 103 in 1988;

Whereas the Security Council of the United Nations has imposed sanctions on Libya in response to its responsibility for the bombings of both Pan Am flight 103 and UTA flight 772; and

Whereas those sanctions were put into effect in the United States in 1986 by imposing of Treasury Department regulations, the violation of which may be punishable by a civil penalty and by criminal penalties including fine or imprisonment, and which among other things bar United States persons from engaging in transactions relating to transportation to and from Libya and from dealing in any property in which the government of Libya has any interest;

Whereas Libyan leader Moammar Ghadafi has called terrorist attacks that have left innocent men, women and children dead and wounded "heroic operations";

Whereas Congress has gone on record in its opposition to the Libyan government, passing laws that condemn Libya for supporting terrorism, list Libya among the countries denied direct or indirect United States assistance, authorize the President to prohibit imports and exports to Libya, and ban investment in the Libyan oil industry;

Whereas Libya is dedicated to destroying the Middle East peace process;

Whereas the Department of State has reported that Representative Earl Hilliard traveled to Libya in August without authorization of or approval from the Department of State;

Whereas Representative Earl Hilliard has refused to confirm or deny whether he traveled to Libya or offer an explanation for his travel to Libya;

Whereas if Representative Hilliard did travel to Libya, his actions would be in direct violation of United States policy toward Libya;

Whereas this episode raises questions of propriety regarding travel to Libya, Representative Hilliard should explain his reasons for traveling to Libya and his activities while there;

Whereas the Committee should inquire of Representative Earl Hilliard what individual, organization, government agency or other entity paid for his travel to and from Libya and his expenses while in Libya;

Whereas Representative Hilliard has not disclosed whether he engaged in any transactions relating to his travel to and from Libya, or in other transactions while in Libya;

Whereas these circumstances warrant an immediate affirmation by the House of its unequivocal opposition to travel to Libya by its members and to terrorism and the terrorist agenda pursued by the Libyan government of Moammar Ghadafi; and

Whereas Representative Earl Hilliard has conducted himself in a manner which is inconsistent with the dignity of the House and is not conduct appropriate to the House and its members: Now, therefore, be it

*Resolved*, That the House Committee on Standards of Official Conduct undertake an immediate and thorough investigation of the circumstances surrounding Representative Earl Hilliard's travel to Libya and report back to the House.