

EXECUTIVE REPORTS OF
COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry:

Sally Thompson, of Kansas, to be Chief Financial Officer, Department of Agriculture.

Joseph B. Dial, of Texas, to be Commissioner of the Commodity Futures Trading Commission for the term expiring June 19, 2001. (Reappointment)

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND
JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. DURBIN):

S. 1352. A bill to amend Rule 30 of the Federal Rules of Civil Procedure to restore the stenographic preference for depositions; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. LOTT, and Mr. THOMPSON):

S. 1353. A bill to amend title 49, United States Code, to provide assistance and slots with respect to air carrier service between high density airports and airports that do not receive sufficient air service, to improve jet aircraft service to underserved markets, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself, Mr. CAMPBELL, Mr. INOUE, Mr. DASCHLE, and Mr. DORGAN):

S. 1354. A bill to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 1355. A bill to designate the United States courthouse located in New Haven, Connecticut, as the "Richard C. Lee United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. FAIRCLOTH:

S. 1356. A bill to amend the Communications Act of 1934 to prohibit Internet service providers from providing accounts to sexually violent predators; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN:

S. 1357. A bill to require the States to bear the responsibility for the consequences of releasing violent criminals from custody before the expiration of the full term of imprisonment to which they are sentenced; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND
SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO:

S. Con. Res. 59. A concurrent resolution expressing the sense of Congress with respect

to the human rights situation in the Republic of Turkey in light of that country's desire to host the next summit meeting of the heads of state or government of the Organization for Security and Cooperation in Europe (OSCE); to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. DURBIN):

S. 1352. A bill to amend rule 30 of the Federal Rules of Civil Procedure to restore the stenographic preference for depositions; to the Committee on the Judiciary.

THE FEDERAL RULES OF CIVIL PROCEDURE RULE
30 AMENDMENT ACT OF 1997

Mr. GRASSLEY. Mr. President, I rise today to introduce a bill to amend rule 30 of the Federal Rules of Civil Procedure. This bill, which I am introducing with Senator DURBIN, will restore the stenographic preference for depositions taken in Federal Court. Under our system of government, Congress has the duty and responsibility to scrutinize carefully all of the rules of Civil Procedure promulgated by the Judicial Conference and transmitted to us by the Supreme Court for review—and to make modifications or deletions when appropriate. Indeed, when many changes to the rules were proposed in 1993, some were to be modified in legislation which was passed by the House. Unfortunately, the crush of the end-of-session legislation that year made it impossible for the Senate to act on this bill to modify these changes and they took effect in December of that year.

Many of us in this body wanted to bring the bill forward, but opponents of the proposed modifications were able to delay any Senate consideration until after the effective date required by the Rules Enabling Act. Because of our responsibility to review these rules, I want to bring one of the modifications back before the Senate. This modification concerns rule 30 of the Federal Rules of Civil Procedure.

From 1970 to December 1993, rule 30 permitted depositions to be recorded by non stenographic means, but only upon court order or with the written stipulation of the parties. The change in rule 30(b) altered that procedure by eliminating the requirement of a court order or stipulation and affording each party the right to arrange for recording of a deposition by non stenographic means.

Testimony at hearings conducted by the Judiciary Subcommittee on Courts and Administrative Practice in the 103d Congress raised concerns about the reliability and durability of video or audio tape alternatives to stenographic depositions. There was also information submitted suggesting that technological improvements in stenographic recording will make the stenographic method more cost-effective for years to come.

Depositions recorded stenographically have historically provided an ac-

curate record of testimony which can conveniently be used by both trial and appellate courts. In addition, the certification of accuracy by an independent and unbiased third party is a significant component of trustworthy depositions. Studies undertaken by the Justice Research Institute confirm the fact that a stenographic court reporter is the qualitative standard for accuracy and clarity in depositions, and a court reporter using a computer-aided transportation is the least costly method of making a deposition record.

Even now, 5 years after the rule change, court reporters associations contend that mechanical recording frequently produces unintelligible passages and is laden with other dangers such as the inability to identify speakers. Rather than becoming the way of the future, electronic recording has been faulted by judges and attorneys as an error-prone system where tapes are often untranscribable because of inaudible portions, machines frequently fail, and recorders pick up every background sound, including papers rustling, coughing, and attorney sidebar conferences which then must be edited out before use by jurors or for the appeal process.

The case was never made for unilateral decisions on the use of nonstenographic recording of depositions. The legislation that I am introducing today with my colleague from Illinois, Senator DURBIN, would restore the rule that nonstenographic recording of depositions is authorized only when permitted by court order or stipulation of both parties.

This version of the rule worked very effectively for over 23 years. In fact, I am not aware of any instance where an attorney or party was denied the ability to use an alternative method when it was requested. However, the most important factor was that the prior incarnation of the Rules recognized the potential for errors from methods other than stenographic means and thus established the safeguards of stipulation or court order. In fact, the notes to accompany the 1970 version of the Civil Rules said it best:

In order to facilitate less expensive procedures, provision is made for the recording of testimony by other than stenographic means—e.g., by mechanical, electronic, or photographic means. Because these methods give rise to problems of accuracy and trustworthiness, the party taking the deposition is required to apply for a court order. The order is to specify how the testimony is to be recorded, preserved, and filed, and it may contain whatever additional safeguards the court deems necessary.

(Notes to accompany the 1970 Revisions to the Federal Rules of Civil Procedure)

Mr. President, this legislation gives us the chance to do what we should have done 4 years ago and restore the rule in order to maintain the high standard of justice for which our legal system is known.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraphs (2) and (3) of Rule 30(b) of the Federal Rules of Civil Procedure are amended to read as follows:

"(2) Unless the court upon motion orders, or the parties stipulate in writing, the deposition shall be recorded by stenographic means. The party taking the deposition shall bear the cost of the transcription. Any party may arrange for a transcription to be made from the recording of a deposition taken by nonstenographic means.

"(3) With prior notice to the deponent and other parties, any party may use another method to record the deponent's testimony in addition to the method used pursuant to paragraph (2). The additional record or transcript shall be made at that party's expense unless the court otherwise orders."

By Mr. MCCAIN (for himself, Mr. CAMPBELL, Mr. INOUE, Mr. DASCHLE, and Mr. DORGAN):

S. 1354. A bill to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers; to the Committee on Commerce, Science, and Transportation.

THE COMMUNICATIONS ACT OF 1934 TECHNICAL AMENDMENT ACT OF 1997

Mr. MCCAIN. Mr. President, I rise to introduce an amendment to the Communications Act of 1934 on behalf of Senators DORGAN, DASCHLE, INOUE, CAMPBELL, and myself. This amendment enables the Federal Communications Commission [FCC] to designate common carriers not under the jurisdiction of a State commission as eligible recipients of universal service support.

Universal Service provides intercarrier support for the provision of telecommunications services in rural and high-cost areas throughout the United States. However, section 254(e) of the 1996 act states that only an eligible carrier designated under section 214(e) of the Communications Act shall be eligible to receive specific federal universal support after the FCC issues regulations implementing the new universal service provisions into the law. Section 214(e) does not account for the fact that State commissions in a few states have no jurisdiction over certain carriers. Typically, States also have no jurisdiction over tribally owned companies which may or may not be regulated by a tribal authority that is not a State commission per se.

The failure to account for these situations means that carriers not subject to the jurisdiction of a State commission have no way of becoming an eligible carrier that can receive universal service support. This would be the case whether these carriers are traditional local exchange carriers that provide services otherwise included in the program, have previously obtained universal service support, or will likely be

the carrier that continues to be the carrier of last resort for customers in the area.

Mr. President. This simple amendment will address this oversight within the 1996 act, and prevent the unintentional consequences it will have on common carriers which Congress intended to be covered under the umbrella of universal service support.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 1355. A bill to designate the U.S. courthouse located in New Haven, CT, as the "Richard C. Lee United States Courthouse"; to the Committee on Environment and Public Works.

THE RICHARD C. LEE FEDERAL COURTHOUSE ACT OF 1997

Mr. LIEBERMAN. Mr. President, I am pleased and honored today to introduce legislation with my colleague Senator DODD to name the Federal courthouse in New Haven, CT, after our dear friend and the former eight-term mayor of New Haven, Richard C. Lee. Congresswoman ROSA DELAUNO is introducing the same proposal in the House of Representatives.

If it may be said that Federal buildings should help reflect the very best of the principles, purposes and spirit of America, then this courthouse could have no more appropriate name above its doors than that of Mayor Lee. For Dick Lee is the quintessential American, proud, principled, hardworking, and productive. In New Haven, he shook loose entrenched bureaucracies and forged new community coalitions dedicated to rebuilding New Haven after years of neglect and blight. He became a nationally recognized urban pioneer and helped to change the landscape of the American city.

Dick Lee was born in New Haven. He loves the city and its richly diverse people. In May of last year, Mayor Lee was honored by the New Haven Colony Historical Society. During that tribute, Prof. Robert Wood of Wesleyan University drew inspiration from Mayor Lee's eloquence about his work. Dick Lee said that the core of a mayor's job was "wiping away tears from the eyes" of a city's people so that "each tear becomes a star in the sky" and not a source of daily despair. "Filling the sky above with stars" was his highest calling. "The tears in the eyes of the young and the old, the hungry, the unloved, the ill-housed, the ill-clothed, and worst of all, the ignored" were not to be tolerated.

Dick Lee was raised in a devout Irish Catholic family that was not blessed with wealth but with greater gifts: with faith, talent, and the willingness to work hard to better themselves and their community. He served for many years on the Board of Aldermen of New Haven and held a number of journalism jobs, including 10 years in public relations at Yale University. In 1949, he became the youngest man to run for mayor in New Haven's history. He lost that year by 712 votes. He lost 2 years

later by only two votes. But he did not give up on himself, or the city of New Haven and was elected mayor in 1953.

Once in office, Dick Lee devoted himself with extraordinary energy and imagination to the human and physical renewal of New Haven. One of his most provocative ideas was that the greatest post-World War II problems in our cities—poverty, unemployment, and poor housing—could not be solved by the cities or States alone. The Federal Government had to become a partner in America's urban redevelopment.

Dick Lee worked tirelessly and with enormous success during the Eisenhower Administration to bring Federal programs to New Haven. As head of the Urban Committee of the Democratic National Committee in 1958, Lee authored the first versions of Model Cities and War on Poverty legislative proposals. And after his dear friend, John F. Kennedy was elected, Dick Lee exercised a large and constructive influence on the national effort to renew America's urban areas and to restore hope and opportunity to the people who lived in them.

Dick Lee also understood that just as the human face of New Haven needed reinvigoration, so did the city's physical appearance and infrastructure. For this, Dick Lee turned first to a plan by Maurice Rovital who developed a blueprint for New Haven while a member of the Yale faculty. But then he boldly invited many of America's greatest architects to design buildings for his city, making New Haven one of America's greatest architectural crossroads.

Dick Lee appointed a deputy mayor and administrator of redevelopment. From there, the real work began. That work included rebuilding downtown New Haven, salvaging the Long Wharf area, restoring Wooster Square, constructing the Knights of Columbus headquarters and the Coliseum, residential rehabilitation, rent supplements, nonprofit housing sponsors and the renewal of inner-city neighborhoods.

Mayor Lee forged new coalitions to reaffirm his city's sense of community and make it easier to get things done. His Citizens Action Commission was a unique amalgam of business, labor and civic leaders and was designed to build support for the redevelopment effort.

Robert Dahl, in his book "Who Governs? Democracy and Power in the American City," wrote that Mayor Lee "had an investment banker's willingness to take risks that held the promise of large long-run payoffs, and a labor mediator's ability to head off controversy by searching out areas for agreement by mutual understanding, compromise, negotiation, and bargaining."

He possessed a detailed knowledge of the city and its people, a formidable information gathering system, and an unceasing, full-time preoccupation with all aspects of his job. His relentless drive to achieve his goals meant that he could be tough and ruthless. But toughness was not his political style, for his overriding strategy was to rely on persuasion rather than threats.

Robert Leeney, former editor of the New Haven Register and a wise and eloquent observer of the local scene wrote:

New Haven and the problems of New Haveners have shaped Dick Lee's life. When the Senate seat, later filled by Thomas Dodd, hung like a plum within his grasp he wouldn't reach for it because the Church Street project was badly stalled and home needs took first priority in his public vision and on his personal horizons. His simple belief in—and his unshakeable dedication to—this city and its people started young and they have never ended. . . . He grew up to citizenship with a classic, almost a Greek, sense of the city-state's call upon his talents and of its shaping effect upon his life and the lives of his neighbors. . . .

Mr. President, law is the way we choose to express our values as a community, our aspirations for ourselves and our neighbors. In that fundamental sense, naming the grand federal courthouse in New Haven which sits proudly on the old New Haven Green and next to city hall is an honor which Mayor Dick Lee thoroughly deserves. In his public service, he worked tirelessly to express the best values of his community and to help its people realize their dreams for themselves.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1355

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

SECTION 1. DESIGNATION OF RICHARD C. LEE UNITED STATES COURTHOUSE.

The United States courthouse located in New Haven, Connecticut, shall be known and designated as the "Richard C. Lee United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Richard C. Lee United States Courthouse".

Mr. DODD. Mr. President. I am pleased to join with my fellow colleague from Connecticut, Senator LIEBERMAN, in introducing this bill which would designate the U.S. courthouse in New Haven, CT, as the "Richard C. Lee United States Courthouse." I strongly believe that this designation would be a fitting tribute to Dick Lee's service and commitment to the city of New Haven, and I commend my good friend and colleague for putting this legislation forward.

A self-educated man who was legendary for his charm, Dick Lee is widely considered as one of the most forceful, most capable, and most dedicated mayors that the State of Connecticut and this country has ever known.

After losing two bids to become mayor, Dick Lee went on to win eight straight elections, serving as the mayor of New Haven from 1954 to 1969. His first two elections were very close, losing by only two votes in his 1951. Dick Lee learned from these narrow de-

feats, and they helped to shape his political career. He realized that every single person mattered, and he always did everything in his power to help his constituents, particularly those who were in need. He was always eager to tackle, rather than turn away from constituents' problems. He also exhibited great foresight in anticipating the problems that awaited New Haven and other cities, and he offered imaginative and progressive solutions to these concerns.

The focus of his ideas was to preserve and rehabilitate neighborhoods, and to engage in urban planning done with the community, not for it. He supervised the clearance of slums in New Haven and revitalized once decaying areas by rebuilding businesses and homes. He oversaw the building of two new public high schools and a dozen elementary schools. To ensure that residents would have a greater investment in their communities, he pushed for the building of housing that low-income families could buy rather than rent. And New Haven was also the first major U.S. city to create its own antipoverty program.

Many viewed Dick Lee's views as ahead of his time, and he quickly established a national reputation as a visionary of urban revitalization. On the strength of this reputation, Mr. Lee became a respected advisor to Presidents Kennedy and Johnson on matters of urban policy.

Mr. Lee was approached about a possible cabinet position, but rather than lobby for a political appointment for himself, he used his political capital to help secure Federal funding for his urban redevelopment initiatives back home in New Haven. At one point during Dick Lee's tenure, New Haven was receiving more Federal money per capita than any other city in the country.

Dick Lee still lives in New Haven in the same house that he purchased more than 30 years ago. In light of all the work that Dick Lee did for the people of his home town and his effective advocacy on behalf of all of America's cities, I think that it is only appropriate that one of New Haven's Federal buildings should bear his name. Therefore I urge all of my colleagues to support this bill to designate the Federal courthouse in New Haven as the "Richard C. Lee United States Courthouse."

By Mr. FAIRCLOTH:

S. 1356. A bill to amend the Communications Act of 1934 to prohibit Internet service providers from providing accounts to sexually violent predators; to the Committee on Commerce, Science, and Transportation.

THE INTERNET SERVICE PROVIDERS ACCOUNT PROHIBITION ACT OF 1997

Mr. FAIRCLOTH. Mr. President, in the past few years, I have been shocked by the number of crimes I have read about that are connected to the Internet.

This was a problem that did not even exist just a few years ago, but now it has become very prevalent.

What is happening is that sex offenders and pedophiles are using the Internet to recruit children.

I think I have a solution that can help this situation.

Today, I am introducing legislation that would prevent a convicted sex offender from having an Internet account. Under my bill, the on-line service provider would be barred from providing an account to anyone who is a sexually violent predator or who has registered under Megan's law.

I do not think this would be difficult to enforce, because convicted sex offenders are already on a data base.

A background check on that data base could keep them offline.

Mr. President, we all know that proper parental supervision is the best defense against this type of crime, but I am finding that some parents aren't as computer literate as their children and it is almost impossible to watch children every minute of every day.

In my view, it is time to pull the plug on sex offenders and take them offline.

Mr. President, as I said, this problem has been growing year by year. It has grown to the point where the FBI has set up a special task force to track down computer sex offenders.

In 1993, the FBI formed a task force known as Innocent Images.

It was created after a 10-year-old boy was declared missing in Maryland. Unfortunately, he has never been found. But the FBI did come across two neighbors who have an elaborate computer network—where they were recruiting young victims over the Internet. The key suspect is in jail, but has never told the police anything about the disappearance.

This is what one agent said about the program:

Generally we would come across people trying to trade (illicit pictures) within five to ten minutes. . . . It was like coming across a person at every street corner trying to sell you crack.

Just 2 weeks ago, the Washington Post reported on a man that had contacted over 100 underage girls via a computer. He was arrested and received 2 years in jail. I have no doubt, he will be back on the Internet when he gets out of jail. My bill is designed to stop him again.

The task force has conducted over 330 searches that have resulted in 200 indictments and 150 convictions. Another 135 have been arrested.

If we do not stop sex offenders on the Internet, I believe the number of crimes will grow.

Tragically, just a few weeks ago, an 11-year-old boy was murdered in New Jersey by a teenager who himself had been molested by a man he met on the Internet. The man was a twice convicted sex offender.

We have got to stop this activity and stop it now.

Mr. President, there will be critics who call this unconstitutional. They can certainly tie themselves up in knots about the legalities, but my

main concern is for the safety of our children.

I think we have ample precedent for doing something like this. First, we have Megan's Law that requires registration of sex offenders. Second, the Supreme Court, in *Kansas versus Hendricks*, upheld a State statute that kept a sexual predator committed in a State mental institution, after his criminal sentence had run. I think it is clear that for sexual predators—they do not enjoy the rights that all of us enjoy. There is a difference.

More simply put, is this any different than denying a felon the right to own a gun. Is it different than barring a habitual drunk driver from having a driver's license?

The Internet is the new weapon of the sexual predator. It is their key to invading our homes.

We have to send a clear message that the Internet will not become the favored tool of the pedophile. Instead of roaming the streets, the sex offenders of the 1990's are roaming chat rooms and the Internet looking for victims.

This legislation will put a stop to that.

I hope that we can have hearings on this bill and that we can consider it next session.

By Mr. DORGAN:

S. 1357. A bill to require the States to bear the responsibility for the consequences of releasing violent criminals from custody before the expiration of the full term of imprisonment to which they are sentenced.

THE FAIRNESS AND INCARCERATION
RESPONSIBILITY ACT

Mr. DORGAN. Mr. President, I am going to introduce legislation today dealing with violent offenders. I want to preface it by saying that all of us in this country understand that crime rates are coming down some, and we are appreciative of that. But violent crime is still far too prevalent.

In North Dakota a couple of weeks ago, we had a young woman named Julianne Schultz who stopped at a rest area on a quiet rural road and a quiet part of our State. She ran into a man in the rest area who abducted her, slashed her throat, and left her for dead. Well, I am pleased to tell you today that Julianne did not die, and she is recovering.

The horror of that attack is a horror that is repeated all over this country, committed by violent criminals who never should have been out of jail early. That attack was perpetrated by a fellow who came from Washington State. He was, I guess, driving through North Dakota. He is alleged to have committed a couple of murders in Washington State before he left Washington a couple of months before. He ran into Julianne Schultz, this wonderful woman from North Dakota, who was coming back from a meeting with the League of Cities and stopped at a rest area only to have her throat slashed by this violent criminal. He

then took his own life when stopped at a police blockade later that night. This fellow had been in prison in the State of Washington for prior violent crimes and was let out of prison early.

It goes on all across this country. I think this country ought to decide that, if you commit a violent act, you are going to go to prison and the prison cell is going to be your address until the end of your sentence—no early out, no nothing. If you are convicted of a violent offense, you go to prison and stay there. Your prison cell is your address.

I will just give you a couple more examples.

Charles Miller is from West Virginia, 28 years old. A couple of years ago he was convicted of the violent rape of a young child and was sentenced to serve 5 years in prison. He was up for parole three times while he was in prison. His third time—May of this year—after serving half of the sentence, he was released on gain time, and 43 days later he was charged with sexually assaulting a 12-year-old girl. The prosecutor said, "Unfortunately, in the State the way it is now, everybody gets out early. We have people guilty of murder getting out on gain time do it again. We ought to abolish gain time."

I agree with that prosecutor.

Miami, FL, a fellow named Gainer, age 23, shot a fellow named Robert Mays, 20 years old—got into a dispute about drugs. Sentenced to 5 years in State prison for manslaughter, served 1 year and 1 month, released because he had accumulated 600 days of what is called gain time for working in a prison camp. Six months after he was released he was charged with first-degree murder once again.

Mr. Ball, 42, sentenced to 30 years of hard labor in Louisiana, cited for 102 disciplinary infractions in prison, the last infraction being 3 months before he was released 16 years before the end of his sentence for good behavior. He was rearrested on first-degree murder and armed robbery charges.

Budweiser delivery man Bernard Scorconi was 45 years old, murdered by Mr. Ball when he tried to stop him from robbing a local bar. Ball was released 16 years earlier than the end of his sentence.

It happens all across this country, every day in every way. Violent people are put back on the streets before the end of their sentence.

My mother was killed by someone who committed a manslaughter act, and he was let out early. Everybody is let out early. Commit a violent act, you get let out early. All you have to do is go to prison, accumulate good time. In some States you get 30 days off for every 30 days served.

I am proposing today a very simple piece of legislation. Let us tell those States who let violent people out of prison early, that you are going to be responsible for the actions of that offender up until what should have been the completion date of that offender's

sentence. If a State or local government decides it is appropriate to allow violent offenders to be let out before the end of their term because they have accumulated good time, gain time, or parole. If violent offenders serve less than their entire sentence, then during that period of time when they should have been in jail, if they commit another violent crime, I want the states to be held responsible—no more immunity.

I say to local governments, be responsible. You want to let violent people out on the street early, be responsible for it. Waive your immunity. Let people sue you to bring you to account for what you have done.

I am proposing that the grants we have in the 1994 crime bill dealing with truth-in-sentencing and violent-offender incarceration be available to those States that decide they will waive immunity and be responsible for the acts these offenders on early release commit.

I wonder how many people in this Chamber know that there are more than 4,000 people now in prison for committing a murder that they committed while they were out early for a previous violent crime. How would you like to be one of the families of the 4,000 or more people who are murdered who understand their loved one was murdered because someone else was let out early from prison. You know it doesn't take Dick Tracy to figure out who is going to commit the next violent act. It is somebody who has committed a previous violent act.

I just suggest that there are those who say prisons are overcrowded and so the prison overcrowding forces them to release people early. Senator JOHN GLENN and I have talked for years about military housing and its possible use for incarcerating non-violent offenders. Why couldn't corrections officials utilize this kind of low-cost housing for nonviolent offenders and free up maximum security space for violent offenders.

You can probably incarcerate non-violent offenders for a fraction of the cost of what it takes to build a prison. Fifty percent of the 1.5 million people now in prison in this country are non-violent. We can incarcerate them for a fraction of the cost of what we now spend to put them in prisons.

We could open 100,000, 200,000, or 300,000 prison cells and say to violent offenders, that is your address until the end of your sentence. Understand that. Your address is your prison cell, if you commit a violent crime, until the end of your sentence. We ought to provide a creative way for states to facilitate that.

Even with the best of intentions, in this Chamber about 4 years ago we decided that the most violent offenders have to serve 85 percent of their time. Let's let them out only 15 percent early, stated another way. In fact, in most States those who commit the most violent offenses and therefore get

the longest sentences get the most generous amount of good time.

I know people will disagree with me about this. I respect that disagreement. I say this. If you are the family of a young boy, 13 years old, named Hall who was murdered just miles from here, or of a young attorney in her early 20's named Bettina Pruckmayer, who was murdered just miles from here. Both of these young people murdered by individuals who had been in prison for previous murders but let out early because of the sentence system. Is it fine for us to let them back on the street? If they do not have good time, if they are hard to manage in prison, think about the violence done to others who are murdered and others who are going to die while they are on street.

I am going to introduce this piece of legislation today. I hope in the next year or so before the Congress completes its work that we might be able to decide what we need to do about violent offenders. We can keep violent offenders off the streets to the end of their sentence, and we can protect people like Julianne Schultz, who, fortunately, is going to be all right.

But this innocent young woman who was driving back from a meeting stopped at a rest stop in a quiet rural area, had her throat slashed and was close to being killed by a fellow who should never have been driving through North Dakota, by a fellow who was let out by authorities in another State which said, "We can't afford to keep you in prison," apparently, and, "We don't have the time to keep you in prison anymore." Well, we had better make time. We had better find the resources to keep these kind of folks in prison to the end of their term in order to help prevent further carnage and the kind of things that are happening to innocent people all across this country.

Mr. President, I ask that the bill be pointed in the RECORD.

Mr. President, you have been very generous in the time today.

I yield the time. I yield the floor.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1357

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness and Incarceration Responsibility (FAIR) Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) violent criminals often serve only a portion of the terms of imprisonment to which they are sentenced;

(2) a significant proportion of the most serious crimes of violence committed in the United States are committed by criminals who have been released early from a term of imprisonment to which they were sentenced for a prior conviction for a crime of violence;

(3) violent criminals who are released before the expiration of the term of imprisonment to which they were sentenced often travel to other States to commit subsequent crimes of violence;

(4) crimes of violence and the threat of crimes of violence committed by violent criminals who are released from prison before the expiration of the term of imprisonment to which they were sentenced affect tourism, economic development, use of the interstate highway system, federally owned or supported facilities, and other commercial activities of individuals; and

(5) the policies of one State regarding the early release of criminals sentenced in that State for a crime of violence often affect the citizens of other States, who can influence those policies only through Federal law.

(b) PURPOSE.—The purpose of this Act is to require States to bear the responsibility for the consequences of releasing violent criminals from custody before the expiration of the full term of imprisonment to which they are sentenced.

SEC. 3. ELIGIBILITY FOR VIOLENT OFFENDER INCARCERATION GRANTS.

Section 20103(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13703(a)) is amended—

(1) by striking "the State has implemented" and inserting the following: "the State—

"(1) has implemented";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(2) has enacted and implemented a State law providing that a victim (or in the case of a homicide, the family of the victim) of a crime of violence (as defined in section 16 of title 18, United States Code) shall have a Federal cause of action in any district court of the United States against the State for the recovery of actual (not punitive) damages (direct and indirect) resulting from the crime of violence, if the individual convicted of committing the crime of violence—

"(A) had previously been convicted by the State of a crime of violence committed on a different occasion than the crime of violence at issue;

"(B) was released before serving the full term of imprisonment to which the individual was sentenced for that offense; and

"(C) committed the subsequent crime of violence at issue before the original term of imprisonment described in subparagraph (B) would have expired."

SEC. 4. ELIGIBILITY FOR TRUTH-IN-SENTENCING INCENTIVE GRANTS.

Section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704) is amended—

(1) by striking "85 percent" each place that term appears and inserting "100 percent"; and

(2) by adding at the end the following:

"(c) WAIVER OF SOVEREIGN IMMUNITY.—Notwithstanding subsection (a), in addition to the requirements of that subsection, to be eligible to receive a grant award under this section, each application submitted under subsection (a) shall demonstrate that the State has enacted and implemented, a State law providing that a victim (or in the case of a homicide, the family of the victim) of a crime of violence (as defined in section 16 of title 18, United States Code) shall have a Federal cause of action in any district court of the United States against the State for the recovery of actual (not punitive) damages (direct and indirect) resulting from the crime of violence, if the individual convicted of committing the crime of violence—

"(1) had previously been convicted by the State of a crime of violence committed on a different occasion than the crime of violence at issue;

"(2) was released before serving the full term of imprisonment to which the individual was sentenced for that offense; and

"(3) committed the subsequent crime of violence at issue before the original term of imprisonment described in paragraph (2) would have expired."

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 3 years after the date of enactment of this Act.

ADDITIONAL COSPONSORS

S. 496

At the request of Mr. CHAFEE, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 1084

At the request of Mr. INHOFE, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 1084, a bill to establish a research and monitoring program for the national ambient air quality standards for ozone and particulate matter and to reinstate the original standards under the Clean Air Act, and for other purposes.

S. 1096

At the request of Mr. KERREY, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1124

At the request of Mr. KERRY, the names of the Senator from Ohio [Mr. DEWINE], and the Senator from Hawaii [Mr. INOUE] were added as cosponsors of S. 1124, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 1189

At the request of Mr. SMITH, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1189, a bill to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

S. 1243

At the request of Mr. KERREY, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1243, a bill to amend title 23, United States Code, to enhance safety on 2-lane rural highways.

S. 1251

At the request of Mr. D'AMATO, the names of the Senator from Alabama [Mr. SESSIONS], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.