

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.

S. 1252

At the request of Mr. D'AMATO, the names of the Senator from Alabama [Mr. SESSIONS], the Senator from New Hampshire [Mr. GREGG], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1311

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1311, a bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles.

At the request of Mr. LOTT, the names of the Senator from Washington [Mr. GORTON], the Senator from Alaska [Mr. STEVENS], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 1311, *supra*.

S. 1314

At the request of Mrs. HUTCHISON, the names of the Senator from New York [Mr. D'AMATO], the Senator from Montana [Mr. BURNS], and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 1314, a bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals.

S. 1319

At the request of Mr. BYRD, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 1319, a bill to repeal the Line Item Veto Act of 1996.

S. 1334

At the request of Mr. BOND, the names of the Senator from Georgia [Mr. COVERDELL], the Senator from Montana [Mr. BURNS], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

SENATE RESOLUTION 116

At the request of Mr. LEVIN, the names of the Senator from Rhode Island [Mr. REED] and the Senator from South Dakota [Mr. JOHNSON] were added as cosponsors of Senate Resolution 116, a resolution designating November 15, 1997, and November 15, 1998, as "America Recycles Day".

SENATE RESOLUTION 141

At the request of Mrs. MURRAY, the names of the Senator from Oregon [Mr. WYDEN], the Senator from Ohio [Mr. DEWINE], and the Senator from Washington [Mr. GORTON] were added as co-

sponsors of Senate Resolution 141, a resolution expressing the sense of the Senate regarding National Concern About Young People and Gun Violence Day.

AMENDMENT NO. 1397

At the request of Mr. BYRD the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of amendment No. 1397 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1520

At the request of Mr. KERREY the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of amendment No. 1520 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

SENATE CONCURRENT RESOLUTION 59—RELATIVE TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

Mr. D'AMATO submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 59

Whereas the Republic of Turkey, because of its position at the crossroads of Europe, the Caucasus, Central Asia, and the Middle East, is well positioned to play a leading role in shaping developments in Europe and beyond;

Whereas the Republic of Turkey has been a longstanding member of numerous international organizations, including the Council of Europe (1949), the North Atlantic Treaty Organization (1952), and the Organization for Security and Cooperation in Europe (1975);

Whereas Turkey's President, Suleyman Demirel, was an original signer of the 1975 Helsinki Final Act of the Conference on Security and Cooperation in Europe;

Whereas the Republic of Turkey proposed in late 1996 that Istanbul serve as the venue for the next OSCE summit, a prestigious gathering of the heads of state or government of countries in Europe, Central Asia, and North America, including the United States;

Whereas a decision on the venue of the next OSCE summit will require the consensus of all OSCE participating states, including the United States;

Whereas the OSCE participating states, including Turkey, have declared their steadfast commitment to democracy based on human rights and fundamental freedoms, the protection and promotion of which is the first responsibility of government;

Whereas the development of genuine democracy in Turkey is undermined by ongoing violations of international humanitarian law as well as other human rights obligations and commitments, including provisions of the Helsinki Final Act and other OSCE documents, by which Turkey is bound;

Whereas the Department of State has found that serious human rights problems persist in Turkey and that human rights abuses have not been limited to the south-east, where Turkey has engaged in an armed

conflict with the terrorist Kurdistan Workers Party (PKK) for over a decade;

Whereas flagrant violations of OSCE standards and norms continue and the problems raised by the United States Delegation at the November 1996 OSCE Review Meeting in Vienna persist;

Whereas expert witnesses at a 1997 briefing of the Commission on Security and Cooperation in Europe (in this concurrent resolution referred to as the "Helsinki Commission") underscored the continued, well-documented, and widespread use of torture by Turkish security forces and the failure of the Government of Turkey to take determined action to correct such gross violations of OSCE provisions and international humanitarian law;

Whereas the Government of Turkey continues to use broadly the Anti-Terror Law and Article 312 of the Criminal Code against writers, journalists, publishers, politicians, musicians, and students;

Whereas the Committee To Protect Journalists has concluded that more journalists are currently jailed in Turkey than in any other country in the world;

Whereas the Government of Turkey has pursued an aggressive campaign of harassment of nongovernmental organizations, including the Human Rights Foundation of Turkey; branch offices of the Human Rights Association in Diyarbakir, Malatya, Izmir, Konya, and Urfa have been raided and closed; and Turkish authorities continue to persecute the members of nongovernmental organizations who attempt to assist the victims of torture;

Whereas four former parliamentarians from the now banned Kurdish-based Democracy Party (DEP) Leyla Zana, Hatip Dicle, Orhan Dogan, and Selim Sadak remain imprisoned at Ankara's Ulucanlar Prison and among the actions cited in Zana's indictment was her 1993 appearance before the Helsinki Commission in Washington, D.C.;

Whereas the Lawyers Committee for Human Rights has expressed concern over the case of human rights lawyer Hasan Dogan, a member of the People's Democracy Party (HADEP), who like many members of the party, has been subject to detention and prosecution;

Whereas many human rights abuses have been committed against Kurds who assert their Kurdish identity, and Kurdish institutions, such as the Kurdish Cultural and Research Foundation, have been targeted for closure;

Whereas the Ecumenical Patriarchate has repeatedly requested permission to reopen the Orthodox seminary on the island of Halki closed by the Turkish authorities since the 1970s despite Turkey's OSCE commitment to "allow the training of religious personnel in appropriate institutions";

Whereas members of other minority religions or beliefs, including Armenian and Syrian Orthodox believers, as well as Roman Catholics, Armenian, Chaldean, Greek and Syrian Catholics, and Protestants have faced various forms of discrimination and harassment;

Whereas the closing of the border with Armenia by Turkey in 1993 remains an obstacle to the development of mutual understanding and confidence, and friendly and good-neighboring relations between those OSCE participating states;

Whereas the Republic of Turkey has repeatedly rebuffed offers by the Chair-in-Office of the OSCE to dispatch a personal representative to Turkey for purposes of assessing developments in that country;

Whereas, despite the fact that a number of Turkish civilian authorities remain publicly committed to the establishment of rule of law and to respect for human rights, torture, excessive use of force, and other serious