

would change the date of registry to 1986, which would give amnesty to any immigrant who has entered the United States before 1986. This legislation has the full support of the Clinton Administration.

The purpose of the NACARA parity is to offer the same opportunity for permanent residence to Salvadorans, Guatemalans, Hondurans, and Haitians as was offered to Nicaraguans and Cubans in the Nicaraguan Adjustment and Central American Relief Act of 1997. If this amendment is adopted, eligible nationals of these countries would receive treatment equivalent to that granted to the Nicaraguans and Cubans under the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA).

This action would allow certain nationals of Nicaragua and Cuba, and their qualified dependents, to have their immigration status adjusted to lawful permanent residence. Eligibility for this relief requires, among other things, continuous physical presence in the United States since December 1, 1995.

I support H.R. 4681, but I also hope that we can bring relief to others who are so desperately deserving of it and in dire need as well.

Mr. GILMAN. Mr. Speaker, today we have the opportunity to provide relief for 2,000 Syrian Jews, who have been residing in the United States for almost a decade. I commend our colleague from New York, Mr. LAZIO, for his dedication to these displaced people in bringing H.R. 4681 to the floor, today.

In 1992, after years of negotiations between the United States and Syria, President George Bush and Secretary of State James Baker reached an agreement which allowed Syria's beleaguered Jewish population to seek asylum in the United States. However, as a condition of this accord, the Syrian Government demanded that the United States grant these Syrian Jews temporary non-immigrant visas that led to asylum status.

The Syrian government's demand forced the U.S. to deviate from its standard practice in which persecuted alien minorities are granted refugee status that can lead to naturalization.

As a result of this legal technicality, the Syrian Jews who sought refuge in the United States have encountered substantial difficulties in their quest for U.S. citizenship. The resulting delays have inhibited the ability of these Jews of Syrian origin to work in their chosen professions, travel freely and pursue the same quality life in the United States enjoyed by all Americans.

These individuals have become dedicated members of their communities. I am confident that granting lawful permanent resident status to the Syrian Jews will be a great benefit to both their community and our nation.

Accordingly, I urge all my colleagues in the House to Support H.R. 4681.

Mr. CROWLEY. Mr. Speaker, I would like to commend Representative LAZIO, Representative WEINER, and the rest of the co-sponsors for their leadership on this important issue. The Syrian Jewish community experienced many years of persecution at the hands of the Syrian government. For decades, the Syrian Jewish community lived in fear of the secret police. They were barred from buying property, they had travel restrictions placed on them, and they could not work in government or at banks. Now, the U.S. Congress has the ability to ease the suffering of this community.

In 1992, through the efforts of President Bush and the State Department, Hafez Al-Assad agreed to end harsh travel restrictions against the Jewish community of his country. However, he did not want them to come to America as refugees. Instead, this persecuted community came to the U.S. on tourist visas. Because they came on visas, they were effectively blocked from applying for permanent residency in the U.S.

Several professions, such as the medical field, require this status in order to work. Like so many who come to the U.S., these people only wanted the opportunity to contribute to society and work in their chosen professions. I am glad that the U.S. Congress is finally correcting this unfair situation and putting these brave people on the road to citizenship and allowing them to realize their full potential as so many refugees and immigrants have before them.

It is time that the Syrian Jews are granted full access the American dream. I urge all of my colleagues to support this bill.

Mr. PALLONE. Mr. Speaker, this bill is extremely important for a number of reasons. Jews in Syria were persecuted and discriminated against for decades. Because of discrimination and oppression, it was important for these Jews to leave Syria, and for the United States to help pursue this effort.

In general, people who are granted refugee visas to come to the U.S. from other nations are able to apply for permanent residence status after one year.

Unfortunately, although negotiations with the U.S. did eventually lead President Assad to allow Syrian Jews to leave Syria pursuant to an April 1992 Order, he only allowed them to come to the U.S. on tourist visas. Subsequently, these Jews were granted asylum. However, only 10,000 people that have been granted asylum may adjust their status to permanent residents each year. In recent years, many more than 10,000 people have sought permanent residence status.

As a result, many Syrian Jews have been seeking permanent resident status for many years. Without this status, the Syrian Jewish asylees are unable to seek and change employment readily, obtain a medical license, or apply for U.S. citizenship through the naturalization process.

The legislation before us today would require the Attorney General to adjust the status of the Syrian Jews who emigrated to the United States pursuant to Assad's 1992 Order to that of permanent resident. This legislation is critical to ensure that these people can come to enjoy the full benefits of living in the United States—free from persecution and discrimination.

I urge all of my colleagues to support this important legislation.

Mr. LAZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KUYKENDALL). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 4681, as amended.

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

A motion to reconsider was laid on the table.

AIMEE'S LAW

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 894) to encourage States to incarcerate individuals convicted of murder, rape, or child molestation, as amended.

The Clerk read as follows:

H.R. 894

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 "Aimee's Law".

SEC. 2. DEFINITIONS.

In this Act:

(1) DANGEROUS SEXUAL OFFENSE.—The term "dangerous sexual offense" means sexual abuse or sexually explicit conduct committed by an individual who has attained the age of 18 years against an individual who has not attained the age of 14 years.

(2) MURDER.—The term "murder" has the meaning given the term under applicable State law.

(3) RAPE.—The term "rape" has the meaning given the term under applicable State law.

(4) SEXUAL ABUSE.—The term "sexual abuse" has the meaning given the term under applicable State law.

(5) SEXUALLY EXPLICIT CONDUCT.—The term "sexually explicit conduct" has the meaning given the term under applicable State law.

SEC. 3. REIMBURSEMENT TO STATES FOR CRIMES COMMITTED BY CERTAIN RELEASED FELONS.

(a) PENALTY.—

(1) SINGLE STATE.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 of those offenses in a State described in paragraph (3), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(2) MULTIPLE STATES.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 or more of those offenses in more than 1 other State described in paragraph (3), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(3) STATE DESCRIBED.—A State is described in this paragraph if—

(A) the State has not adopted Federal truth-in-sentencing guidelines under section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704);

(B) the average term of imprisonment imposed by the State on individuals convicted of the offense for which the individual described in paragraph (1) or (2), as applicable, was convicted by the State is less than 10 percent above the average term of imprisonment imposed for that offense in all States; or

(C) with respect to the individual described in paragraph (1) or (2), as applicable, the individual had served less than 85 percent of

the term of imprisonment to which that individual was sentenced for the prior offense.

(b) STATE APPLICATIONS.—In order to receive an amount transferred under subsection (a), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for 1 of those offenses in another State.

(c) SOURCE OF FUNDS.—Any amount transferred under subsection (a) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(d) CONSTRUCTION.—Nothing in this subsection may be construed to diminish or otherwise affect any court ordered restitution.

(e) EXCEPTION.—This section does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in subsection (a) and subsequently been convicted for an offense described in subsection (a).

SEC. 4. COLLECTION OF RECIDIVISM DATA.

(a) IN GENERAL.—Beginning with calendar year 2000, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(1) the number of convictions during that calendar year for—

(A) any sex offense in the State in which, at the time of the offense, the victim had not attained the age of 14 years and the offender had attained the age of 18 years;

(B) rape; and

(C) murder; and

(2) the number of convictions described in paragraph (1) that constitute second or subsequent convictions of the defendant of an offense described in that paragraph.

(b) REPORT.—Not later than March 1, 2001, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(1) the information collected under subsection (a) with respect to each State during the preceding calendar year; and

(2) the percentage of cases in each State in which an individual convicted of an offense described in subsection (a)(1) was previously convicted of another such offense in another State during the preceding calendar year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 894, the bill now under consideration.

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

There was no objection.

□ 1045

Mr. GEKAS. Mr. Speaker, I yield the balance of my time to the gentleman

from Arizona (Mr. SALMON), who has appeared to expedite this particular bill and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. KUYKENDALL). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

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

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

Mr. SALMON. Mr. Speaker, every day of every week of every year, States release convicted murderers, rapists and child molesters back into our neighborhoods. Predictably, every day of every week of every year these criminals, America's most dangerous and perverted, revert to form and unleash new waves of terror.

Two years ago, I introduced Aimee's Law, otherwise known as the No Second Chances for Rapists, Murderers and Molesters Act, to end the revolving door of justice that floods our cities and neighborhoods with convicted murderers, rapists, and child molesters. Gail Willard, mother of Aimee for whom the bill is named, Marc Klaas, Mary Vincent, Fred Goldman, Mika Moulton, Childhelp USA, and the National Fraternal Order of Police representing thousands and thousands of police officers nationwide as well as several other of my colleagues have decided to draw a line in the sand and say to criminals, If you commit murder, rape or molestation, you're finished. You don't get a second chance to destroy the lives of the innocent. The victims of these crimes do not get a second chance. Why should their attackers?

I stress the narrow category of crimes that we are talking about here today: murder, rape and child molestation. We are not targeting jaywalkers, shoplifters, or even drug dealers. We are targeting the very worst of the worst.

Any opponent of this bill must answer the following: Should a pedophile have a second chance to live in your neighborhood? Or as so often is the case, a third and fourth chance? How about a rapist? Should they be given another chance to violate women? Do you believe that a murderer living next door to you would enhance the quality of your life or improve the safety of your community?

Aimee's Law has tremendous bipartisan support. It passed last year as an amendment to the juvenile crime bill with 412 votes in this House and 81 votes in the Senate. On the House floor, the gentleman from Florida (Mr. MCCOLLUM) referred to this bill in its current form as a terrific product, an extraordinary bill. Another supporter of Aimee's Law, the gentlewoman from Texas (Ms. JACKSON-LEE), said, "It's tragic that we face on a daily basis the attack of our children by child molesters and murderers and rapists who go

about our Nation and repeat their crimes."

The gentlewoman from Texas is right. It is indeed tragic. Aimee Willard died at the hands of a convicted killer. This is a picture of Aimee. Arthur Bomar murdered her. He was released from prison after spending less than 12 years for killing a person over a parking lot spot. This guy was no model prisoner by any stretch of the imagination. While he was in prison, he also violated other prisoners and guards. If Bomar was simply kept in prison after his first murder, Aimee Willard would be alive today. What a needless waste.

Aimee Willard's death is not an isolated incident but part of a totally preventable crime epidemic, recidivist attacks by released convicted murderers, rapists and child molesters.

Politicians talk tough on crime, but here are statistics that you will not see in a campaign commercial. The average time served for rape is 5½ years; for child molestation, 4 years; and for murder, for murder, the worst crime that I can imagine, 8 years. As a direct result of this leniency, every year more than 14,000, let me say that again, every year more than 14,000 rapes, murders and molestations, crimes against children, are committed by previously convicted and released murderers and sex offenders; 14,000 crimes that by definition are 100 percent totally preventable.

The toll on children is devastating. Each year over 80 children are murdered, 1,300 are raped, and 7,500 are sexually assaulted by released murderers, rapists and child molesters. It is not as if murderers, rapists and molesters become Boy Scouts after their release from prison. The recidivism rates for these sex offenders are especially high. As the best experts who have studied this issue will tell you, Once a molester, always a molester. The Department of Justice found in 1997 that within just 3 years of release from prison, an estimated 52 percent of discharged rapists and 48 percent of other sexual offenders were rearrested for a new crime, often a sexual offense. Behind the statistics are grisly threats by sex offenders eligible for release. Here is a quote from one of them.

This molester warned: "I am doomed to eventually rape, then murder my poor little victims to keep them from telling on me. I might be walking the streets of your city, your community, your neighborhoods."

The amended version of H.R. 894 would provide additional funding to States that convict a murderer, rapist or child molester if that criminal had previously been convicted of one of those same crimes in another State. The cost of prosecuting and incarcerating the criminal would be deducted from the Federal crime assistance funds intended to go to the first State, in other words, the State that lets them go, that is irresponsible, loses some of their Federal crime assistance

funds and it goes to the new offended State. Aimee's Law would finally hold States accountable for mistakes that shatter lives.

We have heard on this floor and in campaign stump speeches for many years that we need to get back to personal accountability, personal responsibility. How about a little bit of government accountability? How about a little bit of government responsibility?

A safe harbor has been added to the bill which would not require the funds to transfer if the criminal has served 85 percent of his original sentence and if the first State was a truth-in-sentencing State with a higher than average typical sentence for the crime.

Of course, States have the right to release these convicted murderers, rapists and child molesters into our cities and neighborhoods; and this bill does not force them to do otherwise. However, the question is, who should pay when one of these violent predators commits another rape or sex offense in a different State? Should Pennsylvania, which has already paid a huge human cost with the loss of Aimee Willard, have to pay for the prosecution and incarceration of another killer, Arthur Bomar? Or should Nevada, which knew that Arthur Bomar was a vicious killer but decided to release him anyway? They said he was safe. Obviously they thought he was safe, or they would not have released him on society. So who should pay for these carnage costs? The State who let the guy loose, the irresponsible State, or the State that is now a victim as well? I think the answer is obvious.

The law enforcement community in particular understands the importance of this legislation. The Nation's largest police union, the National Fraternal Order of Police, strongly backs this bill. Their president wrote in a letter, an endorsement letter to me yesterday, and I am quoting: "One of the most frustrating aspects of law enforcement is seeing the guilty go free and, once free, commit another heinous crime. Lives can be saved and tragedies can be averted if we have the will to keep these violent, terrible predators locked up. Aimee's Law addresses this issue smartly, without federalizing crimes and without infringing on State and local responsibilities of local law enforcement by providing accountability and responsibility to States who release their murderers, their rapists and child molesters to prey yet again on the innocent."

The revolving door of our criminal justice system can be more than frustrating to law enforcement officers. It can be fatal. A New Jersey police officer, Ippolito Lee Gonzalez, was killed by a released convicted killer, Robert Simon. Simon spent 12 years in a Pennsylvania prison for killing his girlfriend for refusing to engage in sexual relations with his motorcycle gang. The judge who sentenced Simon in Pennsylvania on his first murder conviction had written to the State parole

board that Simon should never, never see the light of day in Pennsylvania or any other place in the free world. But he got out. Officer Gonzalez's brother testified at a congressional hearing on Aimee's Law that if this bill had been in effect previously, my brother would still be alive today.

Victims rights and child advocacy groups also strongly endorse this bill. Childhelp USA, Klaas Kids Foundation, Kids Safe, Mothers Outraged at Molesters, and the list goes on and on and on. Editorial boards across America have called for the passage of Aimee's Law. The Delaware County Times, for example, recently offered in an editorial, "Time for the House to enact Aimee's Law": "We see this consideration of Aimee's Law as a step in the right direction as it puts a victim's face on the problem of repeat offenders and the need to place responsibility on the shoulders of our State prisons."

A paper from my home State, the Arizona Republic, asserted that "Congress should pass Aimee's Law for the men, women and children whose lives are shattered, sometimes extinguished by violent criminals who should have never been released from prison. Aimee's Law creates a strong financial incentive for States to impose stiff sentences on violent offenders. And it deftly does it without imposing Federal regulations."

Another paper, the Richmond Times-Dispatch, used the following rationale to support Aimee's Law: "Giving a one-way bus ticket to a sex offender might improve the community he leaves but it is equivalent to the shipping of toxic waste to unsuspecting States. Aimee's Law would make States bear the cost of such a repugnant practice. It is good legislation that the House should pass and the President should sign into law."

Of course, no bill satisfies everyone. Some argue that Aimee's Law responds to a problem that does not really exist. Does not exist? Once again, I refer to the Justice Department's own statistics: 8 years for murder, 5½ for rape, 4 years for molestation of a child. And 13 percent of men convicted of rape serve absolutely no prison time at all. Thirteen percent of rapists do not even spend one day in prison.

I thank all of those who have worked tirelessly to pass Aimee's Law. Particularly, I thank the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Washington (Mr. SMITH) for their long-term commitment and bipartisan support on this project. I also appreciate the efforts of the gentleman from Texas (Mr. ARMEY), the majority leader; and the gentleman from Texas (Mr. DELAY), the majority whip for their assistance in advancing the legislation. I also owe the gentleman from Illinois (Mr. HYDE) a debt of gratitude for discharging the bill from the Committee on the Judiciary and the gentleman from Florida (Mr. MCCOLLUM) for convening two hearings on this bill.

Aimee's Law will finally bring some accountability to the States who choose to be irresponsible and release convicted murderers, rapists and child molesters back into society. Enactment of the bill will spare families from the needless tragedy experienced by Aimee Willard's family and thousands and thousands of countless other families across the Nation. Whose side do you come down on? The 40 or so law enforcement, child advocacy and victims rights groups that have endorsed Aimee's Law enthusiastically, or the convicted murderers, rapists and molesters and their apologists? Please do the right thing and vote for Aimee's Law.

Mr. ROYCE. Mr. Speaker, will the gentleman yield?

Mr. SALMON. I yield to the gentleman from California.

Mr. ROYCE. Mr. Speaker, I would just like to point out that when the author of the bill makes the statement that 13 percent of these rapists will serve no time at all, that is 13 percent of those caught and convicted. And there is only 10 percent in the United States of rapists that are actually even brought to trial. What is truly appalling and what this bill attempts to mitigate is the fact that there are 14,000 murders and rapes and sexual assaults that in a way occur needlessly in this society every year because those are repeat offenders who should in fact be behind bars. They have already committed that offense once. Now they are committing it again.

One in eight of the major crimes that we see in this category are second-time offenders that have come from a different State and frankly, had the law been applied correctly, they would not be out on the street. These are appalling figures that have been cited here by the gentleman from Arizona, when we consider that victims of rape do not get a second chance at security, victims of child molestation do not get a second chance at innocence, and victims of murder do not get a second chance of life.

By the same token, rapists, child molesters and murderers should not be given a second chance only to inflict their terror on other helpless victims. I believe this bill is a first step toward combating recidivism by making a State that releases a murderer or rapist from prison financially responsible for incarceration and for apprehension and prosecution if the felon commits another violent crime in a different State. The bill would also allow us really for the first time to tally precisely the number of crimes committed by previously convicted offenders who go in and out of that revolving door of the criminal justice system from State to State committing these types of crimes.

When I was in the California State senate, I authored an anti-stalking measure after four local women were killed in the span of 6 weeks. Each one of these women fearing for her life had

sought police protection only to be told that there was nothing that law enforcement could do until she was physically attacked. One police officer told me that the hardest thing he ever had to do was to tell a victim that there was nothing he could do until the woman was attacked, only to find her subsequently murdered.

That is the reason that we are trying to reform these laws. By passing the No Second Chance for Murderers, Rapists or Child Molesters Act, we can prevent further tragedies.

□ 1100

Aimee's Law is common sense law. We must stiffen sentencing and parole guidelines to ensure that murderers and rapists do not go free to commit these crimes again in a different State.

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

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

I too have compassion for Aimee. Her tragedy reminds us that we need to do all we can to prevent situations like this from happening in the future. However, this bill does not do that, and that is why I rise in opposition to the bill.

The bill provides that if certain convicts are released from one State and then go to another State and commit certain crimes, that the first State will have to pay the second State's costs associated with that crime. But, if the State has adopted one of numerous truth-in-sentencing schemes, then they do not have to pay.

Well, Mr. Speaker, no one seriously thinks that the payments by the State would deter a murderer from committing an additional crime, and no one can honestly believe that the incentives in the bill will provoke a State into adopting a truth in sentencing scheme, because the costs associated with the crime are measured in the hundreds of thousands of dollars and worse, and some of these sentencing schemes, when Virginia adopted Truth in Sentencing, it cost billions, not hundreds of thousands, not millions; billions. So that no State is going to implement this program because of this bill.

Now, we were asked by the sponsor a question of whether a pedophile should have a second chance. The bill does not require a longer sentence; it provides one exception of the \$100,000 payment if one has adopted the truth in sentencing scheme. Ironically, this 13 percent that do not serve any time at all, they did not get any time, they served 85 percent of nothing. So that would not be a violation of the situation.

The fact is, Mr. Speaker, that the truth in sentencing schemes have been studied. The Rand Corporation studied it last year, and they could find no evidence that truth in sentencing schemes did anything to reduce crime. Therefore, the bill is, and I quote, "onerous,

impractical and unworkable. It is worse than an unfunded mandate. It is certain to generate a morass of bureaucracy; it is enormous and costly, with a probable public safety impact of zero."

Now, those are not my words; those are the words of the National Governors' Association, the National Conference of State Legislatures, the Council of State Governments, the Department of Justice and a noted criminologist. Yet, despite all of these very critical descriptions, the bill comes before us in an amended form on the suspension calendar without ever having been marked up in committee.

Now, I am aware, as everyone here, that no good politician should vote against a crime bill named after somebody. However, I think that before we vote on the bill, we ought to have the evaluations from those who have evaluated the bill and what they actually thought about it. Since those who have evaluated have such strong concerns about it, I suggest that the Members ask their State legislatures and ask their governors whether or not they believe that it will reduce crime or whether it will simply allow Members of Congress to take credit for passing a good sound bite and continue to avoid doing all of what the experts say will actually reduce crime, and that is investing in prevention and early intervention programs.

Mr. Speaker, at this point I will include for the RECORD portions of letters from the National Governors' Association, the National Conference of State Legislatures, the Council of State Governments, Frank Zimring, a law professor from the University of California at Berkeley, and from the Department of Justice, all of which are critical of the bill.

[Excerpt from letter dated August 30, 1999 to the Honorable Robert C. Scott, U.S. House of Representatives from the Council of State Governments:]

AIMEE'S LAW

S. 254: "Aimee's Law": When an offender convicted of one of several violent offenses serves an insufficient amount of his sentence in prison and, following his release, commits a similar offense in another state, the first state must reimburse, out of its JAIBG monies, the second state for the cost of apprehending, prosecuting, and imprisoning the offender.

H.R. 1501: Similar provision.

Recommendation: Strike this section.

It appears that few, if any states, comply with the conditions set forth in "Aimee's Law." At least one of the sentencing requirements is far more stringent than any of the standards provided in the violent Crime Control and Law Enforcement Act of 1994. Accordingly, as a result of this provision, each of our jurisdictions is likely to lose part of its JAIBG funding. Furthermore, the provision is almost certain to generate a morass of bureaucracy to monitor compliance with the law and to account for subsequent adjustments to block grant amounts awarded to states.

In addition, although "Aimee's Law" seeks to punish states where adults are incarcerated for an insufficient length of time, it appears to penalize various programs, including those that serve juvenile offenders, by reducing a state's JAIBG allocation. Lastly, the premise of the bill (allowing one state to be reimbursed for another state's failure to meet truth-in-sentencing standards set by Congress) sets a precedent that has implications far beyond criminal justice.

[Excerpt of testimony dated May 11, 2000 presented by Frank Zimring, professor of Law and Director, Earl Warren Legal Institute, University of California at Berkeley to the House Judiciary Committee Subcommittee on Crime:]

STATEMENT OF FRANKLIN ZIMRING

Mr. ZIMRING. Thank you, Mr. Chairman. I am not here so that you folks can hear my views or my values. I think I have been solicited as a technical expert on the Federal criminal law. I will be submitting for inclusion into the record a brief article Gordon Hawkins and I wrote in the annals of the American Academy of Political and Social Signs on Federal Jurisdiction. What I would like to do with 5 minutes now is read only two paragraphs of my statement and a brief box score on the detailed policy analysis that has been submitted to the members of this committee; and then if there are questions about the specifics of that, we can come back to it.

The four bills that are before you are prime examples of the legislative frustration that is generated by limited Federal criminal jurisdiction because Federal criminal justice accounts for about 7 percent of all the prisoners in the United States; and a much smaller percentage of violent and sex crime prosecutions, probably less than 1 percent of nonbank robbery violence and sex; and that means that House Members wish to denounce crime and also want to take steps to make our communities safer, but it turns out that symbolic gestures are an awful lot easier to find than measures with a strong preventive potential.

In my view, all four of the proposals that are before this committee have very strong sort of symbolic value. They make a stand against crime, but none of the group of proposals before the committee is a promising method of legislating public safety. Now, the four proposals you have use four completely different strategies to get around this frustration of limited Federal criminal justice impact. One tries to use the financial carrot. That is House bill 894. Another, 4045. Looks at Federal offenders only. Third, 4047 looks at only Federal offenders but will take account for prior State records as well. And 4147 is about one of the very few Federal criminal laws, the obscenity law, where there are really case volumes that overlap somewhat with some kinds of child victims.

My box score on House bill 894 is that its probable impact is going to be zero because the cost of the fine to a particular State is a very small fraction of the cost of mandatory life without possibility of parole sentences for the long laundry list of crimes which are prevented. The maximum fine is \$100,000 to the victim plus the actual cost of confinement and case processing. That is about a \$100,000 more than the case would have cost with an LWOP in the * * *

[Excerpt from testimony dated May 11, 2000 presented by the Honorable Mike Lawlor, member of the Connecticut General Assembly and vice chair of the Law and Justice Committee of the Assembly on State-Federal Issues for the National Conference of State Legislatures to the House Judiciary Committee Subcommittee on Crime:]

Chair, House Judiciary Committee, Connecticut General Assembly, on behalf of the National Conference of the State Legislatures, House Judiciary Committee Subcommittee on Crime, May 11, 2000.

My name is Mike Lawlor and I serve as vice chair of the Law and Justice Committee of the Assembly on State—Federal Issues, a part of the National Conference of State Legislatures. I am here today representing NCSL. Aimee's Law attempts to solve a problem that no longer exists. If enacted, Aimee's Law would create a mechanism sure to be used in other policy areas, like gun control, public health, education and tobacco. Although well intentioned, Aimee's Law is worse than an unfunded mandate. Its retroactive application will pit one state against another and turn already limited federal law enforcement assistance funds into a superfund of sorts for clever state budget balancers. In general, the NCSL believes that Congress should not substitute national criminal laws for state and local judgment and we ask you to work in partnership with state and local governments to achieve truth in sentencing, especially for violent offenders.

AIMEE'S LAW IS WORSE THAN AN UNFUNDED MANDATE

The proposed mechanism appears to be retroactive and will penalize states for parole and early release decisions made twenty or thirty years ago. Instead of relying on federal assistance based on my state's willingness to adopt state-of-the-art criminal justice policies, Connecticut will be forced to focus on identifying current defendants and prisoners who have been convicted previously of homicide rape or sexual abuse of children in other states. We will be forced to do so in order to offset the federal funds we will certainly lose as our former inmates are prosecuted or incarcerated in other states.

The fact is that no state required violent offenders to serve 85% of their sentences until the mid 1990's and no state in the nation currently requires a life sentence without possibility of release for all of the crimes listed in H.R. 894. Should this proposal become law, every state will be subject to the loss of most, if not all, federal law enforcement assistance. The states with the quickest and most thorough researchers will reap the windfall. If this proposal is enacted, Connecticut plans to identify every offender in or data base who has an out of state record for any of the listed crimes and pursue reimbursement for all of the listed expenses. I'm sure that every other state will do the same. In the end, we would lose our annual law enforcement grants to other states and we would hope to recoup at least that much from other states. I'm not sure what the point of this bureaucratic exercise would be.

AIMEE'S LAW CAN BE USED IN OTHER PUBLIC POLICY AREAS

"NCSL strongly urges federal lawmakers to maintain a federalism that respect diversity without causing division and that fosters unity without enshrining uniformity." NCSL policy statement adopted July 1998.

Aimee's Law allows individual states to punish other states that have failed to adequately deal with an individual who creates a burden on the state. In this case, violent criminals released early in one state who

victimize someone in a new state create a cause of action against the original state. The penalty is automatic assuming the statutory criteria are met and the funds are readily accessible. The simplicity is appealing and can be adapted to fit other policy areas.

For example, Congress could authorize states to make a similar claim against federal law enforcement funds when one of their citizens is injured or killed by a person who bought a handgun at a gun show in a state which does not require a background check for all gun sales, both public and private. Connecticut allows only licensed individuals to purchase handguns, whether in a store, gun show or living room, and all sales require a check with the state police.

Another use of such a mechanism would be for states to make a claim on another state's Medicaid reimbursement if a chronically ill person requires hospitalization in a new state and after receiving inadequate care in the old state. Perhaps states with relatively lax enforcement of teenage smoking rules should have to forfeit federal funds to other states that must care for seriously ill lifetime smokers. States with substandard schools could forfeit federal educational assistance grants to states providing remedial services to students whose families have moved from one state to another.

My state would benefit under all of these rules. However, each such rule would undermine the diversity and unity that have been the bedrock of our federal system.

AIMEE'S LAW SOLVES A PROBLEM THAT NO LONGER EXISTS

This proposal punishes states for decisions made in the past. Early release of violent offenders was commonplace in every state ten or fifteen years ago. But, the impact of Aimee's law will be felt in the future. There is no law my state can enact which would protect us from the penalties suggested in this legislation.

Offenders sentenced for murder, rape, sexual abuse of children and other violent crimes under current state truth in sentencing rules will not be released for decades. Connecticut, for example, recently ranked 6th nationally in percentage of time served on a violent crime sentence. On average, Connecticut violent offenders served 68% of their sentences, ranking behind Vermont (87%), Missouri (86%), Arizona and Washington (74%) and Minnesota (69%). That ranking is based on 1997 data. In 1998, violent offenders in my state served on average 74.7% of their sentences.

Also in Connecticut, persons convicted of murder are not eligible for parole under any circumstances. As of October 1, 1994, good time credits are not available to any offender. Therefore, persons convicted of murder serve every day of the sentence imposed by the court.

Lengthy sentences and truth in sentencing have become the rule rather than the exception for the crimes of murder, rape and child molestation in almost every state. As a state legislator, I ask that you help us continue our efforts to insure that violent criminals receive and serve appropriate sentences rather than punishing us for our inability to handle the surging tide of criminal cases and prisoners which began in 1980 and continued unabated until very recently. Many states need assistance developing alternative forms of punishment for less serious, non violent prisoners to free up cell space for serious, repeat violent offenders. We are badly in need of more specialized treatment for mentally ill and drug dependent offenders which have overwhelmed our prisons and jails.

AIMEE'S LAW IGNORES SEVERAL IMPORTANT FACTS

The "No Second Chances for Murderers, Rapists or Child Molesters Act of 1999" does

not take into account the diversity of criminal statutes and the lack of uniformity in sentencing systems. It is almost impossible to develop a formula that appropriately acknowledges the unique aspects of criminal law and procedure in each of the fifty states. My state punishes sexual abuse of a fourteen year old just as severely as sexual abuse of a thirteen year old. Your proposal creates a distinction not recognized in our criminal records. Your definition of "sexually explicit conduct" would include conduct that would otherwise be a misdemeanor in Connecticut. Given the high financial stakes, many states would stretch those definitions to cover compensation for arrest and prosecution of many sexual offenders who typically receive sentences of probation or jail.

The proposal also risks diverting crime victim compensation money to violent offenders themselves. Many homicide victims are drug dealers with bad aim. A \$100,000 entitlement for less-than-innocent victims is a bad idea. Connecticut and many states with crime victim compensation programs apply standards to claims for financial assistance to exclude "guilty" victims and federal mandates should respect those distinctions.

In recent years the Subcommittee on Crime has provided important leadership to state and local governments in the fight against violent crime. We in state legislatures throughout the nation hope to continue working with you in partnership to ensure that recent reductions in the level of violent crime can be sustained. We think Aimee's Law and proposals of this type undermine the long-standing tradition of respect for state and local responses to crime.

[Excerpt from letter dated May 10, 2000 to the Honorable Robert C. "Bobby" Scott, ranking minority member of the Subcommittee on Crime of the House Committee on the Judiciary from the Honorable Robert Raben, Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice:]

NO SECOND CHANCES FOR MURDERS, RAPISTS, OR CHILD MOLESTERS ACT OF 1999, OR AIMEE'S LAW (H.R. 894)

This bill "encourages" states to give lengthy sentences to individuals convicted of murder, rape, or child molestation (as defined by the bill). Specifically, it denies federal law enforcement assistance funds to the state that releases a murder, rape or child molestation felon who then commits the offense a second time, and gives the money to the state that must prosecute the felon again, to reimburse it for the costs of prosecution and incarceration. The bill also seeks to reimburse the victims of the offenses. In addition, the bill requires the Attorney General to collect recidivism data on felons convicted of murder, rape or any sex offense where the victim is under 14 and the offender is under 18.

While we believe that the bill is well-intended, the Department has numerous concerns about this bill, which we think will present significant enforcement challenges and will do little to achieve the laudable goal of protecting children.

Definitions

H.R. 894 fails to define numerous critical terms in a manner that would allow clear, efficient enforcement of the law. For example:

The bill contains definitions such as "dangerous sexual offense," which include victim and offender age requirements (14 and 18, respectively) that do not correspond to legal terms included in most state statutes.

Also, H.R. 894 does not define who qualifies as a "victim." This is a critical omission, given that this legislation requires that one state pay another up to \$100,000 to "each victim (or if the victim is deceased, the victim's estate)" in certain situations.

The costs of "prosecuting," "apprehending," and "incarcerating" offenders would be difficult to ascertain for purposes of reimbursement. Such costly will invariably vary from investigation to investigation.

The bill does not clearly identify from which "federal law enforcement funds" these transfers would come. If this term means the Byrne grant program, it would have the unintended consequence of withholding funds that are channeled to law enforcement for policy decisions that are implemented by the judicial branch and corrections agencies.

Availability of Data

H.R. 894 has a requirement that the Department of Justice track and report on an offender's status as a repeat offender (See section 4(a)(2)). The bill does not make clear if the requirement is prospective or retrospective; nor does the language create a time limit between the prior and subsequent convictions. If this requirement were applied retrospectively, it would take many years to develop this historical archive of criminal history data for every offender convicted of the violent crimes enumerated in this section. The collection of this information would be an enormous and costly undertaking and would require the creation of a major national data center to collect and match records submitted by the states to records held by the states and complete cooperation of all the states in conducting background checks of persons convicted in other states of the relevant offenses.

Unintended Consequences and States' Rights

Provisions of this legislation may help create a false sense of security about the ability of the justice system to identify and punish violent offenders. For example, some offenders plead to less serious offenses, and so may not be identified through whatever interstate communication system would support the implementation of these provisions, as a risk for other states. In addition, the provisions of this bill undermine the rights of state governments to determine sentencing policies appropriate to their fiscal, social and political climates.

ALTERNATIVES

The Justice Department would be happy to work with the Committee to develop a more workable alternative.

Finally, the Committee should note that the Department currently is supporting, as key priorities, a number of initiatives to strengthen oversight of sex offenders:

The NIC has created an Advisory Group, comprised of justice system practitioners, to study and amend the Interstate Compact on Probation and Parole. This group proposed amendments to the compact, and has made uniform legislation available to all states for year 2000 legislative deliberation.

As Aimee's Law focuses primarily on interstate travel by felony sex offenders, we have now implemented the FBI's National Sex Offender Registry, which came online in July, 1999. This system, coupled with provisions in the Pam Lychner Act and the Interstate Compact, can provide the infrastructure to assist states in appropriately identifying and monitoring individuals that may be dangerous to the community.

The OJP, NIC and SJI have been supporting the Center for Sex Offender Management, which has developed a model of intensive supervision of serious sex offenders by coupling lifetime probation with offender-appropriate treatment and polygraph to monitor their behavior.

[Excerpt from letter dated August 5, 1999 to the Honorable Henry J. Hyde, chairman House Committee on the Judiciary and the Honorable John Conyers, ranking minority member of the House Committee on the Judiciary from the Honorable Thomas R. Carper, governor of Delaware and chairman of the National Governors' Association; the Honorable Michael O. Levitt, governor of Utah and vice chairman of the National Governors' Association; the Honorable James B. Hunt, governor of North Carolina and chairman of the Human Resources Committee of the National Governors' Association; and the Honorable Mike Huckabee, governor of Arkansas and vice chairman of the Human Resources Committee of the National Governors' Association:]

AIMEE'S LAW (TITLE XVI, SECTION 1610 OF S. 254, AND TITLE I, SECTION 103 OF H.R. 1501)

This provision would allow the U.S. Attorney General, in prescribed circumstances, to deduct Byrne funds from State A and pay those funds to State B, to reimburse State B for the criminal justice system costs of a defendant convicted of murder, rape, or a dangerous sexual offense who has a prior conviction for a similar offense in State A. State A's Byrne funds would be reduced in such cases if State A cannot meet one of three criteria: it has adopted truth-in-sentencing (TIS); the particular defendant served at least 85 percent of the imposed sentence; or the state's average term of imprisonment for the offense is at least 10 percent above the average for all the states.

This mandate is onerous, impractical and unworkable for several reasons. First, even though many states have adopted TIS, interpretations of the meaning and the percentage of time served vary among the states. Second, some states require offenders to serve 85 percent of their time, while other states may require offenders to serve 100 percent of their time. These variances will impact the calculation of the third criteria, which is that the "state's average term of imprisonment for the offense is not less than 10 percent above the average for all states." Third, sources at the U.S. Department of Justice say it would be difficult to obtain and measure the data or to maintain a consistent average for reasonable periods of time. Fourth, the "average" would be a constantly moving target, requiring recalculation every time a single state legislature enacts a change in the sentence for covered crimes. A change by one legislature would affect other states without warning. Moreover, a crime that would trigger a Byrne fund transfer could occur before the legislature of a state falling below 10 percent, through no fault of its own, has the opportunity to meet to consider changing its law to keep its sentence/s at or above the 10 percent mandate. Each state would have to constantly monitor the legislative actions of every other state in an effort to be sure that it stayed at or above the 10 percent criteria. Therefore, we strongly urge the conferees to delete this section from the final bill. Governors remain eager to work with Congress to develop reasonable, practical, workable ways to make sure serious violent offenders serve appropriate sentences.

CORE REQUIREMENTS

Governors have always supported the underlying principles of the juvenile justice bill and believe states should be given maximum flexibility to implement the spirit and purposes of the act. We appreciate the fact that both bills give more flexibility on the core requirements. Furthermore, we appreciate that under both bills, states would receive 50 percent of their funds, then 12.5 percent for complying with each principle.

However, S. 254 adds a fifth core requirement, which is both unnecessary and upsets the funds distribution formula just mentioned. S. 254 mandates that juveniles who possess illegal firearms in schools be taken to court and detained for at least 24 hours if the court determines that they are a danger to themselves or others. If states do not enact such a law, they will lose 10 percent of their juvenile justice funds. The goal of this provision is good, but it should not be a mandate. We urge you to delete this mandate from the final bill.

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

Mr. SALMON. Mr. Speaker, we have several people on this side that would like to speak; therefore, I ask unanimous consent for an additional 20 minutes debate on H.R. 894, as amended, 10 minutes to be controlled by myself and 10 minutes to be controlled by the gentleman from Virginia (Mr. SCOTT).

The SPEAKER pro tempore (Mr. KUYKENDALL). Is there objection to the request of the gentleman from Arizona?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I hope the gentleman would proceed as quickly as possible. The Committee on the Judiciary is waiting for this bill to conclude so that we can complete a lot of work that we have been handling, so I would hope that the gentleman would proceed as quickly as possible.

Mr. Speaker, I withdraw my reservation of objection.

Mr. SALMON. Mr. Speaker, I thank the gentleman.

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

There was no objection.

Mr. SALMON. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. WELDON) who represents Aimee Willard's family.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise in strong support of Aimee's Law.

Aimee Willard lived 2 miles from my home. Aimee Willard went to the same schools that my children attended. Aimee Willard played in the same parks that my kids played in. Aimee Willard's family, being in the same school district that I lived in, went through the same kind of experiences in life that my kids went through, that my neighbors' kids went through. She was an ordinary kid, but she was also very extraordinary. She was an outstanding lacrosse and soccer player, and went on to become one of the top stars at George Mason University. She was an outstanding student. She had many friends, many who knew her, and although I did not have the pleasure of knowing her personally, her friends would say frequently that when Aimee was around, everyone was happy.

Aimee Willard did nothing to offend anyone. She cared about animals, she cared about people, she loved life. Aimee Willard was struck down by an

animal. There is no other word, Mr. Speaker, an animal. As she was driving home from an event with her friends on one of our major interstate highways, she was struck by a car behind her, causing her to pull over. She was abducted, she was raped, and she was brutally murdered. Her body was found the next day in a dumpster with two trash bags over her head and a stick between her legs. That was Aimee Willard's response to a life of wanting to help people.

Now, the man who has since been convicted and sentenced to death for killing her was an animal, he was an animal, because he had killed someone else in Nevada, because they parked in his place at his apartment complex. But he only served 11 years of that life sentence. But in prison, as the gentleman from Arizona (Mr. SALMON) said, he had a felony conviction for assaulting another prisoner and he also had a conviction for an assault on a woman who was visiting him in prison. But the Nevada prison officials just did not get it. So after 11 years, they put Arthur Bomar on the street. Arthur Bomar came to Pennsylvania and he snuffed out the life of this bright, energetic, future leader for America. She may have been a sports star, she may have become a teacher, she may have become a Member of Congress, but an animal struck her down.

Now, who should pay for that? The family cannot be compensated. Their daughter is gone, gone forever, snuffed out in the prime of her life, 22 years of age. Who should pay? Sure, Arthur Bomar is going to pay. Hopefully this time he is sentenced to life in prison and he will serve life in prison. But who else should pay? Pennsylvania spent hundreds of thousands of dollars to track down, try and convict Arthur Bomar, when it was Nevada who let him out after 11 years. This law says, Nevada will pay. If a State wants to let a convicted killer out on the street, a rapist on the street, a child molester on the street, then that State will pay the price, not the State that has to retry, recapture, and resentence the individual who did the brutalest of a brutal assault on a person like this.

One of my colleagues said there are those who are against it. Well, naturally those in the States do not want to bear any responsibility. Well, duh. What do we think they are going to say, that they are going to come out and support it? I mean, we all have brains. Every victim and witness association in this country supports Aimee's Law, and that is what matters. I do not care what the governor association says and I do not care what the conference of state legislatures said. I know what is right, and people like victims of Aimee Willard's family deserve to know, in her name, that it will never happen again or those States where the person first committed the crime will pay the bill.

Mr. Speaker, I urge my colleagues, as they did a short time ago by a vote of 412 to 15, to pass Aimee's Law.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I am a cosponsor of Aimee's Law legislation, and I rise in support of the bill, although I share the concern of the gentleman from Virginia (Mr. SCOTT) that the bill should have come through committee and we should have had the committee process work. We see that happen too often here on this floor, whether it be the week before the July recess with prescription drugs or managed care reform, or anything. I think we are subverting the will of this House when we do not use the committee structure the way it is supposed to be, not just to conduct hearings, but also to have the committee's vote on this legislation.

But be that as it may, I support this bill. The only crimes that are more heinous than murder and rape are those same crimes committed against children. I believe that individuals who commit violent or sexual crimes against children should spend the rest of their lives in prison. If, however, a State believes that such a criminal has been rehabilitated and decides to release this person back into society before the end of his prison term, then it should be held responsible if that person commits that crime again in someone else's neighborhood or someone else's State. Under Aimee's Laws, those States who are irresponsible and release violent criminals would pay to incarcerate these criminals in the other State.

This is a fair and just approach, and I urge my colleagues to support this legislation.

Again, as a former State legislator for 20 years, I know the opposition to this bill, but I also know that the States need to make that decision so they do not export their problems to other States.

Mr. SALMON. Mr. Speaker, I yield 2½ minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me this time.

This is an important day, not just for this bill, but I think also for the House as we decide which path we are going to take in response to some of the good news that we have seen recently in crime. We have seen some genuine good news. We have seen some reduction in violent crime. We have seen some reduction in property crime.

We have two ways to respond. We can respond as some would suggest by perhaps resting and shifting our attention away to other issues, or we can respond, as the gentleman from Arizona is responding, by redoubling our efforts and pushing on towards victory.

I know the polls and pundits are saying that people no longer care as much about crime issues, but, I say to my

colleagues, we are here to lead. We are here to meet challenges. This bill is about pushing on to victory.

We know that the vast majority of crimes in this Nation are committed by a very small percentage of criminals, a small number of ruthless thugs and animals who commit their crimes over and over and over again. These numbers right here that the gentleman from Arizona presented for us, this is all we need. This is all we need as an argument in favor of this bill.

We heard the previous speaker talk about Aimee's Law and the terrible tragedy that Aimee's family has faced. What is even a greater tragedy is that it was not an isolated incident. There are tragedies just like Aimee's all over this Nation. There was one in my district just a matter of days ago. A young lady, age 19, out innocently jogging in the City of Kaukauna, Wisconsin, a small, quiet socially conservative community. As she went out jogging, she was attacked from behind and knifed to death by a thug, by an animal who had been previously convicted of a violent crime in New York, but he had been let out. He was let out, he came to Wisconsin, and he brutalized a family and a community. This must end, and with the passage of this bill, we will get there.

Mr. Speaker, I commend the gentleman. This is a wonderful tribute to his work here in the House of Representatives and to the family of Aimee Willard. Let us pass this bill.

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

Mr. SALMON. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I thank the gentleman from Arizona for bringing this bill forward and yielding me this time today.

I strongly support Aimee's Law. It just is something that makes common sense to provide incentives to States so that they will make sure that violent criminals serve at least 85 percent of their original sentence.

□ 1115

If criminals do get out early from prison and if they do go to another State to terrorize yet another community, then some of the funding from the first State should go and will be sent to the second State to cover the costs of locking up that criminal. It seems fair to me.

More than 14,000 murder, rapes, and sexual assaults are committed each year by previously-committed murderers and sex offenders. In my community, that is one of the biggest concerns and complaints of the police is that they are constantly seeing the revolving door of locking up the same people over and over. One of eight of these 14,000 murders, rapes, and sexual assaults are committed in a second State.

Each year 80 children are murdered, 1,300 are raped and 7,500 are sexually

assaulted by these murderers, rapists, and child molesters. Mr. Speaker, we need to lock up these violent criminals who play the system. That is exactly what they do, they play the system because they know they can get away with it. They destroy our children's lives.

I urge my colleagues to support Aimee's Law.

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

Mr. Speaker, nobody seriously thinks a State will be provoked into adopting a multi-billion dollar sentencing scheme to avoid a couple of hundred thousand dollars in terms of punishment under this bill, particularly when that multi-billion dollar sentencing scheme, according to the Rand study last year, shows no evidence of reducing crime.

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

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

Mr. Speaker, I might respond to the gentleman's comments. He said no one seriously believes. I take umbrage with that. There are many people who believe that, 412 who voted in the House, 80-some in the Senate, the National Fraternal Order of Police, representing thousands and thousands of police officers across the country, and all the victims' rights groups that we mentioned. So obviously someone believes that.

Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I rise today to strongly support this important law enforcement legislation. I am proud to be an original cosponsor of the original Aimee's Law and legislation, and have voted on this provision in the juvenile justice bill earlier this year.

Those who prey on innocent children do not deserve repeated opportunities for freedom. This bill, also known as the No Second Chances for Murderers, Rapists, and Child Molesters Act of 1999, would encourage States to increase penalties for serious violent crimes by calling for murderers to receive the death penalty or be imprisoned for life without possibility of parole.

Those convicted of rape or dangerous sexual offenses involving a child under the age of 14 would be imprisoned for life without the possibility of parole. This legislation finally will assist local law enforcement officials by ensuring that the most dangerous criminals will not be released back to the streets to commit more deadly crimes.

Mr. Speaker, I firmly believe that we must take all necessary actions to help protect the innocent from predatory violent criminals. I believe that Aimee's Law significantly helps achieve this goal. I encourage all my colleagues to support this legislation, and thank my friend, the gentleman from Arizona (Mr. SALMON) for introducing this bill. I encourage its passage.

Mr. SALMON. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, today we have a chance to take a giant step in our fight against repeat offenders. I must commend my colleague, the gentleman from Arizona (Mr. SALMON) for bringing this important legislation to the floor at this time.

More than 14,000 murders, rapes, and sexual assaults are committed each year by previously-convicted murderers and sex offenders. About one in eight of these completely preventable crimes occurs in a second State. The average time served in State prison for rape is just 5½ years. For child molestation, it is about 4 years. For murder it is just 8 years.

It has become all too common in recent years that victims are violated by someone who has been previously convicted of a crime and then released. Many who commit murder, rape, and child exploitation cannot be rehabilitated. We owe it to our communities to put a stop to that pattern of violence. Aimee's Law will do just that. It will impede the ability of convicted felons to repeat their offenses at the cost of innocent human lives.

Too often we have heard personal stories of the terrible crimes that this legislation could help to eliminate. Ms. Jeremy Brown from my own congressional district in New York State was the only survivor of a man who raped and murdered a number of other women. Having been through this horrible ordeal and having persevered, she demonstrates tremendous courage, symbolic of the reason why we should be passing this legislation today.

To all the courageous people who hope that together we will be able to prevent future violence, our hearts, prayers, and support are with them now and always.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it is always difficult to address issues of this kind in the context of legislation because there is a tendency to think that people who oppose a piece of legislation because of concerns about the public policy applications or the cost or the bureaucracy that is created as a result of passage of the legislation are unsympathetic to the victims of crime.

So I want to start by emphasizing that nobody can be unsympathetic to the victim of a rape or sexual abuse, especially one of the kind that has the violence and animus associated with it that was directed at Aimee. We need to go out of our way to express regret and support for families.

There are parts of this bill which are actually very good, and I want to applaud the sponsors of the bill for parts of the bill, although I think there are

some other parts of the bill which cause substantial concern and which all of us ought to pay attention to and be concerned about whether we vote for or against this legislation.

Let me talk about two parts of the bill that I think are very valuable. One of those is the requirement in the bill that would provide for collection of data regarding recidivism. It requires the Attorney General to seek and obtain information for each calendar year, starting in 1999, about the number of convictions for murder, rape, or any sex offenses in the United States where the victim has attained the age of 14 years, and subsequent convictions.

This is the same kind of model that a number of us have tried to construct in racial profiling cases, for example: Let us try to collect data that better informs the legislative process so that we know whether there are repeat offenses and the extent to which there are repeat offenses taking place, and if there are repeat offenses taking place and that is a significantly higher problem in this area, then that will help inform what kind of legislative approach we ought to be using going forward.

That is a good thing in this bill. I want to applaud the Members who have supported this bill for bringing that part of the bill forward.

The bill also makes a kind of a half-hearted attempt at establishing a victim assistance fund by transferring up to \$100,000 from one State to another of the first State's funds to help the victims of rape.

Many of us are supporters of victim assistance funds, although I would submit to the sponsors of this bill and to my colleagues in the House that doing it in this way and requiring the kind of paperwork and bureaucracy that would be associated with administering the transfer from one State to another State, and having the Attorney General of the United States monitor that kind of funding, is kind of a dumb way, really, to set up a victim assistance process.

If we are going to have a victim assistance process, let us go ahead and set up the victim assistance process and fund it, and say that that is what we are doing. But at least that part of the bill starts to move in the right direction.

But there are some parts of this bill that are just dumb and unworkable, and set up a bureaucracy at the Federal level that does not justify the existence. And ironically, my friends on the Republican side who are always railing against Federal bureaucracy, they are now the ones who are here saying, let us set up this bureaucracy.

It is those parts of the bill that require States, which have already gone through a conviction and a service of time, taking money from their Federal funds and transferring it over to another State, and keeping track of two

or three States down the line and trying to figure out who has the responsibility and who should be paying for incarceration. That is just dumb.

If somebody ought to be put in jail for doing something, put them in jail for doing it, but do not set up some kind of complicated bureaucracy and come in here and beat on one's chest and say that this is something that makes a lot of sense. It does not make a lot of sense.

It is for that reason that we get the National Governors Association saying on August 5 of 1999 about this bill, and I quote, "This mandate is onerous, impractical, and unworkable." We get the National Conference of State Legislatures on May 11 of this year 2000 saying, "Aimee's Law is worse than an unfunded mandate."

I am quoting them. This is not the gentleman from North Carolina (Mr. WATT) or the gentleman from Virginia (Mr. SCOTT) saying this, this is the National Conference of State Legislatures, who know that this bureaucracy that we are creating is just dumb. All it does is create a mechanism on the floor of Congress for somebody to beat on their chest and say, we are trying to be tough on crime, and ignore the public policy rationale for what we are trying to do. There is no public policy that would support such a circuitous funding mechanism.

It is that reason that caused the Council of State Governments on August 30, 1999, to say, "The provision is almost certain to generate a morass of bureaucracy to monitor compliance with the law and to account for subsequent adjustments to block grant amounts awarded to States," because we have to have some bureaucracy that monitors the transfer of Federal funds from one State to another.

This just does not make any sense. It does not make any sense. I understand that people are outraged about what happened to Aimee, but our objective here as Members of Congress is not to let our outrage overtake our common sense and set up a bureaucracy that makes no sense; that does nothing, really, to address the real issues that we are sent here to address.

So it is for that reason that we have the National Governors Association, the National Conference of State Legislatures, the Council of State Governments all saying negative things about the bill. And we have the Department of Justice saying, "This bill will present significant enforcement challenges and will do little to achieve the laudable goal of protecting children."

There is a laudable goal that the supporters of this bill are trying to achieve. We are not arguing with that. What we are talking about is this stupid, dumb process that this bill puts in place. It is simpleminded, the process that we are putting in place to do this.

□ 1130

There is nothing wrong with the goal that my colleagues are trying to ac-

complish, and neither the gentleman from Virginia (Mr. SCOTT) nor have I said anything negative about the goal my colleagues are trying to accomplish, it is the process and the bureaucracy and the cost of implementing it that makes no sense.

Everybody at the State and the Federal level who would be involved in the process of implementing this bill have tried to point that out to my colleagues.

Finally, we have independent researchers from universities who have looked at the bill and studied it in detail saying, "the box score on House Bill 894 is that its probable impact is going to be zero."

And we are not talking about the goals of the bill. We are talking about the process that is being used. And in the final analysis, where we get to is we get to the bottom line is that some people have decided that it is in vogue to stand up and beat ourselves and pat ourselves on the back for being hard on crime without paying any attention to the way that this bill will be implemented and the impact that it will likely have.

For that, even though I applaud the laudable goals of the sponsors of this bill, I would just say to them, shame on them for using the misery of this family and these children and these young people who have been abused to make a political point.

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

Mr. Speaker, just a quick response to the gentleman from North Carolina (Mr. WATT). Apparently, he has called this dumb, stupid, shame on everybody who supported it, I guess the gentleman is talking to the 180 of your Democrat colleagues who voted for this last year as well. A clear majority, supermajority of your colleagues voted for it as well. I guess, the gentleman does not value their intelligence very much.

Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. DAVIS).

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Speaker, my friend, the gentleman from North Carolina (Mr. WATT), says this makes no sense. I think this is the ultimate common sense. In fact, if we went further and tried to tell these States what their sentencing procedures could be, we would be screaming bloody murder and the States would be really making an outcry.

Mr. Speaker, but this does hold somebody accountable for some of these prison systems that treat their prisoners like a Motel 6, they run them in and out of this. In the case of Aimee Willard, it was a life sentence and they let the guy out after 12 years and he comes back and murders again.

To hold those States financially accountable to me makes ultimate sense, and that is all we are doing. We are doing it with Federal funds, we are not

doing it with State taxes. I commend my colleague, the gentleman from Arizona (Mr. SALMON) for bringing it to the attention of the House.

Once again, I am happy to support it. This was a great tragedy. If we can avert this, just one tragedy like this, I think it would be well worth it. I would just say to my friends more than 800 murders, 3,500 rapes, 9,600 sexual assaults annually from individuals who are let go early and released early. Somebody ought to be accountable; that is what this legislation does. I am proud to be a cosponsor.

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

Mr. Speaker, 30 States would not be affected one iota by the passage of this legislation. Murderers will not be deterred from committing another murder because one State might have to pay another State some money. The point is by all people who have actually researched it they have concluded that the net effect would be zero.

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

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

Mr. Speaker, I respect very much the gentleman from Virginia (Mr. SCOTT). I know that the gentleman believes just as strongly as I do in the importance of keeping violent offenders off the street. The gentleman cited some letters and communiques from some of the bureaucrats that would be affected by this legislation.

Mr. Speaker, you know something, I really do not care if we offend these bureaucrats. We saw the statistics, 14,000 rapes, murders, molestations every year and we saw the numbers. The small sentences that these people are being given. Of course, these bureaucrats who stand to possibly lose Federal funding because of their irresponsibility and their lack of care for keeping these criminals behind bars and protecting neighborhoods, they will be affected. They will be affected.

The States that are doing a poor job keeping violent rapists, murderers and molesters off the streets, they will be affected. And, of course, their bureaucrats do not like that. They do not want to have any kind of comeuppance. They do not want to be responsible. At the end of the day, though, we have a responsibility to protect our neighborhoods.

This will make a difference. I know that I have heard from the other side that they believe this is stupid, this is dumb. Frankly, I think that brings this debate into a new low level. The fact is, this will change lives, the Fraternal Order of Police, the 40-some victims rights groups across America, the 412 Members of the House that voted for it last year all believe this will make a difference.

If it makes a difference in one person's life, it was worth it.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in strong support, but with great sadness, for H.R. 894, also known as Aimee's

Law. The conflicting emotions I feel for this bill are borne out of the tragedy that led to its introduction.

If I can take a moment now to relate to all the Members listening to this debate, the tragedy that beset Aimee Willard in June of 1996. At the age of 22, Aimee had already established herself as one of the most well-liked and successful students at George Mason University. Not only was Aimee a superb athlete, excelling at both Soccer and Lacrosse, but she had also distinguished herself in the academic arena. Therefore, there can be no doubt that Aimee was returning to her home in Brookhaven, Pennsylvania with nothing but the highest expectations for her future.

In June, 1996, Arthur Bomar made sure Aimee would never have the opportunity to enjoy the future she had worked so hard to prepare for. Bomar, who had been released in 1990 from a Nevada State Prison after serving only 12 years of a Life sentence for murder, spent late May and early June looking for another victim. This predator identified, stalked, kidnaped, raped, and finally murdered Aimee Willard; exacting on her his horrific blood-lust in a manner no human being should ever have to endure. It is my sincere belief that when he brutally attacked Aimee, Arthur Bomar divested himself of any shred of humanity he had left.

The real tragedy of what happened to Aimee in June of 1996, is that the terrible circumstances of her murder are by no means unique. When H.R. 894 passes the House today, we will be one step closer to preventing more than 800 murders, 3,500 rapes, and 9,600 sexual assaults annually. I would like to thank Representative SALMON and Senator SANTORUM for leading the congressional effort to enact the "No Second Chances" law. I would also like to personally recognize the efforts of president Alan Merten, and the entire George Mason University, faculty, staff and students, for their tireless efforts to see that no other community has to endure the pain and loss they have suffered.

With that, I urge all my colleagues to support the passage of Aimee's law.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak on H.R., 894, "Aimee's Law." This bill addresses some of the worst crimes in our society. And it is incumbent upon us to deliberate the merits of this bill carefully and to ensure that we take into account the rights of all stakeholders in this process.

"Aimee's Law" is premised on the belief that anyone convicted of murder, rape, or a dangerous sexual offense should be sentenced to death or life imprisonment without the possibility of parole.

This law provides that whenever someone convicted of murder, rape, or a dangerous sexual offense is released from prison and commits another such offense in another state, the state from which the offender was released will be liable for the cost of apprehension, prosecution, incarceration, and the victim's damages (i.e., up to \$100,000 for each victim).

The Attorney General is also directed to pay these costs and damages from the federal law enforcement assistance funds to the state of origin. The costs and damage provisions, which are paid out of federal law enforcement assistance funds, are designed to leverage states into passing tougher sentences regarding these crimes or risk losing federal funds.

I have concerns that this bill is premised on a "Sense of Congress" that anyone convicted of these crimes should be sentenced to death or life imprisonment without the possibility of parole.

Before taking such drastic actions, I believe that we need to better define the criminal offenses of which one may be convicted. I suggest that we work to narrow the definition of which crimes trigger punishment.

However, I realize, as do most Americans that prevention is the best strategy and if this type of law would provide the appropriate disincentive for potential murders or rapists, I must also recognize this benefit.

As expressed in the Subcommittee Crime hearings, this law, under the definition of Dangerous Sexual Offense in H.R. 894, does not require any age difference between victim and offender on which to base an assumption of predation.

Consequently, unlike other laws that make no such distinction, there is more potential for this bill to have an impact on the sexual abuse of American children.

As a parent, I sympathize with proponents of this bill that want adequate punishment against those convicted of sexual assault, rape or murder. I cannot however support the death penalty aspect of the bill without the simultaneous effort to improve the discriminatory and unjust implementation of the death penalty.

I agree that we must all work to prevent the killing of our youth and like other Members, I am growing weary of having to debate on bills named after murdered children. I do not enjoy hearing of another murdered child because of the failure of our laws to effectively punish repeat offenders.

As a mother, a member of Congress and founder of the Congressional Children's Caucus, I cannot in good faith support the maintenance of laws that create loopholes for sexual predators.

Every 19 seconds a girl or woman is raped, every 70 seconds a child is molested and every 70 seconds a child or adult is murdered.

Yet, despite these horrific statistics, the average time served in prison for rape is 5 years and the average time served in prison for molesting a child is less than 4 years.

We cannot tolerate the perpetuation of violent crimes against women and children any longer! This bill provides States the financial incentive to enact effective legislation that will keep repeat violent offenders behind bars. However, I am concerned that my State of Texas may not be eligible for such funds.

We cannot allow states to continue to act irresponsibly in the prosecution of sexual predators. We all need to work together to help spare families the needless tragedy of having to put to rest their children because the state failed to effectively prosecute a sexual predator.

I am horrified by the story of Aimee Willard, for which this law is named. I hope that no family will ever have to suffer through such a tragedy again, but unfortunately I know that this is not true. I support the enhanced sentencing to keep killers off the street, especially the life without parole provision.

I ask that my colleague put aside their politics and think about the children and families that have been affected because of a lack of adequate enforcement of the laws. Our children need protection now, let's work on this

legislation to overcome the concerns expressed and pass the bill so it can be signed by the President.

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

The SPEAKER pro tempore (Mr. KUYKENDALL). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill H.R. 894, as amended.

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

A motion to reconsider was laid on the table.

SENSE OF CONGRESS STRONGLY OBJECTING TO EFFORT TO EXPEL HOLY SEE FROM UNITED NATIONS

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 253) expressing the sense of the Congress strongly objecting to any effort to expel the Holy See from the United Nations as a state participant by removing its status as a Permanent Observer.

The Clerk read as follows:

H. CON. RES. 253

Whereas the Holy See is the governing authority of the sovereign state of Vatican City;

Whereas the Holy See has an internationally recognized legal personality that allows it to enter into treaties as the juridical equal of a state and to send and receive diplomatic representatives;

Whereas the diplomatic history of the Holy See began over 1,600 years ago, during the 4th century A.D., and the Holy See currently has formal diplomatic relations with 169 nations, including the United States, and maintains 179 permanent diplomatic missions abroad;

Whereas, although the Holy See was an active participant in a wide range of United Nations activities since 1946 and was eligible to become a member state of the United Nations, it chose instead to become a non-member state with Permanent Observer status over 35 years ago, in 1964;

Whereas, unlike the governments of other geographically small countries such as Monaco, Nauru, San Marino, and Liechtenstein, the Holy See does not possess a vote in the General Assembly of the United Nations;

Whereas, according to a July 1998 assessment by the United States Department of State, "[t]he United States values the Holy See's significant contributions to international peace and human rights";

Whereas during the past year certain organizations that oppose the views of the Holy See regarding the sanctity of human life and the value of the family as the basic unit of society have initiated an organized effort to pressure the United Nations to remove the Permanent Observer status of the Holy See; and

Whereas the removal of the Holy See's Permanent Observer status would constitute an expulsion of the Holy See from the United Nations as a state participant: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the Holy See for its strong commitment to fundamental human rights,