(2) in subsection (c) by striking "subsections (b) and (c)" and inserting "subsection (b)";

(3) in subsection (e) by striking "or (e)" and inserting "or (f)"; and

(4) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by striking ", taking into consideration subsection (e) but"; and

(ii) by striking "this subsection," and inserting "this subsection"; and

(B) in subparagraph (B) by striking "amount" and inserting "funds".

(b) CORRECTIONAL OPTIONS GRANTS.—(1) Section 515(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) by striking "subsection (a)(1) and (2)" and inserting "paragraphs (1) and (2) of subsection (a)"; and

(B) in paragraph (2) by striking "States" and inserting "public agencies".

(2) Section 516 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in subsection (a) by striking "for section" each place it appears and inserting "shall be used to make grants under section"; and

(B) in subsection (b) by striking "section 515(a)(1) or (a)(3)" and inserting "paragraph (1) or (3) of section 515(a)".

(3) Section 1001(a)(5) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(5)) is amended by inserting "(other than chapter B of subpart 2)" after "and E".

(c) DENIAL OR TERMINATION OF GRANT.—Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by striking "M,," and inserting "M,".

(d) DEFINITIONS.—Section 901(a)(21) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(21)) is amended by adding a semicolon at the end.

(e) PUBLIC SAFETY OFFICERS DISABILITY BENEFITS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended—

(1) in section 1201—

(A) in subsection (a) by striking "subsection (g)" and inserting "subsection (h),"; and

(B) in subsection (b)—

(i) by striking "subsection (g)" and inserting "subsection (h)";

(ii) by striking "personal"; and

(iii) in the first proviso by striking "section" and inserting "subsection"; and

(2) in section 1204(3) by striking "who was responding to a fire, rescue or police emergency".

(f) HEADINGS.—(1) The heading for part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART M—REGIONAL INFORMATION SHARING SYSTEMS".

(2) The heading for part O of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART O—RURAL DRUG ENFORCEMENT".

(g) TABLE OF CONTENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in the item relating to section 501 by striking "Drug Control and System Improvement Grant" and inserting "drug control and system improvement grant";

(2) in the item relating to section 1403 by striking "Application" and inserting "Applications"; and

(3) in the items relating to part O by redesignating sections 1401 and 1402 as sections 1501 and 1502, respectively.

(h) OTHER TECHNICAL AMENDMENTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 202(c)(2)(E) by striking "crime,," and inserting "crime,";

(2) in section 302(c)(19) by striking a period at the end and inserting a semicolon;

(3) in section 602(a)(1) by striking "chapter 315" and inserting "chapter 319";

(4) in section 603(a)(6) by striking "605" and inserting "606";

(5) in section 605 by striking "this section" and inserting "this part";

(6) in section 606(b) by striking "and Statistics" and inserting "Statistics";

(7) in section 801(b)—

(A) by striking "parts D," and inserting "parts";

(B) by striking "part D" each place it appears and inserting "subpart 1 of part E";

(C) by striking "403(a)" and inserting "501"; and

(D) by striking "403" and inserting "503";

(8) in the first sentence of section 802(b) by striking "part D," and inserting "subpart 1 of part E or under part";

(9) in the second sentence of section 804(b) by striking "Prevention or" and inserting "Prevention, or";

(10) in section 808 by striking "408, 1308," and inserting "507";

(11) in section 809(c)(2)(H) by striking "805" and inserting "804";

(12) in section 811(e) by striking "Law Enforcement Assistance Administration" and inserting "Bureau of Justice Assistance";

(13) in section 901(a)(3) by striking "and," and inserting ", and";

(14) in section 1001(c) by striking "parts" and inserting "part".

(i) CONFORMING AMENDMENT TO OTHER LAW.—Section 4351(b) of title 18, United States Code, is amended by striking "Administrator of the Law Enforcement Assistance Administration" and inserting "Director of the Bureau of Justice Assistance".

SEC. 330002. GENERAL TITLE 18 CORRECTIONS.

(a) SECTION 1031.—Section 1031(g)(2) of title 18, United States Code, is amended by striking "a government" and inserting "a Government".

(b) SECTION 208.—Section 208(c)(1) of title 18, United States Code, is amended by striking "Banks" and inserting "banks".

(c) SECTION 1007.—The heading for section 1007 of title 18, United States Code, is amended by striking "Transactions" and inserting "transactions".

(d) SECTION 1014.—Section 1014 of title 18, United States Code, is amended by striking the comma that follows a comma.

(e) ELIMINATION OF OBSOLETE CROSS REFERENCE.—Section 3293 of title 18, United States Code, is amended by striking "1008,".

(f) ELIMINATION OF DUPLICATE SUBSECTION DESIGNATION.—Section 1031 of title 18, United States Code, is amended by redesignating the second subsection (g) as subsection (h).

(g) TECHNICAL AMENDMENT TO PART ANALYSIS FOR PART 1.—The item relating to chapter 33 in the part analysis for part 1 of title 18, United States Code, is amended by striking "701" and inserting "700".

(h) AMENDMENT TO SECTION 924(a)(1)(B).—Section 924(a)(1)(B) of title 18, United States Code, is amended by striking "(q)" and inserting "(r)".

(i) PUNCTUATION CORRECTION.—Section 207(c)(2)(A)(ii) of title 18, United States Code, is amended by striking the semicolon at the end and inserting a comma.

(j) CHAPTER ANALYSIS CORRECTION.—The chapter analysis for chapter 223 of title 18, United States Code, is amended by adding at the end the following:

"3509. Child Victims' and child witnesses' rights.".

(k) Elimination of Superfluous Comma.—Section 3742(b) of title 18, United States Code, is amended by striking "Government," and inserting "Government".

SEC. 330003. CORRECTIONS OF ERRONEOUS CROSS REFERENCES AND MISDESIGNATIONS.

(a) SECTION 1791 OF TITLE 18.—Section 1791(b) of title 18, United States Code, is amended by striking "(c)" each place it appears and inserting "(d)".

(b) SECTION 2703 OF TITLE 18.—Section 2703(d) of title 18, United States Code, is amended by striking "section 3126(2)(A)" and inserting "section 3127(2)(A)".

(c) SECTION 666 OF TITLE 18.—Section 666(d) of title 18, United States Code, is amended—

(1) by redesignating the second paragraph (4) as paragraph (5);

(2) by striking "and" at the end of paragraph (3); and

(3) by striking the period at the end of paragraph (4) and inserting "; and".

(d) SECTION 4247 OF TITLE 18.—Section 4247(h) of title 18, United States Code, is amended by striking "subsection (e) of section 4241, 4243, 4244, 4245, or 4246," and inserting "subsection (e) of section 4241, 4244, 4245, or 4246, or subsection (f) of section 4243,".

(e) SECTION 408 OF THE CONTROLLED SUBSTANCE.—Section 408(b)(2)(A) of the Controlled Substances Act (21 U.S.C. 848(b)(2)(A)) is amended by striking "subsection (d)(1)" and inserting "subsection (c)(1)".

(f) MARITIME DRUG LAW ENFORCEMENT ACT.—(1) Section 994(h) of title 28, United States Code, is amended by striking "section 1 of the Act of September 15, 1980 (21 U.S.C. 955a)" each place it appears and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(2) Section 924(e) of title 18, United States Code, is amended by striking "the first section or section 3 of Public Law 96-350 (21 U.S.C. 955a et seq.)" and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(g) SECTION 2596 OF THE CRIME CONTROL ACT OF 1990.—Section 2596(d) of the Crime Control Act of 1990 is amended, effective retroactively to the date of enactment of such Act, by striking "951(c)(1)" and inserting "951(c)(2)".

(h) FEDERAL RULES OF CRIMINAL PROCEDURE.—Rule 46(i)(1) of the Federal Rules of Criminal Procedure for the United States Courts is amended by striking "18 U.S.C. §3144" and inserting "18 U.S.C. §3142".

SEC. 330004. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18.

Title 18, United States Code, is amended—

(1) in section 212 by striking "or of any National Agricultural Credit Corporation," and by striking "or National Agricultural Credit Corporations,";

(2) in section 213 by striking "or examiner of National Agricultural Credit Corporations";

(3) in section 709 by striking the seventh and thirteenth paragraphs;

(4) in section 711 by striking the second paragraph;

(5) by striking section 754 and amending the chapter analysis for chapter 35 by striking the item relating to section 754;

(6) in sections 657 and 1006 by striking "Reconstruction Finance Corporation," and striking "Farmers' Home Corporation,";

(7) in section 658 by striking "Farmers' Home Corporation,";

(8) in section 1013 by striking ", or by any National Agricultural Credit Corporation";

(9) in section 1160 by striking "white person" and inserting "non-Indian";

(10) in section 1698 by striking the second paragraph;

(11) by striking sections 1904 and 1908 and amending the chapter analysis for chapter 93 by striking the items relating to those sections;

(12) in section 1909 by inserting "or" before "farm credit examiner" and by striking "or an examiner of National Agricultural Credit Corporations,";

(13) by striking sections 2157 and 2391 and amending the chapter analysis for chapter 105 and for 115, respectively, by striking the items relating to those sections;

(14) in section 2257 by striking the subsections (f) and (g) that were enacted by Public Law 100–690;

(15) in section 3113 by striking the third paragraph;

(16) in section 3281 by striking "except for offenses barred by the provisions of law existing on August 4, 1939";

(17) in section 443 by striking "or (3) five years after 12 o'clock noon of December 31, 1946,";

(18) in sections 542, 544, and 545 by striking "the Philippine Islands,"; and

(19) in section 1073—

(A) by striking "or which, in the case of New Jersey, is a high misdemeanor under the laws of said State,"; and

(B) by striking "or which in the case of New Jersey, is a high misdemeanor under the laws of said State,".

SEC. 330005. CORRECTION OF DRAFTING ERROR IN THE FOREIGN CORRUPT PRACTICES ACT.

Section 104(a)(3) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2) is amended by striking "issuer" and inserting "domestic concern".

SEC. 330006. ELIMINATION OF REDUNDANT PENALTY PROVISION IN 18 U.S.C. 1116.

Section 1116(a) of title 18, United States Code, is amended by striking ", and any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years".

SEC. 330007. ELIMINATION OF REDUNDANT PENALTY.

Section 1864(c) of title 18, United States Code, is amended by striking "(b) (3), (4), or (5)" and inserting "(b)(5)".

SEC. 330008. CORRECTIONS OF MISSPELLINGS AND GRAMMATICAL ERRORS.

Title 18, United States Code, is amended—

(1) in section 513(c)(4) by striking "association or persons" and inserting "association of persons";

(2) in section 1956(e) by striking "Evironmental" and inserting "Environmental";

(3) in section 3125—

(A) in subsection (a)(2) by striking "use" and the quotation mark that immediately follows it and inserting "use,";

(B) by realigning the matter in subsection (a)(2) that begins with "may have installed" and ends with "section 3123 of this title" so that it is flush to the left margin; and

(C) by striking "provider for" and inserting "provider of" in subsection (d);

(4) in section 3731 by striking "order of a district courts" and inserting "order of a district court" in the second undesignated paragraph;

(5) in section 151 by striking "mean" and inserting "means";

(6) in section 208(b) by inserting "if" after "(4)";

(7) in section 209(d) by striking "under the terms of the chapter 41" and inserting "under the terms of chapter 41";

(8) in section 1014 by inserting a comma after "National Credit Union Administration Board"; and

(9) in section 3291 by striking "the afore-mentioned" and inserting "such".

SEC. 330009. OTHER TECHNICAL AMENDMENTS.

(a) SECTION 419 OF CONTROLLED SUBSTANCES ACT.—Section 419(b) of the Controlled Substances Act (21 U.S.C. 860(b)) is amended by striking "years Penalties" and inserting "years. Penalties".

(b) SECTION 667.—Section 667 of title 18, United States Code, is amended by adding at the end the following: "The term 'livestock' has the meaning set forth in section 2311 of this title.".

(c) SECTION 1114.—Section 1114 of title 18, United States Code, is amended by striking "or any other officer, agency, or employee of the United States" and inserting "or any other officer or employee of the United States or any agency thereof".

(d) Section 408 of Controlled Substances Act.—Section 408(q)(8) of the Controlled Substances Act (21 U.S.C. 848(q)(8)) is amended by striking "applications, for writ" and inserting "applications for writ".

SEC. 330010. CORRECTION OF ERRORS FOUND DURING CODIFICATION.

Title 18, United States Code, is amended—

(1) in section 212 by striking "218" and inserting "213";

(2) in section 1917—

(A) by striking "Civil Service Commission" and inserting "Office of Personnel Management"; and

(B) by striking "the Commission" in paragraph (1) and inserting "such Office";

(3) by transferring the subchapter analysis for each subchapter of each of chapters 227 and 229 to follow the heading of that subchapter;

(4) so that the heading of section 1170 reads as follows:

"§1170. Illegal trafficking in Native American human remains and cultural items";

(5) so that the item relating to section 1170 in the chapter analysis for chapter 53 reads as follows:

"1170. Illegal trafficking in Native American human remains and cultural items.";

(6) in section 3509(a) by striking paragraph (11) and redesignating paragraphs (12) and (13) as paragraphs (11) and (12), respectively;

(7) in section 3509—

(A) by striking "subdivision" each place it appears and inserting "subsection"; and

(B) by striking "government" each place it appears and inserting "Government";

(8) in section 2252(a)(3)(B) by striking "materails" and inserting "materials";

(9) in section 14 by striking "45," and "608, 611, 612,";

(10) in section 3059A—

(A) in subsection (b) by striking "this subsection" and inserting "subsection"; and

(B) in subsection (c) by striking "this subsection" and inserting "subsection";

(11) in section 1761(c)—

(A) by striking "and" at the end of paragraph (1);

(B) by inserting "and" at the end of paragraph (3); and

(C) by striking the period at the end of paragraph (2)(B) and inserting a semicolon;

(12) in the chapter analysis for chapter 11—

(A) in the item relating to section 203 by inserting a comma after "officers" and by striking the comma after "others"; and

(B) in the item relating to section 204 by inserting "the" before "United States Court of Appeals for the Federal Circuit";

(13) in the chapter analysis for chapte: 23, in the item relating to section 437, by striking the period immediately following "Indians";

(14) in the chapter analysis for the beginning of chapter 25, in the item relating to section 491, by striking the period immediately following "paper used as money";

(15) in section 207(a)(3) by striking "Clarification of Restrictions" and inserting "Clarification of restrictions";

(16) in section 176 by striking "the government" and inserting "the Government";

(17) in section 3059A(e)(2)(iii) by striking "backpay" and inserting "back pay"; and

(18) by adding a period at the end of the item relating to section 3059A in the chapter analysis for chapter 203.

SEC. 330011. PROBLEMS RELATED TO EXECUTION OF PRIOR AMENDMENTS.

(a) INCORRECT REFERENCE.—Section 2587(b) of Public Law 101–647 is amended, effective as of the date on which that section took effect, by striking "The chapter heading for" and inserting "The chapter analysis for".

(b) LACK OF PUNCTUATION IN STRICKEN LANGUAGE.—Section 46(b) of the Criminal Law and Procedure Technical Amendments Act of 1986 is amended, effective as of the date on which that section took effect, so that—

(A) in paragraph (1), the matter proposed to be stricken from the beginning of section 201(b) of title 18, United States Code, reads "(b) Whoever, directly"; and

(B) in paragraph (2), a comma, rather than a semicolon, appears after "his lawful duty" in the matter to be stricken from paragraph (3) of section 201(b) of that title.

(c) BIOLOGICAL WEAPONS.—(1) Section 3(b) of the Biological Weapons Anti-Terrorism Act of 1989 is amended, effective as of the date on which that section took effect, by striking "2516(c)" and inserting "2516(1)(c)".

(2) The item in the part analysis for part 1 of title 18, United States Code, that relates to chapter 10 is amended by striking "Weapons" and inserting "weapons".

(d) PLACEMENT OF NEW SECTION.—Section 404(a) of Public Law 101–630 is amended, effective on the date such section took effect, by striking "adding at the end thereof" each place it appears and inserting "inserting after section 1169".

(e) ELIMINATION OF ERRONEOUS CHARACTERIZATION OF MATTER INSERTED.—Section 225(a) of Public Law 101–647 is Amended, effective as of the date on which that section took effect, by striking "new rule".

(f) CLARIFICATION OF PLACEMENT OF AMENDMENT.—Section 1205(c) of Public Law 101–647 is amended, effective as of the date on which that section took effect, by inserting "at the end" after "adding".

(g) ELIMINATION OF DUPLICATE AMENDMENT.—Section 1606 of Public Law 101–647 (amending section 1114 of title 18, United States Code) is repealed effective as of the date of enactment of that section.

(h) ERROR IN AMENDMENT PHRASING.—Section 3502 of Public Law 101–647 is amended, effective as of the date on which that section took effect, by striking "10" and inserting "ten".

(i) CLARIFICATION THAT AMENDMENTS WERE TO TITLE 18.—Sections 3524, 3525, and 3528 of Public Law 101–647 are each amended, effective as of the date on which those sections took effect, by inserting "of title 18, United States Code" before "is amended".

(j) CORRECTION OF PARAGRAPH REFERENCE.—Section 3527 of Public Law 101–647 is amended, effective as of the date on which that section took effect, by striking "4th" and inserting "5th".

(k) REPEAL OF OBSOLETE TECHNICAL CORRECTION TO SECTION 1345.—Section 3542 of Public Law 101–647 is repealed, effective as of the date of its enactment.

(l) REPEAL OF OBSOLETE TECHNICAL CORRECTION TO SECTION 1956.—Section 3557(2)(E) of Public Law 101–647 is repealed, effective as of the date of its enactment.

(m) CLARIFICATION OF PLACEMENT OF AMENDMENTS.—Public Law 101-647 is amended, effective as of the date of its enactment—

(1) in section 3564(1) by inserting "each place it appears" after the quotation mark following "2251" the first place it appears; and

(2) in section 3565(3)(A) by inserting "each place it appears" after the quotation mark following "subchapter".

(n) CORRECTION OF WORD QUOTED IN AMENDMENT.—Section 3586(1) of Public Law 101-647 is amended, effective as of the date on which that section took effect, by striking "fines" and inserting "fine".

(o) ELIMINATION OF OBSOLETE TECHNICAL AMENDMENT TO SECTION 4013.—Section 3599 of Public Law 101-647 is repealed, effective as of the date of its enactment.

(p) CORRECTION OF DIRECTORY LANGUAGE.—Section 3550 of Public Law 101-647 is amended, effective as of the date on which that section took effect, by striking "not more than".

(q) REPEAL OF DUPLICATE PROVISIONS.—(1) Section 3568 of Public Law 101-647 is repealed, effective as of the date on which that section took effect.

(2) Section 1213 of Public Law 101-647 is repealed, effective as of the date on which that section took effect.

(r) CORRECTION OF WORDS QUOTED IN AMENDMENT.—Section 2531(3) of Public Law 101-647 is amended, effective as of the date on which that section took effect, by striking "1679(c)(2)" and inserting "1679a(c)(2)".

(s) FORFEITURE.—(1) Section 1401 of Public Law 101-647 is amended, effective as of the date on which that section took effect—

(A) by inserting a comma after ", 5316"; and

(B) by inserting "the first place it appears" after the quotation mark following "5313(a)".

(2) Section 2525(a)(2) of Public Law 101-647 is amended, effective as of the date on which that section took effect, by striking "108(3)" and inserting "2508(3)".

SEC. 330012. AMENDMENT TO SECTION 1956 OF TITLE 18 TO ELIMINATE DUPLICATE PREDICATE CRIMES.

Section 1956 of title 18, United States Code, is amended in subsection (c)(7)(E), by striking the period that follows a period.

SEC. 330013. AMENDMENTS TO PART V OF TITLE 18.

Part V of title 18, United States Code, is amended—

(1) by inserting after the heading for that part the following:

"CHAPTER 601—IMMUNITY OF WITNESSES";

(2) in section 6001(1)—

(A) by striking "Atomic Energy Commission" and inserting "Nuclear Regulatory Commission"; and

(B) by striking "the Subversive Activities Control Board,"

(3) by striking "part" the first place it appears and inserting "chapter"; and

(4) by striking "part" each other place it appears and inserting "title".

SEC. 330014. UPDATE OF CROSS REFERENCE.

Section 408(n)(11) of the Controlled Substances Act is amended by striking "section 405" and inserting "section 418".

SEC. 330015. CORRECTION OF ERROR IN AMENDATORY LANGUAGE.

Section 1904 of Public Law 101-647 is amended, effective as of the date on which that section took effect, by striking "by inserting a new subsection (e) as follows" and inserting "so that subsection (e) reads as follows".

SEC. 330016. CORRECTION OF MISLEADING AND OUTMODED FINE AMOUNTS IN OFFENSES UNDER TITLE 18.

Title 18, United States Code, is amended—

(1)(A) in sections 1693, 1694, 1695, and 1696 by striking "not more than $50" and inserting "under this title";

(B) in sections 333, 489, 754, 1303, 1699, 1701, 1703, 1710, 1723, 1726, 1730, and 2390 by striking "not more than $100" and inserting "under this title";

(C) in sections 1697 and 1698 by striking "not more than $150" and inserting "under this title";

(D) in sections 1165 and 2279 by striking "not more than $200" and inserting "under this title";

(E) in sections 701, 702, 703, 704, 705, 706, 707, 708, 710, 711, 711a, 713, 715, 1164, and 1858 by striking "not more than $250" each place it appears and inserting "under this title";

(F) in sections 916, 1501, 1502, 1719, 1725, and 1861 by striking "not more than $300" and inserting "under this title";

(G) in sections 4, 41, 42, 46, 47, 112, 154, 244, 288, 290, 336, 475, 501, 502, 755, 872, 875, 876, 877, 917, 1013, 1018, 1024, 1154, 1155, 1156, 1382, 1541, 1700, 1703, 1704, 1707, 1712, 1713, 1720, 1721, 1722, 1729, 1731, 1734, 1752, 1793, 1856, 1857, 1863, 1912, 1913, 1922, 2074, 2195, and 2511 by striking "not more than $500" each place it appears and inserting "under this title";

(H) in sections 81, 210, 211, 215, 217, 242, 245, 291, 292, 439, 442, 480, 483, 484, 490, 491, 494, 495, 503, 507, 510, 594, 595, 596, 597, 598, 599, 604, 605, 641, 643, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 661, 662, 665, 712, 751, 752, 756, 795, 796, 797, 836, 844, 871, 875, 876, 877, 879, 911, 912, 913, 924, 957, 959, 961, 1003, 1012, 1021, 1025, 1026, 1071, 1112, 1163, 1262, 1263, 1264, 1301, 1302, 1304, 1306, 1341, 1342, 1343, 1361, 1363, 1384, 1504, 1508, 1509, 1657, 1705, 1706, 1707, 1711, 1715, 1716, 1733, 1738, 1761, 1762, 2276, 2277, 2278, 2282, and 2389 by striking "not more than $1,000" each place it appears and inserting "under this title";

(I) in sections 331, 482, 486, 499, 755, 873, 958, 1016, 1154, 1156, 1381, 1542, 1543, 1544, 1545, 1586, 1621, 1622, 1702, 1708, 1709, 1920, 1921, 1923, 2071, 2193, 2233, 2386, and 2424 by striking "not more than $2,000" each place it appears and inserting "under this title";

(J) in sections 431, 432, 479, 960, 1859, 1901, 1911, and 1959 by striking "not more than $3,000" and inserting "under this title";

(K) in sections 35, 81, 112, 152, 153, 155, 212, 213, 214, 285, 334, 351, 435, 436, 438, 471, 472, 473, 476, 477, 478, 481, 485, 487, 488, 497, 498, 505, 506, 508, 509, 541, 542, 543, 544, 546, 547, 548, 549, 550, 551, 552, 592, 593, 602, 603, 606, 607, 642, 655, 658, 659, 660, 661, 663, 751, 799, 844, 872, 874, 875, 876, 877, 878, 914, 915, 924, 953, 954, 956, 1004, 1010, 1011, 1015, 1017, 1025, 1028, 1071, 1073, 1074, 1163, 1169, 1231, 1265, 1363, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1461, 1462, 1463, 1465, 1503, 1505, 1506, 1507, 1510, 1581, 1582, 1583, 1584, 1585, 1588, 1658, 1659, 1717, 1732, 1735, 1737, 1751, 1906, 1907, 1908, 1909, 1915, 1991, 2072, 2073, 2113, 2217, 2152, 2197, 2231, 2244, 2314, 2316, 2317, 2344, and 2701 by striking "not more than $5,000" each place it appears and inserting "under this title";

(L) in sections 33, 224, 231, 241, 245, 246, 286, 289, 332, 335, 337, 351, 371, 437, 440, 441, 493, 496, 500, 510, 545, 595, 599, 600, 601, 641, 664, 665, 667, 757, 792, 793, 798, 844, 892, 893, 894, 924, 952, 955, 962, 963, 964, 965, 966, 967, 970, 1001, 1002, 1003, 1019, 1020, 1022, 1023, 1027, 1082, 1084, 1115, 1202, 1361, 1362, 1364, 1365, 1385, 1461, 1462, 1464, 1587, 1623, 1654, 1656, 1735, 1737, 1751, 1902, 1903, 1904, 1910, 1951, 1952, 1953, 1954, 1958, 1992, 2101, 2113, 2153, 2154, 2155, 2156, 2231, 2232, 2271, 2274, 2275, 2314, 2315, 2383, 2386, 2387, 2388, and 2512 by striking "not more than $10,000" each place it appears and inserting "under this title";

(M) in section 1028 by striking "not more than $15,000" and inserting "under this title";

(N) in sections 844, 878, 1728, 1955, 1958, 2321, 2384, and 2385 by striking "not more than $20,000" each place it appears and inserting "under this title";

(O) in sections 32, 114, 753, 1028, 1365, 1512, 1792, and 2118 by striking "not more than $25,000" each place it appears and inserting "under this title";

(P) in section 2118 by striking "not more than $35,000" and inserting "under this title";

(Q) in sections 1365, 1958, and 2118 by striking "not more than $50,000" and inserting "under this title";

(R) in section 951 by striking "not more than $75,000" and inserting "under this title";

(S) in sections 32, 1167, 1365, 2251, and 2344 by striking "not more than $100,000" each place it appears and inserting "under this title";

(T) in section 2251 by striking "not more than $200,000" and inscrting "under this title"; and

(U) in sections 1158, 1167, 1512, 1513, 2251, 2318, 2320, and 2701 by striking "not more than $250,000" and inserting "under this title":

(2)(A) in sections 3 and 373 by inserting "(notwithstanding section 3571)" before "fined not more than one-half";

(B) in section 113 by striking "fine of not more than" through the immediately following dollar amount each place it appears and inserting "a fine under this title";

(C) in sections 115, 513, 709, 831, 1366, 1511 and 1959 by striking "of not more than" through the immediately following dollar amount each place it appears and inserting "under this title";

(D) in section 201 by inserting "under this title or" after "be fined"; and by inserting "whichever is greater," before "or imprisoned";

(E) in section 402 by striking "fine" the first place it appears and inserting "a fine under this title";

(F) in section 443 by striking "shall, if a corporation, be fined not more than $50,000, and, if a natural person, be fined not more than $10,000" and inserting "shall be fined under this title";

(G) in sections 643, 644, 645, 647, 648, 649, 650, 651, 652, 653, and 1711 by inserting "under this title or" after "be fined" the first place it appears; and by inserting ", whichever is greater," before "or imprisoned the first place it appears;

(H) in sections 646 and 654 by inserting "under this title or" after "be fined" the first place it appears; and by inserting "whichever is greater," before "or imprisoned" the first place it appears;

(I) in section 1029 by striking "of not more than" through the immediately following dollar amount each place it appears and inserting "under this title"; and by inserting ", whichever is greater," before "or imprisonment" each place it appears;

(J) in section 2381 by inserting "under this title but" before "not less than $10,000"; and

(K) in section 3146(b)(1)(A)(iv) by striking "fine under this chapter" and inserting "fined under this title".

SEC. 330017. TECHNICAL CORRECTIONS TO TITLE 31 CRIMES.

(a) TITLE 31, U.S.C., AMENDMENTS.—

(1) Section 5321(a)(5)(A) of title 31, United States Code, is amended by inserting "any violation of" after "causing".

(2) Section 5324(a) of title 31, United States Code, is amended—

(A) by striking "section 5313(a), section 5325, or the regulations issued thereunder or section 5325 or regulations prescribed under such section 5325" each place it appears and inserting "section 5313(a) or 5325 or any regulation prescribed under any such section"; and

(B) by striking "with respect to such transaction".

(b) AMENDMENT RELATING TO TITLE 31, U.S.C.—

(1) Effective as of the date of enactment of the Annunzio-Wylie Anti-Money Laundering Act, section 1517(b) of that Act is amended by striking "5314" and inserting "5318".

(2) Section 5239 of the Revised Statutes of the United States is amended by redesignating the second subsection (c) (as added by section 1502(a) of the Annunzio-Wylie Anti-Money Laundering Act) as subsection (d).

SEC. 330018. REPEAL OF SUPERFLUOUS STATUTE OF LIMITATION AND TRANSFER OF CHILD ABUSE STATUTE OF LIMITATION.

(a) IN GENERAL.—Section 3283 of title 18, United States Code, is amended to read as follows:

"§3283. Child abuse offenses

"No statute of limitations that would otherwise preclude prosecution for an offense involving the sexual or physical abuse of a child under the age of 18 years shall preclude such prosecution before the child reaches the age of 25 years.".

(b) CONFORMING REPEAL.—Section 3509(k) of title 18, United States Code, is amended by striking the subsection heading and the first sentence and inserting "STAY OF CIVIL ACTION.—".

(c) TECHNICAL AMENDMENT.—The item in the chapter analysis for chapter 213 of title 18, United States Code, that relates to section 3283 is amended to read as follows:

"3283. Child abuse offenses.".

SEC. 330019. TECHNICAL ERRORS IN SECTION 1956.

(a) TECHNICAL CORRECTIONS.—Section 1956 of title 18, United States Code, is amended—

(1) in subsection (c)(7)(B)(iii) by inserting a close parenthesis after "1978";

(2) by redesignating the second subsection (g) as subsection (h); and

(3) in subsection (a)(2) by inserting "not more than" before "$500,000".

(b) CROSS REFERENCE CORRECTION.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "section 9(c) of the Food Stamp Act of 1977" and inserting "section 15 of the Food Stamp Act of 1977".

SEC. 330020. TECHNICAL ERROR.

Section 1957(f)(1) of title 18, United States Code, is amended by striking the comma that follows a comma.

SEC. 330021. CONFORMING SPELLING OF VARIANTS OF "KIDNAP".

Title 18, United States Code, is amended—

(1) by striking "kidnaping" each place it appears and inserting "kidnapping"; and

(2) by striking "kidnaped" each place it appears and inserting "kidnapped".

SEC. 330022. MARGIN ERROR.

Section 2512(2) of title 18, United States Code, is amended by realigning the matter that begins with "to send through" and ends with "electronic communications" so that it is flush to the left margin.

SEC. 330023. TECHNICAL CORRECTIONS RELATING TO SECTION 248 OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended—

(1) in the chapter analysis so that the item relating to section 248 reads as follows:

"248. Freedom of access to clinic cntrances.";

(2) so that the heading of section 248 reads as follows:

"§248. Freedom of access to clinic entrances"; *and*

(3) in section 248(b) by inserting ", notwithstanding section 3571," before "be not more than $25,000".

(b) EFFECTIVE DATE.—The amendments made by this subsection (a) shall take effect on the date of enactment of the Freedom of Access to Clinic Entrances Act of 1994.

SEC. 330024. TECHNICAL AMENDMENTS NECESSITATED BY THE ENACTMENT OF THE DOMESTIC CHEMICAL DIVERSION CONTROL ACT OF 1993.

(a) MISSING CONJUNCTION.—Section 102(39)(A)(iv) of the Controlled Substances Act (21 U.S.C. 802(39)(A)(iv)) is amended by striking the period at the end and inserting "; or".

(b) PUNCTUATION AND INDENTATION CORRECTION.—Section 102(34) of the Controlled Substances Act is amended—

(1) by moving subparagraphs (V) and (W) two ems toward the left margin;

(2) in subparagraph (V) by striking "b" and inserting "B"; and

(3) in subparagraph (W) by striking "n" the first place it appears and inserting "N".

(c) ERRONEOUS CROSS REFERENCES.—

(1) Section 5(a) of the Domestic Chemical Diversion Control Act of 1993 is amended by striking "section 1505(a)" and inserting "section 4".

(2) Section 9(b) of the Domestic Chemical Diversion Control Act of 1993 is amended by striking "Controlled Substances Act" and inserting "Controlled Substances Import and Export Act".

(d) CORRECTION OF AMENDATORY LANGUAGE.—

(1) Section 2(a)(4)(B) of the Domestic Chemical Diversion Control Act of 1993 is amended by inserting "the first place it appears" before the semicolon.

(2) Section 5(b)(3) of the Domestic Chemical Diversion Control Act of 1993 is amended by striking "at the end" and inserting "after paragraph (4)".

(e) MISSING CONFORMING AMENDMENT.—Section 304(g) of the Controlled Substances Act is amended by inserting "or chemical" after "such substance" in the last sentence.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect as of the date that is 120 days after the date of enactment of the Domestic Chemical Diversion Control Act of 1993.

SEC. 330025. VICTIMS OF CRIME ACT.

(a) INCORRECT SECTION REFERENCE.—Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)) is amended by striking "1404(a)" and inserting "1404A".

(b) MISSING TEXT.—Section 1403(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(1)) is amended by inserting after "domestic violence" the following: "for—

"(A) medical expenses attributable to a physical injury resulting from compensable crime, including expenses for mental health counseling and care;

"(B) loss of wages attributable to a physical injury resulting from a compensable crime; and

"(C) funeral expenses attributable to a death resulting from a compensable crime".

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the bill, insert the following: "An Act to control and prevent crime.".

And the House agree to the same.

JACK BROOKS,
DON EDWARDS,
BILL HUGHES,
CHARLES SCHUMER,
JOHN CONYERS, Jr.,
MIKE SYNAR,

As additional conferees from the Committee on Agriculture, for consideration of sections 4601–08, 5105, and 5145 of the Senate amendment, and modifications committed to conference:

E DE LA GARZA,
CHARLIE ROSE,
CHARLES W. STENHOLM,
PAT ROBERTS,
RICHARD POMBO,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 2201–04, 2301, and 4901–33 of the Senate amendment, and sections 1031(b), 1038, and 1099AA–1099CC of the House amendment and modifications committed to conference:

HENRY GONZALEZ,
STEVE NEAL,
BRUCE F. VENTO,

As additional conferees from the Committee on Education and Labor, for consideration of sections 631–33, 662(e), 662(f), 811–16, 921–28, 1121–50, 1331, 2801–03, 3261, 3263, 3311, 3341, 3351, 3361, 3381–83, 3501, 3707, 4001–09, 4301–04, 4701–02, 4801–09, 4901–33, 5120, 5122, 5135, 5140, 5142–43, and 5147 of the Senate amendment, and sections 1010–26, 1030–34, 1038, 1051–52, 1065–71, 1081–96, 1099A–1099G, 1099H–1099O, 1099P–1099T, 1606, 1610, 1653–54, 1902(e), 1902(f), 2201–02, 2701–39, 3061–62, 3089–90, of the House amendment, and modifications committed to conference:

WILLIAM D. FORD,
DALE E. KILDEE,
MATTHEW G. MARTINEZ,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 1503–04, 1511–23, 1532, 1534–35, 1537, 1902(e), 3101–03, 3261, and 5166 of the Senate amendment, and sections 1010–26, 1041–44, 1606, 2901–03, and 3086 of the House amendment, and modifications committed to conference:

JOHN D. DINGELL,
HENRY A. WAXMAN,
CARDIS COLLINS,

As additional conferees from the Committee on Government Operations, for consideration of sections 1353–54, 1535, and 5150 of the Senate amendment, and sections 1075–76 of the House amendment, and modifications committed to conference:

TOM LANTOS,
EDOLPHUS TOWNS,

Provided, Mr. Spratt and Mr. Kyl are appointed in lieu of Mr. Waxman and Mr. Clinger solely for the consideration of sections 1535 and 5150 of the Senate amendment.

JOHN M. SPRATT, Jr.,

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 713–15, 4601–08, 5105, and 5145 of the Senate amendment, and modifications committed to conference:

GERRY STUDDS,
SOLOMON P. ORTIZ,
GEORGE HOCHBRUECKNER,

As additional conferees from the Committee on Natural Resources, for consideration of sections 3232–33, 4601–08, and 5145 of the Senate amendment and sections 1099U–1099Z of the House amendment, and modifications committed to conference:

GEORGE MILLER,
BRUCE F. VENTO,
KAREN SHEPHERD,
DON YOUNG,
BARBARA VUCANOVICH,

Provided, Ms. English of Arizona is appointed in lieu of Ms. Shepherd solely for the consideration of sections 4601–08 of the Senate amendment.

KARAN ENGLISH,

Provided, Mr. Hinchey is appointed in lieu of Ms. Shepherd solely for the consideration of sections 1099U–1099Z of the House amendment.

MAURICE HINCHEY,

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 1352 and 3371 of the Senate amendment, and modifications committed to conference:

WILLIAM CLAY,
FRANK MCCLOSKEY,
ELEANOR H. NORTON,
JOHN T. MYERS,
CONSTANCE A. MORELLA,

As additional conferees from the Committee on Public Works and Transportation, for

consideration of sections 1533, 1536, and 3231 of the Senate amendment, and section 1801 of the House amendment, and modifications committed to conference:

NORMAN Y. MINETA,
NICK RAHALL,
BUD SHUSTER,
THOMAS E. PETRI,

As additional conferees from the Committee on Rules, for consideration of sections 1353-54 of the Senate amendment, and modifications committed to conference:

JOHN JOSEPH MOAKLEY,
BUTLER DERRICK,
TONY BEILENSON,

As additional conferees from the Committee on Ways and Means, for consideration of sections 311(b), 1502, 1515-16, 1802, 4702(e)(1), 5102, and 5113 of the Senate amendment, and modifications committed to conference:

DAN ROSTENKOWSKI,
SAM GIBBONS,
J.J. PICKLE,

Managers on the Part of the House.

JOSEPH R. BIDEN, Jr.,
EDWARD M. KENNEDY,
HOWARD M. METZENBAUM,
DENNIS DECONCINI,
PATRICK J. LEAHY,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (H.R. 3355), to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—PUBLIC SAFETY AND POLICING

House sections 1401-02 recede to Senate sections 101-02 and that portion of section 103 dealing with "Cops on the Beat" with the following modifications: the minimum amount for each qualified State is 0.5 percent; all applications will be direct to the Attorney General with special provisions for expedited submission and approval of applications from America's small jurisdictions as well as for small grants for non-police hiring; cost per police officer shall be limited to $75,000 which may be expended for periods up to five years; hiring funds may also be used to train new career law enforcement officers for community policing; 50 percent of the monies must be granted to jurisdictions with populations over 150,000, the remaining 50 percent must be allocated to jurisdictions with populations of 150,000 or less; the addition of the House provision regarding coordination of other Federal programs; a revised minority recruitment section; the addition of Indian tribal governments; and other modifications.

The Conferees are particularly concerned about those areas where members of racial and ethnic minority groups and women are highly under-represented in the law enforcement agency's sworn positions. The Conferees encourage the Attorney General to review this matter carefully in the applications from such areas.

One of the modifications permits additional flexibility in the use of grant funds. The Conferees were informed that, in some police departments, payment of overtime or purchase of computers or other technology or the employment of support personnel will enable officers to be deployed, or redeployed from non-patrol assignments, to community-oriented policing assignments. The additional flexibility is intended to achieve that goal.

Thus, in addition to the use of grant funds pursuant to 1701(b) to hire or rehire police officers, a limited amount of such funds can be used for the payment of overtime or procurement of equipment, technology or support systems or support personnel, provided that expenditures for such purposes enable additional officers to be deployed to community-oriented policing assignments. The Conferees also note that, in appropriate circumstances, the permissible uses of the funding pursuant to section 1701(d) could also include payment for overtime.

The Conferees intend that the Attorney General, in awarding grants that will be used for redeployment purposes, take into consideration the extent to which police departments are committed to consultation about such redeployment with representatives of local labor organizations that represent police officers.

The Conferees also note Congress has found with regard to this title that: (1) according to data compiled by the Federal Bureau of Investigation, in 1961, there was approximately 1 reported violent crime per city police officer; but, while from 1961-1991 there was no substantial increase in United States cities' police employment rate, during the same period the number of reported violent crimes per city police officer rose to approximately 4.6 per officer; (2) National Crime Survey figures indicate that nearly 5,000,000 households in the United States had at least 1 member who had been a victim of violent crime during 1991; (3) these victims of violence experienced more than 6,400,000 crimes of which about one-half were reported to law enforcement authorities; (4) community-oriented policing ("cops on the beat") enhances communication and cooperation between law enforcement and members of the community; (5) such communication and cooperation between law enforcement and members of the community significantly assists in preventing and controlling crime and violence, thus enhancing public safety; and (6) while increasing and maintaining police resources and presence in the community are the long-term responsibility of State and local governments, State and local law enforcement agencies are in need of immediate assistance to begin the process of rehiring officers who have been laid off for budgetary reasons and hiring new, additional officers to assist in the implementation of community-oriented policing.

TITLE II—PRISONS

SUBTITLE A—VIOLENT OFFENDER INCARCERATION AND TRUTH IN SENTENCING INCENTIVE GRANTS

Senate sections 1321 and 1341 recede to House sections 601-05 and 801-04 with modifications.

SUBTITLE B—PUNISHMENT FOR YOUNG OFFENDERS

Senate section 1203, Certainty of Punishment for Young Offenders, recedes to House sections 2101-03 with modifications.

SUBTITLE C—ALIEN INCARCERATION

Senate section 5136, reimbursement for the costs of incarcerating criminal illegal aliens, recedes to House section 2403 with modifications to change the compensation criteria and funding provision.

SUBTITLE D—MISCELLANEOUS

Section 20401—House recedes to Senate section 1301, offender's place of imprisonment.

Section 20402—House recedes to Senate section 1302, prison impact statements, with modifications.

Section 20403—House recedes to Senate section 1305, criminal fines to account for the cost of imprisonment.

Section 20404—House recedes to Senate section 1325, supervised release pertaining to probation or parole.

Section 20405—House recedes to Senate section 5101, "good time credits," with modification.

Section 20406-07—House section 3046 recedes to Senate section 5107, task force on prison design and construction and section 5112, encouraging and assessing low-cost construction components, with modifications. The Conferees note the sense of Congress that, in providing assistance to State and local governments, the Attorney General should emphasize the provision to technical assistance in implementing methods to promote cost efficiency and realization of savings.

Section 20408—House recedes to Senate section 5120, panel of correctional educational experts, with modification.

Section 20409—House section 3080, prison overcrowding, recedes to Senate section 5139. The Conferees note that this section has no effect on the certification or success of class action lawsuits.

Section 20410—House recedes to Senate section 5149, Sense of Senate regarding prison facilities in Lorton, with technical modifications.

Section 20411—Senate section 5135, Pell grants, recedes to House section 3089.

Section 20412—Senate recedes to House section 3095, requiring prisoners to earn a high school diploma or G.E.D., with modifications.

Section 20413—Senate recedes to House section 3021 with modifications to delete subsection (c), remove limit on facilities suitable for conversion, and conforming modifications.

Section 20414—House recedes to Senate section 1303 with modification.

Section 20415—House recedes to Senate section 1801-02, Bail Posting Reporting, with modifications to the reporting requirements regarding the Internal Revenue Service.

Section 20416—House sections 3070-74, Civil Rights of Institutionalized Persons, recedes to Senate section 5103 with modification to change subsection (b) to conform with current law.

Section 20417—House recedes to Senate section 1324, notification of release of prisoners, with modification to lodge responsibility in the appropriate Federal entity.

Section 20418—House recedes to Senate sections 4701-02, Correctional Job Training and Placement, with technical modification. The Conferees note with respect to this provision Congress finds that job training and placement are important to, and make a significant contribution to, the readjustment to society of incarcerated persons and ex-offenders; and there is a growing need for immediate action by the Federal Government to assist State and local job training programs, and job placement programs, that provides services to incarcerated persons or ex-offenders.

Senate section 1322, NIJ study of inmate transfers, recedes to House.

Senate section 1323, NIJ study of recidivism rates, recedes to House.

Senate section 5125, use of anti-loitering laws, recedes to House.

Senate section 5113 recedes to House.

Senate section 5138, improvement of federal and State fingerprinting systems, recedes to House.

Senate section 5153, Sense of Senate regarding Federal Prison Industries, recedes to House.

Senate section 5165, reviewing capacity of federal prisons to accommodate State prisoners, recedes to House.

House section 3066, strength training in prisons, recedes to Senate.

It is the intent of the Conferees that, with the exception of Subtitle B of Title II (which provides for correctional programming for offenders up to the age of 22), all programs and activities for juvenile offenders funded under this legislation shall be carried out in a manner consistent with the mandates of the Juvenile Justice and Delinquency Prevention Act (42 U.S.C. §5600 et seq.).

TITLE III—CRIME PREVENTION

SUBTITLE A—OUNCE OF PREVENTION COUNCIL

Section 30101—House section 1010 recedes to Senate section 103, Once of Prevention, with modifications including to: (1) give President the authority to designate chair, (2) give authority to the Council to coordinate any program under the bill not only at the request of the Council member with jurisdictional over the program; (3) revise Council's administrative responsibilities or powers; (4) revise evaluation component.

The Conferees note the work of the National Crime Prevention Council, which serves as a resource center for the prevention of crime, violence, and substance abuse. Such work is reflected in the design of a variety of programs in this bill.

Section 30102–04—Senate recedes to House section 1011 with modifications.

SUBTITLE B—YOUTH EMPLOYMENT AND SKILLS CRIME PREVENTION

Senate recedes to House sections 1081–96, Youth Employment Skills and Crime Prevention, with modifications.

SUBTITLE C—MODEL INTENSIVE GRANTS

Senate recedes to House sections 1001–07, Model Intensive Grants, with modifications to add a provision ensuring equitable distribution of grants; to include a definition of the term "State"; and to permit consultation with the Ounce of Prevention Council.

SUBTITLE D—FAMILY AND COMMUNITY ENDEAVOR SCHOOLS GRANT PROGRAM

House sections 1015–24, Community Schools, recede to Senate section 5142 with modifications which include dividing the program into two separate programs: (1) Community Schools, with responsibility lodged in the Secretary of Health and Human Services in consultation and coordination with the Attorney General, and (2) Family and Community Endeavor Schools (FACES), with responsibility lodged in the Secretary of Education.

Community schools

The Conferees note the sense of the Congress with regard to Community Schools that public-private partnerships between government and community-based organizations offer an opportunity to empower distressed and disconnected communities to develop their resources and abilities in order to meet the needs of children, forge innovative solutions to the challenges confronting the development of the children in such communities, and create environments where children grow up learning a healthy respect for themselves, for neighbors, and for their communities; increased resources should be invested in public-private partnerships; and community-based organizations, acting through such public-private partnerships should provide year-round supervised sports programs, and extracurricular and academic programs, for children in the communities, and in providing such extracurricular and academic programs, should promote the positive character development of such children through programs such as curriculum-based supervised educational, work force preparation, entrepreneurship, cultural, and health programs, social activities, arts and crafts programs, dance programs, tutorial and mentoring programs, and other related activities.

The Conferees also note that Congress has found with regard to this program the following: parents are devoting less time than in previous generations to the supervision, education, and nurturing of their children; the lack of supervision and meaningful activity after school contributes to the spread of violent juvenile delinquency in the form of youth and gang violence, drug trafficking, dangerous and self-destructive behavior, and lack of hope among children in our Nation; every child has the capacity to be productive and law abiding and deserves to grow in a safe and protected environment; communities have a responsibility to develop the children of our Nation into productive adults; because of their centrality, public schools are among the best facilities that communities can use to provide needed space and support services for programs for children; schools are most effective at serving a community when the people of the community are involved in activities designed to fulfill the needs of children in the community; and activities provided in community centers, recreational facilities, and other places where children gather, have a significant impact and influence on the behavior and attitudes of children.

Family and community endeavors schools

The Conferees note that Congress has found with regard to this program that: (1) children in areas with a high incidence of poverty are more likely to be exposed to problems created by economic deprivation, poor housing, overwhelming family responsibilities, inadequate parental educational background or parental substance abuse and are at risk of failure; (2) students from poor families are 3 times more likely to drop out of school than students from more advantaged homes; (3) without social intervention, at-risk children are often unable to improve academic performance; (4) schools are accessible, central resources in every community where social and education services can be coordinated and disseminated to at-risk children and their families; (5) schools are most effective at serving a community when the people of the community are involved in school management and help design activities to fulfill the needs of children in the community; and (6) many schools have successfully improved the academic performance and social development of at-risk children by instituting an organizational and management plan that incorporates parental involvement in school management and incorporates mental health and social intervention services in the daily academic curriculum.

SUBTITLE E—POLICE PARTNERSHIPS FOR CHILDREN

Senate sections 4801–09, Police Partnerships for Children, recede to House sections 1030–34 with modifications which include adding an in-kind contribution for grant recipients and clarifying the 24-hour basis of the program.

The Conferees note that Congress finds the following with respect to police partnerships: Homicide is the second leading cause of juvenile injury deaths for all youth 15 to 24 years of age. Homicide rates for children and youth have more than doubled since 1950. Teenagers are more than twice as likely as adults to be victims of violent crime, such as rape, robbery or assault. Physical fighting severe enough to require medical treatment for at least one participant occurs among high school students in patterns similar to those of homicide. The incidence rates of such physical fighting are higher for males than females, higher for minorities than for non-minorities, and more frequent between acquaintances than among strangers. Children increasingly live amidst chronic community violence and experience trauma as a result of such violence. One survey of inner-city children 6 to 10 years of age found that over 90 percent had witnessed some type of violence. A Chicago housing project survey found that virtually all children in such survey had firsthand experiences with shootings by the age of 5. Children who have been the victims of, or who have witnessed violence, are at risk of becoming involved in further violence if the trauma such children have experienced is not addressed. Police frequently encounter children who have been the victims of violence or who have witnessed violence in the course of the police work, but the police often lack the resources necessary to adequately respond to such children's needs. Child and family service agencies have expertise in child development and family issues that could support police efforts. Community-based police, by their visibility at the neighborhood level and their engagement in benign activities, can provide role models and resources to promote the well-being of children and families, as well as to identify and refer those at risk for behavioral problems.

SUBTITLE F—MIDNIGHT SPORTS

Senate recedes to House section 1038, Midnight Sports, with modifications.

SUBTITLE G—ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH

Senate recedes to House sections 1051–52, Assistance for Delinquent and At-Risk Youth, with technical modification.

SUBTITLE H—POLICE RECRUITMENT

Senate recedes to House sections 1061–62, Police Recruitment, with technical modification. The term 'non-profits' includes, but is not limited to, public institutions of higher education that so qualify under section 501(c)(3) of the Internal Revenue Code.

SUBTITLE I—NATIONAL TRIAD PROGRAM

Senate sections 921–28 recede to House sections 1065–71, National Triad Program, with a modification to designate the Attorney General as the responsible official and technical modifications.

The Conferees note that at least one of the pilot programs funded shall consist of a Triad cooperative model sponsored by the National Sheriff's Association (NSA), the International Association of Chiefs of Police (IACP), and the American Association of Retired Persons (AARP).

The Conferees also note that Congress finds with regard to this program that: older Americans are among the most rapidly growing segments of our society; currently, older Americans comprise 15 percent of our society, and predictions are that by the turn of the century they will constitute 18 percent of the nation's population; older Americans find themselves uniquely situated in the society, environmentally and physically; many

older Americans are experiencing increased social isolation due to fragmented and distant familial relations, scattered associations, limited access to transportation, and other insulating factors; physical conditions such as hearing loss, poor eyesight, lessened agility, and chronic and debilitating illnesses often contribute to a senior citizen's susceptibility to criminal victimization; older Americans are too frequently the victims of abuse and neglect, violent crime, property crime, consumer fraud, medical quackery, and confidence games; studies have found that older Americans who are victims of violent crime are more likely to be injured and require medical attention than are younger victims; victimization data on crimes against older Americans are incomplete and out of date, and data sources are partial, scattered, and not easily obtained; although a few studies have attempted to define and estimate the extent of abuse and neglect of older Americans, both in their homes and in institutional settings, many experts believe that abuse and neglect crimes are substantially underreported and undetected; similarly, while some evidence suggests that older Americans may be targeted in a range of fraudulent schemes, neither the Uniform Crime Report nor the National Crime Survey collects data on individual- or household-level fraud; many law enforcement agencies do not have model practices for responding to the criminal abuse of older Americans; law enforcement officers and social service providers come from different disciplines and frequently bring different perspectives to the problem of crimes against older Americans; the differences in approaches can inhabit a genuinely effective response; there are a few efforts currently under way that seek to forge partnerships to coordinate criminal justice and social service approaches to victimization of older Americans; the Triad program, sponsored by the National Sheriffs' Association (NSA), the International Association of Chiefs of Police (IACP), and the American Association of Retired Persons (AARP), is one such effort; the Assistant Secretary for Aging, as the senior executive branch officer formulating older Americans policy is an appropriate leader in efforts to reduce violent crime against older Americans; and recognizing that older Americans have the same fundamental desire as other members of our society to live freely, without fear or restriction due to the criminal element, the Federal government should seek to expand efforts to reduce crimes against this growing and uniquely vulnerable segment of our population.

SUBTITLE J—LOCAL PARTNERSHIP ACT

Senate recedes to House section 1075-76, Local Partnership Act, with various modifications including the clarification of the purposes for which funds under this program can be used. The Local Partnership Act ("LPA") is authorized for fiscal years 1995 through 2000 rather than for fiscal years 1995 and 1996. At the request of the Administration, the LPA will be administered by the Secretary of Housing and Urban Development ("HUD") rather than the Secretary of Treasury, and HUD may delegate some or all of its administrative responsibilities to other Executive branch departments and agencies. Two and one-half percent of the total funds authorized for the LPA are authorized to be appropriated for fiscal years 1995 through 2000 for administrative costs of HUD in administering the LPA. Checks will be sent to local governments by HUD within 90 days of the actual appropriation of funds rather than 60 days. Technical changes are made in the LPA's allocation formula so that HUD will be able to replicate for fiscal year 1995 the dollar allocations to 39,000 local governments produced by the General Accounting Office ("GAO") on April 25, 1994; for later years HUD is free to use more reliable data—if available—than the data used by GAO.

The Conferees note that, in some areas of the country, public functions such as transportation, education, and hospitals are supported by property or sales taxes collected by separate taxing jurisdictions. The Conferees expect HUD, in consultation with the Governments Division of the Bureau of the Census, to report to the Committee on Government Operations on the operation of the Local Partnership Act in such areas and to include in its report any suggestions on changes to the statutory definition of the general tax effort factor.

The Conferees agreed to an amendment dealing with payments of less than $5,000 to Indian tribes and Alaskan native villages.

The Conferees also agreed to an amendment providing that GAO will report to Congress on a comparison of waste and efficiency under the LPA compared to other comparable Federal programs.

The Local Partnership Act contains a one percent set-aside for the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands. The allocation formula for local governments within the 50 States does not apply to these four jurisdictions. The Conferees expect, however, that objective criteria, such as population and/or per capita income, will be used to ensure an equitable distribution of these funds regarding the local governments within these four jurisdictions.

SUBTITLE K—NATIONAL COMMUNITY ECONOMIC PARTNERSHIP

House recedes to Senate sections 4901-33, Community Economic Partnership Act.

SUBTITLE L—GANG PREVENTION SERVICES FOR BOYS AND GIRLS

Senate recedes to House sections 1099I-990, Gang Prevention Services for Boys and Girls, with modification to designate the Attorney General as the responsible official.

The Conferees note with regard to this program that Congress finds services provided through existing federally supported gang prevention programs do not adequately address the needs of boys and girls in communities with high levels of gang activity and other barriers to service (such as large concentrations of minority populations who have limited English speaking proficiency, geographically isolated populations, and communities in which social service providers are limited or nonexistent); children who are exposed to gang activity at an early age are more likely to become gang-involved than children who are exposed to such activity later in life, or children who are never exposed to such activity; gangs are increasingly targeting younger children for recruitment, especially children at middle schools and elementary schools; Federal studies indicate that violent crime has increased more significantly in the gang population compared to the adult population; and small community-based service agencies with strong ties to the educational and law enforcement systems offer the best chance to prevent young children from becoming involved in gangs.

SUBTITLE M—OLYMPIC YOUTH DEVELOPMENT CENTERS

House recedes to Senate section 5143, Olympic Youth Development Centers, with minor and conforming modifications.

SUBTITLE N—ANTICRIME YOUTH COUNCILS

Senate recedes to House section 1099P-99T, Anti-Crime Youth Councils, with modification to designate the Attorney General as the responsible official.

SUBTITLE O—URBAN RECREATION AND AT-RISK YOUTH

Senate recedes to House sections 1099U-99Z, Urban Recreation and At-Risk Youth, with modifications.

SUBTITLE P—BOYS AND GIRLS CLUBS IN PUBLIC HOUSING

Senate recedes to House sections 1099AA-99C, Boys and Girls Clubs in Public Housing, with technical modifications.

SUBTITLE Q—COMMUNITY BASED GRANTS FOR PROSECUTORS

Senate recedes to House sections 1099DD-99KK, Community Based Justice Grants for Local Prosecutors, with modifications.

SUBTITLE R—CHILD SAFETY

House recedes to Senate sections 4001-09, Child Safety, with a modification to prohibit participation of persons denied visitation rights by court order and other modifications.

The Conferees note that Congress finds with regard to this program the following: the problem of family violence does not necessarily cease when the victimized family is legally separated, divorced, or otherwise not sharing a household. During separation and divorce, family violence often escalates, and child custody and visitation become the new forum for the continuation of abuse. Some perpetrators use the children as pawns to control the abused party after the couple is separated. Every year an estimated 1,000 to 5,000 children are killed by their parents in the United States. In 1988, the Department of Justice reported that 354,100 children were abducted by family members who violated custody agreements or decrees (most victims were children from ages 2 to 11 years). Approximately 160,000 children are seriously injured or impaired by abuse or neglect each year. Studies by the American Humane Association indicate that reports of child abuse and neglect have increased by over 200 percent from 1976 to 1986; approximately 90 percent of children in homes in which their mothers are abused witness the abuse. Data indicates that women and children are at elevated risk for violence during the process of and after separation; and 50 to 70 percent of men who abuse their spouses or partners also abuse their children. Up to 75 percent of all domestic assaults reported to law enforcement agencies were inflicted after the separation of the couples; in one study of spousal homicide, over half of the male defendants were separated from their victims, seventy-three percent of battered women seeking emergency medical services do so after separation.

SUBTITLE S—FAMILY UNITY DEMONSTRATION PROJECT

House recedes to Senate sections 4101-22, Family Unity Demonstration Project, with the following modifications: a child is defined as less than seven years of age; the definition of eligible offender as well as the definition of a State are clarified; the Attorney General is designated as the responsible official; and technical modification.

The Conferees note that Congress finds with regard to this program an increasing number of children are becoming separated from their primary caretaker parents due to the incarceration of the parents in prisons and jails; such separation of children from their primary caretaker parents can cause

harm to children's psychological well-being and hinder their growth and development; a significant number of children are born shortly before or during the incarceration of their mothers and are then quickly separated from their mothers, preventing the parent-child bonding that is crucial to developing in children a sense of security and trust; maintaining close relationships with their children provides a powerful incentive for prisoners to participate in and successfully benefit from rehabilitative programs; and maintaining strong family ties during imprisonment has been shown to decrease recidivism, thereby reducing prison costs.

SUBTITLE T—SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS

Senate section 1304, Drug Treatment in Federal Prisons, recedes to House section 2001 with modifications to subject the program to the availability of appropriations, to require the Bureau of Prisons to provide residential treatment, and to limit the early release incentive for successful program completion to non-violent offenders.

The authority provided to the Bureau of Prisons under this section is not to be construed as limiting any authority already possessed by the Bureau of Prisons with respect to the release of inmates.

SUBTITLE U—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

Senate section 1204 recedes to House sections 2301–02, Substance Abuse Treatment in State Prisons, with modifications to clarify that certain local detention facilities are eligible; extend the time for approval of an application to not later than 90 days; change the time period for residential substance abuse treatment programs to those lasting between 6 and 12 months; and designate the Attorney General as the responsible official.

SUBTITLE V—PREVENTION, DIAGNOSIS, AND TREATMENT OF TUBERCULOSIS IN CORRECTIONAL INSTITUTIONS

House recedes to Senate section 5121, tuberculosis prevention, with modification to include National Institute of Corrections rather than National Institute of Justice.

SUBTITLE W—HOPE IN YOUTH PROGRAM

Senate recedes to House section 1099B–99G, Hope in Youth, with technical modifications and the addition of the definition of the term "State". The Conferees note that Congress finds with respect to this program that: larger cities around the country, particularly those involved in empowerment zones, are attempting to empower low-income and ethnic minority communities; programs that involve local government and local community leaders and that include significant participation by service providers, service participants, and service funders, as equal partners in the design and direction of a myriad of social service support programs have been among the most effective demonstration models; programs that attempt to link disenfranchised and disconnected citizens through an umbrella organization that provides guidance to public and private service providers have proven to be an effective strategy for empowering local low-income communities; families in low-income communities have not attained their full potential as productive citizens, and Federal efforts thus far have been insufficient to assist them in fully realizing that potential.

SUBTITLE X—GREAT

House recedes to Senate section 5163, Gang Resistance Education and Training Projects, with modifications. The Conferees intend that the Secretary of the Treasury will consult with the Director of the BATF regarding the selection of communities for participation in this program.

TITLE IV—VIOLENCE AGAINST WOMEN

SUBTITLE A—SAFE STREETS FOR WOMEN

CHAPTER 1—FEDERAL PENALTIES FOR SEX CRIMES

Section 40111—House recedes to Senate section 3211, increasing penalties for repeat offenders, with modifications regarding foreign country convictions.

Section 40112—House recedes to Senate section 3212, Federal penalties.

Section 40113—House section 1609 recedes to Senate sections 3213 and the restitution provisions of 3321 and 3704–05, with modifications including: if a court finds a defendant is unable to pay any amount of restitution under any reasonable schedule of payments, the court must enter an order providing for a nominal restitution award; victims are permitted to enforce restitution awards; victims can recover costs in obtaining civil protection orders; the provision on compensation to third party payers is eliminated; privacy of records is expanded; compliance with a restitution order is made a condition of probation or supervised release; petition to modify order is added; court authority to refer, subject to de novo review, a matter to a magistrate or special master is added.

Section 40114—House recedes to Senate section 3214, Federal victims' counselors.

CHAPTER 2—LAW ENFORCEMENT AND PROSECUTION GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN

House recedes to Senate section 3221, grants to combat violent crimes against women, with the following modifications: the merger of three grant programs in Senate bill: grants for high intensity crime areas, general grants to States, and Domestic Violence and Family Support Grants (§3341); the addition of purposes to strengthen victim services programs in diverse populations, and programs addressing the needs of Indian tribes; the addition of a matching fund requirement (which tribal governments may satisfy with federal funds from the Bureau of Indian Affairs); and the designation of the Attorney General as the responsible official. With regard to the matching fund requirement, the Conferees intend that in disbursing grants for nongovernmental victim services, States shall not pass through to the subgrantees the amount of any required State match. With regard to this program, the Conferees acknowledge the critical role probation agencies play in monitoring and controlling the perpetrators of family violence; the Conferees intend that probation agencies receive appropriate consideration under this program.

Senate section 3262 recedes to House sections 1603–04, rape exam payments and filing costs, with modifications to extend the requirements to units of local government and Indian tribal governments except (in the case of rape exams) where another governmental entity incurs the costs of the exams; and to give States a period for bringing laws, policies, and practices into compliance with filing cost requirements.

CHAPTER 3—SAFETY FOR WOMEN IN PUBLIC TRANSIT AND PUBLIC PARKS

Section 40131—House recedes to Senate section 3231, grants for capital improvements to prevent crime in public transportation, with modification to clarify that Trust Fund money is not available for this program, and other modifications.

Section 40132—House recedes to Senate section 3232, National Park System Crime Prevention Assistance, with modification to clarify that Trust Fund money is not available for this program.

Section 40133—House recedes to Senate section 3233, Grants for Capital Improvements to Prevent Crime in Public Parks, with modification to clarify that Trust Fund money is not available for this program.

CHAPTER 4—NEW EVIDENTIARY RULES

Section 40141—House recedes to Senate sections 3251–3254 and 3706 with a modification to substitute the revisions of Federal Rule of Evidence 412 as transmitted to Congress by the Supreme Court on April 29, 1994 with an additional modification to extend evidentiary protection to civil cases (as proposed by the Judicial Conference of the United States to the Supreme Court on October 25, 1993). The Conferees intend that the Advisory Committee Note on Rule 412, as transmitted by the Judicial Conference of the United States to the Supreme Court on October 25, 1993, applies to Rule 412 as enacted by this section. This section, which modifies Rule 412 of the Federal Rules of Evidence as transmitted to the Congress by the United States Supreme Court, is enacted pursuant to the Rules Enabling Act.

CHAPTER 5—ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT

Section 40151—House recedes to Senate section 3261, Education and Prevention Grants to Reduce Sexual Assaults Against Women, with modification to allocate funds to States on the basis of population.

Section 40152—House recedes to Senate section 1607, National Institute of Justice Training Program, to assist court personnel in treating sex offenders.

Section 40153—House recedes to Senate proposal regarding confidentiality of communications between sexual assault or domestic violence victims and their counselors, with modifications.

Section 40154—House recedes to Senate section 1608 with regard to information about sex offender treatment programs.

Section 40155—House recedes to Senate section 3263 with modification to make runaway youth education and prevention grants gender-neutral and to cover juveniles.

Section 40156—House recedes to Senate section 5126, Victims of Child Abuse Act, with modifications.

SUBTITLE B—SAFE HOMES FOR WOMEN

CHAPTER 1—NATIONAL DOMESTIC VIOLENCE HOTLINE

Section 40211—House section 1653 recedes to Senate section 3311, grant for a national domestic violence hotline, with modifications as follows: (1) a grant may extend for 5 years, subject to annual approval; (2) applicants must include a plan for assisting non-English speaking callers and the hearing-impaired; and (3) applicants must demonstrate support from advocacy groups, such as State coalitions and recognized national domestic violence groups. The Conferees note Congress has found with regard to this program that (1) 4,000,000 women are battered by their partners each year, of which 4,000 die as a result of such abuse; (2) victims of domestic violence need access to resources which will refer such victims and their children to safe homes and shelters; and (3) there is a need for a national domestic violence hotline to provide information and assistance to victims of domestic violence because a privately funded national domestic violence hotline which previously handled more than 65,000 crisis calls annually no longer exits.

CHAPTER 2—INTERSTATE ENFORCEMENT

Section 40221—Senate section 3321, Interstate Enforcement, recedes to House section

1622 with modifications including: the addition of penalties for causing the crossing of State lines to commit a crime of violence; the revision of the new Federal crime for crossing a State line; the addition of a penalty where the crime results in disfigurement or life-threatening bodily injury; the modification of the mandatory restitution provisions to comport with the mandatory restitution provisions for sex crimes and crimes involving the sexual exploitation and abuse of children; and the modification of the definition of "spouse or intimate partner."

CHAPTER 3—ARREST POLICIES IN DOMESTIC VIOLENCE CASES

Section 40231—Senate section 3331 recedes to House section 1623, grants to encourage arrest polices, with modifications to include a two-year period for grantees to comply, and a modification to the definition of "domestic violence."

CHAPTER 4—SHELTER GRANTS

Section 40241—House recedes to Senate section 3341(j), authorizing money for battered women's shelters. (The remainder of Senate section 3341 was incorporated into Subtitle A, Chapter 2, of this title.)

CHAPTER 5—YOUTH EDUCATION

Section 40251—House recedes to Senate section 3361, youth education and domestic violence, with modification to permit the Secretary of Health and Human Services to consult with the Secretary of Education to select, implement, and evaluate four model programs.

CHAPTER 6—COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

Section 40261—House section 1654 recedes to Senate section 5140, community programs on domestic violence, with modifications. Senate section 5122 is deleted as duplicative.

CHAPTER 7—FAMILY VIOLENCE PREVENTION AND SERVICES ACT AMENDMENTS

Section 40271—House recedes to Senate section 3351, grantee reporting.

Section 40272—House recedes to Senate section 3381–83, technical amendments.

CHAPTER 8—CONFIDENTIALITY FOR ABUSED PERSONS

Section 40281—House recedes to Senate section 3371, confidentiality for abused persons, with modification to give Postal Service additional regulatory guidance.

CHAPTER 9—DATA AND RESEARCH

Section 40291—House recedes to Senate section 3391, data and research agenda, with modification to include diversity considerations for panel and to require the issuance of a report no later than 12 months rather than 9 months after enactment.

Section 40292—House recedes to Senate section 3392, State data bases, with modification to place responsibility for the study and report with the appropriate Department of Justice entities.

Section 40293—House recedes to Senate section 3393, number and cost of injuries.

CHAPTER 10—RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT

Section 40295—House section 2521 recedes to Senate section 1421, rural domestic violence and child abuse enforcement assistance.

SUBTITLE C—CIVIL RIGHTS FOR WOMEN

Sections 40301–03—House recedes to Senate sections 3401–03, Civil Rights. The Conferees note that the applicable standard of proof in a civil rights cause of action under this section is prepondcrance of the evidence. The Conferees also note that the Congress has found that crimes of violence motivated by gender constitute bias crimes in violation of the victim's right to be free from discrimination on the basis of gender; current law provides a civil rights remedy for gender crimes committed in the workplace, but not for crimes of violence motivated by gender committed on the street or in the home; State and Federal criminal laws do not adequately protect against the bias element of crimes of violence motivated by gender, which separates these crimes from acts of random violence, nor do these adequately provide victims of gender-motivated crimes the opportunity to vindicate their interests; existing bias and discrimination in the criminal justice system often deprives victims of crimes of violence motivated by gender of equal protection of the laws and the redress to which they are entitled; crimes of violence motivated by gender have a substantial adverse effect on interstate commerce, by deterring potential victims from traveling interstate, from engaging in employment in interstate business, and from transacting with business, and in places involved, in interstate commerce; crimes of violence motivated by gender have a substantial adverse effect on interstate commerce, by diminishing national productivity, increasing medical and other costs, and decreasing the supply of and the demand for interstate products; a Federal civil rights action as specified in this section is necessary to guarantee equal protection of the laws and to reduce the substantial adverse effects on interstate commerce caused by crimes of violence motivated by gender; and the victims of crimes of violence motivated by gender have a right to equal protection of the laws, including a system of justice that is unaffected by bias or discrimination and that, at every relevant stage, treats such crimes as seriously as other violent crimes.

Section 40304—House recedes to Senate section 3404, Sense of the Senate concerning protection of privacy of rape victims, with technical modifications. The Conferees note that the Senate finds with regard to this provision that: (1) there is a need for a strong and clear Federal response to violence against women, particularly with respect to the crime of rape; (2) Rape is an abominable and repugnant crime, and one that is severely underreported to law enforcement authorities because of its stigmatizing nature: (3) The victims of rape are often further victimized by a criminal justice system that is insensitive to the trauma caused by the crime and are increasingly victimized by news media that are insensitive to the victim's emotional and psychological needs; (4) Rape victims' need for privacy should be respected; (5) Rape victims need to be encouraged to come forward and report the crime of rape without fear of being revictimized through involuntary public disclosure of their identities; (6) Rape victims need a reasonable expectation that their physical safety will be protected against retaliation or harassment by an assailant; (7) The news media should, in the exercise of their discretion, balance the public's interest in knowing facts reported by free news media against important privacy interests of a rape victim, and an absolutist view of the public interest leads to insensitivity to a victim's privacy interest; and (8) The public's interest in knowing the identify of a rape victim is small compared with the interests of maintaining the privacy of rape victims and encouraging rape victims to report and assist in the prosecution of the crime of rape.

Senate section 3501, safe campuses for women, is deleted because it has already been enacted.

SUBTITLE D—EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT

CHAPTER 1—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS

Sections 40411–14—House sections 1661–64 recede to Senate sections 3601–14, Equal Justice for Women in the Courts Act, with modifications to include Indian tribal governments as grantees and to modify grant purposes.

CHAPTER 2—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS

Section 40421–22—House sections 1665–67 recede to Senate sections 3621–22 with modifications to designate the Administrative Office of the United States Courts as the clearinghouse for the dissemination of reports and to delete circuit court allocation limits.

SUBTITLE E—VIOLENCE AGAINST WOMEN ACT IMPROVEMENTS

Section 40501—House recedes to Senate section 3701, pre-trial detention in sex offense cases.

Section 40502—House recedes to Senate section 3702, increased penalties for sex offenses against victims below the age of 16. Senate section 801, sexual abuse amendments, is deleted as duplicative.

Section 40503—Senate sections 3703(a)–(b) recede to House section 1652, payment of cost of victim testing for sexually transmitted disease, with modification to ensure confidentiality and anonymity of the test, subject to waiver by the victim. Senate sections 3703(c)–(f) recede to House. House recedes to Senate section 3703(g), penalties for intentional transmission of HIV.

Section 40504—House recedes to Senate section 3704, extension and strengthening of restitution.

Section 40505—House recedes to Senate section 3705, with modifications.

Section 40506—House recedes to Senate section 3707, National Baseline Study on Campus Sexual Assault, with technical modification.

Section 40507—Senate section 3708, Report on Battered Women's Syndrome, recedes to House section 121. Senate section 2964 is deleted as duplicative.

Section 40508—House recedes to Senate section 3709, Report on Confidentiality of Addresses for Victims of Domestic Violence.

Section 40509—House recedes to Senate section 3710, Report on Record Keeping Relating to Domestic Violence.

Senate section 3711, Report on Fair Treatment in Legal Proceedings, recedes to House.

Senate section 3712 recedes to House.

Senate section 3713 recedes to House.

SUBTITLE F—NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION

Senate recedes to House sections 2801–12, Stalking, with modifications.

SUBTITLE G—PROTECTIONS FOR BATTERED IMMIGRANT WOMEN AND CHILDREN

Senate recedes to House sections 1626–28, Battered Immigrant Women, with modifications.

TITLE V—DRUG COURTS

Senate sections 1201–02 recede to House sections 1041–44 with modifications to prohibit violent offenders from participating, to add a GAO study, and with technical and conforming changes.

The Conferees recognize that drug court programs may support costs of judges, magistrates, quasi-judicial personnel, probation

officers, drug testing personnel, prosecutors, defense attorneys, other criminal justice participants, drug treatment personnel, persons involved in programmatic and aftercare services, and other personnel necessary to implement drug court programs.

The Conferees note the diversity of court structures under which jurisdictions throughout the United States are organized and intend that the Attorney General, in implementing this program, issue regulations that are as flexible as possible in this regard.

TITLE VI—DEATH PENALTY

Procedures: The House recedes to the Senate with the following exceptions: (1) Senate recedes to the House regarding the firearm aggravator; (2) Senate recedes to the House to add the aggravator for sexual assault or child molestation; (3) the Conferees modified the provision regarding information presented at sentencing to reflect current law.

Offenses: The House recedes to the Senate death penalties, including terrorism death penalties, with the following modifications: (1) the deletion of Senate section 203(a)(8), attempted assassination of the President; (2) the deletion of the part of Senate section 202(a) which adds section 3591(b)(3) to title 18 regarding unintentional deaths due to overdose; (3) the addition of the Hyde amendment to section 203(a)(2), espionage; (4) Senate section 504 recedes to House section 708 regarding correctional officers; (5) Senate section 716, torture, recedes to House section 713 with modifications to delete already enacted provisions; (6) the addition of an intent standard for carjacking; (7) Senate recedes to the House intent standard; (8) Senate section 2406, to federalize all murders committed with guns, recedes to House; (9) Senate section 711, weapons of mass destruction, recedes to House section 710; and (10) the modification of Senate section 215, alien smuggling, to increase penalties. House recedes to Senate section 501–01 and 505.

House sections 901–02, racially discriminatory capital sentencing, recede to Senate.

Senate section 1021, racial and ethnic bias study grants, recedes to House.

Section 60026—Senate recedes to House proposal regarding appointment of counsel.

TITLE VII—MANDATORY LIFE IMPRISONMENT FOR PERSONS CONVICTED OF CERTAIN FELONIES

Senate sections 2408 and 5111 recede to House sections 501–02 with modifications. The authority provided to the Bureau of Prisons under this section is not to be construed as limiting any authority already possessed by the Bureau of Prisons with respect to the release of inmates.

TITLE VIII—APPLICABILITY OF MANDATORY MINIMUM PENALTIES

Senate section 2404 recedes to House sections 201–03 with technical and conforming modifications.

TITLE IX—DRUG CONTROL

SUBTITLE A—ENHANCED PENALTIES AND GENERAL PROVISIONS

In carrying out directions from the Congress, the U.S. Sentencing Commission shall assure reasonable consistency with other guidelines, avoid duplicative punishment for substantially the same offense, and take into account any mitigating circumstances which might justify exceptions. The Commission shall also carry out such directions in light of the factors set forth in subsection 3535(a) of title 18, United States Code.

Section 90101—House recedes to Senate section 1501, drug trafficking in prisons.

Section 90102—House recedes to Senate section 1505, drug-dealing in drug free zones, with modifications.

Section 90103—House recedes to Senate section 1506, illegal drug use in prisons, with technical modification.

Section 90104—House recedes to Senate section 1531, clarification of narcotics and other dangerous drugs.

Section 90105—House recedes to Senate section 1532, conforming amendments to recidivist penalty provisions of the Controlled Substance Act and the Controlled Substances Import and Export Act.

Section 90106—House recedes to Senate section 1534, Advertising, with modifications.

Section 90107—House recedes to Senate section 1538, Violent Crime and Drug Emergency Areas, with modifications.

SUBTITLE B—NATIONAL NARCOTICS LEADERSHIP ACT AMENDMENTS

Section 90201–08—House recedes to Senate section 5150, which reauthorizes the Office of National Drug Control Policy through September 30, 1997, with modifications.

In addition to the Director's authority to recommend to Federal agencies appropriate drug budget levels by July 1 of each year as those agencies are first developing their budgets for the following fiscal year, authority is granted to ensure that the agencies' budget submissions to the Office of Management and Budget are consistent with the National Drug Control Strategy.

The provision also provides authority to detail temporarily drug control personnel to other Departments or agencies to implement the National Drug Control Strategy. It further provides authority, except to the extent that the Director's authority is limited in an annual appropriations Act, to transfer up to 2% among National Drug Control Program accounts, upon advance approval of the Committees on Appropriations of each House of Congress. It is the intent of the Conferees that such advance approval be obtained from each of the Appropriations Subcommittees with jurisdiction over accounts increased or decreased by such budget shifts.

Several additional goals are added to the National Drug Control Strategy, including the "consequences" of drug abuse (such as emergency room overdoses and drug-related crime), assessment of national drug treatment system, and other evaluations of the strategy. Drug treatment and prevention are added to the mission of the Counter-Drug Technology Assessment Center. And, the provision prohibits the Director and other officials in the Office who are confirmed by the Senate from participating in Federal election campaigns.

Senate section 1504, anabolic steroids penalties, recedes to House as duplicative of stronger current law.

Senate section 1533, Program to provide public awareness of the provisions of Public Law 101–516, recedes to House.

Senate section 1537, Drug paraphernalia amendment, recedes to House.

Senate section 1511–23, Precursor Chemicals Act, deleted because already enacted.

Senate section 1536 recedes to House.

Senate section 1535, national drug control strategy, recedes to House.

Senate section 1502 is deleted because already enacted.

Senate section 2407 recedes to House.

TITLE X—DRUNK DRIVING PROVISIONS

Section 100002—House recedes to Senate section 1602, applying State law in areas of federal jurisdiction.

Section 100003—House sections 1801–02, Driving While Intoxicated Prosecution Program, recede to Senate section 5115.

TITLE XI—FIREARMS

SUBTITLE A—ASSAULT WEAPONS

House recedes to Senate sections 4501–10, with modifications.

The Conferees recognize that some workers will be adversely impacted by the enactment of this Subtitle. The Conferees note that the Department of Labor has made available, as of July 1, more than $1.1 billion through Title III of the Job Training Partnership Act to assist dislocated workers. The types of assistance available to dislocated workers under that Act include retraining, job search assistance, job counseling, on-the-job training, and other services. The Conferees expect that any employees dislocated as a result of enactment of this Subtitle will be eligible to apply for such benefits in accordance with Department of Labor criteria.

SUBTITLE B—YOUTH HANDGUN SAFETY

Section 110201—House sections 1901–02 recede to Senate section sections 661–62 with the deletion of Senate section 662(a) and technical modifications. Senate section 663 recedes to House.

The Conferees note Congress finds with regard to these sections that: Crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem; problems with crime at the local level are exacerbated by the interstate movement of drugs, guns, and criminal gangs; firearms and ammunition, and handguns in particular, move easily in interstate commerce, as documented in numerous hearings in both the Judiciary Committee of the House of Representatives and Judiciary Committee of the Senate. Even before the sale of a handgun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce. While criminals freely move from State to State, ordinary citizens may fear to travel to or through certain parts of the country due to the concern that violent crime is not under control, and people from other countries may decline to travel in the United States for the same reason. Just as hardened drug kingpins often begin their lives in the illicit drug culture by exposure to drugs at a young age, violent criminals often start their criminal careers on streets where the ready availability of guns to young people results in the acceptability of their random use. Violent crime and the use of illicit drugs go hand-in-hand, and attempts to control one without controlling the other may be fruitless. Individual States and localities find it impossible to handle the problem by themselves; even States and localities that have made a strong effort to prevent, detect, and punish crime find their efforts unavailing due in part to the failure or inability of other States and localities to take strong measures. Inasmuch as illicit drug activity and related violent crime overflow State lines and national boundaries, the Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to combat these problems. The Congress finds that it is necessary and appropriate to assist the States in controlling crime by stopping the commerce in handguns with juveniles nationwide, and allowing the possession of handguns by juveniles only when handguns are possessed and used for legitimate purposes under appropriate conditions.

SUBTITLE C—LICENSURE

Sections 110301–07—House recedes to Senate section 311–17, Firearms Licensure.

SUBTITLE D—DOMESTIC VIOLENCE

Section 110401—Senate sections 301, Persons Subject to Restraining Orders, and 4201–03, Prohibition Against Disposal of Firearms to, or Receipt of Firearms by, Persons Who Have Committed Domestic Violence, recede

to House sections 1624-25, with modifications.

The Conferees intend that the term "child" be read with common sense and normal meaning, and to include a child over whom a person's parental rights have been terminated by a court order. The Conferees also note that Congress finds with respect to this provision that domestic violence is the leading cause of injury to women in the United States between the ages of 15 and 44; firearms are used by the abuser in 7 percent of domestic violence incidents and produces an adverse effect on interstate commerce; and individuals with a history of domestic abuse should not have easy access to firearms.

SUBTITLE E—GUN CRIME PENALTIES

In carrying out directions from the Congress, the U.S. Sentencing Commission shall assure reasonable consistency with other guidelines, avoid duplicative punishment for substantially the same offense, and take into account any mitigating circumstances which might justify exceptions. The Commission shall also carry out such directions in light of the factors set forth in subsection 3553(a) of title 18, United States Code.

Section 110501—House recedes to Senate section 401, enhanced penalty for use of semi-automatic weapons during crime of violence or drug trafficking crime.

Section 110502—House section 3031 recedes to Senate section 402, second conviction for using or carrying explosives.

Section 110503—House recedes to Senate section 403, new offense for smuggling firearms.

Section 110504—House section 3032 recedes to Senate section 404, new offense for theft of guns and explosives moving in interstate commerce.

Section 110505—House recedes to Senate section 405, revocation of supervised release, with modifications. Senate section 2403, supervised release after imprisonment, recedes to House as incorporated in Senate section 405.

Section 110506—House recedes to Senate section 406, revocation of probation, with modifications.

Section 110507—House recedes to Senate section 407, knowingly making false material statement on a gun application.

Section 110508—House section 3033 recedes to Senate section 408, felon possessing explosives.

Section 110509—House recedes to Senate section 409, explosives destruction.

Section 110510—House recedes to Senate section 410, technical correction regarding parole.

Section 110511—House recedes to Senate section 411, prohibition against transactions involving stolen firearms or stolen guns.

Section 110512—House recedes to Senate section 412, using firearm in commission of forgery.

Section 110513—House recedes to Senate section 413, firearm possession by violent felons and serious drug offenders.

Section 110514—House recedes to Senate section 414, receipt of firearms by nonresident.

Section 110515—House section 3034 recedes to Senate section 417, stealing guns or explosives from a licensee.

Section 110516—House section 3035 recedes to Senate section 418, disposing of explosives to prohibited person.

Section 110517—House recedes to Senate section 420, interstate gun trafficking.

Section 110518—House recedes to Senate section 415, firearms conspiracy, with modification.

Section 110519—House recedes to Senate section 5168, Definition of Armor Piercing Ammunition, with modification.

Senate section 416, study of incendiary ammunition, recedes to House.

Senate section 419 recedes to House.

TITLE XII—TERRORISM

In carrying out directions from the Congress, the United State Sentencing Commission shall assure reasonable consistency with other guidelines, avoid duplicative punishment for substantially the same offense, and take into account any mitigating circumstances which might justify exceptions. The Commission shall also carry out such directions in light of the factors set forth in subsection 3553(a) of title 18, United States Code.

Section 120001—House recedes to Senate section 717, extension of statute of limitations, with modifications.

Section 120002—House recedes to Senate section 718, jurisdiction over crimes against U.S. nationals.

Section 120003—House recedes to Senate section 721, counterfeiting currency abroad, with modification to increase penalty.

Section 120004—House recedes to Senate section 724, Terrorist Felonies.

Section 120005—House recedes to Senate section 726, material support to terrorists, with modification.

Senate section 718, FBI access to telephone subscriber information, is deleted because already enacted.

Senate section 720, preventing acts of terrorism, recedes to House.

Senate section 722, economic terrorism task force, recedes to House.

Senate section 713, extension of territorial sea, recedes to House.

Senate section 714, assimilated crimes in extended territorial sea, recedes to House.

TITLE XIII—CRIMINAL ALIENS AND IMMIGRATION ENFORCEMENT

Section 130001—House recedes to Senate section 5005, enhancing penalties for failure to depart, with modification to delete subsection (c) regarding collateral review.

Section 130002—House recedes to Senate section 5007, criminal alien tracking center, with modification to conform to current law.

Section 130003—House recedes to Senate section 725, Protection of Recipients in Counter-Terrorism Rewards Program, with modifications to incorporate this section into Senate section 5117, and other modifications.

Section 130004—House recedes to Senate section 5002, deportation procedures for certain criminal aliens, with modifications.

Section 130005—Senate section 5158, expedited deportation for asylum applicants, recedes to House section 2411 with modification to clarify that asylum applicants have no right to work in the United States.

Section 130006—Senate section 5159, improving border controls, recedes to House section 2412 with modifications regarding report requirement and to incorporate House section 2421.

Section 130007—House section 2413, special deportation proceedings, recedes to Senate section 5160 with modifications. Senate section 5161, construction of INS service processing centers, recedes to House section 2414, which is incorporated into Senate section 5160, with modifications. The Conferees intend that the Attorney General should consider the availability of legal assistance in an area in determining where to locate the facilities.

Section 130008—Senate recedes to House section 2402, authority of the Attorney General to accept assistance in deporting criminal aliens, with modifications.

The Conferees note that many States and localities are burdened with the financial costs of housing and processing deportable aliens who are unlawfully within the United States and who are arrested for violating criminal statutes. The Immigration and Naturalization Service is not permitted under current law to accept State and local assistance in carrying out its deportation responsibilities. This section is intended to aid communities with criminal alien populations to expedite the removal of deportable aliens who are arrested for the violation of criminal statutes by providing transportation-related services or property to the Immigration and Naturalization Service.

Section 130009—Senate section 712 recedes to House section 2431 with modification increasing the penalty for employment document fraud to five years. Senate section 5124 is deleted as duplicative.

This section is intended to target person who commit document fraud for the purpose of commercial advantage, or to facilitate drug trafficking or international terrorism. The Conferees intend that the Attorney General implement these provisions so as not to prosecute bona fide applicants for asylum.

Section 130010—House recedes to Senate section 5131, asylum, which is modified to a Sense of the Senate, with other modifications.

Senate section 5006, miscellaneous and technical changes regarding alien deportation, recedes to House.

Senate section 5102, prohibition on payment of federal benefits to illegal aliens, recedes to House.

Senate section 5119, State and local cooperation with INS, recedes to House.

Senate section 5110, removal of alien terrorists, recedes to House.

House section 2401, Congressional findings regarding criminal aliens, recedes to Senate.

Senate section 5144, authority to release confidential information regarding aliens, recedes to House.

Senate section 5001, aggravated felony, recedes to House.

Senate section 5003, judicial deportation, recedes to House.

Senate section 5004, recedes to House.

Senate section 5157, Extradition, recedes to House.

TITLE XIV—YOUTH VIOLENCE

Sections 140001-03—Senate section 651 recedes to House section 1101 regarding adult prosecution of juveniles with modification to delete section 1101(b).

Section 140004—House recedes to Senate section 641 with modification to correct typographical error regarding the age for the bindover of juveniles.

Section 140005—House recedes to Senate section 618 with modifications.

Section 140006—House recedes to Senate section 615, increased penalties for employing children to distribute drugs near schools and playgrounds, with modification.

Section 140007—House recedes to Senate section 2906, increased penalties for travel act violations. Senate section 617 deleted as duplicative.

Section 140008—House recedes to Senate section 5130, solicitation of minor to commit crime.

TITLE XV—CRIMINAL STREET GANGS

Section 150001—House recedes to Senate section 611 with an amendment to provide increased penalties for federal gang crimes.

Section 150002—House recedes to Senate section 614 with modification to delete simple drug possession as basis of adult prosecution of juveniles.

Section 150003—House recedes to Senate section 619 to authorize use of Byrne funds for programs relating to gangs.

Section 150004—House sections 2201-02 recede to Senate section 631 with technical modifications and deletion of formula.

Section 150005—Senate section 632 recedes to House.

Section 150006—House recedes to Senate section 633 with technical modifications and the addition of mentoring program.

Section 150007—House recedes to Senate section 5167.

Section 150008—House recedes to Senate section 622, Gang Investigation Coordination and Information Collection.

Section 150009—Senate section 624 recedes to House section 1098, Multijurisdictional Gang Task Forces.

Senate section 612 recedes to House regarding use of minors as RICO predicate.

Senate section 613 recedes to House.

Senate section 623 is deleted because already enacted.

TITLE XVI—CHILD PORNOGRAPHY

Section 160001-02—House sections 1201-02 recede to Senate sections 824-25, child pornography.

Section 160003—House section 3083 recedes to Senate section 2410, Confirmation of intent of Congress in enacting sections 2252 and 2256 of title 18, United States Code.

TITLE XVII—CRIMES AGAINST CHILDREN

SUBTITLE A—JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION ACT

Section 170101—Senate sections 821-23, Jacob Wetterling Crimes Against Children Registration Act, recede to House section 1301 with modification to include the program contained in Senate sections 841-44 and other modifications.

SUBTITLE B—ASSAULTS AGAINST CHILDREN

Section 170201—Senate recedes to House section 301, assaults against children, with technical and conforming modifications.

SUBTITLE C—MISSING AND EXPLOITED CHILDREN

Sections 170301-03—House recedes to Senate sections 4301-04, Missing and Exploited Children, with modifications. The Conferees note Congress finds with regard to this program that the victimization of children in our nation has reached epidemic proportions; recent Department of Justice figures show that 4,600 children were abducted by nonfamily members; two-thirds of the abductions of children by non-family members involve sexual assault; more than 354,000 children were abducted by family members; and 451,000 children ran away; while some local law enforcement officials have been successful in the investigation and resolution of such crimes, most local agencies lack the personnel and resources necessary to give this problem the full attention it requires; a majority of the nation's 17,000 police departments have 10 or fewer officers; and locating missing children requires a coordinated law enforcement effort; supplementing local law enforcement agencies with a team of assigned active Federal agents will allow Federal agents to pool their resources and expertise in order to assist local agents in the investigation of the nation's most difficult cases involving missing children.

Senate section 5129, Parent Locator Service, recedes to House.

Senate section 2701, International Parental Kidnapping, is deleted because already enacted.

TITLE XVIII—RURAL CRIME

Section 180101-201 House sections 2501-21 recede to Senate sections 1401-21 with modification regarding the structure of rural drug task forces, the placement of section 1421 in the Violence Against Women title, and other modifications.

Section 180301—Senate recedes to House section 2531, Sense of Congress Regarding Funding for Rural Areas.

TITLE XIX—FEDERAL LAW ENFORCEMENT

Section 190001—House section 3016 recedes to Senate section 5132, federal judiciary, with modifications to incorporate section 621, additional Federal prosecutors for the prosecution of violent youth gangs, and other modifications.

TITLE XX—POLICE CORPS AND LAW ENFORCEMENT OFFICERS TRAINING AND EDUCATION

House sections 2701-39 recede to Senate sections 1121-50 with modification to delete Senate section 1124 (b) and (c) with regard to the appointment of a Director.

TITLE XXI—STATE AND LOCAL LAW ENFORCEMENT

SUBTITLE A—BYRNE PROGRAM

Section 210101—Senate recedes to House section 1098A, extension of Byrne grant funding, with modification to authorize specified funds.

SUBTITLE B—LAW ENFORCEMENT FAMILY SUPPORT

Section 210201—House recedes to Senate section 1101, Law Enforcement Family Support, with modification to designate the Attorney General as the responsible official, and other minor modifications.

SUBTITLE C—DNA IDENTIFICATION

Sections 210301-06—House sections 1501-06 recede to Senate sections 1001-6, DNA Identification, with modification to ensure the establishment of a blind proficiency testing program for DNA analysis.

DNA Advisory Board

The Act requires the Director of the Federal Bureau of Investigation to appoint an advisory board on DNA quality assurance methods. The Conferees intend that, in making appointments to the advisory board, the Director of the FBI shall adhere strictly to all applicable conflict of interest and ethics laws. In particular, the FBI Director will ensure that no member of the board will have a commercial or proprietary interest in matters addressed by the board. To that end, the Director may obtain disclosure statements from nominees to the board. The Conferees expect that a review of any potential conflict of interest or ethical considerations will be conducted with the assistance of the Bureau's Legal Counsel Division, with the FBI Director retaining final authority regarding appointments to the board.

Proficiency Testing Program

The Conferees, in adopting the DNA Identification Act, recognize the significance of the development of a blind external proficiency testing program for DNA analyses. A blind external proficiency test means a test that is presented to a forensic laboratory through a second agency and appears to the analysts to involve routine evidence.

Under this Act, the Director of the National Institute of Justice is directed to study this issue and certify to Congress within one year that (1) the NIJ has undertaken steps to ensure that an appropriate entity or entities will establish a blind external proficiency testing program for DNA analyses, which shall be available to public and private laboratories performing forensic DNA analyses; (2) that a blind proficiency testing program for DNA analyses is already available; or (3) that it is not feasible to have a DNA blind proficiency testing program.

The Conferees fully expect that NIJ will report either that there are one or more existing DNA blind proficiency testing programs or that it has undertaken steps to ensure the establishment of one. There are many private DNA testing laboratories and commercial manufacturers of DNA testing products that have the technical expertise, individually or through professional and trade associations, necessary to establish the aforementioned program.

If the NIJ study determines blind external proficiency testing is feasible, neither State nor local DNA laboratories covered by the Act (i.e., those participating in the national DNA index or receiving grants), will be required by the Act to subscribe to such a blind testing program. The FBI Laboratory will not be required by the Act to subscribe to a particular blind testing program identified by NIJ. Participation by State and local governments should be voluntary and at their own discretion—although participation in such a program will be an important element of demonstrating quality control for purposes of having DNA evidence introduced into evidence.

SUBTITLE D—POLICE PATTERN OR PRACTICE

Sections 210401-02—House recedes to Senate sections 111-12, Police Pattern or Practice, with modification to section 1112.

SUBTITLE E—IMPROVED TRAINING AND TECHNICAL AUTOMATION

Section 210501—House recedes to Senate section 1031, improved training and technical automation, with technical and conforming modifications. The Conferees believe one appropriate use of this program would be to ensure that States, Indian Tribal governments, and local governments are made aware of advanced law enforcement technologies.

SUBTITLE F—OTHER STATE AND LOCAL AID

Section 210606—Senate recedes to House proposal to reauthorize the Office of Justice Programs.

Section 210602—House recedes to Senate section 5137, assistance to ease the increased burdens on State court systems, with modifications.

Section 210603—Senate recedes to House proposal to make money from the Violent Crime Reduction Trust Fund available to fund activities authorized by the Brady Handgun Violence Prevention Act and the National Child Protection Act of 1993.

Section 103(k) of the "Brady Bill" authorizes "such sums as are necessary" for the Attorney General to establish a "national instant criminal background check system." Section 106(b) of "Brady" authorizes $200 million for grants to States for the improvement of criminal records. Section 4(b) of the National Child Protection Act of 1993 authorizes $20 million for grants to States for the improvement of criminal records regarding child abuse. The Conference Report provides that a total of $150 million may be appropriated from the Trust Fund for these purposes.

TITLE XXII—MOTOR VEHICLE THEFT PREVENTION

House recedes to Senate sections 1901-03, motor vehicle theft prevention.

TITLE XXIII—VICTIMS OF CRIME

Senate sections 901-02, 912-17, crime victims, recede to House sections 101-21, with

the following modifications: allocations of funds are changed to 48.5%, 48.5%, and 3%; the report on battered women's syndrome is moved to title IV, Violence Against Women. House section 101, with a conforming amendment, is enacted pursuant to the Rules Enabling Act. House recedes to Senate section 903, Sense of the Senate regarding Rights to Victims Allocation, with conforming modification. Senate section 3264 is deleted as duplicative. Senate section 911 is deleted because already enacted. House recedes to Senate proposal to amend 10603(a)(5)(B) of title 42, United States Code.

TITLE XXIV—PROTECTION FOR THE ELDERLY

Section 240001—House recedes to Senate section 2001, Missing Alzheimer's Disease Patient Alert Program.

Section 240002—House recedes to Senate section 2002, crimes against the elderly.

Section 240003—Senate recedes to House proposal regarding Safe Senior Corridors.

TITLE XXV—SENIOR CITIZENS AGAINST MARKETING SCAMS

Sections 250001-05, 250008—House recedes to Senate sections 3901-03, 3905-07 and 3910, Senior Citizens Against Marketing Scams (SCAMS), with modifications. Senate section 3904 recedes to House.

Section 250006—House recedes to Senate section 2103, mail fraud. Senate section 3908 is deleted as duplicative.

Section 250007—House recedes to Senate section 2102, Consumer Protection Against Credit Card Fraud Act. Senate section 3909 is deleted as duplicative.

The Conferees note that Congress has found with regard to this issue the following: Unprecedented Federal law enforcement investigations have uncovered a national network of illicit telemarketing operations; most of the telemarketing industry is legitimate, employing over 3,000,000 people through direct and indirect means; illicit telemarketers, however, are an increasing problem which victimizes our nation's senior citizens in disproportionate numbers; interstate telemarketing fraud has become a problem of such magnitude that the resources of the Department of Justice are not sufficient to ensure that there is adequate investigation of, and protection from, such fraud; telemarketing differs from other sales activities in that it can be carried out by sellers across State lines without direct contact; telemarketers can also be very mobile, easily moving from State to State; it is estimated that victims lose billions of dollars a year as a result of telemarketing fraud; consequently, this legislation is intended to enhance federal law enforcement resources, ensure adequate punishment for telemarketing fraud, and educate the public.

TITLE XXVI—COMMISSION MEMBERSHIP AND APPOINTMENT

Senate sections 1721-30 recede to House sections 3026-27, Commission to Support Law Enforcement, with modifications.

TITLE XXVII—PRESIDENTIAL SUMMIT ON VIOLENCE AND NATIONAL COMMISSION ON CRIME PREVENTION AND CONTROL

House sections 1643-51 and 2601-07 recede to Senate sections 1701-18, 1741-49 and 3241-49 with a modification to establish a National Commission on Crime Prevention and Control charged with developing a comprehensive proposal for preventing and controlling crime and violence in America. This Commission must establish committees or task forces for the following specific purposes: one to focus on crime and violence generally, one to focus on the causes of the demand for drugs, one to focus on violence in schools, and one to focus on violence against women. House recedes to Senate sections 1731-32, Presidential Summit on Violence, with modification.

TITLE XXVIII—SENTENCING PROVISIONS

Section 280001—House recedes to Senate section 2401, imposition of a sentence.

Section 280002—House recedes to Senate section 2402, technical amendment to mandatory conditions of probation.

Section 280003—House section 1701 recedes to Senate section 2409, Hate Crime Sentencing.

Section 280004—House recedes to Senate section 2501, authorization of probation for petty offenses in certain cases.

Section 280005—House recedes to Senate section 5152 with modifications to create two full-time vice chairs of the U.S. Sentencing Commission, and to specify that of the chair and the two vice chairs, no more than two shall be of the same political party.

Section 280006—House recedes to Senate section 3092, Cocaine Penalty Study.

Senate section 2405, mandatory minimums for use or possession of firearm during a State crime, recedes to House.

Senate section 2502, trial by a magistrate in petty cases, recedes to House.

TITLE XXIX—COMPUTER CRIME

House recedes to Senate section 2601, computer crime, with minor modifications.

TITLE XXX—PROTECTION OF PRIVACY INFORMATION IN STATE MOTOR VEHICLE RECORDS

Senate section 3101-03, Driver's Privacy Protection Act, recede to House sections 2901-03 with modifications.

This title prohibits the relcase and use of certain personal information except under certain circumstances. One of these exceptions, found in subsection (b)(3), permits disclosures where a person or entity is seeking correct information about an individual who presented false information or information that is no longer correct, "but only for the purpose of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual."

Some State motor vehicle departments may require requestors seeking to use this exception to certify or state the purpose for which the information is being sought. While in most cases this practice by the State will not give rise to further concern, it could pose a problem for debt collectors covered under the Fair Debt Collection Practices Act (FDCPA). Section 804 of the FDCPA provides: "Any debt collector communicating with any person other than the consumer for the purpose of acquiring location information about the consumer shall . . . (2) not state that such consumer owes any debt."

The interaction of section 804(2) of the FDCPA and subsection (b)(3) of the Driver's Privacy Protection Act could be interpreted as barring a covered debt collector from indicating to a State DMV that it was seeking information for a permitted purpose, thereby barring the debt collector from receiving information crucial to collecting a debt.

This was clearly not the intention of the drafters of the legislation and it is not the intention of the Conferees. To the contrary, the drafters of the legislation and the Conferees intend for debt collectors to be able to obtain motor vehicle record information without violating section 804(2) of the FDCPA. In this case, the purpose of disclosing the existence of a debt is solely to establish the basis for receiving DMV data, not to harass the debtor. Therefore, the Conferees believe that a statement that the information is being sought for the purposes of recovering on a debt would not violate section 804(2). In addition, the Conferees believe it would be adequate for debt collectors under (b)(3) to state that they are "pursuing legal remedies against . . . the individual," as provided in (b)(3), without stating that the legal remedies related to a debt. The Conferees believe that such a statement would not violate section 804 of the FDCPA, which is intended to prevent debt collectors from harassing a consumer by telling third parties that the consumer owes a debt. The Conferees believe that a collector is in no way harassing a consumer by telling a State DMV that information is sought in connection with "pursuing legal remedies."

The opportunity to prohibit disclosure of personal information under (b)(11) and (b)(12) does not have to be provided each time a request for such information is made. Instead, the opportunity to prohibit these disclosures should be provided at the time an individual registers for or renews his or her driver's license, title registration or identity card and at any other time an individual contacts the State on his or her own initiative to prohibit such disclosures.

Under subsection (b)(13), any requestor may obtain access to an individual's personal information if the requestor has obtained written consent from the individual whose personal information is sought. The Conferees intend that each State must provide that the requestor's demonstration include a written consent that has been notarized.

TITLE XXXI—VIOLENT CRIME REDUCTION TRUST FUND

Sections 310001-02—House recedes to Senate sections 1352-54 with modifications as follows: (1) the trust fund covers fiscal years 1995-2000 and totals $30.210 billion; (2) annual outlays from trust fund appropriations are subject to limits enforceable through sequestration procedures similar to those applied under the Balanced Budget and Emergency Deficit Control Act of 1985 to appropriations in the regular budget process; and (3) the limitations on the number of total Federal Government personnel is deleted because it has already been enacted into law (Federal Workforce Restructuring Act of 1994, P.L. 103-226).

Section 310003—Senate recedes to House proposal to provide for the extension of authorizations of appropriations.

This section is an "authorization extender" provision intended to assure the complete and efficient use of all authorizations contained in the Report and all monies transferred into the Violent Crime Reduction Trust Fund. Under this provision, if the amount appropriated from the Trust Fund for a given program in a particular fiscal year is less than the amount authorized for that program in that year, the unused portion of the authorization remains available for use for that program in later fiscal years.

For example, if $100 million is authorized for program "A" for fiscal year 1996 but only $75 million is actually appropriated, the remaining $25 million will be available for appropriations from the Trust Fund in fiscal years 1997 and beyond for that program. The $25 million in authorizations "extended" beyond fiscal year 1996 need not all be used in fiscal year 1997; it remains available until funds are appropriated for such authorizations.

Section 310004—Senate recedes to House proposal to provide for flexibility in making appropriations.

This Section provides "transfer authority" to give the Appropriations Committees some flexibility in allocating appropriations from the Trust Fund among the programs included within each of three specified functional categories. Under these provisions, the $30.2 billion in authorizations contained in the Report is divided into the following categories: (1) State and Local Law Enforcement, (2) Federal Law Enforcement and (3) Prevention. Within each of these categories, the Appropriations Committees will, in any fiscal year, be permitted to transfer up to 10 percent of the authorization for a particular program to any other program within the same category.

For example, within the "Federal law enforcement" category, the Appropriations Committees could decrease the fiscal year 1996 authorization for program "A" by up to 10 percent and transfer that money to program "B" by increasing the authorization for "B" by the dollar amount subtracted from "A".

The transfer authority provided in the Conference Report is subject to three additional limitations (1) the aggregate amount of authorizations transferred away from a program over the life of the Trust Fund may not exceed 10 percent of the program's total authorization; (2) transfer authority may not be used to increase total authorizations for any of the three categories for any fiscal year above the level authorized for that category by the Report; and (3) no transfers between categories are permitted, *e.g.*, authorizations for "Prevention" programs may not be transferred to "Federal Law Enforcement" programs.

The following is a list of the programs included in each of the three broad functional categories:

FEDERAL LAW ENFORCEMENT

(1) Authorization of Additional Appropriations for the Federal Judiciary, Section 190001(a)

(2) Authorization of Additional Appropriations for the Department of Justice, Section 190001 (b)

(3) Authorization of Additional Appropriations for the Federal Bureau of Investigation, Section 190001 (c)

(4) Authorization of Additional Appropriations for United States Attorneys, Section 190001 (d)

(5) Authorization of Additional Appropriations for the Department of Treasury, Section 190001 (e)

(6) National Center for Criminal Justice Research and Education, Section 320925

(7) Gang Investigation Coordination and Information Collection, Section 150008

(8) Motor Vehicle Theft Prevention, Section 220002

(9) Criminal Alien Tracking Center, Section 130002

(10) Expeditious Deportation for Denied Asylum Applicants, Section 130005

(11) Improving Border Controls, Section 130006

(12) Expanded Special Deportation Proceedings, Section 130007

(13) FBI and U.S. Attorney activities regarding Senior Citizens Against Marketing Scams, Section 250005

(14) FBI Activities Regarding DNA, Sections 210303-210306

(15) Agents for the Drug Enforcement Administration, Section 180104

(16) Presidential Summit on Violence and National Commission on Crime Prevention and Control, Section 270009

STATE AND LOCAL LAW ENFORCEMENT

(1) Public Safety and Policing, Sections 10001-10003

(2) Law Enforcement Family Support, Section 210201

(3) Availability of Violent Crime Reduction Trust Fund to fund activities authorized by the Brady Handgun Violence Protection Act and the National Child Protection Act of 1993, Section 210603

(4) Rural Law Enforcement Agencies, Section 180101

(5) Rural Drug Enforcement Training, Section 180103

(6) Community-based Justice Grants for Prosecutors, Sections 31701-31708

(7) Federal assistance to State court systems, Section 210602

(8) Police Recruitment, Sections 30801-30802

(9) DNA Grants to States, Section 210302

(10) Improved training and technical automation, Section 210501

(11) Extension of Byrne Grant Program, Section 210101

(12) Criminal Justice and Substance Abuse Treatment Training, Section 320930

(13) Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants, Sections 20101-20109

(14) Incarceration of Undocumented Criminal Aliens, Section 20301

(15) Prevention, Diagnosis, and Treatment of Tuberculosis in Correctional Institutions, Section 32201

(16) Certainty of Punishment for Young Offenders, Section 20201

PREVENTION

(1) Drug Courts, Section 50001

(2) Ounce of Prevention, Section 30101-30104

(3) Youth Employment and Skills Crime Prevention, Section 30201

(4) Model Intensive Grants, Sections 30301-30307

(5) Family and Community Endeavor Schools Grant Program and Community Schools Youth Services and Supervision Grant Program, Sections 30401-30403

(6) Police Partnerships for Children and Grants for Police Residence in High Crime Areas, Sections 30501-30505

(7) Midnight Sports, Section 30601

(8) Assistance for Delinquent and At-Risk Youth, Sections 30701-30702

(9) National Triad Program, Sections 30901-30906

(10) Local Partnership Act, Sections 31001-31002

(11) National Community Economic Partnership, Sections 31101-31133

(12) Gang Prevention Services for Boys and Girls, Sections 31201-31207

(13) Olympic Youth Development Centers, Section 31301

(14) Anti-Crime Youth Councils, Sections 31401-31405

(15) Urban Recreation and At-Risk Youth, Sections 31501-31505

(16) Boys and Girls Clubs in Public Housing, Sections 31601-31603

(17) Child Safety, Sections 31801-31808

(18) Family Unity Demonstration Project, Sections 31901-31922

(19) Substance Abuse Treatment in Federal Prisons, Section 32001

(20) Substance Abuse Treatment for State Prisoners, Section 32101

(21) Hope in Youth Program, Sections 32301-32307

(22) Gang Resistance Education and Training, Section 32401

(23) Federal Victim's Counselors, Section 40114

(24) Grants to Combat Violent Crimes Against Women, Section 40121

(25) Education and Prevention Grants to Reduce Sexual Assaults Against Women, Section 40151

(26) Training Programs, Section 40152

(27) Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth, Section 40155

(28) Victims of Child Abuse Programs, Section 40156

(29) National Domestic Violence Hotline, Section 40211

(30) Encouraging Arrest Policies in Domestic Violence Cases, Section 40231

(31) Battered Women Shelters, Section 40241

(32) Youth Education and Domestic Violence, Section 40251

(33) Community Programs on Domestic Violence, Section 40261

(34) Study on State Databases, Section 40292

(35) Study on Number and Cost of Domestic Violence Injuries, Section 40293

(36) Rural Domestic Violence and Child Abuse Enforcement Assistance, Section 40295

(37) Education and Training for Judges and Court Personnel in State Courts, Sections 40411-40414

(38) Education and Training for Judges and Court Personnel in Federal Courts, Sections 40421-40422

(39) National Baseline Study on Campus Sexual Assault, Section 40506

(40) National Stalker and Domestic Violence Reduction, Sections 40601-40611

(41) Juvenile Drug Trafficking and Gang Prevention Grants, Section 150004

(42) Grants for Youth Development Centers, Section 150005

(43) Missing Alzheimer's Disease Patient Alert Program, Section 240001

(44) Safe Senior Corridors Grants, Section 240003

TITLE XXXII—MISCELLANEOUS

SUBTITLE A—INCREASES IN PENALTIES

Section 320101—House recedes to Senate Section 2901, increased penalties for assault.

Section 320102—House recedes to Senate section 2902, increased penalties for manslaughter.

Section 320103—House recedes to Senate section 2903, increased penalties for civil rights violations.

Section 320104—Senate section 2904(a) recedes to House section 3051, Penalties for Trafficking in Counterfeit Goods and Services; House recedes to Senate section 2904(b), laundering monetary instruments.

Section 320105—House recedes to Senate section 2905, penalty for committing murder for hire.

Section 320106—House recedes to Senate section 2907, increased penalties for arson, with modifications to delete mandatory minimum and increase the maximum penalty range.

Section 320107—House recedes to Senate section 616, increased penalties for drug trafficking near public housing. Senate section 1503 is deleted as duplicative.

Section 320108—House recedes to Senate section 5105, penalties for nonindigenous species, with modifications.

Section 320109—Senate recedes to House section 3056, military medals and decorations.

Senate section 2967, balanced in the criminal justice system, recedes to House.

SUBTITLE B—EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES

Section 320201—House recedes to Senate section 2911, extension of civil rights statutes.

SUBTITLE C—AUDIT AND REPORT

Sections 320301-02—House recedes to Senate sections 2921-22, audit and report.

SUBTITLE D—COORDINATION

Section 320401—House recedes to Senate section 5166, coordination of treatment and prevention programs.

SUBTITLE E—GAMBLING

Section 320501—House recedes to Senate section 2932, clarifying amendment regarding scope of prohibition against gambling on ships in international waters, with technical modifications.

Senate section 2931, enforcement of laws relating to gaming, recedes to House.

SUBTITLE F—WHITE COLLAR CRIME AMENDMENTS

Section 320601—House recedes to Senate section 2941, receiving proceeds of extortion or kidnapping.

Section 320602—House recedes to Senate section 2942, receiving the proceeds of a postal robbery.

Sections 320603-04—Senate section 2101 recedes to House sections 401-02, Insurance Fraud.

Sections 320605-06—House recedes to Senate sections 2201-03, Financial Institution Fraud.

Section 320607—House recedes to Senate section 2944, addition of predicate offenses.

Section 320608—House recedes to Senate section 2945, definition of savings & loan.

Section 320609—House recedes to Senate section 2946, definition of 1-year sentence.

Senate section 2943 recedes to House.

Senate sections 3801-21, enhanced penalties for health care fraud enforcement efforts, recede to House.

Senate section 2301, savings and loan task force, recedes to House.

Senate sections 4401-04, public corruption, recede to House.

Senate section 2204 recedes to House.

Senate section 5146, Bankruptcy, recedes to House.

SUBTITLE G—SAFER STREETS AND NEIGHBORHOODS

Sections 320701-02—House recedes to Senate sections 2951-52, Safer Streets and Neighborhoods, with technical modifications.

SUBTITLE H—RECREATIONAL HUNTING SAFETY

House recedes to Senate sections 4601-08, Recreational Hunting Safety, with modifications.

The conference report contains a modified version of Title XLVI of the Senate amendment, the Recreational Hunting Safety and Preservation Act of 1994. The purpose of this subtitle is to protect the safety and rights of persons to lawfully engage in hunting and fishing activities on Federal land.

In fashioning the provisions of this subtitle, the Conferees took care to not infringe on the first amendment right of free speech. The civil penalty provisions of this subtitle only apply to intentional physical conduct that significantly hinders a lawful hunt. Conduct is defined to exclude any activity protected by the first amendment. None of the provisions of this subtitle are intended to affect or limit in any way first amendment rights. Nor does the subtitle affect Federal land managers' existing authority to subject speech to reasonable regulation as to time, place and manner to the extent it is Constitutionally permissible.

In the interest of clarity, the Conferees have adopted a concise standard of violation, defined as intentional physical conduct that significantly hinders a lawful hunt. The Conferees intend that the physical conduct and the hinderance by considered as unitary; that is, both must be intentional. In other words, the conduct must be intentional, and must be done with the intention of significantly hindering a lawful hunt. A violation only occurs if the hinderance is significant; that is, it must have a negative influence or effect. The Conferees intend this to mean that incidental conduct which has *de minimis* effect on a hunt would not violate this subtitle.

With the principles described above in mind, examples of violations of this subtitle would include, but not be limited to, driving or disturbing wildlife; blocking or impeding hunters; using visual, aural, olfactory, or physical stimuli to affect wildlife behavior; erecting barriers to deny ingress or egress to areas where a lawful hunt takes place; placing a person or object in the line of fire; taking, disturbing or damaging property, such as a hunting blind; abusing a hunting dog; or other conduct intended to slow or make difficult the progress of a lawful hunt.

SUBTITLE I—OTHER PROVISIONS

Section 320901—House recedes to Scnate section 2965, wiretaps, with technical modification.

Section 320902—House recedes to Senate section 2966, theft of major artwork, with modifications.

Section 320903—House reccdes to Senate section 2969, addition of attempted robbery, kidnapping, smuggling and property damage offenses.

Section 320904—House recedes to Senate section 2972, to include findings with respect to the gun-free school zone provisions of the Crime Control Act of 1990.

Section 320905—House recedes to Senate section 5109, interstate wagering.

Section 320906—Senate recedes to House section 3005 with technical modifications. The Conferees note that Congress finds with regard to this section that there are 8,000,000 workers in the trucking industry in the United States, some working for large carriers and some for small carriers, some for private carriers and some owner operators, all assisting the free flow of commerce by transporting all types of commodities that enter, leave, or move within this country. Unemployment, crime, and drug use have contributed to an increase of violence against commercial truckers, an increase that has gone unrecognized by the public at large. As few state or local authorities report violent crimes against truckers as such to the Federal Bureau of Investigation, statistics do not reflect this fast-growing and increasingly violent segment of crime. The Federal Bureau of Investigation investigated 282 truck hijackings involving crimes of violence in 1993, not including attempted crimes and crimes addressed by State, county, and local authorities. The Federal Government in large measure finances the highway system the trucking industry uses, collecting large sums in taxes from the industry and licenses, and regulates the industry and its drivers, entailing a concomitant responsibility to protect them against crime. Federal law provides protections to truckers in, among others, sections 33 and 1951 of title 18, United States Code, but currently Federal prosecutions are not undertaken unless certain monetary thresholds of loss are met.

Section 320907—House recedes to Senate section 5148 with technical modifications. The Conferees note the Senate finds with regard to this section that: (1) the National Center for Health Statistics has reported that the out-of-wedlock birth rate reached 29.5 percent in 1991 (66.3 percent in Washington DC., 71.0 percent in Detroit); (2) the out-of-wedlock birth rate has increased without interruption since 1970, and, as pointed out recently by George Will, "the rate of increase is not slowing even at extraordinary levels"; (3) Dr. Lee Rainwater of Harvard University predicts that the rate will reach 40 percent within 7 years; (4) Professor James Q. Wilson has described the erosion of the family structure in the United States and Western nations as "a major cultural convulsion" that is inextricably associated with the rise of violent urban crime; (5) President Clinton has stated on the national television program "Meet the Press" that there is "absolutely" a correlation between crime and drugs and the breakdown of the family.

Section 320908—House recedes to Senate section 5106 with technical modifications. The Conferees note the Senate finds with regard to this section that (1) international criminal activity has increased dramatically over the past decade and has been facilitated by modern developments in transportation and communications, relaxed travel restrictions, and the greatly increased volume of international trade; (2) The expansion of international criminal activity is reflected in the growth of requests for mutual legal assistance and extradition made between the United States and other countries, the number of such requests having increased from 535 in 1984 to 2,238 in 1992; (3) The global reach of organized crime constitutes a serious threat to the security and stability of sovereign nations; (4) the expanding scope of international organized crime necessitates greater cooperation among nations to prosecute and eliminate organized criminal groups; (5) there is an urgent need for new approaches to allow the international law enforcement community to pursue international criminals across national boundaries; (6) The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances has helped bring about improved international cooperation with respect to narcotics; (7) The current role of the United Nations with respect to international organized crime is limited by the lack of a binding international convention dealing with the broad range of organized criminal activity beyond narcotics; (8) The United Nations Commission on Crime Prevention and Criminal Justice has successfully facilitated the negotiation and implementation of mutual legal assistance and extradition treaties between certain nations, and has helped train nations to effectively execute the terms of such treaties; (9) The United Nations Commission on Crime Prevention and Criminal Justice currently has limited authority and resources.

Section 320909—House recedes to Senate section 2961, optional venue for espionage.

Section 320910—House recedes to Senate section 2962, undercover operations.

Section 320911—House recedes to Senate section 2968, misuse of DEA initials.

Section 320912—House recedes to Senate section 2970, definition of livestock, with modification.

Section 320913—House recedes to Senate section 5155, asset forfeiture.

Section 320914—House recedes to Senate section 5156, clarification of court.

Section 320915—House recedes to Senate section 5164. The Conferees note that the Senate has found regarding this provision that we are losing control of our streets and our neighborhoods to gangs, drugs and violent crime; Americans tolerate a level of violence 5 times that of Canada and 10 times

that of England; this bill establishes a Violent Crime Reduction Trust Fund. The conference report authorizes the revenues to fund the Trust Fund be derived from savings resulting from a reduction in Federal personnel; and the Federal law enforcement agencies charged with carrying out the provisions of this Act will require substantial manpower to implement the Act.

Section 320916—Senate recedes to House section 3041, traveler protection.

Section 320917—House recedes to Senate section 2971, extension of statute of limitations for arson, with modifications.

Section 320918—House recedes to senate section 1603, Sense of Congress concerning child custody and visitation rights.

Section 320919—Senate recedes to House section 3048, Edward Byrne Memorial Formula Grant Program.

Section 320920—House recedes to Senate section 5127, Law Day USA with modification. The Conferees note that the Senate has found with regard to this program that the first day of May each year has been designated as "Law Day U.S.A." and set aside as a special day to advance equality and justice under law, to encourage citizens and support for law enforcement and law observance, and to foster respect for law and an understanding of the essential place of law in the life of every citizen of the United States; each day police officers and other law enforcement personnel perform their duties unflinchingly and without hesitation; each year tens of thousands of law enforcement personnel are injured or assaulted in the course of duty and many are killed; law enforcement personnel are devoted to their jobs, are underpaid for their efforts and are tireless in their work; and law enforcement personnel perform their duties without adequate recognition.

Section 320921—House recedes to Senate section 5154 with modifications. This section ensures that a defendant convicted for the first time will attend an appropriate rehabilitation program. The Conferees intend that the courts ensure that defendants who may suffer from organic brain damage or severe mental illness are referred to the most appropriate rehabilitative care addressing their specific needs. Further, any rehabilitation program may refer the defendant back to the court if it determines that its program is inappropriate for the defendant.

Section 320922—Senate recedes to House section 3001, Display of Flags at Half Staff.

Section 320923—Senate recedes to House section 3011, Financial Institution Fraud.

Section 320924—House recedes to Senate section 5114, definition of parent.

Section 320925—Senate recedes to House proposal regarding National Center for Criminal Justice Research and Education.

Section 320926—House recedes to Senate section 5123, Hate Crime Statistics Act.

Section 320927—Senate recedes to House proposal exempting return of handgun to owner from Brady background check requirement.

Section 320928—House recedes to Senate sections 811–16, Protection of Children, the Elderly, and Individuals with Disabilities, with modifications to delete already enacted provisions and with other modifications.

Section 320929—Senate recedes to House proposal regarding Tennessee Valley Authority Law Enforcement.

Section 320930—Senate recedes to House proposal for Criminal Justice and Substance Abuse Training.

Section 320932—House recedes to Senate section 5162, Assistant United States Attorney Residency, with modification to 25 miles.

Section 320933—Senate recedes to House section 3086 with modifications.

Senate section 5128, treatment of Indian tribes, recedes to House because Indian tribal governments are incorporated throughout the bill.

Senate section 5133, Control and Prevention of Crime in Indian Country, recedes to House because Indian Tribes are incorporated throughout the bill.

Senate section 5151, Supreme Court marshals and police, deleted because already enacted.

Senate section 5116, parental accountability, recedes to House.

Senate section 831, admissibility of evidence, recedes to House.

Senate section 5108, Report on Success of Royal Hong Kong Police Recruiting, recedes to House.

Senate section 5147 recedes to House. The Conferees note that the substance of this provision is included in the provisions for alternative punishment for young offenders.

Senate section 5145, Children and Youth Utilizing Federal Land, recedes to House.

Senate section 5104 recedes to House.

Senate section 5134, extension of RTC statute of limitations, recedes to House.

House section 3061–62, Age Discrimination in Employment, recede to Senate.

House section 1098B, Benefit for Chaplains, recedes to Senate because Senate budget point of order lies against this section.

Senate sections 2801–03, Safe Schools, are deleted because already enacted.

Senate sections 1011–12, community substance abuse prevention, recede to House.

House section 1605 recedes to Senate.

TITLE XXXIII—TECHNICAL CORRECTIONS

Sections 330001–025—Senate sections 3001–13 recede to the technical corrections found in H.R. 3131 with conforming changes and additional technical corrections.

JACK BROOKS,
DON EDWARDS,
BILL HUGHES,
CHARLES SCHUMER,
JOHN CONYERS, Jr.,
MIKE SYNAR,

As additional conferees from the Committee on Agriculture, for consideration of sections 4601–08, 5105, and 5145 of the Senate amendment, and modifications committed to conference:

E DE LA GARZA,
CHARLIE ROSE,
CHARLES W. STENHOLM,
PAT ROBERTS,
RICHARD POMBO,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 2201–04, 2301, and 4901–33 of the Senate amendment, and sections 1031(b), 1038, and 1099AA–1099CC of the House amendment, and modifications committed to conference:

HENRY GONZALEZ,
STEVE NEAL,
BRUCE F. VENTO,

As additional conferees from the Committee on Education and Labor, for consideration of sections 631–33, 662(e), 662(f), 811–16, 921–28, 1121–50, 1331, 2801–03, 3261, 3263, 3311, 3341, 3351, 3361, 3381–83, 3501, 3707, 4001–09, 4301–04, 4701–02, 4801–09, 4901–33, 5120, 5122, 5135, 5140, 5142–43, and 5147 of the Senate amendment, and sections 1010–26, 1030–34, 1038, 1051–52, 1065–71, 1081–96, 1099A–1099G, 1099H–1099O, 1099P–1099T, 1606, 1610, 1653–54, 1902(e), 1902(f), 2201–02, 2701–39, 3061–62, 3089–90, of the House amendment, and modifications committed to conference:

WILLIAM D. FORD,
DALE E. KILDEE,
MATTHEW G. MARTINEZ,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 1503–04, 1511–23, 1532, 1534–35, 1537, 1902(e), 3101–03, 3261, and 5166 of the Senate amendment, and sections 1010–26, 1041–44, 1606, 2901–03, and 3086 of the House amendment, and modifications committed to conference:

JOHN D. DINGELL,
HENRY A. WAXMAN,
CARDISS COLLINS,

As additional conferees from the Committee on Government Operations, for consideration of sections 1553–54, 1535, and 5150 of the Senate amendment, and sections 1075–76 of the House amendment, and modifications committed to conference:

TOM LANTOS,
EDOLPHUS TOWNS,

Provided Mr. Spratt and Mr. Kyl are appointed in lieu of Mr. Waxman and Mr. Clinger solely for the consideration of sections 1335 and 5150 of the Senate amendment.

JOHN M. SPRATT, Jr.,

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 713–15, 4601–08, 5105, and 5145 of the Senate amendment, and modifications committed to conference:

GERRY STUDDS,
SOLOMON P. ORTIZ,
GEORGE HOCHBRUECKNER,

As additional conferees from the Committce on Natural Resources, for consideration of sections 3232–33, 4601–08, and 5145 of the Senate amendment and sections 1099U–1099Z of the House amendment, and modifications committed to conference:

GEORGE MILLER,
BRUCE F. VENTO,
KAREN SHEPHERD,
DON YOUNG,
BARBARA VUCANOVICH,

Provided, Ms. English of Arizona is appointed in lieu of Ms. Shepherd solely for the consideration of sections 4601–08 of the Senate amendment.

KARAN ENGLISH,

Provided, Mr. Hinchey is appointed in lieu of Ms. Shepherd solely for the consideration of sections 1099U–1099Z of the House amendment.

MAURICE HINCHEY,

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 1352 and 3371 of the Senate amendment, and modifications committed to conference:

WILLIAM CLAY,
FRANK MCCLOSKEY,
ELEANOR H. NORTON,
JOHN T. MYERS,
CONSTANCE A. MORELLA,

As additional conferees from the Committee on Public Works and Transportation. for consideration of sections 1533, 1536, and 3231 of the Senate amendment, and section 1801 of the House amendment and modifications committed to conference:

NORMAN Y. MINETA,
NICK RAHALL,
BUD SHUSTER,
THOMAS E. PETRI,

As additional conferees from the Committee on Rules, for consideration of sections 1353–54 of the Senate amendment, and modifications committed to conference:

JOHN JOSEPH MOAKLEY,
BUTLER DERRICK,

TONY BEILENSON,
As additional conferees from the Committee on Ways and Means, for consideration of sections 311(b), 1502, 1515–16, 1802, 4702(e)(1), 5102, and 5113 of the Senate amendment, and modifications committed to conference:
DAN ROSTENKOWSKI,
SAM GIBBONS,
J.J. PICKLE,
Managers on the Part of the House.

JOSEPH R. BIDEN, JR.,
EDWARD M. KENNEDY,
HOWARD M. METZENBAUM,
DENNIS DECONCINI,
PATRICK J. LEAHY,
Managers on the Part of the Senate.

ANNOUNCEMENT OF EVENING MEETING OF COMMITTEE ON RULES

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, we have been notified that there will be a Committee on Rules meeting at 8 p.m. this evening.

Is that on the conference report that the gentleman just presented?

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

Mr. SOLOMON. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, the gentleman is correct.

Mr. SOLOMON. Are there copies in the Committee on Rules of that report now?

Mr. BROOKS. The copies will be there in 3 minutes. As we speak, they are moving over here.

Mr. SOLOMON. In 3 minutes. We appreciate that. That means we will have 57 minutes to look at it before we take it up in the Committee on Rules?

Mr. BROOKS. Maybe 58. If the gentleman reads fast.

Mr. SOLOMON. Please hurry, Mr. Chairman.

HEALTH CARE: START OVER NEXT YEAR

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. DOOLITTLE. Mr. Speaker, it is not just the Republicans who do not like the Democrats' socialistic health care bills. Liberal Democrat columnist Robert Samuelson in today's Washington Post has written a column called "Health Care: Start Over Next Year. They don't know what they're doing up there."

Here is what he says:

Among other things, the Democratic health care plans contain a large—and unjustified—multi-billion-dollar tax on younger workers. You wonder whether most members of Congress know this or even care. The whole health care debate is now completely out of control. The desperate effort to craft something that can be advertised as "universal coverage" means that Congress literally no longer knows what it's doing. Anything resembling the Democrats' bills, if enacted, would produce massive unintended side effects.

Apparently, most Americans grasp this. In a Newsweek poll last week, respondents were asked whether Congress ought to "pass reform this year" or "start over next year." By a two-to-one margin (65–31 percent) they said "start over" * * *

Republicans * * * are now correct that a bad bill would be worse than none.

Mr. Speaker, the full text of the column by Robert Samuelson is as follows:

HEALTH CARE: START OVER NEXT YEAR—THEY DON'T KNOW WHAT THEY'RE DOING UP THERE

(By Robert J. Samuelson)

Among other things, the Democratic health care plans contain a large—and unjustified—multi-billion dollar tax on younger workers. You wonder whether most members of Congress know this or even care. The whole health care debate is now completely out of control. The desperate effort to craft something that can be advertised as "universal coverage" means that Congress literally no longer knows what it's doing. Anything resembling the Democrats' bills, if enacted, would produce massive unintended side effects.

Apparently, most Americans grasp this. In a Newsweek poll last week, respondents were asked whether Congress ought to "pass reform this year" or "start over next year." By a two-to-one margin (65–31 percent), they said "start over." They sense that the versions of health reform crafted by House and Senate leaders are hodgepodges of conflicting provisions whose only purpose is to win passage. But what is clear to ordinary Americans is denied in Washington. In the capital, the fiction is that legislators know what they're doing and are debating rational alternatives.

"I think you're going to see a very good, erudite back-and-forth," says House majority leader Richard Gephardt, sponsor of the House bill. Well, it won't be "erudite" if members of Congress don't understand the consequences of their actions.

Gephardt's plan, for instance, would create a new Medicare Part C program for the unemployed, workers in small companies and many existing Medicaid recipients. The Congressional Budget Office estimates that the program might enroll 90 million people. But the projection could easily err by millions in either direction. More important, Medicare Part C emphasizes "fee for service" medicine (patients selecting individual doctors), while the rest of the bill emphasizes "managed competition" (reliance on health maintenance organizations and similar plans).

In a single stoke, the bill would separate the under-65 population into two groups, mainly based on income and size of employer. Each group would be crudely steered toward a different type of medicine. In practice, this division may not be politically acceptable or economically workable. Many Americans may find one type of medicine more appealing than the other and resent being excluded. Or the artificial segmenting of the medical market may raise costs for both "managed competition" and "fee for service." Gephardt doesn't know; no one does.

Now, consider the tax on young workers. It arises from "community rating." As people age, their health costs and insurance premiums rise. But "community rating" requires that everyone pay the same rate. This provision is included in the House bill, and in a modified version, in the Senate bill. The effect would be to raise insurance for younger workers (say those below 45); the amounts are hard to estimate, but a good guess is at least $300 to $500 a worker. If employers have to pay higher insurance, they will pay lower salaries. The invisible tax on young workers might total $15 billion to $25 billion annually.

Is this fair? No. If enacted, it would compound the existing bias against the young. Already, one-third of the federal budget goes to the elderly; the young are taxed to support the old. How much farther is this to go? Or is it a cynical reaction to voting patterns (the young vote less than the middle-aged or old)?

Questions like these swirl around both Gephardt's plan and Senate majority leader George Mitchell's. It is hard even to describe Mitchell's plan. He says it's voluntary and lacks a "mandate." Wrong. It's true that it doesn't mandate companies to buy insurance for workers. But it does mandate a standard benefit package for firms—the vast majority—that offer insurance. Because the mandated benefits are above average, this would probably raise health spending. Companies below the new standard would increase benefits; those above would have trouble lowering them.

Next, Mitchell hopes to achieve 95 percent insurance coverage by offering subsidies for low-income workers to buy it. But there's a "fail-safe" mechanism to limit subsidies if the budget costs exceed projected costs. However, if 95 percent coverage doesn't occur by 2000, Congress could require employers to pay 50 percent of their workers' insurance. But this would apply only to firms with more than 25 workers. Got it? Neither Mitchell nor anyone else knows whether this would reach 95 percent coverage.

These plans are confusing because the health debate evaded the basic tension between expanding health services ("universal coverage" etc.) and controlling health spending. It's hard to do both at the same time. The plans' complexities—as with the original Clinton plan's—aim to disguise this conflict. Republicans haven't been especially constructive in this debate because they haven't faced up to it either. But they are now correct that a bad bill would be worse than none.

Chaos is now the most important (and largely unreported) reality about the health care debate. Dozens of provisions in these bill would have huge unappreciated consequences. John Sheils of Lewin-VHI, a health consulting firm, says premiums for small businesses in the Mitchell bill could be 25 percent higher than for big companies. The CBO agrees a gap exists but puts it lower. Who's right? Do most members of Congress understand the gap? Probably not. Still, the pretense in Washington is that Congress is making conscious choices.

The pretense is sustained because in Washington politics is sport, especially at the climax of a legislative battle. All attention fixes on who wins and loses—and the deals that enliven the game. Rhetorical blasts are taken for reality; political reporters know little of how legislation would work and care less. This often leads to bad laws, and in health care, the potential for blunders is huge because Congress is tinkering with one-seventh of the economy and most aspects of medicine.

In May, Robert Reischauer, head of the CBO, warned that trying to find a compromise by combining provisions from different bills might make the health system worse. He compared it to building an auto engine with incompatible parts: "You can't say I want a piston from Ford, a fuel pump from Toyota * * * and expect the engine to run." Well, that's precisely what's happened. The contraption is no longer even a car made with incompatible parts. It's now part car, part tractor and part rollerblades. It's a clunker. Most Americans seem to understand this. Will Congress?

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CLYBURN). Under the Speaker's announced policy of February 11, 1994, June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BEGINNING OF THE END FOR CASTRO DICTATORSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentlemen from New Jersey [Mr. MENENDEZ] is recognized for 5 minutes.

Mr. MENENDEZ. Mr. Speaker, I join my colleagues from Florida and New Jersey in calling upon the Cuban-American community to continue showing restraint in the face of taunts by Fidel Castro to create another exodus like we had in 1980. Castro continues to inflict pain upon the Cuban community both in Cuba and in exile, by seeking to exploit the strong yearning for family reunification.

However, we all know that the only reason that Castro seeks to create another *Mariel* type exodus is to release the pressure valve building within Cuba. Castro cannot sustain the public demonstrations that have taken place in unprecedented numbers, and the constant civil disobedience that human rights activists, and average Cubans exhibit by taking to the seas in search of freedom. He seeks to divert attention from his own abuse of human rights and acts of murder, such as the deliberate killing by the Cuban Government of 40 innocent men, women, and children on the high seas.

I believe that at long last we are witnessing the beginning of the end for the Castro dictatorship. Last Friday's demonstrations represent a watershed event in totalitarian Cuba, as similar demonstrations did throughout Eastern Europe. The Cuban people are saying loud and clear that they no longer fear Fidel.

Mr. Speaker, the Castro regime has begun to unravel.

In my view the disturbances will continue. Castro's headaches will not go away. His grip on power will continue to loosen as Cuba's failed economy continues to go down the drain; and, as the Cuban people make clear to Castro: "Mr. Dictator, we have absolutely no fear of you."

However, I call upon the Clinton administration not to play into Castro's hand by treating this latest threat as simply an immigration problem. If we do so, we will once again have let him set the agenda and divert the attention from the real problem; namely, the lack of economic and political reform.

The real solution to the problem is not the exodus of 100,000 or 200,000 people, but the departure of one tyrant.

The present situation is not only a challenge but an opportunity. Now is the time to use our technology to make sure that both Radio and Television Marti fully penetrate Cuba so that we can communicate with the Cuban people. We have the ability to make sure TV Marti's signal reaches a greater part of the population by transmissions from ship to shore, air to shore, satellite transmissions, or by raising the level of TV Marti's present signal technology. The powerful images that the average Cuban would see, the risks of dying at sea, the funerals that have taken place, how we debate these issues in Congress, as well as the images of fellow Cubans demonstrating against the dictatorship would stem the tide of immigration, show how democracy works, and foster hope for democratic change in Cuba.

The administration must have the will that others have lacked to give the people of Cuba, who live in a closed society, an open window on the world. Fidel Castro has challenged our national security at a time that we find ourselves busy in both humanitarian missions in Rwanda and the restoration of democracy in Haiti. It is in the national interests to respond by providing free and unfettered information to the Cuban people.

This is also the time to respond to my singular call to prepare for a post-Castro Cuba. Immediate support for my Free and Independent Cuba Assistance Act would send a message to the Cuban people and the international community that we are in solidarity with the Cuban people, that we want to assist them, but that we oppose the dictator that enslaves them and keeps them hungry. Finally, we must break Castro's stranglehold in making this a problem between Castro and Washington, or Castro and the exile community in Miami. Since there are no democratic elections in Cuba, the Cuban people are voting with their feet, by risking their lives and fleeing Cuba. They have also voiced their discontent by massive demonstrations, funeral observances in defiance of government admonitions, and other acts of civil disobedience.

It is time for the Clinton administration to seek a resolution in the United Nations condemning the Castro government for the murder of the 40 innocent men, women, and children aboard the vessel, *13 de Marzo*.

It is time for the administration to get other member countries, especially within the Western Hemisphere, to call for U.N. human rights observers to be sent to Cuba. They could observe the admitted actions of the rapid response brigades' brutality against average Cubans, whom Fidel Castro calls private citizens not government thugs. Civil society in Cuba is disintegrating and human rights abuses are at an all-time high.

It is time to internationalize the concern for the rights of Cuban citizens and break the myth that this is strictly a Castro versus Washington problem. This is a problem of hemispheric proportions which those countries who call themselves democracies cannot ignore as they seek greater hemispheric integration.

It is time to be proactive, not reactive. It is time to stop dancing to Castro's tune, and time to change the music. History will do justice to the Castro dictatorship. Once Castro wrote, "History will absolve me." Instead, history will condemn him. Let us not absolve Castro by blaming the United States: The blame rests squarely with Fidel Castro.

□ 1910

CONGRESSIONAL ACCOUNTABILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. BARRETT] is recognized for 5 minutes.

Mr. BARRETT of Wisconsin. Mr. Speaker, there are many days when the American people are frustrated if they watch what the House of Representatives does during the course of their day. But today is one of the days when the American people would be very proud of what the House of Representatives did, because the House of Representatives today, by an overwhelming vote, showed the American people that we are willing and able to abide by the same laws that we impose on other Americans.

There are three provisions of today's Congressional Accountability Act that I think are of particular importance and interest to the American people, and I am proud to have been a supporter of all three.

The first is the provision put forth by the gentlewoman from Arizona [Ms. ENGLISH] dealing with the frequent flier issue. I am a strong supporter of the measure which would restrict the use of frequent flier miles.

The policy of the House regarding the use of official travel miles has come under fire from those who argue that Members of Congress are taking advantage of their official positions. Under current law, Members of the House who receive frequent flier miles from taxpayer-funded travel may redeem these

benefits for personal use. Every other Federal agency, including the U.S. Senate, restricts this practice. It is time for the House to do the same.

Since the American taxpayers pay the cost of the travel, they should reap the benefits. If Members of Congress receive frequent flier miles from flights paid for by the taxpayer, then those miles should be used for official use only. Until personal use is prohibited, Members will be open to the charge that they are looking for a free ride from the American public. I was proud when the House today on a voice vote accepted the amendment to limit that.

The second amendment that the American people I am sure would be proud of is the amendment that ensures that whatever health care reforms we institute in this body will be the same as the benefits that other Americans receive. I actually think there are many Americans out there who are under the mistaken perception that Walter Reed is our personal physician. As the people here know, we pay probably a third of the cost of our health care insurance. But it is important for us to let the American people know that we are not better or we are no worse than they are.

If we pass health care reform, and I sincerely hope we pass health care reform within the next 12 days, it is my strong belief that whatever plan we pass should include Members of Congress as well.

The third issue that the American people would be proud of is the measures that were put forth by the gentleman from New Hampshire [Mr. SWETT] and the gentleman from Connecticut [Mr. SHAYS]. Those provisions ensure that many of the laws, if not all of the laws we pass as a body will apply to the Members of Congress as well as to the American public. Again the concern is the perception that somehow we feel we should be treated differently. Most, if not all Members of this House know how hard we work, and that we are not treated differently. But it is important that the American people also recognize that we do not place ourselves above them.

As a freshman member of Congress, it is a great honor to be a Member of this body. I believe that all Members know or should know what a tremendous honor it is to serve the American people in the House of Representatives.

Consequently, it is our duty to let the American people also know that we believe that we are still servants of the people and should be treated like every other American.

For those reasons, I am proud today Congress, by an overwhelming vote, passed the Congressional Accountability Act.

UNITED STATES HAITI POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I spoke earlier in this Chamber this week about the situation in Haiti, and I made the proposition do the American people really want to spend a billion dollars—a million precious—a billion dollars from our United States taxpayers on such a frivolous event as an invasion of Haiti, which is a friendly, neighboring country. I think not.

I also wanted to examine some of the other damage of this very inept foreign policy that the Clinton administration is persisting in. We are not making any friends in the Western Hemisphere.

The one ally we had who sort of tentatively supported the idea of perhaps a multiforce invasion of Haiti was Argentina, and the President of Argentina, when he went back home and checked with the people in his country, changed his mind, suddenly decided that his word about joining us in a multilateral invasion of Haiti would not be possible because the people of his country had reversed his position. They did not want to invade Haiti either. That puts them very much in the majority opinion in this country and, frankly, in this Chamber. I am not sure that there is anybody who is calling for the invasion of Haiti in a serious way except the Clinton administration.

Our friends in Mexico, our new trading partners, are strenuously urging against it. Our friends from Uruguay, another trading partner and longtime Democratic ally in the Western Hemisphere also say no, do not invade. Brazil, "for heaven's sakes, what are you talking about?" All of these players, and Brazil is a major player in this hemisphere, I would point out, are saying look, why have we got such a clumsy policy? Why are we trying to force people to do something they do not want to do, that does not fit, which is not going to help the Haitians, and certainly not going to help the United States of America?

In fact, it is not helping the cause of peace and human rights either, because now the embassy of Colombia and Argentina have closed their doors and have moved across the border from Haiti into the Dominican Republic because of threats of mischief and trouble stemming from all of this violence going on, caused by the pressure cauldron of our sanctions and embargo.

Just as much trouble as President Clinton has had in selling his Haitian policy to our allies in the Western Hemisphere he is having selling it to Americans in his own country because the polls clearly shows Americans are not supporting this any more than the Members of Congress are supporting it.

What is a little confusing to me is if the President has gone to the United Nations, and they have spoken, and the other body has spoken, why has not the Democratic leadership in this body brought the subject of Haiti to this floor? It is a legitimate question. It is a foreign policy question. It is certainly a question of human rights violations and suffering. All that we hear about the social needs, all we hear about the problems of the world, we are causing suffering by our policy in Haiti by withholding the medicines, the food, the support, the logistics that the very poor need there in that country which has been trashed. I challenge the leadership, the Democratic leadership: Why do we not bring forward some debate on our policy in Haiti?

It is not just a question about the War Powers Act, it is not, it is about the misuse of our military for a misguided foreign policy. It is also a misguided foreign policy that has frankly encouraged the extremes in Haiti at the expense of the moderate concerns.

Lawrence Pezzullo, who was formally the top man on Haiti for the White House, who has been fired, has written I think a very good piece, and I will read rather than paraphrase it. This comes from the Washington Post of Thursday, May 5, 1994, quoting Mr. Pezzullo: In February and March we saw legitimate parliamentarians who previously had opposed Aristide's return join forces with pro-Aristide legislators to call for his return. We saw conservative businessmen joining more progressive younger businessmen and pro-Aristide labor unions in calling for the departure of the country's military head.

"Unfortunately, this movement fell victim to intensive lobbying campaigns by both the extreme right, who saw the threat to their power, and Aristide's expatriate entourage, which incorrectly labeled the idea of a coalition with the majority of parliament 'power sharing' with the military. Ultimately, the extremes succeeded in killing the center."

There was no room for the moderates.

"The United States helped bring this about. Despite initial support for the parliamentary proposal, the United States Government was once again unable to stay the course on Haiti. A week after Vice President AL GORE advised Aristide of our considered position of support for the proposal, the U.S. administration was in full retreat. Why? Quite simply, the administration could not withstand domestic pressures against the proposal emanating from congressional supporters of President Aristide."

In other words, our foreign policy, if Haiti being driven by domestic, political considerations rather than legitimate foreign policy interests of the United States of America, that is absolutely intolerable, and that is exactly why we have a House of Representatives to debate, discuss and guide this abuse of power by the White House.

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□ 1920

TRUTH TIME ON CRIME

The SPEAKER pro tempore (Mr. CLYBURN). Under a previous order of the House, the gentleman from Washington [Mr. KREIDLER] is recognized for 5 minutes.

Mr. KREIDLER. Mr. Speaker, we have come to the moment of truth on the crime bill. It is time to stop striking poses, stop playing politics with people's fears, stop the phony rhetoric, and start facing up to the facts.

Fact: This bill will put more cops on the streets and more criminals behind bars, all over this country. We could add 2,000 officers to local police forces, and more than 500 more prison cells, in Washington State.

Fact: This bill will help the courts deal with criminals, by supporting drug courts like the ones already planned for Pierce County and King County, WA.

Fact: This bill does more to help victims of domestic violence and sexual assault than anything we have ever passed before. It will help groups like the Seattle-King County and Tacoma, YWCA's, DAWN, and Safeplace, which provide safe havens for women and children in my district.

Fact: This bill will help stop crime before it starts, with prevention programs that work—programs like Safe Streets, in Pierce County, where they have organized 120,000 people, block by block, and shut down over 800 drug locations. Where they organized an effort to help the people of Tillicum take back their community.

Fact: This bill will help children and young people survive the war zone of adolescence with programs like Youth Fair Chance, which provides a second chance for young people out of school; the Jam Session Teen Program at the Klahanee Lake Community Center in Federal Way; the Pierce County Alliance, which runs a number of programs to help at-risk youth; the Eastside Neighborhood Center and the Eastside Family Support Center in Shalishan, which serve the children and families of East Tacoma.

Fact: This bill will stop the spread of deadly semiautomatic assault weapons—killing machines that no responsible gun owner would use.

If you are going to vote against this bill because it isn't "tough" enough, explain that to the women who are beaten by their husbands, to the families who have lost loved ones to random gunfire, to the victim whose attacker goes free because the prisons are full.

Explain that to Mary Glenn of SeaTac, whose 15-year-old son, Shaun Proctor, was robbed and killed with a Chinese-made assault rifle when he went out for pizza.

Explain that to Jackie Spears of Federal Way, whose 16-year-old son, Zachary, was killed by a 15-year-old with a gun.

Explain that to the girl who has been sexually abused but has to wait weeks or months for help because rape crisis centers are overwhelmed.

Explain that to the widow of the police officer who was slain by teenagers in June. She supports prevention programs like the ones in this bill. She said, "There's got to be better programs out there for kids to build their self-esteem * * *. We've got to make sure on the Federal, State and local levels that funding—for programs—has got to be there for those kids."

Some people will look for any excuse to kill this bill because it does not include something they wanted, or has something they do not like—or just because they do not want the President and the Congress to get any credit for doing the right thing.

Just this morning, the Republican whip complained because this bill is paid for by reducing the number of Federal employees. That shows how far some people will go to make sure gridlock wins, instead of the American people.

Other Republicans say they will not vote for the bill because it does not require that communities be notified when sexual predators have completed their sentences—it only requires notice to the police. I voted for community notification, and I am disappointed too. But I came here to produce results, not to walk away if I don't get 100 percent my way.

This is not a perfect bill. But this is not the time for sour grapes. Let us get on with it, quit the partisan bickering, and pass this bill.

GOOD HEALTH CARE POLICY NEEDS BIPARTISANSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, next week this House is scheduled to consider the subject of health care reform. Already, the normal August session has been extended in order to recognize the reality that the legislative counsel—who must draft thousands of pages of legal language of all the different health care proposals—and the Congressional Budget Office—which must officially score the various proposals for their budget impact—simply could not finish their jobs before August 12. Unfortunately, I am not sure an extra week will make their job any easier. We have already heard that at least one individual from the legislative counsel's office fell off his chair, soundly asleep from exhaustion.

More important, not a single Member of Congress will have seen the text of the bills upon which we are supposed to vote until just days before we are to make our decision on health care. That is a recipe for disaster. Mussolini made the trains run on time, but wrecked his country. Simply put, under the current schedule, the House of Representatives will vote without knowing what it is voting on. On the subject of health care, the details are critically important. They cannot be glossed over and ignored. With health care, a detail could be $10 billion spent wisely or simply wasted. The House should not be forced to make a gigantic leap of faith—with America's health care system at stake.

We owe it to the American people to be deliberate and thorough in our consideration of health care reform.

That does not mean I support delay. Where there is consensus, let us act now. And on many issues, consensus is widespread. Provisions such as insurance reforms—the elimination of preexisting conditions, portability, and community rating in some form. There is a consensus around the need for subsidies for individuals with low incomes as well as for malpractice reform, antifraud, and waste and abuse provisions as well as administrative simplification and medical savings accounts. There is a consensus for the expansion of community health providers. These issues would pass the House today.

But where there is controversy and confusion, let us debate, deliberate, and consult with the people who sent us here. As it is—and as rumor has it—many of the most controversial changes do not take place for many years. Why should we be so rushed during the decisionmaking process when much of what we decide will have no useful effect for years?

I regret that, increasingly, it is no longer health care that is at the center of our discussions. A few have forgotten how the wheels of health care reform began moving. It was to help these fellow citizens who were not covered by some form of health care insurance or who faced a situation where their health care insurance would lapse in their time of need.

This debate has now degenerated to the point where egos and power grabs have replaced good intentions, where some seem to look for political victories instead of good policy. Have we forgotten that the American people sent us here not to bicker, but to have a meeting of the minds? Not to bicker, but to acknowledge legitimate differences? Not to bicker, but to recognize different perspectives and experiences? Not to bicker, but to hear informed testimony and gather, weigh, and decide among good ideas?

The American people expect us to put partisanship to the side. On a subject as all-encompassing as health care reform, the American people expect bipartisanship. Sadly, it is the desire for bipartisan action that is missing in terms of the White House and the majority party leadership.

One night in 1993, I mentioned the lack of bipartisanship to the President while chatting at a White House function. He said, smiling, "If I send a bill up and you vote for it, that makes it bipartisan." I replied, "No, Mr. President, that is not bipartisanship. What I mean by "Bipartisanship" is best reflected by a conversation held between a great internationalist, Republican Senator Arthur H. Vandenberg, and his friend Democratic President Harry S. Truman, when Vandenberg said "Mr. President, we want to be in on the takeoffs, not just the crash landings."

Passage of an unknown and unread bill by the barest of margins along strict partisan and ideological lines is unacceptable. It is a crash landing. Health Care Reform deserves and requires bipartisan cooperation. It deserved that from the beginning.

I urge the House Democratic leadership to give the subject of health care the time it deserves—a proper period of time to study and to listen and to debate. Prior to the vote, we should have spent time in our constituencies explaining the health care reform proposals we will consider. We should hear our constituents and then return to Washington to cast our votes on proposals that could affect our Nation more dramatically than any law in a generation, after that process, we might deal correctly with the very real problems that exist in our health care system.

It is through understanding that we will achieve acceptance, and that is a precondition for health care reform that will be applauded by the American people. It is not too late for this Chamber and the House leadership to allocate a proper period of time for consideration of health care reform. There is more than sufficient time left in this congressional session to pass a thoroughly understood and debated bill. Let us take the time to do it right.

Mr. Speaker, I attach a chart prepared by my colleague, PETER HOEKSTRA (R-Michigan). It shows the deliberative and consultative process which should occur in considering the important subject of health care.

HEALTH CARE DEBATE—SUGGESTED TIMELINE

August 8: Introduction of bills.

August 9–11: Scheduled walk-through of each bill; Congressional Budget Office scoring due; Rules Committee meets to craft rule for debate.

August 12: Debate rule (open with requirement that amendments be printed in the CONGRESSIONAL RECORD at least 24 hours in advance of debate).

August 13: Rule and details finalized before scheduled recess.

August 13–September 6: Public input and evaluation of proposed legislation; determination of amendments.

September 8: Amendments due to be printed in CONGRESSIONAL RECORD.

September 9: Debate begins (total debate 5–10 days); House votes.

September 19–26: Conference Committee meets.

October 5: Final vote in House and Senate.

October 7: Scheduled adjournment.

□ 1930

WE MUST PASS THE CRIME BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. HOAGLAND] is recognized for 5 minutes.

Mr. HOAGLAND. Mr. Speaker and colleagues, it is a pleasure to be here this evening and have this opportunity to address the problem of crime in America and the status of the crime bill here in the House. As my colleagues know, I wish I were able to stand here and say we are going to pass a crime bill that is going to make America safer, and I wish I were able to stand here and say we responded to the voice of America, to all that are concerned.

Let me say I urge all my colleagues on both sides of the aisle to vote for the rule, and it is scheduled to come up, perhaps, as early as tomorrow, so we can get this legislation passed and so hopefully in future years we will not have to read headlines like this from the Omaha World-Herald just recently.

This figure is truly striking, an 18-percent increase in the first 6 months of this year over the first 6 months of the year before. The article goes on to describe numbers from the Omaha police department that show that in nearly every area crime has gone up; more robberies over last year, more auto thefts over last year, more homicides over last year, more lives touched by crime and more lives shattered by crime. Mr. Speaker, more than 20,000 people in America were murdered last year.

Now if this were something done by a foreign army or in the context of international relations, we would view it as one of the highest possible threats to America, and we would view it as something to which we should respond in emergency fashion. We would declare a national emergency to try to do everything we could to bring an end to the violence, and I think clearly what we have to do is take immediate action to get this crime bill passed with the assault weapons ban.

Now each of us can take out parts of the bill they are uncomfortable with. Lord knows there are many aspects of the bill that I am uncomfortable with. I think it probably authorizes too much money in many areas, money that in a sense is a false promise because it will never be appropriated. But when it comes right down to it, Mr. Speaker, we need to pass the bill because passing the bill is going to save lives.

And when we pass the bill, shortly thereafter we will begin to put 100,000 more police officers on the street. We will have three strikes and you're out as part of Federal law that will help put away for long, long periods of time the most dangerous offenders in America.

Remember fewer than 15 percent of all criminals commit over 70 percent of the violent crimes in America. Let us identify those 15 percent and put them away for a long, long time.

This bill also deals with domestic violence by ensuring that offenders are prosecuted and the victims get help, and of course the bill bans 19 kinds of semiautomatic assault weapons. I am hearing from police officers throughout Omaha that we need to get assault weapons off the street. The fifth most commonly seized firearm in Omaha today is an assault weapon. Some police officers told me that the bullets of many assault weapons penetrate their bullet-proof vests. Really what is the use? What is the public purpose served by allowing these things to be legal?

Mr. Speaker, I say, "Let's take advantage of this legislation. Ban those 19 assault weapons and their progeny and get on with saving lives."

When I think about the importance of passing this bill, I think about some of the people talked to in Omaha by the Omaha World-Herald in a recent story that was done on crime:

People like Cornell Williams who is confined to a wheelchair because of a wound he received in a drive-by shooting 4 years ago. Cornell was training for a job as an electrician when a bullet paralyzed him from the waist down.

I think about people like Mary Beth Harrold who is so afraid that she won't drive to the mall to go shopping by herself anymore. Reports of assaults and robberies are always in the back of her mind.

I think about a young man in Omaha who at 15 has to watch his back when he is walking in his neighborhood because a gang member might not like the kinds of clothes that he is wearing or the people he is associating with.

So, these people know that tough action is necessary. We know that tough action is necessary, and the value is evident in a recent drug seizure in Omaha where 14 law enforcement agencies from four States worked through the task force, the metropolitan drug task force, to seize 70 guns, having served 19 search warrants, and having confiscated thousands of dollars in cash and 60 pounds of manufactured cocaine or methamphetamines.

Now the metropolitan drug task force gets a great deal of its funding through the Byrne grant program which is included in this crime bill. Over the last few years in eastern Nebraska this task force has made more than 2,000 arrests, seized 600 guns, and put drug dealers and gang members behind bars.

My colleagues, we need this legislation. Let us pass it quickly.

PROMOTING NEW ENVIRONMENTAL TECHNOLOGIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. SWIFT] is recognized for 5 minutes.

Mr. SWIFT. Mr. Speaker, I am introducing today, the Landfill Technical Improvement Act of 1994. This legislation will allow us to utilize technical advances of the last decade in implementing our Nation's environmental protection strategy.

In 1984, Congress passed the Hazardous and Solid Waste Amendments. This Act required the Environmental Protection Agency [EPA] to issue regulations restricting the disposal of, among other things, organic absorbents in hazardous waste landfills.

In the past 10 years, Mr. Speaker, natural absorbent technologies have been developed which may be more efficient for some uses than traditional sorbents produced from fossil fuels. Normal landfill conditions are anaerobic, and studies have shown that no biodegradation takes place in the anaerobic environment of landfills. In the anaerobic landfill environment of RCRA landfills, these sorbents will not degrade. These organic absorbents, made totally from recycled/reclaimed materials, may actually outperform current chemical absorbents. However, because of the 1984 amendments and EPA regulations resulting therefrom, these absorbents have been effectively shut out from the landfill disposition.

This disposition issue threatens to undermine the existence of these new technologies, since that which cannot be disposed economically will not be used. Moreover, innovative and environmentally conscious technologies, such as those developed by a company in Bellingham, WA, which manufactures organic absorbents from a local paper mill's sludge, are discriminated against. The administration has clearly stated its preference for such recycled/reclaimed materials, but this outmoded regulation has prejudiced the widespread availability and use of these products. This is to the detriment of our national environmental goals.

My bill would rectify this situation by permitting environmentally sound current and future landfill technologies to be utilized to their fullest extent.

REFORMING THE WAY EPA ASSESSES RISKS AND INFORMS THE AMERICAN PUBLIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, this Member rises this evening to speak about the urgent need for a practice of more effective and truthful risk assessment by the U.S. Environmental Protection Agency. Some public attention has been focused on the problems of risk assessment in government during Supreme Court nominee Judge Stephen Breyer's successful confirmation hearings since he has written extensively on the manner in which our government wastes money and misleads the public in the areas of risk assessment and management. The regulatory public policy issue epitomizes the problems of mindless, inflexible regulations that are too commonly a part of Federal mandates which hamper farmers, businesses and local governments in Nebraska and across the United States.

Mr. Speaker, the distinguished gentleman from California [Mr. BROWN] has helped craft a workable, bipartisan product during committee consideration of H.R. 4306, the Risk Assessment Improvement Act, including perfecting amendments by the distinguished gentlemen from Pennsylvania [Mr. WALKER] and New Jersey [Mr. ZIMMER]. The Science, Space, and Technology Committee's passage of this legislation on July 20, 1994, was a step in the right direction. There are three main goals of this legislation. First, H.R. 4306 would make risk assessment guidelines legally binding on the EPA. Second, risk assessment will be conducted by the EPA under the guidelines of H.R. 4306 by formulating the most plausible and unbiased assumptions to a health hazard. Third, H.R. 4306 ensures that risk assessment will be communicated to the public in terms which can be readily understood—not scientific jargon. All of these are laudable goals which need to be implemented in order to better assure that common sense and rational thinking will win out in environmental policymaking.

This Member urges swift passage of H.R. 4306, because approval of this legislation will provide relief to Nebraska businesses, local communities, as well as this Member's State government which are all spending millions of dollars annually to comply with Federal mandates, many of which are unnecessarily burdensome. The same is surely true in all parts of America.

Mr. Speaker, other recent congressional action that would take steps toward alleviating our current risk assessment problems include the amendments by the full House to the Environmental Technologies Act, H.R. 3870, offered by the gentleman from Pennsylvania [Mr. WALKER] to reflect goals contained in H.R. 4306. In addition, this Member has agreed to cosponsor H.R. 2910, the Risk Communication Act, a bill with similar goals as H.R. 4306, which would further reform the way the EPA assess risks and informs the American public.

The fact is that the EPA often presents situations thought to be hazardous to the environment or to human health in exaggerated terms that do not reflect the real situation or in biased scientific terms that deceive the public. If the damage and cost was not so great, it would almost be humorous to look at some of these health threats that have been blown out of proportion by both the EPA and by an American media with an appetite for sensationalism.

In the area of pesticides, for example there are those who have tried to convince the EPA and the American public that all pesticides must be removed from the production of our food supply. In an opinion piece that appeared in the January, 1992, issue of Progressive Farmer Magazine, Dr. C. Everett Koop, former Surgeon General of the United States, documented the overblown risk assessments of the health hazards involving pesticides in this country. To quote Dr. Koop:

> Americans are concerned because they are confused. They are confused because no one sorts out for them various components of what has become the food safety issue. The public does not have a very good grasp of the relationship between the dose of a toxic substance and its risk in human beings. Their information comes from those who revel in using scare tactics instead of science to warn the public about dangers in the food supply. These scare tactics lead us down the wrong path. We end up creating concern where it isn't necessary and ignoring concerns that are real.

Pesticides are in fact a benefit to modern farming, if used responsibly and in a scientifically sound manner. According to Dr. Bruce Ames, Director of the National Institute of Environmental Health Sciences Center at the University of California-Berkeley, in a July 5, 1994, article in The New York Times, "99.9% of the toxic chemicals we're exposed to are completely natural." Dr. Ames goes on to say that, "We're shooting ourselves in the foot with environmental regulations that cost over 2% of the G.N.P., much of it to regulate trivia." Lest one regard this as a statement of a biased source, it should be noted that Dr. Ames does no consulting for businesses and is indeed a highly respected scientist. He defends the proper use of pesticide by American agriculture. Dr. Ames states, "If our resources are diverted from important things to unimportant things, this does not serve the public." This Member wholeheartedly agrees.

In a November 10, 1993 article in the Journal of the American Medical Association entitled, "Review of Actual Causes of Death in the United States," by Dr. Michael McGinnis of the U.S. Department of Health and Human Services and Dr. William Foege of the Carter Presidential Center, documentation shows that deaths directly related to dietary and physical activity problems number over 300,000 a year. Since, according to Dr. Ames of Berkeley, only 9 percent of Americans eat the recommended serving of five servings of vegetables, and fruit daily, those dietary problems come from not eating enough of the very fruits, vegetables, and foods that help prevent cancer. Drs. McGinnis, Foege—pronounced FOAG—and Ames all conclude that pesticides help make these foods more bountiful and less expensive, which allows the public greater access to cancer-fighting fruits and vegetables. According to the Journal of the American

Medical Association, the 300,000 American deaths due to dietary and physical activity problems is more than the 260,000 annual, collective American deaths which are due to infectious disease, toxic pollutants, firearms, sexual behavior, motor vehicles, and illicit use of drugs. Maybe we need public service ads which show an inactive couch potato eating fatty foods with a voice in the background saying, "Just Say No."

In all seriousness, Mr. Speaker, Americans need sensible information in order to make educated judgements as we balance out life's risks and benefits. Many times, the media hypes the most unusual and freakish occurrences in hopes of attracting high Nielsen ratings. We hardly ever see reports on the dangerous things we participate in each and every day. According to an article written by Robert J. Samuelson in the May 4, 1994 Washington Post, entitled, "The Triumph of the Psycho-Fact," 1 in every 167,000 Americans can expect to die in an airplane crash, 1 in every 9,100 child-bearing American women die in child birth, 1 in every 3,700 Americans die every year from car crashes, and 1 in every 300,000 Americans die every year on bicycles. Walking across the street is far more dangerous than eating foods protected by pesticides, yet the American media, and to some extent the EPA, only concentrates on the sensational or the unusual.

In addition to these concerns, this Member believes that we must also consider Federal, State and local governments' financial problems when discussing this issue. This country should not mindlessly spend millions, perhaps even billions, of dollars on what is increasingly an area of diminishing returns. As Federal fiscal resources are increasingly scarce, we must focus our money and efforts in areas of high risk and hazard to both the American public and the environment. Common sense would tell us that mandating local governments to spend millions of dollars on unwarranted Federal mandates is not a wise idea. We must also consider that these mandates, which can often cost people their jobs, slow down the economy and create unnecessary poverty. According to a May 3, 1994, Washington Times article entitled "Scaring Ourselves to Death", just by being poor, out of a job, and in the bottom 20 percent of our Nation's social structure, an American's life will be shortened by 7 to 10 years.

Mr. Speaker, examples like these illustrate why passage of H.R. 4306 is necessary. This Member urges his colleagues to support H.R. 4306, as well as any amendments offered during consideration of this important legislation which would make risk assessment more realistic, less expensive, and more responsive to the public.

Special appreciation is also noted to a member of my staff this summer, Mr. Andrew Loudon, who has been of great assistance in research assistance to this Member on the subject of risk-assessment.

□ 1940

CONGRESSIONAL ACCOUNTABILITY ACT: A PROUD DAY IN THE HOUSE

The SPEAKER pro tempore (Mr. CLYBURN). The gentleman from Wisconsin [Mr. BARCA] is recognized for 5 minutes.

Mr. BARCA of Wisconsin. Mr. Speaker, today is a proud day in the U.S. House of Representatives because today we passed the bill that is long overdue. It is a bill that the American people have long wondered why Congress has been unable to adopt. It is the Congressional Accountability Act.

When I was running for Congress and even before I had a dream of serving in Congress, I and other Americans have wondered why in bill after bill that Congress had passed they exempted themselves from the key provisions of those bills, and in some cases they had entirely exempted Congress from those provisions of the bills that were passed.

Well, today I think we did right by the American people. We sent forward the message that we will ensure that Congress will be included and in compliance with the key laws of this country, and hopefully we have set a precedent that in the future we will keep that faith.

Today, in bills such as the Fair Labor Standards Act, the Civil Rights Act, the Americans With Disabilities Act, the Family and Medical Leave Act, and the Employee Polygraph Protection Act, to just name a few, Congress will now be included and in full compliance with these laws. We also included laws protecting people such as occupational safety laws to a myriad of different labor enforcement bills in this country.

Additionally, we brought forward a measure that I think is very important, because on the eve of debating health care reform, one of the things that I had talked about and I had introduced 10 months ago, last September, is House Concurrent Resolution 156, which states that Members should live by whatever health care reform laws we pass. Today we were able to accomplish that as well, to make sure that whatever bill we are able to pass, that Congress will participate in.

I believe that a special part of our responsibility when we serve in Congress is to keep faith with the American people, to set an example for the people who will serve in years to come, to make them aware that Congress must comply with the laws that we pass, that Congress will honor the obligations that we are putting forward for other Americans. It is an important day and a day that I am proud to be serving in the U.S. House of Representatives.

SOCIALIZED HEALTH CARE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, within the next 8 days, Americans have a very critical period in our history to face us. Now, in Washington we are certainly going to be in the center of that history. But it is going to be something that will, in the words of the Speaker of the Senate, affect every American. I think we all agree on that. That is why I believe it is very important for us as we begin the debate on health care on the floor to look at it very cautiously.

Today at 6:30 we were supposed to get a copy of the House bill, the Clinton-Gephardt bill. We will don't have it. The Clinton-Mitchell version has been introduced in the other body. Here we don't have it. The other bill in the Senate is 1,400 pages long. Our bill over here may be 800 pages, it may be 1,600 pages. We still don't have the bill. Tomorrow is Thursday. A week from tomorrow we are supposed to be voting on this bill.

I like to read. I stay up late often at night reading books. But I don't know if I am going to be able to read an 1,800 page health care bill.

I do have some concerns that I wanted to submit in terms of a government-sponsored insurance program, governments-sponsored medicine, which when we talk about universal health care, that is basically what we are going to have, because you cannot have universal health care without an oversight committee making sure that everybody in America has health care, and that oversight committee is the Federal Government. And, as I understand it, the bills that we are considering will have this National Health Care Board in them. So I think you could certainly make the argument that this is socialized medicine we are debating.

With that, I wanted to read a letter by one of my constituents, Mrs. Angela Hine of Savannah, GA. She wrote this letter to me and said.

I appreciate your stand against socialized medicine and would like to share some of my experiences with government-controlled health care in England. In November 1984 I was to see socialized medicine at work first-hand.

She talks about some of the things that goes on. I am going to try to skip parts of the letter. She says,

My aunt was having a bad heart attack in November of that year. I went to see her.

Upon arriving in England, I immediately went to the hospital. On the way I was told my aunt had been in the men's ward as no beds were available when she was admitted, but now she had been moved to the women's ward. I stood in the doorway of that ward and couldn't believe my eyes. There were several beds in the ward. Curtains separated each bed. The toilets were at the end of the ward. A doctor had been assigned to her and

had been taking care of her for many years. Upon her return home she had a visit from her regular doctor, who commented to me that if I brought her back to the United States, she could probably live another ten years, but she would never make it under the current system.

□ 1950

Then she talked about in a previous visit she went to see her aunt and she had an inflamed eye. Her lower eyelid turned inward and the lashes irritated her eyeball. She had been given an eye clean by her doctor, but it was obvious that she needed to see a specialist.

After several phone calls and pleadings for her condition, I was finally able to get her to a specialist where surgery was performed to correct the problem.

She talked about a cousin of hers that had a husband who was treated in England under the socialized medicine over there for a hernia, finally, when that did not work, the doctor set up an appointment with a specialist and by the time they determined that his problem was not a hernia but cancer, it was too late. The cancer had already spread and he died shortly thereafter.

She goes on to talk about in 1985 returning to England and visiting her aunt again and how the horrible conditions of the hospital were just very sad and distressing and not just for the aunt but for the patient.

I want to say that let us just say that even if the quality is the same under socialized medicine, the relationship is not. We are talking about human beings here. So I think it is very important to remember that.

This is something, though, that I think one of the lines she was talking about giving her aunt morphine for the pain and one of the British doctors said to her in the hall, he said,

We could have helped her live another two or three years, but as she is 88 years old and lived a good life; what is the point?

That was directly from a doctor's mouth.

I do not want government doctors telling me that my loved ones, my parents, my grandparents, just because they are 88 years old, they are going to get less than the best service. I do not want that decision, those critical family decisions to be made by health care bureaucrats running our family.

Yet that is the experience that Mrs. Hines had with her family. I will just summarize her letter.

Socialzied medicine is not a success as the media and certain politicians are saying. In fact, it is a disaster and should be voted down at all cost. The American people need to urgently study the plan that is now being considered for America. If this form of medicine is brought to the law, the people are in for a rude awakening.

I think that this letter, which is the authentic issue, I would like to also say, I have got many, many letters like this, has a lesson for us. So as we debate health care, we need to know exactly what it is we are voting on.

Are we voting for socialized medicine? I think if we were voting on a Mitchell type plan or a Clinton type plan, certainly we would be voting on socialized medicine. But as of right now, we do not have a bill. We are going to have 8 days to read it.

I hope, Madam Speaker, that we get the bill tomorrow and that we all spend the weekend reading up on it so that the American people know that their representatives have voted intelligently and with full knowledge of what is in the fine print.

THE CRIME BILL

The SPEAKER pro tempore (Ms. MCKINNEY). Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 5 minutes.

Mr. CUNNINGHAM. Madam Speaker, the gentleman from Nebraska [Mr. HOAGLAND] a minute ago talked about an 18-percent crime rate in Omaha. That very same paper that that article was taken from, the Omaha World Herald strongly, and I say strongly, recommended that area Members of Congress vote against the crime bill. They editorialized against the crime bill. The gentleman should have put that up to read.

Several speakers have attempted to minimize the negative effects that the present crime bill has by stating there might be some Members that might find some little thing in the crime bill that would cause us to vote against the bill.

Madam Speaker, let me explain some of those items in which we may vote against the crime bill: $9 billion in social spending. Many of us would like that $9 billion to be spend to fight crime; $9 billion is not just a little thing.

I would like to read, Madam Speaker, a letter that was sent to the President of the United States from the Republican leadership. That Republican leadership was made up of BOB MICHEL, a respected Member on both sides of the aisle, Mr. DICK ARMEY, NEWT GINGRICH, HENRY HYDE, and BILL MCCOLLUM, the conference vice chairman for the crime bill.

I quote:

Contrary to the assertions in your Administration, the crime conference report is not stalled because of assault weapons provisions, but instead due to the more than $9 billion in new social welfare spending. We are writing to offer our assistance in moving a real crime bill that will get more police on the streets and move violent criminals in prison now. The law enforcement provisions of the crime bill could be beefed up, and the social. welfare spending dramatically trimmed.

Madam Speaker, I would like to submit most of this for the RECORD, but I would like to read just a couple more. But how do you do this?

"Remove the more than $9 billion in social welfare spending and replace it with the Senate's full funding for the Byrne grant program," full funding. What does this do? It makes sure that that money that we spend toward a crime bill will be used in the bill truly directed at crime prevention.

Because we realize there are some in your party who feel strongly about the new social spending provisions, Republicans would be willing to support a rule allowing for the consideration of a social welfare spending package as a separate bill after we have passed the consensus crime bill outlined above. That means Congress would have an opportunity to pass both a tough anti-crime bill that puts more police on the street and more violent criminals in prison, and consider a package of new social welfare spending. This approach would avoid the gridlock that has developed within your party as a result of the current strategy of tying these issues together in one bill assuming that Members would hold their nose and vote for anything that has police and prison funding.

Now, the simple little thing of $9 billion, the White House, Janet Reno have been calling Members on this side of the aisle and offering them, what can we give you in your district to get you to vote for the rule. What can we give you, what kind of payoff can we give you to vote with us?

The President has done the same deal with another caucus. There is a caucus in this House that strongly, by principle, supported an amendment called the racial justice amendment. That was stripped from the crime bill. That, I am sure, upset the caucus. They truly believed in what the principle stated. But it was stripped, and it upset that caucus. So what can we give you? We can give you $9 billion in the inner cities of pork-barrel spending.

The gentlewoman from California wanted to put a $100 stipend a month on teenagers. This was pointed at the gangs, $100 a month stipend for good grooming. Now, it is termed a different way in this bill, but it is there. Dancing lessons in prisons?

Madam Speaker, are we going to have murderers and rapists lead on Monday, Tuesday; sex abusers on Tuesday, Thursday? I do not think so.

The night basketball game, I changed my position on night basketball. I went down into the cities and said, hey, this is working, but we would like it to go back to conference and not include where the community has to be 2-percent HIV or drug abuse users. Maybe Magic Johnson could play in that league, but I do not want my kids playing in it.

Another thing where we could replace and put more strength in a crime bill would be to take out the 40,000 social workers, more social workers actually than the amount of police that will in actuality be funded. The FBI came out with a news article today that this crime bill will cut in effect their ability to deal with not only

white collar crime but the drug abuse as well.

□ 2000

The gentlewoman from Washington [Ms. DUNN], myself, and the gentleman from New Jersey [Mr. ZIMMERMAN], offered an amendment that was passed by this House, and on the Senate, for sexual predators.

In New Jersey, a little girl was buried last Thursday. The sexual predator had been convicted twice before for preying on children. He moved in with two other sexual predators, males, across the street. The little girl was enticed into the home by a puppy and was strangled and murdered.

The amendment said that when these dirty, miserable rats get out of prison, that the community will know about it. If those guys would have been in my community, Madam Speaker, and your community, I do not think you would have let your children go over there or even see them.

It also cleared the liability of police officers in notifying those communities. However, that is being held hostage on the other side of the aisle. That is an amendment that should be in. It was passed by the Senate, and only 13 Members of this House voted against it.

Madam Speaker, these are no little things. We are asking the leadership of this house to get together with the Republican leadership and ask for a separate vote on the socialized $9 billion in spending, and let us put some real teeth into our crime bill.

HEALTH CARE REFORM FOR AMERICA

The SPEAKER pro tempore (Ms. MCKINNEY.) Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from South Carolina [Mr. CLYBURN] is recognized for 60 minutes as the designee of the majority leader.

Mr. CLYBURN. Madam Speaker, I would like to thank you on behalf of our fellow freshmen colleagues for allowing us to participate in special orders tonight. Joining us tonight are our colleagues from Georgia—Congressman BISHOP and Congresswoman MCKINNEY, from California—Congresswoman ESHOO, our colleague—Congresswoman CLAYTON from North Carolina, and from Mississippi, our distinguished colleague, Congressman THOMPSON.

Since we were elected almost 2 years ago, we have learned many things. We have voted on many significant pieces of legislation. And we have listened to many debates. However, few of these are as important as the debate raging today over health care reform legislation and what is right for our country. Just yesterday, I was in my district in South Carolina for the primary elections. As most of my colleagues probably do, I got up early and visited voting precincts throughout the district.

As I did, I noticed the large number of people who had come to cast their votes, some before going to work. There were people in uniforms belonging to the local utility company, there were nurses on their way to hospitals, there were business men and women heading to their offices and to their plants.

These people are no different from the millions of others in our country who work hard to make a living for themselves and their families. These people are no different from others in that they deserve affordable health care insurance that can never be taken away.

While greeting these voters as they slowly moved through the lines, I was reminded of some recent figures on uninsured Americans. In my district alone, there are 94,000 people from working families who have no health insurance and 4,000 people living in the Columbia area alone who lose their health insurance each month.

Twenty-six thousand of these uninsured in my district are children. The uninsured are the people who have unexpected medical emergencies and need preventive care, they are children who have ear infections and need childhood immunizations that should be covered under their families' health insurance plans.

Last night, during his evening health care message, President Clinton mentioned the studies recently done for the Catholic Health Association. I would like to commend the association for compiling this nonpartisan, up-to-the-minute information about the state of health care insurance in our country, and my colleagues and I would like to share some of this information with you tonight.

Currently, there are 37 million uninsured people in the United States. If we pass health care legislation without universal coverage, there is no way to guarantee that these middle-class, working Americans and their families will have health coverage they can never lose.

Take a look at this pie chart. It is a very simple chart and the message is very clear. The gold portion represents the 1.1 million currently uninsured Americans that will receive coverage under a plan with insurance market reforms. That's a very small piece of the pie.

If you look at the blue portion, you will see about 40 percent or 13.8 million of the uninsured Americans who will receive insurance when subsidies are added for low-income populations.

After taking these 2 pieces of the pie, there is still an enormous red slice containing 22.3 million Americans who will remain without health care coverage. This piece of the pie is too big to think we can get away with passing any kind of legislation with less than universal coverage.

Madam Speaker, I yield to my distinguished colleague, the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Madam Speaker, I thank the gentleman from South Carolina, who, in addition to the great service that he renders on behalf of his constituents here in the House of Representatives, also serves as the president of the freshman class of the second year of the 103d Congress. Actually, this evening, Madam Speaker, we have our president from the first year of the 103d Congress, and you will be hearing from her shortly.

Madam Speaker, we have heard a lot in the last several days about the problems with reforming our health care system incrementally. That means step-by-step, piece-by-piece, the piecemeal, slow step approach. Yet many of our colleagues continue to insist that we should only tinker with the system, rather than pass meaningful reform.

Therefore, tonight, I want to spend my time talking about what the differences are if in fact we tinker with the system and take an incremental approach, versus what most Americans have heard about and talk about themselves, and that is universal coverage, wherein all Americans would be brought in under the tent and be covered, and what the financial consequences are under both scenarios.

Madam Speaker, let me pose a question to all of my colleagues. That is, do any of us want to go home to our constituents and tell them that they have to pay more for health care? I don't think so. I sure as heck don't want to go home and tell my constituents that.

I don't want to have to pay more. I don't want my constituents to have to do that. That is why I support comprehensive reform, which guarantees private health coverage for every U.S. citizen, and will reduce the average health care costs for the middle class.

Madam Speaker, what seems counter intuitive to most people is that by bringing everyone in, that it would supposedly cost more. However, I would like to pull from a recent study. These are not my numbers, these are the numbers that were produced, as I said, very recently by the Lewin-VHI, the largest nonpartisan health care research organization in our country.

Their study confirms that incremental reform is a short-term, short-sighted solution. Madam Speaker, while it may seem politically palatable for some, it would hurt the very people we are trying to help the most, and that is the middle class of our Nation.

As this chart illustrates, Madam Speaker, the study shows that incremental reform would force families making between $20,000 and $30,000 a year, and there are many families where that is the income, to pay more

than $200 more a year, not just $200, but $200 more a year than what they are paying now in their annual health care costs. Families making between $30,000 and $40,000 a year would have to pay almost $345 more a year for their family premium.

Madam Speaker, you can see this very well on the chart. It is not a complicated chart. I think Johnny Carson could have used this, because it has a lot of clarity; not to make jokes with, but because it is very clear in terms of what it is stating.

□ 2010

Those making between $40,000 and $50,000 a year would pay almost $140 a year more for their premium, and those making between $50,000 and $75,000 a year would pay $75 a year more on health care costs. Maybe it does not mean that much to them because they are way up there in terms of their annual income, but suffice it to say that it is more than less.

In other words, if we pass an incremental health care reform plan, more than half of all the families in the United States will spend more on health care and it will hit the middle class the hardest. The middle class is usually the group that picks up the brunt of most things, anyway, and I do not think the 1990's is the time to do that. I think that we stand tall and stand next to the middle class and say enough is enough and let us bring everyone in under the tent.

In contrast, if, in fact, we bring everyone in, the universal coverage approach linked to cost controls, which is very important in our system and employer/employee contributions, I believe that everyone needs to pay something—no one should get off for free—this would lower spending on health care for every family making less than $100,000 a year. That takes in a lot of families in the United States of America.

As the chart shows, those families making between $20,000 and $30,000 a year would pay approximately $40 less, those making between $30,000 and $40,000 would pay $165 a year less, those making between $40,000 and $50,000 a year would pay almost $150 less per year, and families earning between $50,000 and $75,000 per year would pay $115 less. These are for the premiums.

For those who are watching this at home, I know that you have heard for more than 2 years so much about the health care debate. It is a huge one, it is complex, but if we are wondering why there is so much debate about the controversy if comprehensive reform achieves these results, I will tell you why: Over $50 million has been spent to date by the special interests in this country advertising, advertising, advertising, and not only planting the seeds of suspicion in the American citizen's mind but to make you fearful. This is the largest sum of money that has ever been spent to lobby a single issue before the Congress of the United States in the history of the Congress. This is not called the health care industry for nothing. So what we need to look at and why I brought onto the floor this evening indisputable numbers by the most respected, nonpartisan health organization, and these numbers I present to you.

I believe that we need to have guaranteed private health insurance coverage that cannot be taken away. There are those that will tell you that Congress should proceed cautiously and not attempt to cover everyone. But who is that "not everyone"? Is that you? Is it your family? Is it your child?

In my district, there are 88,000 working individuals from families, 88,000 workers, not welfare individuals, but workers. Of that 88,000, 13,000 are children. None of them are covered. They either cannot afford it, it is not made accessible to them through their employment, or they have a preexisting condition or someone does in their family and they simply are not eligible. I do not really think that is the American way. That simply is not fair and I know that we can do better.

While this again seems counter intuitive to bring everyone in and the costs go down, let me explain this for a moment.

Higher costs drive younger, healthier people out of an insurance pool. We have seen that happen. It has been demonstrated in many States. If, in fact, we bring in those that are more vulnerable and keep the younger, healthier people in the mix, it lessens the risk pool of those that are being insured and, therefore, the premium comes down.

In contrast, if all of us cannot be covered, obviously the premiums will go up. I believe, along with so many others, and poll after poll shows that the American people want everyone covered. I think it is time for Congress to act. I think the moment of truth has arrived. We have debated, we have had our public hearings, we have certainly heard much from our constituents. I urge my colleagues to deliver what the American people really want. They do not want a $50,000 ad campaign. Instead, they want us to stand next to them, to the middle class, to the workers of this country and their families and once and for all say to them that no insurance company can take your insurance away from you, that we will all be covered by private insurance plans, a solid, good plan for the solid, good citizens of this country.

Mr. Speaker, I would like to thank the president of our freshman class, the gentleman from South Carolina [Mr. CLYBURN], who serves with great distinction for bringing us together once again on this I think one of the greatest domestic issues facing our Nation and as freshmen I think we are going to help make history, not just shape the bill, but make history by passing legislation that is truly meaningful, worthwhile and noble for the American people.

Mr. CLYBURN. Madam Speaker, I thank the gentlewoman from California [Ms. ESHOO] for giving us such a concise and clear picture of what is going to happen with the people of the middle class if we fail to do universal coverage with our health care reform.

Madam Speaker, I yield 8 minutes to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Madam Speaker, I thank my colleague, the gentleman from South Carolina [Mr. CLYBURN] for organizing this special order on health reform and the need for universal coverage.

I would like to thank my colleague, the gentlewoman from California [Ms. ESHOO] for helping to explain how health care reform will fail without universal coverage. Not only will premiums be driven up so that they are unaffordable for even middle class Americans, but reform without universal coverage will fail because it will destabilize our insurance markets and it will make insurance unaffordable for many of America's businesses and families.

This is what I would like to discuss tonight. If Congress passes a health care reform bill that attempts to provide universal coverage incrementally rather than immediately, we will not be providing a prolific health care reform measure that will grow to cover all Americans. Rather, we will be providing a sparse reform measure that will increase premiums and decrease the collective number of insured individuals.

In a recent study prepared for the Catholic Health Association, Lewin VHI, which undertook the study, said that universal coverage reduces consumer exit and entry into health insurance markets because if people can move freely in and out of the system, the healthy will tend to avoid insurance coverage until they get sick.

To the extent that this issue is not addressed in a real reform proposal, premiums are driven up, encouraging more people to become uninsured. The result is the vicious, upward spiral that is shown on this illustration.

Step one. Under reform plans that attain universal coverage incrementally, by certain dates and with so-called triggers, insurance reforms will extend coverage to sick and high users of health care. This will allow many people currently without coverage to become covered. I applaud that result. That is great. However, there is an inescapable reality that will occur when we include the sick and the high users of medical care without providing 100 percent universal coverage.

□ 2020

Under this plan, utilizing community rating, the newly insured sick will drive up average premiums for the currently insured. This is the beginning of the vicious upward spiral. These higher premiums will naturally cause healthy individuals and firms currently with plans to drop their coverage.

Why? Because under a plan that requires coverage for those in need, there is no reason to pay for it when you are healthy. Under an incremental plan, it is fiscally illogical for a healthy individual to continue to pay escalating health insurance premiums and stay on a plan. The reform system will allow them to reenter the insurance pool when they need health care, when they are sick, when paying for health care makes no sense to them. For healthy people to continue paying for insurance when it is in fact guaranteed later when they might need it would be merely earning more and more of their own money by buying an insurance plan with rising costs.

What happens next? When these healthy people and companies begin to leave their plans, the insurance resource pools will shrink and the average cost per customer will increase. This will cause premiums to rise yet again, the upward spiral caused by incremental reform. Fewer and fewer healthy people will remain on plans, premiums will continue to skyrocket, and insurance pools will shrink while the average cost per customer rises.

Do not think for a moment that this will die down, because it will not. The spiral will be perennial and will be as damaging to the insurance markets as a tornado is to a home in its path. The goal of universal coverage will be nothing but a pipe dream because healthy people will never spend money on expensive premiums to join a plan. Only when they become ill or in need of medical assistance will they join.

This is the ironic impact of expanded insurance availability without universal coverage.

Universal coverage, Mr. Speaker, is the only way to avert this problem by including healthier, lower cost individuals in the insurance pool, thereby holding down average premiums.

In a June 15 study that explains this phenomenon, the Wall Street Journal called the notion of a reform plan that prohibits insurance companies from increasing rates for the sick who are at risk of accumulating stacks of medical bills, "the health care proposal everyone loves. There's just one problem with the idea," the Journal continues, "Experts insist and real life evidence shows it probably won't work without universal coverage."

This is not just theory, but it is reality. Let us look at facts.

Signs of this impact are already evident in the State of New York. According to the State's insurance department's own data, 25,477 fewer people, fewer people had insurance in the individual and small group market at the beginning of this year than when community rating and other nonuniversal coverage reforms took place 9 months earlier.

Why? According to the Journal, New York tried community rating without a law requiring everyone to have health insurance. The result has been a rise in insurance premiums for healthier individuals. Consequently, those healthy people left their health care plans figuring they either will not need to have coverage or they will be able to get it at a reasonable rate when they do.

Mr. Speaker, our attempt to reform health care will be not only fruitless and senseless without immediate universal coverage, but harmful to insurance markets as well. We need universal coverage, and we need it immediately upon passage of any health reform measure.

In Georgia, in the Second Congressional District that I represent, our people need health insurance coverage desperately. We are determined to do whatever is necessary to fairly and impartially and rightfully provide for decent Americans' health insurance. If every criminal can be afforded a lawyer regardless of ability to pay, certainly every decent, hardworking American can be guaranteed universal health insurance coverage.

I thank the gentleman from South Carolina for organizing these special orders.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman from Georgia [Mr. BISHOP] for giving us such a good, comprehensive statement of what can be expected to happen with our insurance markets if we fail to have universal coverage as we move to reform our health care financing business.

Mr. Speaker, I yield to our distinguished colleague, the gentlewoman from North Carolina [Mrs. EVA CLAYTON] the first-year president of the freshman class.

Mrs. CLAYTON. Mr. Speaker, I thank you for allowing me this opportunity to address my colleagues in the House about the importance of universal coverage in any health care reform bill that we consider, and hopefully pass. I also, want to extend my appreciation to the distinguished gentleman from South Carolina and president of the freshman class for his leadership in organizing this debate on health care reform.

I am confident of the fact that without universal coverage, any health care reform legislation we adopt will not solve the problem. At the very core of requiring all Americans to be covered, is the argument that universal coverage will improve the quality of health care and control cost-shifting. Universal coverage will correct the imbalance that currently exists between those who pay for health coverage and those who obtain coverage without paying.

Right now, individual farmers, small and big businesses, and rural hospitals all pay a very high price when someone without coverage obtains emergency care rather than primary care from a doctor's office. The cost of this expensive care is passed on to those individuals who pay for health coverage. Hospital prices go up when they provide uncompensated care which increases rates. How many of us have experienced paying $5 for aspirins at hospitals?

Small businesses that currently provide health coverage for their employees are affected with these rate increases. In fact, in recent years small businesses that provide coverage for their employees have experienced rate increases far higher than those of large businesses, rising by 10 percent to 30 percent each year. This can be devastating to small businesses which are trying to do the right thing by providing this essential coverage. Without employer participation which I prefer to think of as an employer-based system of shared responsibility instead of a mandate, it is unlikely we will get to universal coverage. Without universal coverage, those who currently pay the price will continue to do so, and they will pay even more in the future.

Contrary to what we have heard on TV or read from special interest organizations, a majority of small businesses, 58 percent, provide health insurance for their workers. Those who do not provide coverage are in the minority. Should we allow this minority of businesses to block passage of a universal health care system that upholds their own interests? Can we continue to allow them a free ride on the backs of the majority of small businessowners who do provide health coverage for their employees?

We must recognize that there are small businesses who are not now providing health coverage who will have difficulty in providing coverage without assistance. Any health care proposal should provide assistance. In fact, the House health bill provides subsidies and tax credits for small businesses with fewer than 50 employees.

However, the responsible small businesses that now provide coverage for their employees pay three times higher than they need to. This chart illustrates this unfair overpayment by those who can least afford it: First, they provide coverage for their own employees; second, they pay for the dependents of their employees who may work but don't get health care from their own jobs, and third, they pay for those uninsured—most of them working people—who receive health coverage in America's emergency rooms, whose costs are borne by the insured. I

argue that this cost shifting is a hidden tax on small businesses that do provide insurance.

I have heard from small employers in my First Congressional District of North Carolina that provide health insurance coverage for their workers. I have heard from pharmacy owners, dry-cleaner operators, and home-builders among others who support universal coverage. They not only see the problem, they feel the problem in their pocketbook.

Small businesses cannot be required to pay a much higher rate than large businesses, just because they recognize the value of insuring their workers and don't have the economy of scale in purchasing health insurance. These small businesses, realize that with the passage of universal coverage their rates will decrease if everyone participates in the health care system. No longer will some citizens be able to participate in America's great health care system without paying their fair share, without shouldering some responsibility for their care.

We cannot allow this cost shifting situation to continue. We have the power in this legislative body to make a real difference, to provide health coverage for all Americans. I for one intend to take a stand for my constituents, and for all those citizens who have suffered because we have allowed them to slip through the cracks without a safety net to ensure their care.

In my rural district in North Carolina, some 75,000 people in working families, largely employed by small businesses, have no health coverage. Of these families—there are 27,000 children—this is a despicable statistic. These are the individuals who will be the winners with a health care plan that provides for universal coverage.

I submit to you Mr. Speaker, that health care reform that does not provide for universal coverage will not improve the quality of health for many in my district and in many areas across the nation. Without universal coverage we will not stop or contain cost shifting. Without universal coverage Mr. Speaker, we will not have health care reform.

□ 2030

Mr. CLYBURN. I thank the gentlewoman from North Carolina so much for giving us that very comprehensive view on what is going to happen with cost shifting. I think that what you have shown to us with your presentation is that for the middle class, if we pass health care reform legislation which provides universal coverage, what we will have is, in fact, a middle-class tax cut that everybody has been asking about.

So thank you very much for pointing that out so clearly to us.

Mr. Speaker, I would now like to yield to our distinguished colleague, the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Speaker, I thank the gentleman from South Carolina [Mr. CLYBURN] for yielding and also for organizing this special order tonight.

Mr. Speaker, let me just say that health care reform is no reform at all without universal coverage.

I am happy to join my freshman class members this evening as we underscore the need for universal coverage for everyone.

I want to give a snapshot of the 11th Congressional District of Georgia tonight and to tell why Georgia's 11th Congressional District needs universal coverage. Presently under the current system 98,000 people in working families have no health coverage; 82 percent of all people without health coverage are in working families, and, of course, that means that 37,000 children in Georgia's 11th Congressional District have no health coverage.

With universal coverage, that means that 98,000 people in working families will have health coverage, 37,000 children will have health coverage, 33,000 women will have improved coverage for breast cancer screening, 5,000 2-year-olds will have improved coverage for immunization, 170,000 people will no longer have lifetime limits on their coverage, 89,000 people will no longer have preexisting-condition exclusions on their insurance.

With nonuniversal reform, every middle-class family earning between $20,000 and $75,000 will be forced to pay on average $622 more each year on insurance premiums. That is 110,000 families in Georgia's 11th Congressional District.

Now, in the health care reform bill that Congress will be voting on, there are six principles that are contained there: Security, simplicity, savings, quality, choice, responsibility, and after waiting so long and so hard, hard-working families from Georgia's 11th Congressional District and, quite frankly, hard-working families throughout America, just do not need to wait any longer for health security.

The interests of the 11th Congressional District and the interests of this country will not be served by tinkering on the margins. Mr. Speaker, I believe we were sent here to Washington with a mandate from the people to change business-as-usual politics. We want a Government that looks after the needs of people.

We anticipated resistance from the obstructionist, divisive, Republican gridlock gang, and quite frankly we have to fight every day with full force at every step of the way. Politics, gridlock, partisan positioning should not keep us from doing what we must do, and that is to perfect a health care reform bill that guarantees that health care will always be there when Americans need it.

Without universal coverage, health care reform is just a meaningless phrase. We cannot fall short of the promise.

Mr. CLYBURN and Mr. Speaker, I would like to thank all of you who are participating in tonight's special order. I would also like to thank my staff for allowing me to be able to participate tonight. I would like to thank the information that came to us from various sources, particularly the Catholic Health Association of the United States, and I would just like to close by reminding you that health care reform is no reform at all if it does not include universal coverage.

Mr. CLYBURN. I thank the gentlewoman from Georgia [Ms. MCKINNEY]. I think that what you have shared with us about the conditions which could be expected in your congressional district if we fail to do universal coverage is something that can be repeated over and over again as we look at the congressional districts across the Nation.

Now, Mr. Speaker, we want to close out this special order this evening by calling upon our colleague, the gentleman from Mississippi [Mr. THOMPSON], who will share with us some insight as to what we can expect to happen with access if we fail to do universal coverage.

Mr. THOMPSON. Mr. Speaker, I want to thank my colleague, the gentleman from South Carolina, for chairing this special order this evening dealing with health care.

The topic that I have is one that I think is absolutely key to the whole issue of health care reform in this country, and it is the notion that reform will fail without universal coverage. Without universal coverage, hospitals and physicians that serve the uninsured, the poor, and the elderly will be put most at risk.

One of the things that I share often with a number of my colleagues, Mr. Speaker, is that I represent one of the poorest districts in the country, and in that district we have a number of uninsured individuals. I hear from hospital administrators as well as physicians who feel that they are bearing an undue burden on servicing the poor and uninsured in my district. I agree with them.

I support the notion that in the richest country in the world that individuals should not have to make the choice between buying medicine and paying the rent or paying utility bills and going to the doctor. So many of the issues around universal coverage are addressed in the whole notion of health care reform.

□ 2040

As we talk about this, my chart will explain this to those of us here. It is comparing the uninsured counterparts with the insured. The uninsured are twice as likely to have no regular

source of care. That means that those individuals who are without coverage basically do not have a doctor, do not have anybody to call when they are feeling bad, and consequently they are the ones that are falling through the system.

In my district alone there are 94,000 working people who have no coverage at all. Of that number, 83 percent of those individuals without coverage are from working families.

So what am I saying to my colleagues? Mr. Speaker, that even a number of the people who are without coverage are working, but they cannot afford the care.

So, we have almost 100,000 people in my congressional district alone who are working, but who cannot afford the coverage. Of that number, 37,000 are children, and my colleagues and I know that, as preventative health goes, those formative years are the years that are very important, even on through adulthood, but if 37,000 children in my district alone have no form of health coverage, then my colleagues can understand why infant mortality rates and other things are higher simply because they are not getting the prenatal and other care.

Also the uninsured are twice as likely to use the emergency room as a regular source of care, and there is no question that billions of dollars are written off every year in this country by emergency rooms and hospitals because individuals are using those facilities as doctors' offices because, as we said earlier, they do not have a physician, and generally they wait until it is too late to go anywhere other than the emergency room, and consequently they get an $800, $900 office visit in the emergency room.

In my district alone, $67 million was written off last year as bad debt, debt that could have been paid for had we had universal coverage, and I say:

Mind you, that debt is still picked up by the taxpayers whether we pay for it in the emergency room or we pay for it with universal coverage.

We will pay, so I think it is clear we will have to understand that the notion of universal coverage is also the notion of paying for health care, but at a different rate. So, it is important.

Also the uninsured are over 3 times as likely to report that there was a time that they needed medical care and did not get it for financial reasons.

What am I saying? These individuals cannot afford it.

So we asked them, "The last time that you had a headache, did you go to the doctor?"

They said, "No, I couldn't afford it."

So any time people have to make the choices between affordability and how they feel, then we know that they are seriously jeopardizing their health.

But also 72 to 100 percent of the uninsured are most likely to go without a physician visit for acute earache, recurring ear infections, or asthma, and that is young people. So, most of us who have children know that they get sick, and I ask my colleagues:

Can you imagine in the richest country in the world, when children are sick, they can't go to the doctor? Or if they go, they go to the most expensive provider, which is the emergency room?

We can do better if we have universal coverage.

One in three poor adolescents are not covered by Medicaid, and private insurance coverage for adolescents is increasingly restrictive; 42 to 60 percent are less likely, specially among women, to receive adequate preventive screening of hypertension, cervical cancer, breast cancer, and glaucoma.

The basic issue is that the majority of the people in my district who are without coverage are also women, and because of this the incidences of illnesses related to screening that is not taking place is greater, and also those illnesses, for the most part, are the ones that cost more money.

And I guess in summing it up, the tragedy is that 25 percent of those individuals who are without insurance die prematurely. In my district 163 infants die per 1,000 live births. We had the third highest infant mortality rate in the United States.

So, in conclusion, Mr. Speaker, I offer this chart to justify having universal coverage. But also we have to have increased competition, and to have that without universal coverage can only worsen the patterns that presently are going on in this country.

Last, I implore my colleagues that, as we discuss health care reform, let us make one of the main tenets of it universal coverage. If we do not have universal coverage, then indeed, Mr. Speaker, we do not have health reform.

Ms. MCKINNEY. Mr. Speaker, I think the gentleman has very eloquently reminded us that we are down here to do the business for the people, and through what he has talked about just now he reminded us that behind all of the statistics are very real people. We are talking about working people, we are talking about babies, we are talking about children, and this, quite frankly, is very serious business.

We are not here to do the business of special interests. We are not here to do the business for special businesses. We are not here to do the business of particular industries. We are here to do the people's business, and I thank the gentleman for such a touching and eloquent delivery, and a reminder really for why we are here.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman from Mississippi [Mr. THOMPSON] for that very comprehensive overview of exactly what universal coverage is all about.

Mr. Speaker, I thank you for allowing us the time to participate tonight and I thank my freshman colleagues for all of the work they have put into the health care reform legislation that will come to the House floor in a few days.

On radios and televisions, in newspapers, and dinner conversations across the country—the hot topic right now is health care reform. As we contribute to this ongoing conversation from the Chamber where decisions affecting each and every one of us will be made in the coming days, Mr. Speaker, I remind you and my colleagues universal health care coverage which can never be lost should be guaranteed to every American, because there is no such thing as a lifetime guarantee of good health.

DO NOT SOCIALIZE HEALTH CARE

The SPEAKER pro tempore (Mr. CLYBURN). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from California [Mr. HUNTER] is recognized for 60 minutes as the designee of the minority leader.

Mr. HUNTER. Mr. Speaker, I listened with interest to my colleagues who talked about what they saw as the benefits of universal coverage and, I think, a very eloquent closing by the gentlewoman from Georgia [Ms. MCKINNEY], who spoke of the necessity of this House doing the people's business, and the people not being special interests, not being necessarily corporations or industries, but people. And I think what America has heard, Mr. Speaker I want to speak very strongly against the first President Clinton plan that came out that now apparently is dead, not because of Republican opposition, but because we are outnumbered by 100 votes in this House and by quite a few in the other body, but because American people, business people, employees who wanted to keep their jobs, talked to their Democrat Representatives and their Democrat Senators, not to Republicans, who were in the minority and cannot control things, and told them not to pass this plan.

□ 2250

So you have the unique situation where a Democrat President, President Clinton, having total power, total control with his party over both bodies of the U.S. Congress, with the power to write a bill, deliver it to his desk within a few days, and sign it, with the Republican party being basically powerless to stop it, with all those things going for him, the President of the United States, Bill Clinton, was not able to push his first health care plan through.

Now, why did the people stop that plan? Why did Democrat Members of Congress and Members of the Senate stop that plan?

Well, I think it is fairly clear, Mr. Speaker. They sopped the plan because

they perceived that it would be bad for them. And it was not just a few industries, because I don't think the Democrat Party in the House is controlled by a few industries. I think that the Members of the House who are Democrats have the same representative reflection of their constituencies that those on the Republican side have. They do what their constituents ask them to do, and they try to reflect the feelings of their constituents.

Now, why would not Americans, when faced with what has been described as this nirvana of health care, this great new benefit, where nobody is ever left out, everybody has a guarantee for life, from cradle to grave, you are going to be taken care of, and that very appealing personality of this President, who can look at an audience, whether it is a talk show or people in the White House, and you see a little glisten of a tear in his eye, and he talks about giving them security, why would not Americans walk right up and sign up for that program?

It is because Americans are a little bit different from folks in the other parts of the world. We are a country full of people that appreciate when Government gives you some security, it takes away some of your freedom. This debate over health care is a debate between Government control and freedom. And I hate to hear the word "reform" used when Members first started to describe the President's own health care plan, because for practical purposes, President Clinton's first plan was socialism. If it did not socialize the delivery of health care itself, it at least socialized the financing mechanism.

I have never considered socialism to be a reform of any kind. Certainly Cuba has all-inclusive health care coverage. They have got universal coverage. Communist China has universal coverage. All of the nations we have taught over the last 40 years concerning the faults of socialism have universal health coverage. The problem is they don't have any quality, and they don't have any quality of life for the people.

You know, John Papageorge, a former commander in the 101st Airborne, described quality of life in America as being a function of the amount of control that you have over your own life. I think that was a very good description of freedom and quality of life in this country.

A lot of people looked at the President's health care package and decided that they did not like what I would like to call Clinton I, President Clinton's first health care package.

That was a health care package in which everybody had to march down and sign up for the Government health care program. And if you did not sign up for the Government health care program, Government caught you and fined you a double premium if they caught you not signing up for the plan. So nobody had the option to say I want to pay for it myself, or I would rather go somewhere else, or I don't like this plan. Every American was obligated to go down and sign up with Government and pay Government money.

Everybody had to take a plan that was dished out under a Government system in which large cooperatives or purchasing alliances, Senator PHIL GRAMM called them collectives, but large purchasing alliances would make big deals with big insurance companies, and theoretically get good rates for packages. And those packages could either be an assigned doctor, where you basically spin a rotary wheel and if the doctor you get happens to be the guy who just immigrated from Bangladesh and has credentials to practice medicine in America, he was your doctor whether you liked him or not. Or maybe the preferred provider list, where you had a menu of doctors, but you might still not have the right to have the doctor you wanted. Or, in some cases under President Clinton's first plan, if an insurance company, and only if an insurance company, came forward and had a plan for what is known as fee for service, that is where you can pick any doctor you want, you could be under the government plan and still have a choice of doctors and go to your own doctor.

Well, the American people did not like that deal. They weren't the French, they weren't the British, they weren't the German, they weren't the Japanese nor the Canadians. They didn't like that deal and wanted to maintain more freedom.

I don't think it is unusual or unexpected that of all the nations in the world, the people of the United States like freedom maybe a little better than anybody else. And I think that is kind of a good thing.

So they didn't sign up for President Clinton's first plan. Incidentally, I think another reason they didn't sign up for President Clinton's first plan was because they looked at some of these countries which had socialized medicine and although they looked pretty good at first, when you saw a few figures, if you looked through the figures and looked to the quality of medicine that was delivered, you saw some pretty ugly things. And let's go around the world and look at some of the things we saw that we could expect President Clinton to drive us toward with this first health care plan.

First, we looked at Canada. Canada was offered to us in the United States Congress as the heaven of health care. This was the place were you had a single payer system where government had finally come to grips and "reformed health care."

Well, let me tell you what health care reform did to Canada, now that we have looked at it a little closer.

We now have discovered that the largest hospital in Ontario had to close down for 2 weeks last Christmas because they ran out of money. Then we discovered that there are now 177,000 Canadians waiting in line for operations.

I asked the question when I was in Minnesota recently, why are all these Canadians coming down for operations in Minnesota, Detroit, MI, and other American cities? I was told it was because they don't have to wait in line if they come to America. They get first-class health care and get it now. So they come to America.

We discovered in some places in Canada women in childbirth are not given epidural anesthetic. You may recall one of the articles that was in a national newspaper about a woman undergoing childbirth who was shivering in pain as her doctor passed her and said I know it hurts and I wish there were something I could do for you, but we just can't afford it.

So we looked at Canada and we also saw of those 177,000 Canadians waiting for operations, over 25 percent of them surveyed say they are in some sort of pain. So we decided maybe Canada wasn't the great model for "health care reform" or socialized medicine.

Well, some Members of the House talked about Japan, because Japan dedicates a smaller percentage of their Gross National Product to health care than the United States. We know what they have in Japan. They have a medical system in which doctors see approximately 49 patients a day on the average. Now, ladies and gentlemen, that is whipping people through pretty doggone fast.

My first question was how can you possibly do that? One answer was mass examinations. Well, Americans, especially Americans who have been in uniform, don't like the idea of mass examinations. They like a little bit of privacy.

You know, when I saw that figure, 49 patients a day per doctor, I thought about the subway system in Tokyo, where they have the professional packers, and these guys look like former sumo wrestlers to me, maybe they are not. They don't hurt anybody. But when the last Japanese passenger gets on that subway system who can possibly get in, they physically pack the people into the subway, and those big strong packers don't hurt anybody, but they get the last body in. That is kind of the image you get when you think about 49 patients a day going through each doctor's office in Tokyo. So we decided maybe we didn't want to have that kind of socialized medicine.

We looked at Great Britain, where they have socialized medicine. And yet if you are a senior citizen, if you have passed a certain age, and you need a life saving operation, you don't get it. The reason you don't get it is because

socialized medicine always operates ineffectively and they run out of money. When they run out of money, their philosophy to senior citizens in Great Britain is, you have lived a long and fruitful life and it is time for you to float from the tree, kind of like a leaf in the autumn time. You have had a full life and we will save these life saving operations for younger people.

□ 2100

That sounds fine if you look at it on paper. But when those senior citizens are your grandparents or your parents, you want to be able to have a chance to save their lives. So Americans have looked at Great Britain, and they do not like that socialized medicine system either.

The President has staked quite a bit on making a health care plan go this year. Although it is clear that a majority of the American people say, wait a minute, we do not want you to rush anything through in the immediacy of this election season. We want you to take your time, if you are going to do health care, because health care is a giant contract with the American people. And I do not think the American people like the 1,300-page document that President Clinton sent down the first time.

You know it took almost a year for the American people to be able to look at enough parts of that document and believe me, like a lot of Members of the House, I was pretty surprised when I would meet people at town hall meetings who had read that entire document, many others who knew the outlines, many others who knew the key provisions.

Americans read these things, folks. Ultimately they find out what we vote on. So we better doggone well read the documents ourselves before we vote on them.

So it took about a year for the American people to read President Clinton's health care plan and read it and understand it so well that there were enough people who objected to the plan that President Clinton, with a 100-seat majority in the House of Representatives being Democrat, could not pass that health care plan. Republicans did not beat that health care plan. The people of the United States beat that health care plan.

We have got a couple of days until recess. We are told that there is another plan coming up in the House and another plan coming up in the Senate and that we are going to vote on these plans in the next several days. These plans that are comprised of thousands and thousands of pages of regulations, every one of which will have some impact on Americans' lives.

I think that is wrong. I think the Democrat leadership in both bodies knows that it was the time that the American people took to look at this plan, the first plan that President Clinton offered, that caused it to lose and to be dropped, not by Republicans but by Democrats. And I think if we give the same light of day to this second plan, what I call the Gephardt-Clinton plan, named after distinguished majority leader in the House and the Mitchell-Clinton plan, named after the Democrat leader in the Senate, if the American people get a chance to see President Clinton's plan 2 and 3, they will be just as offended and just as put off and just as resistive of these two plans as they were of the first.

Let me talk about just a couple of things with respect to this plan.

First, I saw the exchange between President Clinton and the black entrepreneur Herb Kane, the gentleman who is the president and CEO of Godfather Pizzas. He did a businesslike thing, which I guess is sometimes unfair to do to politicians, especially when they are as smooth as our President is. He said, Mr. President, I am paraphrasing, I have looked at your plan. I am going to have to lay off people under this plan. I am going to have to close down franchises.

And the President said, essentially, to him, and I am paraphrasing the President, I do not know why you just cannot raise the price of your pizzas.

And I noticed on Mr. Kane's face, after the President said that, what I consider to be a pretty naive statement to a businessman who understands you cannot just raise the price of your goods to accommodate added costs, I saw kind of a look of surprise. And later on he told a number of us in the House, he said, if I could get more money for my pizzas, I would be getting it. But the point is, this plan is going to kill jobs. It is going to force me to close down some franchises that are marginal.

And he said another thing that I thought was interesting and goes to the heart of this whole debate. Because this whole debate is developed on the Democrat idea that we are going to make employers, small businesses and larger businesses, pay for all the health care for their employees.

Mr. Kane, once again I am paraphrasing him but I thought this was important, he was asked why he did not think that he owed giving health care or a health care program to every one of his employees. He said, because my first duty to my employees it to give them a job. And sometimes you cannot do both. That is the point with Clinton 2, with the second Clinton package which is being put together on the Senate side by Senator MITCHELL and Clinton 3, the third Clinton package which is being put together by Mr. GEPHARDT and the Democrat leadership behind closed doors on the House side, these plans are going to kill jobs.

I come from a State in which we have done what we thought were wonderful things for workers. The only thing we forgot to include was a job. We have got a workmen's compensation program in California that allows people to sue for stress and we have had a ton of fraudulent claims for stress. That has not helped workers. It has hurt the good workers because the fraudulent workers have gone out and collected their dollars, and the good workers have kept on working and the good businesses have moved out of California and moved to other States. And there is a continuing exodus.

So with the legislature of California attempting to be so kind to the workers, they forgot one thing. Blue collar workers cannot hire each other. White collar workers cannot hire each other. You have to have a businessman or a businesswomen, a business owner to hire you. And you cannot make the environment so unfriendly to them or so unprofitable or so burdensome that they go out of business, because if they go out of business, you are out of a job.

Well, the Clinton 2 and Clinton 3 health care plans put a lot of folks out of jobs.

Let me tell you how many they put out of jobs. This is an estimate that is taken off the CONSAD study, "Employment Impact of Ways and Means plans and Approximate Impact under the Gephardt Plan." The plan that the Democrat leadership is putting together in the House of Representatives is going to destroy almost a million jobs and it is doing to affect many times a million jobs. What do I mean by saying affect?

I mean this: If you have a business that is selling a particular product and they are only making a $20,000-a-year profit on this small business and they discover that the mandated health care plan under President Clinton 2 or 3 or 1 is going to cost them an additional $30,000, then they close up. Let us say they are still making slight profit and they intended to put that profit into giving their employees raises so they could increase productivity. Now they have to forgo the raises because there is no money there to do it with.

When you take money out of the payroll, especially when so many American businesses are having trouble meeting that Friday payroll, you either detract from the amount of money you are paying the present employees or you have to lay off employees. That is what this health care bill is all about. It kills jobs and it degrades jobs.

Let me tell the American people what the CONSAD study says. I want to read the States and I am going to read the numbers of jobs that are lost and the number of jobs that are downgraded because of President Clinton's second plan, that is Clinton-Gephardt.

Alabama, they lose 13,000 jobs; 716,000 jobs affected. Alaska, Alaska loses 1,200 jobs; 74,000 jobs are affected.

Arizona loses 11,000 jobs; 641,000 jobs are affected. Arkansas loses 7,000 jobs; 398,000 jobs are affected in Arkansas.

California, my State, loses 108,000 jobs. Over half the jobs that we lost with the aerospace flight are going to be lost with the Clinton health care plan. Over 5 million jobs will be affected.

Colorado, 11,000 jobs are lost; 638,000 jobs are affected. Connecticut, 15,000 jobs are lost under the Clinton health care plan; 796,000 jobs are affected. Delaware, 2,800 jobs are lost under the Clinton-Gephardt health care plan; 154,000 jobs are affected.

District of Columbia, 4,900 jobs are lost. That is like a large company leaving the District of Columbia and taking all of its jobs with them, except in this case, the jobs do not go anywhere, they are just destroyed. But under the Clinton-Gephardt health care plan, 4,900 jobs are lost in the District of Columbia; 240,000 jobs are downgraded.

□ 2110

Florida, 41,000 jobs are lost, 2.3 million jobs are downgraded; Georgia, 23,000 jobs are lost, 1,200,000 jobs are downgraded under the Clinton-Gephardt health care plan.

Idaho, 2,000 jobs are lost, 153,000 jobs affected; Illinois, 47,000 jobs are lost, 2,478,000 jobs are affected, Indiana, 22,000 jobs are lost, 1,168.000 jobs are affected; Iowa, 9,000 jobs are lost, 530,000 jobs are affected.

Kansas, 8,000 jobs are lost, 469,000 jobs are affected or downgraded under the Clinton-Gephardt health care plan; Kentucky, 11,000 jobs are lost, 610,000 jobs are downgraded; Louisiana, 11,000 jobs are lost, 645,000 jobs are downgraded.

Maine, 4,000 jobs are lost, 227,000 jobs are downgraded under the Clinton-Gephardt health care plan; Maryland, 16,000 jobs are lost, 953,000 jobs are downgraded; Massachusetts, 29,000 jobs are lost, 1.4 million jobs are downgraded; Michigan, 36,000 jobs are lost, 1.8 million jobs are downgraded.

Minnesota, 18,000 jobs are lost, 931,000 jobs are downgraded; Mississippi, 7,000 jobs are lost, 375,000 are downgraded; Missouri, 20,000 jobs are lost in Missouri under the Clinton-Gephardt health care plan, and over 1 million jobs are downgraded; Montana, 1,700 jobs are lost in the Big Sky country, 105,000 jobs are downgraded.

Nebraska, 5,000 jobs are lost, 313,000 jobs are downgraded; Nevada, 6,400 jobs are lost, 320,000 jobs are downgraded; New Hampshire, 4,000 jobs lost, 223,000 jobs downgraded, New Jersey, 29,000 jobs lost under the Clinton-Gephardt health care plan, 1.6 million jobs downgraded in New Jersey.

New Mexico, 3,000 jobs lost, 205,000 jobs downgraded; New York, 76,000 jobs lost in New York under the Clinton-Gephardt health care plan, 3.9 million jobs downgraded; North Carolina, 28,000 jobs lost, 1.4 million jobs are downgraded; North Dakota, 1,600 jobs lost, 96,000 jobs downgraded.

Ohio, 44,000 jobs lost, 2.26 million jobs downgraded; Oklahoma, 8,000 jobs lost, 466,000 jobs are downgraded under the Clinton-Gephardt health care plan; Oregon, 8,000 jobs are lost, 499,000 jobs downgraded.

Pennsylvania, here is a whopper, 47,000 jobs are lost in Pennsylvania under Clinton-Gephardt, 2,453,000 jobs are downgraded; Rhode Island, 3,800 jobs lost, 202,000 jobs downgraded; South Carolina, 12,000 jobs lost, 681,000 downgraded; South Dakota, 1,700 jobs lost, 103,000 jobs downgraded under the Clinton-Gephardt health care plan.

Tennessee, 19,000 jobs lost, 987,000 jobs downgraded; Texas, 55,000 jobs lost, 3 million jobs are downgraded. No wonder Texans, Democrat and Republican, have not been happy about this brand of socialized medicine.

Utah, 5,000 jobs lost, 309,000 jobs downgraded; Vermont, 1,800 jobs lost, 102,000 jobs downgraded; Virginia, 21,000 jobs lost, 1.2 million jobs downgraded.

Washington, 16,000 jobs lost, 936,000 jobs downgraded; West Virginia, 4,000 jobs lost, 238,000 jobs downgraded; Wisconsin, 19,000 jobs lost, 1,100,000 jobs are downgraded under the Clinton-Gephardt health care plan. We end up with Wyoming, 930 jobs lost, 60,000 jobs downgraded.

Mr. Speaker, it is clear that this administration and a few Members on the Democrat side are willing to sacrifice American jobs for Government control of health care.

Mr. Speaker, I did not give the figures of jobs that are going to be lost under so-called Clinton-Mitchell, but I would say that it is not going to be much less than the jobs that are lost under Clinton-Gephardt, which are close to 1 million jobs, and there are a couple of other things about the Mitchell plan, the Clinton-Mitchell plan, that I think are important to talk to the American people about.

Mr. Speaker, I want to quote the author of the plan, Senator MITCHELL, July 21, 1994. He said these words: "Our plans will be less bureaucratic," he said this, "more voluntary, and will be phased in over a longer period of time."

Let me just read to you a few of the 50 new Government agencies that we are going to establish if we pass the Clinton-Mitchell health care plan. Ready to go? Fifty new bureaucracies.

He said this is going to be less bureaucratic and more voluntary. Let me tell you about a few of the nonvoluntary bureaucracies which are going to be employing hundreds of thousands of new Federal workers.

We are going to have a National Health Benefits Board. That is section 1211. We are going to have the Health Insurance Purchasing Cooperatives set up by States or local governments. That is section 1321.

There will be the Health Insurance Purchasing Cooperative set up by the Federal Office of Personnel Management, section 1341. We are going to have a National Guaranty Fund for Multi-State Self-Insured Plans.

We are going to have an assistant secretary for the Office of Rural Health Policy. We are going to have a Federal Accreditation, Certification and Enforcement Program. That is going to be called ACE.

We are going to have a State Accreditation, Certification, and Enforcement Program under section 1501. We are going to have a Health Plan Service That is under section 1502.

We are going to have State Risk Adjustment Organizations. That is section 1504. We are going to have an Advisory Committee for Risk Adjustment Programs, section 1504.

We are going to have State Guaranty Funds. That is section 1505. We are going to have State Public Access Sites for Medically Underserved Areas, 1508. We are going to have the Prescription Drug Payment Review Commission, that is section 2004.

Incidentally, Mr. Speaker, let me just say with respect to drugs and the cost of medicines in America, the reason you don't want to have socialized medicine in America is this: An interesting fact that a lot of Americans discovered after the First Lady and the President went on their binge against the companies that develop medicines and cures, we discovered—and this was a surprise to me, and I think to a lot of our constituents across the country, but it is a fact—the United States of America develops more cures for diseases than all the rest of the nations of the world combined.

Isn't that incredible? That means you take Great Britain, France, Germany, Canada, all the rest of these civilized nations, and Third World nations, and you add them all up, and the good old United States of America, that has what the Democrat leadership calls this backward system, produces more cures that save the lives of your family and families around the world that all the rest of these so-called progressive nations, remember, Cuba is in that group, too, combined.

Why do we produce more cures than all the rest of the nations combined? I would submit it is not because Japan does not have great universities, and probably some pretty smart people; it is not because France and Great Britain do not have good universities. It is because none of them have the free enterprise system that we have.

Mr. Speaker, I have a gentleman in San Diego, a friend of mine named Bill Otterson, who suffers from a fairly rare disease. He and some other folks told me about a drug called Intron-A. Intron-A tells you why you do not want to pull the free enterprise system out of the development of medicine.

□ 2120

Intron-A costs $100 million to develop and when they first put it together, when they first took a chance on it and decided to burn up $100 million and bet that it would be a winner, they knew that there was only a small group of Americans initially who would be able to access or use that drug, and that was this very small pool of people who have what is known as hairy cell leukemia, a very unique type of leukemia. There are only about 1,000 folks in the United States who have that brand of leukemia. Yet a group of private investors put $100 million forward to develop this drug called Intron-A. They knew that initially it would take care of folks that had hairy cell leukemia. Of course those folks were pretty happy it was being developed. But they thought it also might, if it succeeded and if their gamble paid off, be able to address 17 or 18 other types of diseases. They were right. Today Intron-A is used to treat about 17 or 18 major diseases. It is a big success. It brings in about $500 million a year to the United States from countries all over the world that use it. It was dropped because we have a free enterprise system. All those people, including people like Bill Otterson who are themselves afflicted with these medical diseases that are treated by these miracle drugs say, "Please don't socialize medicine" because if Mrs. Clinton, respectfully, had been around to tell the Intron-A people, "If you develop Intron-A and put $100 million of your own money into it, I am only going to let you charge $1 a pill when you develop it," would it ever have been developed? Would the people who have hairy cell leukemia ever have had a chance to be cured or helped? Would Bill Otterson and the other hundreds of thousands who now use Intron-A to save their lives have a chance to have it? Absolutely not.

Mr. Speaker, the consensus of the medical community, including experts from places likes Johns Hopkins and other great medical centers is, if we socialize medicine and the creation of new medical cures, what the companies will do is simply this: They will go to a system in which they do not take any medical risks, because nobody is going to go out and put $50 million into a drug that you can only get $1 a pill for. So what they will do is they will take our present inventory of drugs and they will incrementally increase the capability of those drugs. They will try to research them a little bit and make them a little bit better, but they will never go out there and try to whip that new disease that nobody has beaten so far. They will not find a cure for cancer. They will not find any of the wonderful cures that America has found under freedom. it is kind of interesting, is it not?

A person does not have to be a wealthy person to understand how very, very important it is to have a free enterprise system in which people go out and take a risk and having taken a risk, they develop a system that saves lives by the thousands, by the tens of thousands, by the millions.

Mr. Speaker, I see my friend, the gentleman from Maryland has come to the floor and I would be happy to yield to him if he wants me to yield.

Mr. HOYER. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, I was working in my office and happened to see his discourse and, of course, there is nobody else on the floor, so there was not an opportunity for somebody perhaps to give the gentleman a question.

The gentleman referred to the Clinton plan as socialized medicine. He then referred to the Gephardt plan as well, as if they were the same. But in any event, would my friend describe for me what he perceives to be socialized medicine?

Mr. HUNTER. I would be happy to describe it.

In the first Clinton plan that was initiated——

Mr. HOYER. I am not asking the gentleman about the Clinton plan at this point in time. What does my friend describe socialized medicine as being?

Mr. HUNTER. My answer to my friend is it is a system in which not only is the medical service itself controlled, which is a pure socialized medicine that is practiced in some other places, but also a system in which the financing of the medical system is controlled.

If the gentleman would listen, I had read about 10 of the various new Federal Government agencies that will control medicine under the plan that is being developed by the Democrat leader in the Senate.

I think at least what I have seen of the Gephardt-Clinton plan is we are going to have a lot of government agencies helping to run that plan. So my answer to the gentleman is it is a system in which the financing—

Mr. HOYER. Does the gentleman believe that Medicare is a socialized system?

Mr. HUNTER. I think it is a small piece of a socialized system, yes.

Mr. HOYER. Would my friend be in favor of eliminating Medicare?

Mr. HUNTER. No, I would not.

Mr. HOYER. So the gentleman likes a little bit of socialized medicine?

Mr. HUNTER. No, I would say to the gentleman who says that Medicare is a little bit of socialism——

Mr. HOYER. I did not say that.

Mr. HUNTER. Mr. Speaker, I am going to take my time back and I am going to answer my friend freely, and I am going to allow him to answer me freely.

To the gentleman and others who would say that Social Security is a little bit of socialism and that Medicare is a little bit of socialism, my answer to them would be that we have built a system around that and we now have built thousands and millions of Americans who now have, for better or for worse, become part of those programs, who have put their money in, and who now feel that they have a contract with government that took money that they might have better used in other programs and that those people are now locked into those programs.

I would submit to my friend that that is not a rationale for now creating a new Medicare Type C which the Gephardt-Clinton plan does, which will now bring almost 50 percent of the American population under Medicare.

So my answer to my friend is no. The fact that we have a Medicare program, which incidentally my friend knows that the costs are going up fairly radically in that program and that people have paid their money and many Americans feel they now have a contract.

How many times has the gentleman had a senior citizen said, "You know, if you had let me keep my money and do something else with it"—whether it is Social Security, Medicare, or other things—"I could have done a lot better than government did for me. But since you did it, I want mine"?

Mr. HOYER. If my friend would yield, I have never had anybody on Medicare tell me that. I have heard that on Social Security, where they thought they could have put it into an annuity program, but I have frankly never had anyone tell me that on Medicare. But let me ask the gentleman a question——

Mr. HUNTER. Before my friend asks me a question, let me ask him a question.

Is the gentleman saying that because Medicare exists and is part of our system now—and the gentleman is a Democrat leader, he is a distinguished member of the leadership, he has been through this analysis in which he has seen that there are a lot of problems in Canada, there are a lot of problems in Great Britain with rationing, there are problems in Canada where they have run out of money. I am sure the gentleman read The Washington Post that the biggest hospital in Ontario ran out of money.

Does the gentleman think the fact that we have a Medicare system and it is a small part of our health care now, is a reason to extend it or to extend government control to the entire system?

Mr. HOYER. Let me say, that is a major part——

Mr. HUNTER. The gentleman asked me a question. I want to ask it back to him.

Mr. HOYER. I understand, and I am going to answer.

I would say to my friend, the reason I came over here, the gentleman talked very glibly about socialized medicine

and very frankly, opponents of this bill are going around the country scaring people with socialized medicine. We do have socialized medicine as the gentleman knows in this country.

Mr. HUNTER. First I want to take my time back for a second and just say this to my friend who is a member of the Democrat leadership. The Clinton I plan was not killed by a Republican. As the gentleman knows, they outnumber us by 100 votes in this House. It was killed by members of his caucus, Democrats, who went home and talked to their people who initially when they heard about health security said, "Hey, we're for that." When his people read the bill, they did not like it.

Mr. HOYER. So the gentleman's proposition is that the Clinton I plan was killed?

Mr. HUNTER. Mr. Speaker, I am reclaiming my time. The gentleman will have to suffer that. I have suffered that with him many times in our debates over the years.

Reclaiming my time, your voters read the bill. They read the first Clinton bill and they came back and told the gentleman, "As a Democrat, I don't like it."

When the first Clinton plan——

Mr. HOYER. So the gentleman's proposition is the Clinton plan is dead?

Mr. HUNTER. Let me finish my statement and I guarantee I will let my friend answer.

When the first Clinton plan came up for a vote in the House Committee on Ways and Means, I understand that not a single Democrat Congressman voted for it. So that was not a result of Republicans glibly scaring people, that was a result of people reading the plan and being scared because of what it did to them.

Mr. HOYER. If the gentleman will yield, I appreciate the fact he says the Clinton plan was killed. My point is this, though: We ought to have an honest debate about this. No American, or very few, are looking for socialized medicine. I would suggest to my friend that we do have a form of socialized medicine in America as my friend knows.

□ 2130

That is the health care that is given to our members of the armed services in the sense the hospitals are owned by the Government, the doctors work for the Government, and the members of the military go to the doctors who are available to them.

I do not criticize that system. It is, however, I would suggest to my friend, in the classic sense a socialized system because the doctors work for the Government, the nurses work for the Government, the technicians in the hospital work for the Government, and the hospital itself is owned by the Government, and that is socialized medicine, that is Government delivery of health services.

What concerns me, and I know the gentleman does not want to do this, is that we mislead the American people. There is nothing in either Clinton I, or the Gephardt plan, or the Mitchell plan which suggests that the doctors work for the Government. There is nothing that suggests that the hospitals be bought by the Government and in effect socialize, if you will. There is nothing to suggest that in fact the choice of the citizens will be restricted in their doctor or hospital by any of the plans that I know of and, therefore, I think if we are going to be honest in terms of our debate with the American public, we can differ, and the gentleman can take positions and say I do not like this proposal, but to characterize it as socialized medicine, I would suggest to my friend, is simply inaccurate by any proper definition of what socialized medicine is.

In fact, Medicare, I would suggest to my friend, from my perspective is not socialized medicine. It is, he is correct, as single-payer system where the Government collects money and pays the medical providers. But as my friend knows, those on Medicare choose their doctors who work for themselves, who work for an HMO or work for a hospital. They choose their hospital, not owned by the Government. In fact, it is a reimbursement to the private sector. And I would suggest further to my friend the fact that we have had that medical insurance system for our senior citizens has not only given them a much healthier environment and much healthier population for senior citizens, it has also done some of the things that my friend was talking about in terms of allowing sufficient funds in the system to provide for research, to provide for innovation, to provide for entrepreneurship.

So I would suggest to my friend that this plan is very much like in many respects a plan that already works.

Mr. HUNTER. I thank my friend for his statement and I want to reclaim my time and address his first statement.

The care that is given to members of the Armed Forces, I would suggest, is not socialized medicine for a very simple reason. If the gentleman watched, as I did, our troops who went ashore at Normandy into that hail of bullets, or watched some of the deprivations that have taken place in the Somalia situation before that, Desert Storm before that, and many, many military operations, military people who sign up for a contract with their employer, who happens to be Uncle Sam, he is not an employer down the street getting something for signing up.

Mr. HOYER. I am not criticizing.

Mr. HUNTER. I am not yielding to the gentleman.

Mr. HOYER. You are taking it as a criticism. I am not criticizing at all.

Mr. HUNTER. I am not saying the gentleman is criticizing the military, but I want to make the point, and I would not want the gentleman to interrupt me.

The point is that people who serve in the armed services give something for their medical care. They give service to their country.

Mr. HOYER. Nobody questions that. It is the same kind of thing, the reason I came over here. Nobody questions that.

Mr. HUNTER. I ask for regular order.

The SPEAKER pro tempore (Mr. CLYBURN). The time is controlled by the gentleman from California.

Mr. HUNTER. I just want to make this point that the gentleman said you could describe that as socialized medicine. I do not describe that as socialized medicine because people who serve their country have given to their employer, they have made a contract with them, and they have received something in return.

A very important question was asked during the debate that we had on health care, the Oxford-style debate. The question was asked of one of the gentleman's side of the aisle, and this was when the first Clinton health care plan came up, and I want to ask the gentleman about it. They said what if you have somebody who says, "I ain't working. I refuse to work and I want to lounge around, and I want to watch television, and I want free health care"? The question was never answered. So does that person get health care under Clinton I? The question was never answered.

That person to me is a different person from a person who joins the military and serves their country under a contract. I would just ask the gentleman the same question that was asked during the Oxford debates concerning Clinton I. In Clinton II or the Gephardt plan that we are now talking about, what happens there to somebody who says, "I simply want health care. I want to sign up and have free health care, and I don't intend to work for it, and I don't intend to pay for it." What happens to that person, and I yield to the gentleman.

Mr. HOYER. Frankly, my opinion is that as we adopt welfare reform and health care reform, which are going to be very closely intertwined, as the gentleman knows, that that person ought not to get health care. Very frankly, what the President has said, what we believe on this side of the aisle is those who play by the rules ought to be able to participate in the system. In my opinion, that person is not playing by the rules.

Mr. HUNTER. Let me answer that point and then I will yield to the gentleman for a second statement.

I looked through the first Clinton plan to look for the answer to that question. If somebody says, "I just want to be lazy and I want free health care," what would he do? I cannot find

a provision that says that they do not get health care. I just want to ask the gentleman, I have not read a provision in the Gephardt-Clinton plan yet that says that that person will not be served. Has the gentleman got an answer? Is there a provision denying that coverage to a person who simply refuses to work?

Mr. HOYER. Frankly, I do not have the answer to that question, but I will get it so I can point to the provision.

But again, let me reiterate on that aspect. Under welfare reform, as the President has proposed it, and as I hope we pass it, it is going to say to people, first of all, if you just want to sit around, if you want to not work and you are able, and you want to be lazy, you are off the system, you are not playing by the rules, and we are not going to support you. Hardworking Americans ought not to be supporting people like that, and frankly, it ought to tie into health care.

Having said that, let me go back to the central question, because the gentleman tried to say oh, we are for the military. I am a strong supporter of the military as the gentleman knows. Under the Reagan administration I was a strong supporter of the buildup.

Having said that, I am not questioning the validity of a program which offers to our men and women in the armed services health care. They ought to have it, and we send them to places where they cannot access it. So what we do is we provide it.

But my suggestion of the gentleman, and he wants to avoid I fear the question because he would much prefer to politically tell the American public that what we are proposing is a socialized system, but it is not. My point is that by any fair definition, a socialized system is a system in which the government owns either the means of production or the means of the delivery of the service. Clinton I did not propose it, GEPHARDT is not proposing it and MITCHELL does not propose it, and it is not accurate for the gentleman to tell the American people on one of the most important issues that confront them as a people, I suggest to you, as families and individuals that we are proposing or that people are proposing a socialized system. That simply is not true.

Mr. HUNTER. I thank the gentleman for his statement. I am going to have the last word and then yield to the chairman of the Rules Committee.

My last statement is this: The gentleman left out one category of socialization, and that is the socialization of the means of financing. I would simply submit to my friend that under Clinton I, Clinton II, or Clinton III, meaning Clinton-Gephardt or Clinton-Mitchell, the means of financing is controlled by Government and is socialized. Even though the doctors are private ostensibly and are hired in a private capacity, the means of financing the system is socialized.

I yield briefly to the gentleman.

Mr. HOYER. I thank the gentleman. He does control the time and he has given me the time to have this discourse with him, which hopefully will be helpful to the American public, who will ultimately have to make this decision and tell us what they think. The fact is insurance companies, private sector insurance companies will continue to be involved in the system of selling insurance to employers and employees and individuals involved in the system.

Yes, the gentleman is correct. The Medicare Part C provides for those in some respects who cannot afford insurance or employers and employees who choose the Part C aspect. But the fact is we do not replace the private sector insurance.

Mr. HUNTER. I would suggest to my friend that the private sector is used by Government in this sense by making business pay for this plan by the 80–20 split, or what you might call the 50–50 split in the Mitchell plan. By forcing that payment they are using what otherwise would be funds of private people just as surely as if they took them out of general revenues and ran the plan themselves.

□ 2140

So in my estimation, the financing of the system is a socialized method of financing, very clever, very subtle, has exactly the same affect, and with that, I have enjoyed this exchange of views with my friend from Maryland, and I will defer to the chairman of the Committee on Rules.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4908, HYDROGEN AND FUSION RESEARCH AND DEVELOPMENT PROGRAMS AUTHORIZATION ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–695) on the resolution (H. Res. 515) providing for consideration of the bill (H.R. 4908) to authorize the hydrogen and fusion research, development, and demonstration programs, and the high energy physics and nuclear physics programs, of the Department of Energy, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3433, TO PROVIDE FOR THE MANAGEMENT OF THE PRESIDIO

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–696) on the resolution (H. Res. 516) providing for consideration of the bill (H.R. 3433) to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–697) on the resolution (H. Res. 517) waiving points of order against the conference report to accompanying the amendments of the House to the amendment of the Senate to the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety, which was referred to the House Calendar and ordered to be printed.

DO NOT SOCIALIZE HEALTH CARE

THE CONFERENCE REPORT ON THE CRIME BILL

Mr. HUNTER. Mr. Speaker, I yield to the distinguished gentleman from New York [Mr. SOLOMON], the ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me a little time to perhaps explain that one of the reports that was just presented by the chairman of the Committee on Rules, my distinguished friend from Boston, MA, was a report that will bring the rule for the crime conference report to the floor as early as the second item on the agenda before the House tomorrow morning.

This rule, I am sorry to say, waives all points of order against everything that is in the bill including scope, which means many of the Members are very much concerned about what still remains in the bill or what has been added to the bill since it left this House and went to conference.

According to press reports from many newspapers, there have been many items added to the bill which Members are not aware of. It is a 972-page bill, and the bill Members are going to be forced to vote on—that crime conference report—by probably about noontime tomorrow, since we are limited to just 1 hour of debate on this conference report.

I am very much concerned about it. I am told that the bill as it is being presented to us tomorrow will repeal minimum mandatory sentences for people who have committed crimes with guns, yet in the same bill, it will take away the guns of law-abiding citizens. If that

is the case, we need to know what is in the bill.

Mr. HUNTER. The gentleman has mentioned something that is a very critical aspect of this conference bill, that the American people, when they see it, become enraged about. During the drug wars, and the gentleman was one of the leaders fighting to get tough on drugs a couple of years ago, as was the gentleman from California [Mr. DREIER], the gentleman from Pennsylvania [Mr. WALKER], and we enacted what are known as mandatory minimum sentences on drug traffickers. That means when people came across international borders with backpacks full of cocaine for our children, we got tough on them, and we gave mandatory minimum sentences. That means you did not see these guys getting out in 2 years when they were given 10 by the judge or when there was a severe crime with respect to drugs, you did not give them 5 months or 6 months. You gave them a real sentence.

What we are doing now is repealing mandatory minimum sentences for these drug carriers, and when the President signs this thing, my estimate is 10,000 to 16,000 drug criminals are going to be released on the street.

I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER. I thank my friend from San Diego for yielding.

I would like to respond to an argument that was made upstairs in the Committee on Rules, and we will continue to hear tomorrow. We have heard it, frankly, since the President first started talking about it. He said we are going to get 100,000 police officers onto the street with this crime bill. That sounds fantastic, sounds wonderful.

Well, one of the staff members from the Committee on the Judiciary told me, and the source for this was a survey that was done nationwide in metropolitan areas throughout the country, that the average cost per police officer is $65,000 a year. Now, that is for everything that is involved, not just salary. And yet this bill provides, if the funding is actually there, $14,700, and based on those figures, less than a quarter of the number that has been promised of this great 100,000 out there that police chiefs and mayors around the country have been promised will actually be provided.

It seems to me that if we look at how shallow these figures are that have been given to us, just on that one case, that we will hear time and time again tomorrow, 100,000 police officers out there, I think it is important for us to actually look at these figures.

It is a very unfortunate thing, and, as the gentleman from New York [Mr. SOLOMON], was saying, this rule waives all points of order.

Now, when we had asked the chairman of the Committee on the Judiciary when he testified before us on this conference report, which we just got about 2 hours ago provided to us, and he had not even seen it at that point, because it just recently had been printed, we asked him what kinds of points of order are being waived, and he said that he did not know, and even if he did know, he would not tell us.

Now, that seems to be a real slap in the face at our Committee on Rules, and I believe a very unfortunate precedent as we try to deal with responsible legislation.

I know my friend from East Petersburg, PA, has a sneaking suspicion of what just one of those points of order that are waived in this rule for the conference report to come up, and I think I might like him to enlighten our colleagues on that.

Mr. HUNTER. I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I was disturbed. I sat through a fairly contentious Committee on Rules meeting listening to all of this and was disturbed to hear that at the hearing held by the committee the chairman of the Committee on the Judiciary refused to detail what the points of order are that we are going to be waiving in tomorrow's bill, and so we have absolutely no idea what these points of order are that are being waived. One of them is going to be on the question of scope, and one of the things we know is out of scope is a $10 million pork-barrel project going into the District of the chairman of the Committee on the Judiciary.

We do not know what else may be down in there. I can understand why the chairman of the Committee on the Judiciary would not want to tell us some of the items that are out of scope when, in fact, one of the items is a major $10 million pork-barrel project going into his district.

If this is what this bill has been larded up with, the fact is the American people ought to have a better idea that we are going to have by tomorrow just what is in it.

I thank the gentleman for yielding. I think it is important we begin the discussion tonight about just how bad what we are going to have on the floor tomorrow may really be.

Mr. SOLOMON. If the gentleman will yield further, my good friend, the gentleman from California [Mr. DREIER], mentioned this bill will create some new police officer jobs, and they are needed.

The fact of the matter is they are temporary, and they are going to be unfunded after a period of a couple of years, and then the local municipalities are going to have to pick up the costs for those police officers.

But the point I was trying to make was that, you know, for every new police officer temporary job this bill creates, it creates two social workers. It creates a spate of new CETA program, and if all of you recall back in the 1970's how we had all of these government-run Federal programs that were a total disaster and were thrown out because they were such a disaster, you know, we do not want to go back to that.

I mentioned upstairs, why are liberals who always vote against tough crime bills for this bill, and why are conservatives who always vote for tough crime bills, why are they opposed to this bill? It is because it is a bad bill that is soft on crime and is filled with pork-barrel largesse. That is why we need to defeat this rule and bring back our bill that is really tough on crime.

I really thank the gentleman for giving us a few minutes of his time.

Mr. HUNTER. I thank the gentleman.

I know we have Border Patrol men in this bill on an amendment I offered along with the gentleman from California [Mr. MOORHEAD] and the gentleman from California [Mr. DREIER] and the gentleman from California [Mr. CUNNINGHAM], and we got a large number of Border Patrol men in the bill. That is important to us, but I will say to my friends I do not think that I can look my constituents in the eye and tell them I voted for a bill that is going to release 10,000 to 16,000 drug dealers back on the street with this retroactive repeal of mandatory minimum sentences.

I know we have just a second here. I want to yield to my friend again, the gentleman from California [Mr. DREIER].

Mr. DREIER. I think that is a very important point. We all want to deal with the problem of those who are committing crimes, crossing the border, and those coming into this country illegally. The fact of the matter is they made an attempt to engage in a political grab bag to try and get the support from virtually everyone. It is a bill that they are trying to make as all things to all people, and I know that we are not going to support it on this side, and the rule itself is a crime.

□ 2150

Mr. HUNTER. Mr. Speaker, I thank the gentleman from California [Mr. DREIER], and I am going to conclude my special order and simply hold up the list of some 50 new Government agencies that are going to be developed under this so-called free enterprise health care plan that the majority leader in the Senate will be offering, the Mitchell-Gephardt bill. We will talk more about that tomorrow.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BEREUTER) to revise and

extend their remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes, today.

Mr. KOLBE, for 5 minutes, today and August 11.

Mr. KINGSTON, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, today.

Mr. CUNNINGHAM, for 5 minutes, today.

(The following Members (at the request of Mr. MENENDEZ) to revise and extend their remarks and include extraneous material:)

Mr. MENENDEZ, for 5 minutes, today.

Mr. BARRETT of Wisconsin, for 5 minutes, today.

Mr. SWIFT, for 5 minutes, today.

Mr. KREIDLER, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. HOAGLAND, for 5 minutes, today.

Mr. BARCA of Wisconsin, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BEREUTER) and to include extraneous matter:)

Mr. BALLENGER.

Mr. GOODLING.

Mr. PACKARD.

Mr. KOLBE.

Mr. LEWIS of Florida.

Mr. SOLOMON.

Ms. SNOWE in two instances.

Mr. CRANE.

Mr. EHLERS.

Mr. LEWIS of California.

The following Members (at the request of Mr. MENENDEZ) and to include extraneous matter:)

Mr. FRANK of Massachusetts.

Mr. UNDERWOOD.

Mr. HAMILTON.

Mrs. MEEK of Florida.

Mr. COOPER.

Mrs. COLLINS of Illinois.

Mr. TORRES in two instances.

Ms. WOOLSEY.

Mr. LEHMAN in two instances.

Mr. REED.

Mr. APPLEGATE.

Mr. GEJDENSON.

Mr. KLEIN.

Mr. HALL of Texas.

Mr. TUCKER in two instances.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that the committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1631. An act to amend title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia;

H.R. 2739. An act to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes; and

H.R. 4429. An act to authorize the transfer of naval vessels to certain foreign countries.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled Joint Resolution of the Senate of the following title:

S.J. Res. 204, Joint Resolution recognizing the American Academy in Rome, an American overseas center for independent study and advanced research, on the occasion of the 100th anniversary of its founding.

ADJOURNMENT

Mr. HOYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 51 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, August 11, 1994, at 11 a.m.

EXECUTIVE COMMUNCIATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3665. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Italy for defense articles and services (Transmittal No. 94-34), pursaunt to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3666. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Thailand for defense articles and services (Transmittal No. 94-50), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3667. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 94-38), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3668. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Italy for defense articles and services (Transmittal No. 94-35), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3669. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 94-37), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3670. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 94-39), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3671. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 94-40), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3672. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 94-41), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3673. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to the United Kingdom for defense articles and services (Transmittal No. 94-42), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3674. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to the Netherlands for defense articles and services (Transmittal No. 94-45), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4867. A bill to authorize appropriations for high-speed rail transportation, and for other purposes; with an amendment (Rept. 103-692). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4868. A bill to amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that Act, and for other purposes; with an amendment (Rept. 103-693). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee of Conference. Conference report on H.R. 3355. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety (Rept. 103-694). Ordered to be printed.

Mr. GORDON: Committee on Rules. House Resolution 515. Resolution providing for consideration of the bill (H.R. 4908) to authorize the hydrogen and fusion research, development, and demonstration programs, and the high energy physics and nuclear physics program, of the Department of Energy, and for other purposes (Rept. 103-695). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 516. Resolution providing for consideration of the bill (H.R. 3433) to provide for the management of portions of the Presidio under the jurisdiction of the

Secretary of the Interior. (Rept. 103-696). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 517. Resolution waiving points of order against the conference report to accompany the amendments of the House to the amendment of the Scnate to the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence. to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems. and otherwise to enhance public safety (Rept. 103-697).

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. UNDERWOOD (for himself, Mr. DE LUGO, Mr. FALEOMAVAEGA, Mr. MURPHY, Ms. NORTON, and Mr. ROMERO-BARCELÓ):

H.R. 4927. A bill to provide for a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Mariana Islands; to the Committee on Natural Resources.

By Mr. BALLENGER (for himself, Mr. GOODLING, Mr. FAWELL, and Mr. BARRETT of Nebraska):

H.R. 4928. A bill to amend the Individuals with Disabilities Education Act to improve the individualized education program, to increase parental participation in the development of the improving information about the special education program, to provide for the establishment of mediation procedures relating to services provided to children under that act. and for other purposes; to the Committee on Education and Labor.

By Mr. BROWN of Ohio:

H.R. 4929. A bill to amend the Public Health Service Act to establish a program of demonstration projects to provide outreach services regarding the utilization of health benefits under Federal, State, and local programs; to the Committee on Energy and Commerce.

By Ms. SNOWE:

H.R. 4930. A bill to amend the Magnuson Fishery Conservation and Management Act to authorize the Secretary of Commerce to prepare fishery management plans and amendments to fishery management plans under negotiated rulemaking procedures; to the Committee on Merchant Marine and Fisheries.

H.R. 4931. A bill to strengthen protection of the natural resources of the Gulf of Maine through greater cooperation and coordination between Federal agencies and the Gulf of Maine Council on the Marine Environment, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 4932. A bill to amend the Magnuson Fishery Conservation and Management Act to require the Secretary of Commerce to prepare conservation and management measures for the northeast multispecies—groundfish—fishery under negotiated rulemaking procedures; to the Committee on Merchant Marine and Fisheries.

By Mr. SWIFT:

H.R. 4933. A bill to amend the Solid Waste Disposal Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ARCHER:

H.R. 4934. A bill to restore immigration to traditional levels by curtailing illegal immigration and imposing a ceiling on legal immigration; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. JOHNSTON of Florida:

H.R. 4935. A bill to provide that recipients of export promotion assistance should meet certain requirements; jointly, to the Committees on Foreign Affairs and Energy and Commerce.

By Mr. REED (for himself, Mr. SENSENBRENNER, Mr. SYNAR, Mr. ROSE, Mr. GEKAS, and Mr. ZELIFF):

H.R. 4936. A bill to amend title 17, United States Code, to exempt business establishments from copyright fees for the public performance of nondramatic musical works by television and radio sets, to exempt certain choral groups from paying copyright fees, to provide for court-annexed arbitration in royalty disputes involving performing rights societies, and to ensure computer access to music repertoire; to the Committee on the Judiciary.

By Mr. GUTIERREZ:

H.J. Res. 400. Joint resolution to designate October 20, 1994, as "Leyte Landing Day"; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SHAW introduced a bill (H.R. 4937) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Fifty One*; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Ms. SNOWE.

H.R. 291: Mr. PAXON, Mr. MCINNIS, and Mr. STEARNS.

H.R. 300: Mr. MANTON.

H.R. 627: Mr. KLINK.

H.R. 799: Mr. PACKARD.

H.R. 1171: Mr. GUTIERREZ.

H.R. 1671: Mr. BARLOW.

H.R. 2292: Mr. DEUTSCH.

H.R. 2488: Mr. COLEMAN.

H.R. 2708: Mr. DICKEY and Mr. LEWIS of Kentucky.

H.R. 2803: Mr. PAYNE of Virginia, Mr. RIDGE, Mr. CHAPMAN, and Mr. DARDEN.

H.R. 2873: Mr. TOWNS, Mr. SCHIFF, and Mrs. VUCANOVICH.

H.R. 3059: Mr. LANTOS.

H.R. 3271: Mrs. MALONEY.

H.R. 3320: Mr. KINGSTON, Mr. EMERSON, and Mr. SCHAEFER.

H.R. 3392: Ms. SNOWE.

H.R. 3397: Mr. BEILENSON.

H.R. 3458: Mr. ZELIFF.

H.R. 3475: Mr. HOKE.

H.R. 3661: Mr. ISTOOK.

H.R. 3739: Mrs. BYRNE, Mr. GALLEGLY, and Mr. BACCHUS of Florida.

H.R. 3762: Mr. LIPINSKI.

H.R. 3820: Mr. OWENS.

H.R. 3885: Mr. TORKILDSEN, Mr. SERRANO, Mr. YATES, and Mr. GUTIERREZ.

H.R. 3906: Mr. STUPAK.

H.R. 4050: Mr. FIELDS of Louisiana.

H.R. 4116: Ms. MOLINARI, Ms. SLAUGHTER, and Ms. VELAZQUEZ.

H.R. 4200: Mr. BROWN of Ohio, Mr. FINGERHUT, and Mr. MANN.

H.R. 4291: Ms. FURSE, Mr. HOEKSTRA, Mr. STUMP, and Mr. NEAL of North Carolina.

H.R. 4412: Mr. GUNDERSON and Mr. TOWNS.

H.R. 4413: Mr. WATT.

H.R. 4514: Mr. ROSE and Mr. ANDREWS of Maine.

H.R. 4557: Ms. PRYCE of Ohio and Mr. BEREUTER.

H.R. 4643: Mr. HANSEN and Mr. MCINNIS.

H.R. 4737: Ms. SHEPHERD.

H.R. 4767: Mr. WATT.

H.R. 4803: Mr. GILMAN, Mr. ANDREWS of New Jersey, and Mr. PASTOR.

H.R. 4805: Mr. LAROCCO, Mr. JOHNSON of South Dakota, Mr. MANZULLO, Mr. INHOFE, Mr. LIGHTFOOT, Mr. CRAPO, Mr. BROWN of Ohio, and Mr. PETERSON of Minnesota.

H.R. 4814: Mrs. COLLINS of Illinois.

H.R. 4840: Mr. CALVERT.

H.R. 4902: Mrs. ROUKEMA.

H.J. Res. 369: Mrs. KENNELLY, Mr. STENHOLM, Mr. LUCAS, Mr. HUTCHINSON, Mr. SMITH of Michigan, Mr. EVERETT, Mr. KNOLLENBERG, Mr. CRANE, Mr. WHITTEN, Mr. ROGERS, Mr. WALSH, Mr. GONZALEZ, Mr. MARTINEZ, Mr. GILCHREST, Mr. NADLER, Mr. RAHALL, Mr. SUNDQUIST, Mr. LAZIO, Mr. FRANK of Massachusetts, Ms. BROWN of Florida, Mr. FROST, Mr. MCNULTY, Mr. UPTON, Mr. GUTIERREZ, Mr. LAROCCO, Mr. QUINN, Mr. TUCKER, Mr. TEJEDA, Mr. KLECZKA, Mr. COSTELLO, Mr. FAZIO, Mr. BACCHUS of Florida, Mr. HOEKSTRA, Mrs. JOHNSON of Connecticut, Mr. JEFFERSON, Mr. KINGSTON, Mr. SANDERS, Mr. GREENWOOD, Mr. FILNER, Mr. MANZULLO, Mrs. COLLINS of Illinois, Mr. STOKES, Mr. GOODLING, Mr. HOUGHTON, Mr. BAKER of California, Mr. ORTIZ, Mr. DE LA GARZA, Mr. MFUME, Mr. EVANS, and Mr. SABO.

H.J. Res. 381: Mr. PARKER, Mr. MEEHAN, Mr. EMERSON, Mr. DELLUMS, Mr. THOMPSON, Mr. CALVERT, Mr. ROMERO-BARCELÓ, Mr. LAFALCE, Mr. JOHNSON of South Dakota, Mr. KASICH, and Mr. HILLIARD.

H.J. Res. 385: Mrs. MALONEY, Mr. SHAYS, Mr. STUDDS, and Mr. OWENS.

H. Con. Res. 69: Mr. SPRATT and Mr. DELLUMS.

H. Con. Res. 148: Mr. PACKARD.

H. Res. 425: Mr. GOSS, Mr. MCCOLLUM, Mr. DORNAN, Mr. BATEMAN, Mr. HASTERT, Mr. SOLOMON, Mr. SHAYS, Mr. LIVINGSTON, Mr. ROYCE, Mr. SCHIFF, and Mr. FISH.

H. Res. 432: Mr. FINGERHUT, Mr. RUSH, and Mr. ANDREWS of Texas.

H. Res. 463: Mr. HILLIARD.

H. Res. 472: Mr. LINDER, Mr. HOKE, Mr. COBLE, and Mr. KIM.

H. Res. 497: Mr. OWENS, Mrs. ROUKEMA, Mr. ENGEL, Ms. PELOSI, Mr. LAZIO, Mr. LAFALCE, Mr. FROST, Mr. FRANK of Massachusetts, Mr. EVANS, Mr. GREENWOOD, Mr. MCNULTY, Mr. UNDERWOOD, Mr. DEUTSCH, and Mr. SHAYS.

AMENDMENTS TO H.R. 3600

AMENDMENT TO H.R. 3600, AS REPORTED OFFERED BY MR. GEKAS OF PENNSYLVANIA

Strike all after the enacting clause and insert the following:

SECTION. 1. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the Bipartisan Health Care Reform Commission (in this Act referred to as the "Commission").

(b) APPOINTMENT.—The Commission shall consist of 3 members appointed by the President, 2 members appointed by the Majority Leader of the Senate, 1 by the Minority Leader of the Senate, 2 members appointed by the Speaker of the House of Representatives, and 1 member by the Minority Leader

of the House of Representatives. Members shall be appointed on the basis of their expertise and national recognition in the fields of health economics, provider reimbursement, health insurance, health benefits design, and related fields. In selecting members of the Commission, the President shall consult with the Congress.

(c) TERM.—Members of the Commission shall be appointed for the life of the Commission.

(d) VACANCY.—A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

SEC. 2. RESPONSIBILITIES.

(a) ANALYSES.—The Commission shall—

(1) conduct an analysis of the health care system reforms proposed or enacted by the States,

(2) conduct an analysis of the problems and potential solutions to the Federal health care programs, including the programs under titles XVII (medicare) and XIX (medicaid), and the Veterans health programs, and

(3) make recommendations on additional reforms that the Congress may want to consider in response to the findings of the analyses.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Commission shall submit a report to the Congress on the state of health care in the United States. Such report shall include analyses of the following issues:

(1) The rate of growth in health care costs by type of provider, by type of payer, and by State.

(2) The success or failure of the private and public sectors in keeping their costs within the Gross Domestic Product Deflator (an inflation indicator).

(3) The utility of various mechanisms to empower purchasers of health care with information about comparative cost, quality, and access, including the effect of such information on patient's bchavior in the medical marketplace.

(4) The success or failure of different types of group health plans, such as medical savings account/catastrophic insurance plans, managed care plans, voluntary cooperative plans, and traditional indemnity plans in cost, quality, and access.

(5) The success or failure of various Medicaid reform proposals, including privatization through managed care, voucherization, and government cost controls.

SEC. 3. CONSIDERATION OF RECOMMENDATIONS.

(a) IN GENERAL.—If the recommendations of the Commission under section 2 are accompanied by a statement provided by the Director of the Congressional Budget Office that the recommendations would not increase the deficit, the recommendations shall be considered in accordance with this section.

(b) PROCEDURE.—The following procedure shall apply to recommendations:

"(1) REFERRAL AND INTRODUCTION.—The recommendations shall be referred to the committees with jurisdiction over the matters in the recommendations and the chairmen of such committees shall introduce a bill, within 20 days of the receipt of such recommendations, which carries out such recommendations.

(2) COMMITTEE CONSIDERATION.—If any committee to which a bill introduced under paragraph (1) is referred has not reported the bill at the close of the 45th day since its introduction, such committee shall be automatically discharged from further consideration of the bill and it shall be place on the appropriate calendar.

(3) OPEN RULE.—The Committee on Rules shall provide an open rule for consideration of a bill introduced under paragraph (1). If such a bill differs from the recommendation of the Commission, the Committee on Rules shall provide that the recommendation of the Commission shall be considered as an amendment in the nature of a substitute for such bill. Debate shall not be limited.

(4) SENATE CONSIDERATION.—If a bill introduced under paragraph (1) is a revenue raising bill, the Senate shall be given an additional 15 days following passage by the House for consideration in Committee and an additional 15 days for consideration by the Senate.

Amendment to H.R. 3600

Offered by Mr. Gephardt of Missouri

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF TITLES AND SUBTITLES.

(a) SHORT TITLE.—This Act may be cited as the "Guaranteed Health Insurance Act of 1994".

(b) TABLE OF TITLES AND SUBTITLES IN ACT.—The following are the titles and subtitles contained in this Act:

TITLE I—UNIVERSAL COVERAGE AND SHARED RESPONSIBILITIES

Subtitle A—Universal Coverage and Individual Responsibilities

Subtitle B—Employer Responsibilities

TITLE II—INDIVIDUAL AND EMPLOYER RESPONSIBILITIES

Subtitlc A—Individual Responsibilities

Subtitle B—Employer Responsibilities

TITLE III—BENEFITS

Subtitle A—Guaranteed National Benefit Package

Subtitle B—Coverage of Outpatient Prescription Drugs and Other Changes in Medicare Benefits

TITLE IV—STATE PROGRAMS

Subtitle A—State Single-Payer Systems

Subtitle B—State Managed Competition Programs

Subtitle C—Statc Provider Reimbursement Systems

Subtitle D—General Rules, Coordination, and Transition

TITLE V—HEALTH PLANS AND COOPERATIVES

Subtitle A—Standards for Carriers and Insured Health Benefit Plans

Subtitle B—Standards for Sponsors and Self-Insured Health Benefit Plans

Subtitle C—Standards for Supplemental Health Plans

Subtitle D—Universal FEHBP

Subtitle E—Consumer Purchasing Cooperatives

Subtitle F—General Provisions

Subtitle G—Transitional Insurance Reforms

TITLE VI—STANDBY COST CONTAINMENT IN THE PRIVATE SECTOR

Subtitle A—National Health Expenditure Estimates

Subtitle B—State Health Expenditure Estimates

Subtitle C—Stand-By Federal Cost Containment

Subtitle D—Maximum Payment Rates

Subtitle E—Administrative and Judicial Review

Subtitle F—National Health Cost Commission

TITLE VII—PUBLIC HEALTH INITIATIVES

Subtitle A—Health Workforce Priorities

Subtitle B—Certain Direct Spending Programs of Public Health Service

Subtitle C—Assistance for Capital Costs of Safety-Net Hospitals

Subtitle D—Other Programs in Public Health Service Act

Subtitle E—Mental Health

Subtitle F—United States-Mexico Border Health Commission

Subtitle G—Comprehensive School Health Education

Subtitle H—Occupational Safety and Health

Subtitle I—Miscellaneous Provisions

TITLE VIII—MEDICARE AND MEDICAID

Subtitle A—Medicare Part C Program

Subtitle B—Benefits for Low-Income Individuals; State Maintenance of Effort

Subtitle C—Cost Containment in the Medicare Programs

Subtitle D—Revisions to Medicare Part A and Part B

Subtitle E—Minor and Technical Medicare Amendments

Subtitle F—Provisions Relating to the Medicaid Program

Subtitle G—Miscellaneous and Technical Medicaid Amendments

Subtitle H—Provision Relating to AFDC Program

TITLE IX—QUALITY AND CONSUMER AND WORKFORCE PROTECTION

Subtitle A—Quality Management and Improvement

Subtitle B—Information Systems and Administrative Simplification

Subtitle C—Fair Health Information Practices

Subtitle D—Remedies

Subtitle E—Fraud and Abuse

Subtitle F—Physician Ownership and Referral

Subtitle G—Workforce Protection and Training

TITLE X—LONG-TERM CARE

Subtitle A—Long-Term Care Program

Subtitle B—Federal Standards for Private Long-Term Care Insurance Policies

Subtitle C—Worker Redeployment in Long-Term Care Programs

TITLE XI—REVENUE PROVISIONS

Subtitle A—Increase in Excise Taxes on Tobacco Products

Subtitle B—Treatment of Employer-Provided Health Care

Subtitle C—Extending Medicare Coverage of, and Application of Hospital Insurance Tax to, All State and Local Government Employees

Subtitle D—Treatment of Organizations Providing Health Care Services and Related Organizations

Subtitle E—Treatment of Accelerated Death Benefits Under Life Insurance Contracts

Subtitle F—Employment Status Provisions

Subtitle G—Tax Treatment of Funding of Retiree Health Benefits

Subtitle H—Excise Taxes on Insured and Self-Insured Health Plans

Subtitle I—Other Provisions

TITLE XII—AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

TITLE XIII—COORDINATION OF MEDICAL PORTION WORKERS' COMPENSATION AND AUTOMOBILE INSURANCE

Subtitle A—Workers' Compensation Insurance

Subtitle B—Automobile Insurance

Subtitle C—Federal Employees' Compensation Act

Subtitle D—Davis-Bacon Act and Service Contract Act

Subtitle E—Effective Dates

TITLE XIV—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM
Subtitle A—General Changes in Health Benefits for Federal Employees and Annuitants
Subtitle B—Provisions Relating to Universal FEHBP
Subtitle C—Transition Rules
Subtitle D—Post-Transition Provisions
Subtitle E—Miscellaneous Provisions
TITLE XV—DEPARTMENT OF VETERANS AFFAIRS
TITLE XVI—INDIAN HEALTH SERVICE
TITLE XVII—MEDICAL MALPRACTICE AND ANTITRUST REFORMS
Subtitle A—Medical Malpractice
Subtitle B—McCarran-Ferguson Reform

SEC. 2. GENERAL DEFINITIONS.

For purposes of this Act, except as otherwise specifically provided:

(1) AFDC RECIPIENT.—The term "AFDC recipient" means, for a month, an individual who is receiving aid or assistance under any plan of the State approved under title I, X, XIV, or XVI, or part A or part E of title IV, of the Social Security Act for the month.

(2) CERTIFIED HEALTH PLAN.—

(A) IN GENERAL.—The term "certified health plan" means a health plan that is certified (or deemed to be certified) as meeting the requirements of subtitle A or B of title V, and, except as otherwise provided, does not include the medicare program or medicare part C.

(B) TREATMENT OF CERTAIN PLANS.—Each of the following is deemed to have been certified as meeting the requirements described in subparagraph (A):

(i) The Civilian Health and Medical Program of the Uniformed Services (as defined in section 1072(4) of title 10, United States Code).

(ii) Any State single-payer system approved under subtitle A of title IV.

(C) CERTIFICATION PROCESS FOR CERTAIN FEDERAL HEALTH PLANS.—For provisions providing for certification of—

(i) health programs of the Indian Health Service (within the meaning of section 901 of the Indian Health Care Improvement Act), see section 5501(b), and

(ii) health plans of the Department of Veterans Affairs, see section 5501(c).

(3) CLASS OF ENROLLMENT.—The term "class of enrollment" means a class for enrollment of families specified in section 3(b).

(4) ELIGIBLE INDIVIDUAL.—The term "eligible individual" has the meaning given such term in section 1001(c).

(5) GUARANTEED NATIONAL BENEFIT PACKAGE.—The term "guaranteed national benefit package" means the package of health benefits described in subtitle A of title III.

(6) MEDICAID PROGRAM.—The term "medicaid program" means a State plan for medical assistance approved under title XIX of the Social Security Act.

(7) MEDICARE PART A BENEFICIARY.—The term "medicare part A beneficiary" means an individual who is entitled to benefits under part A of the medicare program.

(8) MEDICARE PART C.—The term "medicare part C" means the program of health insurance benefits under part A of title XXI of the Social Security Act (as added by section 8001).

(9) MEDICARE PROGRAM.—The term "medicare program" means the programs under title XVIII of the Social Security Act.

(10) SSI RECIPIENT.—The term "SSI recipient" means, for a month, an individual—

(A) with respect to whom supplemental security income benefits are being paid under title XVI of the Social Security Act for the month,

(B) who is receiving a supplementary payment under section 1616 of such Act or under section 212 of Public Law 93-66 for the month,

(C) who is receiving monthly benefits under section 1619(a) of the Social Security Act (whether or not pursuant to section 1616(c)(3) of such Act) for the month, or

(D) who is treated under section 1619(b) of the Social Security Act as receiving supplemental security income benefits in a month for purposes of title XIX of such Act.

(11) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(12) STATE.—The term "State" means the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

(13) UNITED STATES.—The term "United States" means the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and Northern Mariana Islands.

SEC. 3. DEFINITIONS AND RULES RELATING TO FAMILY MEMBERS.

(a) FAMILY DEFINED.—In this Act, unless otherwise provided, the term "family"—

(1) means, with respect to an eligible individual who is not a young dependent, the individual; and

(2) includes the following persons (if any):

(A) The individual's spouse if the spouse is an eligible individual.

(B) The individual's young dependents (and, if applicable, the young dependents of the individual's spouse) if they are eligible individuals.

In this section, the term "young dependent" has the meaning given such term in section 1003(b)(1)(B).

(b) CLASSES OF ENROLLMENT; TERMINOLOGY.—In this Act:

(1) IN GENERAL.—Each of the following is a separate class of enrollment:

(A) Coverage only of an individual (referred to in this Act as the "individual" enrollment or class of enrollment).

(B) Coverage of an unmarried individual and one or more children (referred to in this Act as the "single parent" enrollment or class of enrollment).

(C) Coverage of a married couple and one or more children (referred to in this Act as the "family" enrollment or class of enrollment).

(2) COUPLES ENROLLED IN DIFFERENT PLANS.—In the case of a couple—

(A) without young dependents in which each spouse is enrolled in a different health plan, each spouse is considered to be enrolled in an individual class of enrollment, and

(B) with young dependents in which a spouse is enrolled in one plan and the other spouse and young dependents are enrolled in another plan, the former spouse is considered to be enrolled in an individual class of enrollment and the latter spouse and young dependents are considered to be enrolled in a single parent class of enrollment.

(c) SPOUSE; MARRIED; COUPLE.—In this Act:

(1) IN GENERAL.—The terms "spouse" and "married" mean, with respect to a person, another individual who is the spouse of the person or married to the person, as determined under applicable State law.

(2) COUPLE.—The term "couple" means an individual and the individual's spouse.

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Sec. 17101. Short title.
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Sec. 17107. Effective dates.

SEC. 1000. PROTECTION OF CONSUMER CHOICE.

Nothing in this Act shall be construed as prohibiting the following:

(1) An individual from choosing the individual's own health provider.

(2) An individual from purchasing any health care services.

(3) An individual from purchasing supplemental insurance (offered consistent with this Act) to cover health care services not covered under the guaranteed national benefit package.

(4) Employers from providing coverage (consistent with this Act) for benefits in addition to the guaranteed national benefit package.

(5) Employers from making contributions (consistent with this Act) toward employee premiums in excess of any contributions required under this Act.

Subtitle A—Universal Coverage and Individual Responsibilities

SEC. 1001. UNIVERSAL HEALTH COVERAGE.

(a) COVERAGE.—In accordance with this Act, each eligible individual is entitled to the benefits covered under the guaranteed national benefit package under title III.

(b) REQUIREMENT.—In accordance with this Act and the applicable provisions of the Internal Revenue Code of 1986, individuals are required to obtain health insurance coverage for themselves and their family members.

(c) ELIGIBLE INDIVIDUAL DEFINED.—In this Act, the term "eligible individual" means an individual who is—

(1) a citizen or national of the United States;

(2) an alien permanently residing in the United States under color of law (as defined in section 1005(b)(1)); or

(3) a long-term nonimmigrant (as defined in section 1005(b)(2)).

Such term does not include an undocumented alien or a prisoner.

(c) GENERAL EFFECTIVE DATE.—This section takes effect on January 1, 1999.

(d) ISSUANCE OF HEALTH SECURITY CARDS.—Each eligible individual is entitled to be issued a health security card by the certified health plan (or under the medicare program or medicare part C) in which the individual is enrolled.

SEC. 1002. SATISFACTION OF RESPONSIBILITY THROUGH ENROLLMENT IN CERTIFIED HEALTH PLANS, MEDICARE PART C, AND MEDICARE.

(a) COVERAGE UNDER CERTIFIED HEALTH PLAN.—An individual meets the requirement of section 1001(b) for a month only through coverage—

(1) under a certified health plan (as defined in section 2), or

(2) under medicare part C (if the individual is eligible to enroll under medicare part C).

(b) COVERAGE UNDER MEDICARE PROGRAM.—An individual is considered to have met the requirement of section 1001(b) if the individual is a part A medicare beneficiary, and the provision of benefits under the medicare program is deemed to constitute the entitlement described in section 1001(a).

SEC. 1003. SPECIAL RULES FOR COVERED INDIVIDUALS WHO ARE NOT REQUIRED TO CONTRIBUTE.

(a) IN GENERAL.—In the case of an individual who is a covered, noncontributing individual (as defined in subsection (b)) with respect to all months in a taxable year, the individual shall not be required under section 1001(b) to make any contribution toward obtaining health insurance coverage with respect to the taxable year.

(b) COVERED, NONCONTRIBUTING INDIVIDUAL DEFINED.—In subsection (a), the term "covered, noncontributing individual", with respect to a taxable year, means either of the following individuals:

(1) YOUNG DEPENDENTS.—

(A) IN GENERAL.—An individual who is a young dependent of any taxpayer for a taxable year of such taxpayer which begins in the calendar year in which such taxable year begins.

(B) YOUNG DEPENDENT.—For purposes of this section, the term "young dependent" means, with respect to periods in any calendar year, any individual if—

(i) an exemption is allowable under section 151(c) of the Internal Revenue Code of 1986 with respect to such individual to the taxpayer for a taxable year beginning in such calendar year, and

(ii) such individual—

(I) has not attained the age of 19 as of the close of such calendar year, or

(II) is a student (as defined in section 151(c)(4) of such Code) who has not attained age 24 as of the close of such calendar year.

(2) CERTAIN CASH RECIPIENTS.—

(A) IN GENERAL.—An individual who for each month in the taxable year is—

(i) an AFDC recipient (as defined in section 2), or

(ii) an SSI recipient (as defined in such section).

(B) LIMITATION FOR SSI RECIPIENTS.—Subparagraph (A)(ii) shall not apply to an individual filing a joint return unless both spouses are SSI recipients.

(c) REFERENCE TO LOW-INCOME INDIVIDUALS WHO ARE COVERED AND NOT REQUIRED TO FULLY CONTRIBUTE.—

(1) LOW-INCOME INDIVIDUALS WITH BELOW-THRESHOLD INCOME NOT REQUIRED TO CONTRIBUTE.—For exemption from requirement to contribute toward health insurance coverage for low-income individuals, see paragraph (1) of section 59B(b) of the Internal Revenue Code of 1986 or section 2122(c)(1) of the Social Security Act.

(2) REDUCED CONTRIBUTION FOR OTHER LOW-INCOME INDIVIDUALS.—For reduction in contribution requirement toward health insurance coverage for other low-income individuals, see paragraph (2) of section 59B(b) of the Internal Revenue Code of 1986 or section 2122(c)(2) of the Social Security Act.

SEC. 1004. SPECIAL RULES FOR INDIVIDUALS NEITHER COVERED NOR REQUIRED TO CONTRIBUTE.

(a) IN GENERAL.—In the case of an individual who is a noncovered, noncontributing individual (as defined in subsection (b)) with respect to a month in a taxable year, the individual is deemed to have waived entitlement to benefits under section 1001(a) and is not required to make a contribution toward health insurance coverage.

(b) NONCOVERED, NONCONTRIBUTING INDIVIDUAL DEFINED.—In subsection (a), the term "noncovered, noncontributing individual", with respect to a month, means any of the following individuals:

(1) RELIGIOUS EXEMPTION.—An individual if, as of the first day of such month, there is in

effect for such individual, a qualified religious exemption (as defined in subsection (c)(1)).

(2) DISABLED VETERANS.—An individual if, as of the first day of such month, there is in effect for the individual, a qualified disabled veteran exemption (as defined in subsection (c)(2)).

(3) ACTIVE DUTY MILITARY.—An individual if as of the first day of such month, the individual is on active duty as a member of the uniformed services (as defined in section 101 of title 10, United States Code).

(4) PRISONERS.—An individual if as of the first day of such month, the individual is imprisoned under Federal, State, or local authority after conviction.

(c) RELIGIOUS AND VETERANS EXEMPTIONS DESCRIBED.—For purposes of subsection (b)—

(1) QUALIFIED RELIGIOUS EXEMPTION.—

(A) IN GENERAL.—The term "qualified religious exemption" means an exemption granted by the Secretary to an individual—

(i) who is a member of a recognized religious sect or division thereof with respect to which such Secretary makes the findings referred to in subparagraphs (C), (D), and (E) of section 1402(g)(1) of the Internal Revenue Code of 1986,

(ii) who is an adherent of established tenets or teachings of such sect or division as described in such section, and

(iii) who submits an application for such exemption which contains or is accompanied by the evidence described in section 1402(g)(1)(A) of such Code and a waiver described in section 1402(g)(1)(B) of such Code.

For purposes of the clause (iii), section 1402(g)(1)(B) of such Code shall be treated as including a reference to medicare part C.

(B) LIMITATION.—An exemption granted under this paragraph shall cease to apply beginning on the date such Secretary determines that the individual, or the sect or division, ceased to meet the requirements of subparagraph (A).

(2) QUALIFIED DISABLED VETERAN EXEMPTION.—

(A) IN GENERAL.—The term "qualified disabled veteran exemption" means an exemption granted by the Secretary to an eligible person (within the meaning of section 1710(a)(1) of title 38, United States Code) who waives all benefits and payments under all certified health plans of any employer and under medicare part C with respect to the guaranteed national benefit package described in title III.

(B) MINIMUM PERIOD OF EXEMPTION.—Such an exemption may not be granted for a period of less than 1 year and shall not take effect earlier than the month beginning after the month in which the eligible person requests such waiver.

(C) TERMINATION BY INDIVIDUAL.—Such an exemption may be terminated by the eligible person. Such a termination shall not take effect earlier than the month beginning after the month in which notice of such termination is sent to the Secretary. No subsequent exemption under this paragraph may be granted to such person until one year after the date such termination took effect.

SEC. 1005. MISCELLANEOUS DEFINITIONS AND RELATED PROVISIONS.

(a) RELATED DEFINITIONS.—In this subtitle—

(1) ALIEN PERMANENTLY RESIDING IN THE UNITED STATES UNDER COLOR OF LAW.—The term "alien permanently residing in the United States under color of law" means an alien lawfully admitted for permanent residence (within the meaning of section 101(a)(20) of the Immigration and Nationality Act), and includes any of the following:

(A) An alien who is admitted as a refugee under section 207 of the Immigration and Nationality Act.

(B) An alien who is granted asylum under section 208 of such Act.

(C) An alien whose deportation is withheld under section 243(h) of such Act.

(D) An alien whose deportation is suspended under section 244 of such Act.

(E) An alien who is granted conditional entry pursuant to section 203(a)(7) of such Act, as in effect before April 1, 1980.

(F) An alien who is admitted for temporary residence under section 210, 210A, or 245A of such Act.

(G) An alien who has been paroled into the United States under section 212(d)(5) of such Act for an indefinite period or who has been granted extended voluntary departure as a member of a nationality group, temporary protected status, or deferred enforced departure.

(H) An alien who is the spouse or unmarried child under 21 years of age of a citizen of the United States, or the parent of such a citizen if the citizen is over 21 years of age, and with respect to whom an application for adjustment to lawful permanent residence is pending.

(I) An alien eligible for work authorization granted by the Immigration and Naturalization Service (other than as a nonimmigrant).

(J) An alien within such other classification of permanent resident aliens as the Secretary may establish by regulation. Such regulation shall include categories of such aliens who are included in regulations as in effect on the date of the enactment of this Act under title XIX of the Social Security Act.

(2) LONG-TERM NONIMMIGRANT.—The term "long-term nonimmigrant" means a nonimmigrant described in subparagraph (E), (H), (I), (K), (L), (N), (O), (P), (Q), or (R) of section 101(a)(15) of the Immigration and Nationality Act.

(3) PRISONER.—The term "prisoner" means, as specified by the Secretary, an individual during a period of imprisonment under Federal, State, or local authority after conviction.

(b) ADDITIONAL RECOMMENDATIONS AND RULES REGARDING ALIENS; RECOMMENDATIONS REGARDING CITIZENS RESIDING OUTSIDE THE UNITED STATES.—

(1) RECOMMENDATIONS CONCERNING ALIENS.—The Secretary, in consultation with the Attorney General, shall make recommendations to Congress with respect to classes of eligibility for aliens and modifications of rules concerning eligibility and coverage for aliens.

(2) RULES.—In making the recommendations under paragraph (1), the Secretary shall consider—

(A) appropriate treatment of diplomatic personnel and employees of international organizations,

(B) appropriate rules for minors who are not dependents of eligible individuals, and

(C) appropriate rules for the treatment of spouses who are dependents of ineligible individuals.

(3) RECIPROCAL TREATMENT OF OTHER NONIMMIGRANTS.—With respect to those classes of individuals who are lawful nonimmigrants but who are not long-term nonimmigrants (as defined in section (b)(2)), the Secretary, in consultation with the Attorney General, shall submit to Congress such recommendations relating to reciprocal agreements between the United States and foreign states with respect to coverage of some or all classes of such nonimmigrants as may be appropriate.

(4) RECOMMENDATIONS CONCERNING UNITED STATES CITIZENS RESIDING OUTSIDE THE UNITED STATES.—The Secretary shall make recommendations to Congress with respect to coverage of United States citizens residing outside the United States.

Subtitle B—Employer Responsibilities

PART 1—EMPLOYER COVERAGE RESPONSIBILITIES

SEC. 1101. EMPLOYER RESPONSIBILITIES.

(a) IN GENERAL.—In accordance with this Act and the applicable provisions of the Internal Revenue Code of 1986, employers are required to provide or contribute to health insurance coverage of employees and their family members.

(b) APPLICATION OF RULES.—In carrying out such requirement, the provisions in the following sections of this part apply.

(c) GENERAL EXEMPTION.—Subsection (a) shall not apply with respect to a generally excludable employee (as defined in section 1105(b)).

(d) EFFECTIVE DATE.—This section takes effect on January 1, 1997, with respect to large employers and January 1, 1999, with respect to other employers.

SEC. 1102. SATISFACTION OF RESPONSIBILITY BY LARGE EMPLOYERS THROUGH ENROLLMENT IN CERTIFIED HEALTH PLANS.

(a) REQUIREMENT.—

(1) IN GENERAL.—Subject to paragraph (2), in order for a large employer to meet the requirements of section 1101(a) with respect to an employee for a month, the employee must be a qualified employer-covered employee (as defined in section 1104).

(2) TREATMENT OF PART-TIME, SEASONAL, OR TEMPORARY EMPLOYEES.—In the case of an exempt part-time, seasonal, or temporary employee (as defined in subsection (c)), in order for a large employer to meet the requirements of section 1101(a) with respect to such an employee for a month, either—

(A) the employee must be a qualified employer-covered employee (as defined in section 1104), or

(B) the employer must contribute to medicare part C.

(b) EXCEPTION FOR VOLUNTARILY EXCLUDED EMPLOYEES WHO MAY ELECT TO DECLINE COVERAGE.—

(1) IN GENERAL.—Subsection (a) shall not apply with respect to a voluntarily excluded employee (as defined in paragraph (2)), if the employee was offered coverage in accordance with section 1104(c)).

(2) VOLUNTARILY EXCLUDED EMPLOYEE.—For purposes of paragraph (1), subject to paragraph (3), the term "voluntarily excluded employee" means, with respect to a month, any of the following employees:

(A) OTHER HEALTH COVERAGE.—

(i) IN GENERAL.—Any employee if there is in effect as of the first day of such month a withholding exemption certificate stating that such employee is covered under medicare part A or a certified health plan other than a plan of such employer.

(ii) SPECIAL RULE FOR INDIVIDUALS COVERED UNDER INDIAN HEALTH SERVICE OR VETERANS PLAN.—Clause (i) shall not apply to an employee by reason of coverage under a plan described in clause (iii) unless the employer makes a contribution toward such coverage in the amount described in section 1104(d)(2).

(iii) PLANS DESCRIBED.—A plan described in this clause is—

(I) a health plan of the Indian Health Service, or

(II) an HSA-certified VA health plan (as defined in section 1801 of title 38, United States Code) in the case of an employee who is a veteran (within the meaning of section 101 of such title) or a family member of a veteran.

(B) INDIVIDUALS ELECTING MEDICARE PART C.—Any employee if there is in effect as of the first day of such month a withholding exemption certificate stating that such employee—

(i) is an eligible individual who is an AFDC or SSI recipient, and

(ii) waives coverage under all certified health plans of the employer for such month.

(C) WAIVER DURING TRANSITION PERIOD.—In the case of a month before January 1999, any employee who waives coverage under all certified health plans of the employer for such month.

(3) SPECIAL RULE IN CASE OF ENROLLMENT OF EMPLOYEES OF LARGE EMPLOYERS IN COMMUNITY-RATED PLANS.—

(A) IN GENERAL.—In the case of an employee of a large employer who is enrolled in a certified health plan other than an exempt plan described in subparagraph (B), the employee is deemed to be covered under the certified health plan of the large employer and such plan shall make payment, in relation to other certified health plans, in the same manner as a group health plan is a primary plan (as described in section 1862(b)(2)(A)) in relation to the medicare program.

(B) EXEMPT PLAN.—An exempt plan described in this subparagraph with respect to an employee is—

(i) a certified health plan offered by another employer of the employee,

(ii) a certified health plan offered by an employer of the employee's spouse, or

(iii) a certified health plan offered by an employer of another person with respect to whom the employee is a young dependent.

(c) EXEMPT PART-TIME, SEASONAL, OR TEMPORARY EMPLOYEES.—For purposes of this part, the term "exempt part-time, seasonal, or temporary employee" means, with respect to a month, any of the following employees:

(1) CERTAIN PART-TIME EMPLOYEES.—Any employee whose normal work week is reasonably expected as of the first day of such month to be less than 25 hours.

(2) SEASONAL OR TEMPORARY EMPLOYEES.—Any employee who is not reasonably expected as of the first day of such month to be employed by the employer for a period of 120 consecutive days during any 365-day period that includes such first day.

(3) DELAY FOR CERTAIN PART-TIME EMPLOYEES.—Any employee whose normal work week is reasonably expected as of the first day of such month to be at least 25 hours, but less than 35 hours, and the normal work week of the employee during the preceding 3 months was less than 25 hours.

SEC. 1103. SATISFACTION OF RESPONSIBILITY FOR SMALL EMPLOYERS THROUGH CERTIFIED HEALTH PLANS OR MEDICARE PART C.

(a) IN GENERAL.—In order for a small employer to meet the requirements of section 1101(a) with respect to an employee for a month, the employee must be—

(1) a qualified employer-covered employee (as defined in section 1104) or an employee described in subsection (b)(2)(B), or

(2) covered under medicare part C.

(b) LIMITATION ON EMPLOYER CHOICE.—

(1) IN GENERAL.—Subject to paragraph (2), a small employer is not considered to have met the requirements of section 1101(a) by reason of subsection (a)(1) of this section unless all employees of such employer are qualified employer-covered employees.

(2) EXCEPTIONS.—A small employer is not required under paragraph (1) to provide coverage (under a certified health plan as a qualified employer-covered employee) of any employee who is—

(A) a medicare part C eligible individual described in paragraph (4) or (5) of section 2101(b) of the Social Security Act,

(B) a voluntarily excluded employee (as defined in section 1102(b)) described in section 1102(b)(2)(A) if the employee was offered such coverage in accordance with section 1104(c), or

(C) an exempt part-time, seasonal, or temporary employee (as defined in section 1102(c)).

For purposes of subparagraph (B), section 1102(b)(2)(A) shall be applied by treating clause (iii) thereof as including a reference to a certified health plan offered through Universal FEHBP.

SEC. 1104. QUALIFIED EMPLOYER-COVERED EMPLOYEE DEFINED.

(a) IN GENERAL.—In this part, the term "qualified employer-covered employee" means any employee if (and only if)—

(1) such employee is covered under a certified health plan of the employee's employer,

(2) such employee's coverage under such plan is in accordance with subsection (b),

(3) such employee was offered such coverage in accordance with subsection (c), and

(4) the employer makes a contribution for such coverage in accordance with subsection (d).

(b) COVERAGE REQUIREMENTS.—

(1) IN GENERAL.—An employee's coverage under a certified health plan is in accordance with this subsection if—

(A) such plan (which may be a high deductible plan, as defined in subsection (d)(2)(E)) was selected by the employee from plans offered consistent with subsection (c),

(B) family members of the employee are covered under such plan if such family coverage is elected in accordance with such subsection, and

(C) such coverage does not terminate by reason of termination of employment until the end of the month in which such termination occurs.

(2) COVERAGE DEFINED.—For purposes of this subsection, an individual is considered to be covered with respect to a plan at such time as the plan bears a legal responsibility for provision of (or payment for) services for which benefits are included under the plan.

(c) OFFERING REQUIRED.—

(1) IN GENERAL.—Coverage is offered in accordance with this subsection with respect to an employee only if the employee is offered coverage under a choice of certified health plans, including at least—

(A) 1 managed care plan (as defined in section 5504(7)), if available to the employer with respect to the employee, and

(B) 1 unlimited-choice-of-provider plan (as defined in section 5504(17)), which may be a point-of-service plan (as defined in section 5504(10)).

(2) OFFERING FAMILY COVERAGE.—

(A) IN GENERAL.—Coverage is offered in accordance with this subsection with respect to an employee only if coverage also is offered for family members under the plan in which the employee obtains coverage.

(B) FAMILY MEMBERS DEFINED.—For purposes of this section, the term "family member" means, with respect to an employee—

(i) the employee's spouse, if the spouse is an eligible individual, and

(ii) any young dependent of the employee, if the dependent is an eligible individual.

(3) TERMS OF OFFERING.—An employer shall not be treated as offering coverage in accordance with this subsection unless the following requirements are met:

(A) ANNUAL OPEN ENROLLMENT PERIODS.—The employer has an annual open enrollment period of at least 45 days during which employees may change the plan under which they are provided coverage.

(B) CHANGES IN ENROLLMENT DURING 1ST YEAR OF EMPLOYMENT.—Once during the 1st year of employment with an employer, each employee may change the plan under which the employee is provided coverage. Such a change shall be effective on the first day of the first month beginning at least 45 days after the date the employer receives a notice of change of coverage.

(C) CHANGES IN FAMILY STATUS.—The offer of family coverage under paragraph (2) is made (in accordance with regulations prescribed by the Secretary) at such times and in such manner as may be necessary to take into account changes in family status and changes in employment of family members.

(4) TREATMENT OF COOPERATIVES, UNIVERSAL FEHBP, AND STATE SINGLE-PAYER SYSTEMS.—An employer is deemed to meet the requirement of the paragraph (1) with respect to an employee if—

(A) in the case of a small employer, the employer makes available a choice of certified health plans through a consumer purchasing cooperative or through Universal FEHBP; or

(B) the employee resides in a State which has a State single-payer system approved under subtitle A of title IV and the employer meets the requirements applicable to the employer under such system.

(d) REQUIRED CONTRIBUTION.—

(1) IN GENERAL.—An employer makes a contribution for coverage under a certified health plan in accordance with this subsection with respect to an employee only if—

(A) the employer pays the employer contribution amount specified in paragraph (2) for an employee (and family members) covered under a certified health plan under subsection (b), and

(B) the portion of the premium for coverage not paid by the employer, net of the value of any premium certificates provided under part A of title XXII of the Social Security Act or other premium subsidies provided with respect to the employee, is withheld from wages paid the employee.

(2) EMPLOYER CONTRIBUTION AMOUNT.—

(A) FULL-TIME EMPLOYEES.—For purposes of paragraph (1)—

(i) COVERED UNDER MANAGED CARE PLANS.—In the case of an employee who is covered under a managed care plan (as defined in section 5504(7)), the employer contribution amount specified in this paragraph is equal to at least 80 percent of the premium for the qualified managed care plan offered under subsection (c) to the employee that has the lowest premium for the class of enrollment involved.

(ii) COVERED UNDER UNLIMITED-CHOICE-OF-PROVIDER PLAN.—In the case of an employee who is covered under an unlimited-choice-of-provider plan (other than a high deductible plan) the employer contribution amount specified in this paragraph is equal to at least 80 percent of the premium for the qualified unlimited-choice-of-provider plan offered under subsection (b) to the employee that has the lowest premium for the class of enrollment involved and that is not a high deductible plan.

(iii) COVERED UNDER HIGH DEDUCTIBLE PLAN.—In the case of an employee who is