Stark

Pickett

Canady Castle Hutchinson Hyde Clinger Coble Inglis Collins (GA) Inhofe Combest Istook Johnson (CT) Cox Crane Johnson, Sam Crapo Kasich Cunningham Kim Deal King DeLay Diaz-Balart Kingston Klug Knollenberg Doolittle Kolbe Dornan Kyl Dreier Lancaster Duncan Lazio Leach Dunn Ehlers Lewis (CA) Emerson Everett Lewis (FL) Ewing Fawell Lightfoot Linder Fields (TX) Livingston Fowler Franks (CT) Machtley Manzullo Franks (NJ) McCandless Gallegly McCollum Gekas McCrerv Gilchrest McDade Gillmor McHugh Gilman McInnis Gingrich McKeon Goodlatte McMillan Goodling Mevers Goss Mica Michel Grams Greenwood Miller (FL) Molinari Gunderson Moorhead Hancock Morella Hansen Hastert Myers Hefley Nussle Herger Oxley Hobson Packard Hoekstra Paxon Hoke Penny Petri Horn Houghton Pombo Huffington Porter Hunter Portman

Regula Ridge Roberts Rogers Rohrabacher Ros-Lehtinen Roth Roukema Royce Santorum Saxton Schaefer Schiff Sensenbrenner Shaw Shavs Shuster Skeen Smith (MI) Smith (NJ) Smith (OR) Smith (TX) Snowe Solomon Spence Stearns Stump Stupak Sundquist Talent Taylor (MS) Taylor (NC) Thomas (CA) Thomas (WY) Torkildsen Traficant Upton Valentine Vucanovich Walker Walsh Weldon Wolf Young (AK) Young (FL)

Zeliff

Zimmer

Pryce (OH)

Quillen

Ramstad

Ravenel

Quinn

Mazzoli

NOES-245

Abercrombie Danner Ackerman Darden Andrews (ME) de la Garza de Lugo (VI) Andrews (NJ) Andrews (TX) DeFazio Applegate Bacchus (FL) DeLauro Dellums Baesler Derrick Barca Deutsch Barlow Dicks Dingell Barrett (WI) Becerra Dixon Beilenson Dooley Berman Durbin Bevill Edwards (CA) Bilbray Edwards (TX) Bishop Engel English Blackwell Bonior Eshoo Borski Evans Boucher Farr Brewster Fazio Brooks Fields (LA) Browder Filner Brown (CA) Fingerhut Flake Foglietta Brown (FL) Brown (OH) Bryant Ford (MI) Ford (TN) Cantwell Frank (MA) Cardin Frost Furse Gejdenson Chapman Gephardt Clay Geren Gibbons Clayton Clement Clyburn Glickman Coleman Collins (MI) Gonzalez Gordon Condit Green Gutierrez Hall (OH) Conyers Cooper Coppersmith Hall (TX)

Costello

Coyne

Hamburg Hamilton

Hastings Hayes Hefner Hilliard Hinchey Hoagland Hochbrueckner Holden Hoyer Hughes Inslee Jacobs Jefferson Johnson (GA) Johnson (SD) Johnson, E. B. Johnston Kanjorski Kennedy Kennelly Kildee Kleczka Klein Klink Kopetski Kreidler LaFalce Lambert Lantos LaRocco Laughlin Lehman Levin Lewis (GA) Lipinski Lloyd Long Lowey Maloney Mann Manton Margolies Mezvinsky Markey Martinez

Stenholm McCloskey Pickle Stokes Strickland McCurdy Pomeroy McDermott Poshard McHale Price (NC) Studds McKinney Rahall Swett McNulty Rangel Reed Swift Meehan Synar Reynolds Meek Tanner Menendez Richardson Tauzin Mfume Miller (CA) Roemer Romero-Barcelo (PR) Thompson Mineta Thornton Minge Rose Mink Rostenkowski Torres Moakley Torricelli Rowland Mollohan Roybal-Allard Montgomery Rush Tucker Underwood (GU) Sabo Moran Murphy Sanders Unsoeld Sangmeister Sarpalius Murtha Velazquez Nadler Vento Neal (MA) Visclosky Norton (DC) Schenk Volkmer Oberstar Schroeder Waters Obey Schumer Watt Waxman Olver Scott Ortiz Serrano Wheat Orton Sharp Shepherd Whitten Wilson Owens Pallone Sisisky Wise Skaggs Skelton Parker Woolsey Pastor Wyden Payne (NJ) Slattery Wynn Payne (VA) Slaughter Yates Pelosi Smith (IA) Peterson (MN) Spratt

NOT VOTING-12

Allard Fish Peterson (FL) Buyer Collins (IL) Gallo Washington Grandy Williams Faleomavaega Kaptur Neal (NC)

So the preferential motion was not agreed to.

After some further time,

¶35.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. CHAPMAN:

Add at the appropriate place the following: TITLE -TRUTH IN SENTENCING

SEC. GRANTS.

The Attorney General is authorized to provide grants to States to build, expand, or operate space in correctional facilities in order to increase the prison bed capacity in such facilities in order to reach the goals set forth in section

SEC. . FEDERAL FUNDS.

(a) DISTRIBUTION OF FUNDS IN FISCAL YEAR 1995.—Of the total amount of funds appropriated under this title in fiscal year 1995, there shall be allocated to each State an amount which bears the same ratio to the amount of funds appropriated pursuant to this title as the number of part I violent crimes reported by the States to the Federal Bureau of Investigation for 1993 bears to the number of part I violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

(b) DISTRIBUTION OF FUNDS IN FISCAL YEARS 1996 THROUGH 1999.—75 percent of the total amount of funds appropriated under this title in fiscal years 1996, 1997, 1998, and 1999 shall be allocated to each State according to the formula establish in subsection (a) adjusted to reflect in each year the most recent data from the Federal Bureau of Investigation reporting Part I violent crimes.

(c) GOOD FAITH EFFORT.—In order to be eligible for funding under subsections (a) and (b), a State shall submit an application and give the Attorney General assurances that it will make a good faith and cost effective effort to become eligible for a grant under subsection (d).

(d) Truth in Sentencing Incentive FUND.-25 percent of the total amount of funds appropriated under this title in each of the fiscal years 1996, 1997, 1998, and 1999 shall be allocated to each eligible State according to the same ratios established in subsection (b) multiplied by the percentage change in the States' percentage of time to be served by the persons convicted of violent crimes divided by the average of all States' percentage change in percentage of time to be served by the persons convicted of violent crimes. States which have achieved a Truth in Sentencing standard of violent criminals serving 85 percent of prison time assessed shall receive the incentive funds based on the average of such percentage change ratios of all States multiplied by the States percentage of total Part I violent crime reported. (e) ELIGIBILITY FOR TRUTH IN SENTENCING

INCENTIVE FUND.—In order to be eligible for grants under subsection (d), a State must demonstrate that it has since 1993-

(1) increased the percentage of convicted violent offenders sentenced to prison;

(2) increased the average prison time actually to be served in prison by convicted violent offenders sentenced to prison; and

(3) increased the percentage of sentence to be actually served in prison by violent offenders sentenced to prison.

(f) LAW CHANGES.—As evidence of such good faith effort to meet the goals contained in subsection (e), a State may make changes to its laws and regulations which may in-

(1) truth in sentencing laws which will require persons convicted of violent crimes to serve not less than 85 percent of the sentence imposed;

(2) mandatory prison sentences for persons convicted of the most serious violent crimes;

(3) pretrial detention for persons whose release it can be shown would pose a danger to any other person or the community;

(4) sentencing authority to allow the defendant's victims or the family of victims the opportunity to be heard regarding the issue of sentencing and provide that the victim or the victim's family will be notified whenever such defendant is to be released; or

(5) that a person who is convicted of a serious violent crime shall be sentenced to life imprisonment if-

(A) the person has been convicted on 2 or more prior occasions in a court of the United States or of a State of a serious violent crime, or of 1 or more serious violent crimes and 1 or more serious drug offenses; and

(B) each serious violent crime or serious drug offense used as a basis for sentencing under this subsection, other than the first, was committed after the defendant's conviction of the preceding serious violent crime or serious drug offense.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—For purposes of this title, there are authorized to be appropriated-

(1) \$2,500,000,000 for fiscal year 1995; (2) \$2,000,000,000 for fiscal year 1996;

(3) \$2,000,000,000 for fiscal year 1997;

\$2,000,000,000 for fiscal year 1998; and

(5) \$2,000,000,000 for fiscal year 1999.

(b) LIMITATIONS ON FUNDS

(1) NONSUPPLANTING REQUIREMENT.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

(2) Administrative costs.—Not more than 3 percent of the funds available under this section may be used for administrative costs.

(3) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this section may not exceed 90 percent of the total costs of the program as described in the application.

Nays

Payne (VA)

Petri

Pickle

Pombo

Porter

Portman

Quillen

Ramstad

Ravenel

Regula

Ridge

Roberts

Roemer

Rogers

Richardson

Rohrabacher

Roukema

Santorum

Rowland

Royce

Saxton

Schiff

Schaefer

Sensenbrenner

Ros-Lehtinen

Quinn

Pryce (OH)

Peterson (MN)

Sensenbrenner

Sharp

Shaw

Shays

Shepherd

Shuster

Sisisky

Skeen

Skelton

Slattery

Slaughter

Smith (IA)

Smith (MI)

Smith (NJ)

Smith (OR)

Smith (TX)

Solomon

Spence

Spratt

Stearns

Studds

Stump

Stupak

Swett

Talent

Tanner

Tauzin

Tejeda

Taylor (MS) Taylor (NC)

Thomas (CA) Thomas (WY)

Thompson

Thornton

Thurman

Torres

Torkildsen

Torricelli

Traficant

. Valentine

Visclosky

Vucanovich

Volkmer

Walker

Walsh

Waxman

Weldon

Wheat Whitten

Williams

Wilson

Woolsey Wyden

Young (AK)

Young (FL)

Wise

Wolf

Wynn

Zeliff

Zimmer

Unsoeld

Upton

Vento

Sundquist

Stenholm

Strickland

(4) CARRY OVER OF APPROPRIATIONS.—Any funds appropriated but not expended as provided by this section during any fiscal year shall be carried over and will be made available until expended.

SEC. DEFINITIONS.

For purposes of this title-

(1) the term "violent crime" means-

(A) a felony offense that has an element the use, attempted use, or threatened use of physical force against the person of another,

(B) any other offense that is a felony and that, by its nature, involves substantial risk that physical force against the person of another may be used in the course of commit-

ting the offense.;
(2) the term "serious drug offender" has the same meaning as that is used in section 924(e)(2)(A) of title 18, United States Code;

(3) the term "State" means any of the United States and the District of Columbia;

(4) the term "convicted" means convicted and sentenced to a term in a State corrections institution or a period of formal proba-

(5) the term "Part I violent crimes" means murder, rape, robbery, and aggravated assault as those offenses are reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

It was decided in the Yeas 377 affirmative Nays

¶35.27[Roll No. 124] AYES-377

Abercrombie Clinger Gallegly Gejdenson Gekas Ackerman Clyburn Andrews (ME) Coleman Gephardt Andrews (TX) Collins (GA) Geren Gibbons Applegate Combest Archer Condit Gilchrest Gillmor Armey Cooper Bacchus (FL) Coppersmith Gilman Bachus (AL) Costello Gingrich Baesler Glickman Cox Baker (CA) Coyne Gonzalez Baker (LA) Cramer Goodlatte Ballenger Goodling Crane Barca Crapo Gordon Cunningham Barcia Goss Grams Barlow Danner Barrett (NE) Darden Green Barrett (WI) de la Garza Greenwood Bartlett de Lugo (VI) Gunderson Barton Deal Gutierrez DeFazio Bateman Hall (OH) Hall (TX) Beilenson DeLauro DeLay Derrick Bentley Hamburg Hamilton Bereuter Berman Deutsch Hancock Bevill Diaz-Balart Hansen Bilbray Dickey Harman Bilirakis Dicks Hastert Bishop Dingell Hastings Bliley Dooley Haves Doolittle Hefley Boehlert Dornan Hefner Boehner Dreier Herger Bonilla Duncan Hinchey Bonior Dunn Hoagland Borski Durbin Hobson Edwards (CA) Hochbrueckner Boucher Brewster Edwards (TX) Hoekstra Brooks Hoke Emerson Browder Engel Holden Brown (CA) English Horn Houghton Brown (OH) Eshoo Bryant Evans Hoyer Huffington Bunning Everett Burton Ewing Hughes Buyer Farr Fawell Hunter Hutchinson Byrne Callahan Fazio Hutto Calvert Fields (TX) Hyde Inglis Camp Filner Fingerhut Canady Inhofe Inslee Istook Cantwell Ford (TN) Fowler Carr Castle Franks (CT) Jacobs Chapman Franks (N.J) Jefferson Johnson (GA) Clayton Frost

Johnson (SD)

Johnson, E. B. Johnson, Sam Johnston Kasich Kennedy Kennelly Kildee Kim King Kingston Kleczka Klein Klink Klug Knollenberg Kolbe Kopetski Kreidler Kvl LaFalce Lambert Lancaster Lantos LaRocco Laughlin Lazio Leach Lehman Levin Levy Lewis (CA) Lewis (FL Lightfoot Linder Lipinski Livingston Llovd Long Lowey Machtley Maloney Mann Manton Manzullo Margolies

Mezvinsky Markey Martinez Matsui Mazzoli McCandless McCloskey McCollum McCrery McCurdy McDade McHale McHugh McInnis McKeon McMillan McNulty Meehan Meek Menendez Mevers Mica

Michel

Miller (FL)

Mineta Mink Moakley Molinari Montgomery Moorhead Moran Morella Murphy Murtha Myers Neal (MA) Neal (NC) Nussle Ortiz Orton Oxley Packard Pallone Parker Pastor Paxon Payne (VA) Peterson (MN) Pickett Pickle Pombo Pomeroy Porter Portman Poshard Price (NC) Pryce (OH) Quillen Quinn Rahall Ramstad Ravenel Reed Regula Reynolds Richardson Ridge Roberts Roemer

Rogers Rohrabacher Romero-Barcelo (PR) Ros-Lehtinen Rose Rostenkowski Roth Roukema Rowland Roybal-Allard Royce Sanders Sangmeister Santorum Sarpalius Sawver Saxton Schaefer Schenk Schiff Schroeder Schumer

NOES-50

Lewis (GA) Becerra Rush Blackwell McDermott Sabo Brown (FL) McKinney Scott Cardin Mfume Serrano Clay Collins (MI) Miller (CA) Skaggs Minge Mollohan Stokes Swift Convers Nadler Norton (DC) Dellums Synar Dixon Towns Ehlers Oberstar Tucker Fields (LA) Obey Underwood (GU) Flake Olver Velazquez Foglietta Washington Owens Payne (NJ) Ford (MI) Waters Frank (MA) Pelosi Watt Penny Hilliard Yates Kanjorski Rangel

NOT VOTING-10

Andrews (NJ) Fish Kaptur Collins (IL) Gallo Peterson (FL) Faleomavaega Grandy Johnson (CT)

So the amendment was agreed to. After some further time,

¶35.28 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SCHIFF

Page 33, strike line 14 and all that follows through line 3 on page 34. It was decided in the Yeas

negative ¶35.29[Roll No. 125]

AYES-205

Allard Gordon Andrews (TX) Goss Archer Grams Gunderson Armey Bacchus (FL) Hall (TX) Bachus (AL) Hancock Baker (CA) Baker (LA) Hansen Hastert Ballenger Hayes Barrett (NE) Hefley Bartlett Herger Barton Hobson Bateman Hoekstra Bentley Hoke Bevill Holden Bilirakis Houghton Blilev Huffington Blute Hunter Boehlert Hutchinson Boehner Hutto Bonilla Hyde Browder Inglis Bunning Inhofe Burton Istook Johnson (CT) Buyer Callahan Johnson, Sam Calvert Kasich Camp Kim Canady King Kingston Carr Castle Kleczka Coble Klug Collins (GA) Knollenberg Combest Kolbe Condit Kyl Lazio Cooper Cox Leach Cramer Lehman Crane Levy Lewis (CA) Crapo Cunningham Lewis (FL) Darden Lightfoot DeLay Livingston Deutsch Lloyd Machtley Manzullo Diaz-Balart Dickey Dooley McCandless Doolittle McCollum Dornan McCrery Dreier McDade Duncan McHugh Dunn McInnis McKeon McMillan Emerson Everett Ewing Meyers Fawell Mica Michel Fields (TX) Ford (TN) Miller (FL) Fowler Molinari Franks (CT) Moorhead Gallegly Gekas Murphy Geren Myers Gibbons Nussle Gilchrest Ortiz

Shaw Shavs Shuster Sisisky Skaggs Skeen Skelton Smith (MI) Smith (NJ) Smith (OR) Smith (TX) Snowe Solomon Spence Stearns Stenholm Stump Sundquist Swett Talent Tanner Tauzin Taylor (MS) Taylor (NC) Tejeda Thomas (CA) Thomas (WY Thurman Torkildsen Valentine Vucanovich Walker Walsh Weldon Young (AK) Young (FL) Zeliff Zimmer

NOES-216

Orton

Oxley

Paxon

Packard

Gillmor

Gingrich

Goodlatte

Goodling

Ackerman

Applegate

Baesler

Barca

Barcia

Barlow

Becerra

Beilenson

Bereuter

Berman

Bilbray Abercrombie Cardin Bishop Chapman Andrews (ME) Blackwell Clay Clayton Bonior Borski Clement Boucher Clinger Clyburn Brooks Coleman Brown (CA) Brown (FL) Brown (OH) Barrett (WI) Collins (MI) Convers Bryant Coppersmith Costello Byrne Cantwell Coyne