Committee Reports

103d Congress

House Rept. 103-322

103 H. Rpt. 322

JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

**DATE:** November 9, 1993. Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

**SPONSOR:** Mr. Brooks, from the Committee on the Judiciary, submitted the following

REPORT together with ADDITIONAL AND DISSENTING VIEWS

(To accompany H.R. 3353)

(Including cost estimate of the Congressional Budget Office)

**TEXT:**

The Committee on the Judiciary, to whom was referred the bill (H.R. 3353) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to develop more effective programs to reduce juvenile gang participation and juvenile drug trafficking, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS.

(a) The Omnibus Crime Control and Safe Streets Act of 1968, is amended

(1) by redesignating part Q as part R;

(2) by redesignating section 1701 as section 1801; and

(3) by inserting after part P the following new part:

"PART Q JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

"SEC. 1701. GRANT AUTHORIZATION.

"(a) In General. The Director is authorized to make grants to States and units of local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective programs, including education, prevention, treatment and enforcement programs to reduce

"(1) the formation or continuation of juvenile gangs; and

"(2) the use and sale of illegal drugs by juveniles.

"(b) Uses of Funds. The grants made under this section may be used for any of the following specific purposes:

"(1) to reduce the participation of juveniles in drug related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools;

"(2) to reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles;

"(3) to develop new and innovative means to address the problems of juveniles convicted of serious, drug-related and gang-related offenses;

"(4) to reduce juvenile drug and gang-related activity in public housing projects;

"(5) to provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to identify drug-dependent or gang-involved juvenile offenders and to provide appropriate counseling and treatment to such offenders;

"(6) to promote the involvement of all juveniles in lawful activities, including

"(A) school programs that teach that drug and gang involvement are wrong;

"(B) programs such as youth sports and other activities, including girls and boys clubs, scout troops, and little leagues;

"(7) to facilitate Federal and State cooperation with local school officials to develop education, prevention and treatment programs for juveniles who are likely to participate in drug trafficking, drug use or gang-related activities;

"(8) to provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system; with the highest possible priority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers;

"(9) to provide education and treatment programs for youth exposed to severe violence in their homes, schools, or neighborhoods;

"(10) to establish sports mentoring and coaching programs in which athletes serve as role models for youth to teach that athletics provide a positive alternative to drug and gang involvement;

"(11) to develop new programs that specifically address the unique crime, drug, and alcohol-related challenges faced by juveniles living at or near International Ports of Entry and in other international border communities, including rural localities;

"(12) to identify promising new juvenile drug demand reduction and enforcement programs, to replicate and demonstrate these programs to serve as national, regional or local models that could be used, in whole or in part, by other public and private juvenile justice programs, and to provide technical assistance and training to public or private organizations to implement similar programs; and

"(13) to coordinate violence, gang, and juvenile drug prevention programs with other existing Federal programs that serve community youth to better address the comprehensive needs of such youth.

"(c) Federal Share. The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in applications submitted under this section for the fiscal year for which the projects receive assistance under this part.

"SEC. 1702. APPLICATIONS.

"A State or unit of local government applying for grants under this part shall submit an application to the Director in such form and containing such information as the Director shall reasonably require.".

(b) Conforming Amendment. The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by striking the matter relating to part Q and inserting the following:

"Part Q Juvenile Drug Trafficking and Gang Prevention Grants

"Sec. 1701. Grant authorization.

"Sec. 1702. Applications.

"Part R Transition Effective Date Repealer

"Sec. 1801. Continuation of rules, authorities, and proceedings.".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), is amended by adding after paragraph (10) the following:

"(11) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1994 and 1995 to carry out the projects under part Q.".

Explanation of Amendment

Inasmuch as H.R. 3353 was ordered reported with a single amendment in the nature of a substitute, the contents of this report constitute an explanation of that amendment.

Summary and Purpose

H.R. 3353 is intended to assist States and local governments with their growing problems across the Nation of youth gang violence and drug trafficking. The bill authorizes the Bureau of Justice Assistance to make grants to States, and local governments or combinations thereof, to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective programs, including education, prevention, treatment and enforcement programs to reduce the formation or continuation of juvenile gangs and the use and sale of illegal drugs by juveniles. The bill authorizes for appropriation $100 million for each of the fiscal years 1994 and 1995 to carry out these projects.

Background

For some time, Federal and State law enforcement authorities have forecast that the rise of urban youth gangs would be one of the nations most critical emerging crime problems. Recent experience has clearly demonstrated that the problem is no longer emerging. Youth gangs are now a major component of Americas epidemic of violent crime. They constitute a clear and present danger to the safety and well-being of millions of our citizens and a threat to the future of an entire generation of Americans.

In recent years, youth gangs have experienced explosive growth. Just thirty years ago, street gang activity was reported in only 23 cities. Last year, it was estimated that there were more than 950 gangs in operation in the city of Los Angeles alone with a total membership of approximately 100,000 young people.

1

2

1

U.S.C. Gang Report Sparks Controversy Among Calif. Narcotics Officers," 20 Juvenile Justice Review 4 (Mar. 4, 1992).

2

Clark, Charles S., "Ultraviolent Gangs Wreak Havoc in the U.S.", 19 Juvenile Justice Digest 1 (Nov. 6, 1991).

The experience of Los Angeles is not atypical. Traditionally found in major cities of the Eastern Seaboard and West Coast, youth gangs are expanding their turf nationwide even into the very heartland of America. For example, gang-related homicides have been reported in Wichita, Omaha and Oklahoma City. Gang activity has even been reported in the tiny Kansas town of Dodge City once famous for gang violence of a different era. The Department of Justice reports that gangs linked to two of the most famous Los Angeles youth gangs, the Crips and the Bloods, have appeared in nearly all of the 50 States.

3

4

5

3

Washington Post, June 22, 1993, at A1, col. 4.

4

Id.

5

U.S. Dept of Justice, "Communitywide Responses Crucial for Dealing With Youth Gangs,"Juvenile Justice Bulletin, Sept. 1989, at 3.

Todays street gangs are more violent than ever before. Gone is the day of inter-gang "rumbles" where large groups of youths would arrive for battle on foot. These traditional altercations were easily interdicted by law enforcement. Today typically smaller groups of two or three armed youths, usually in a vehicle, go out looking for opposing gang members and others. This phenomenon is far more insidious and difficult to detect and prevent.

6

7

6

Spergel, "Youth Gangs: Continuity and Change," in 12 Crime and Justice: A Review of Research 190-91 (1990).

7

Id.

Evidence of the link between gangs and drugs is compelling. In fact, there is evidence that the expansion of gang turf and escalating violence is driven by drugs. Expanded territories mean bigger markets for illegal narcotics. Youth gangs have become major distributing networks for crack and cocaine, and the FBI reports evidence that some street gangs have now established direct connections to major Colombian smugglers, ensuring a continuous supply of top-quality cocaine.

8

9

10

8

See U.S. Dept. of Justice "Drug Trafficking: A Report to the President of the United States", Aug. 3, 1989, at 25, 36.

9

See U.S. Bureau of Justice Statistics, U.S. Dept. of Justice, Justice Agencies Target Activities by Gangs as a Priority for Action", National Update, Jan. 1992, at 1.

10

Federal Bureau of Investigation, "FBI Links Los Angeles Crips to Colombian Cartel", Press Release (Jan. 8, 1992).Brief Explanation of H.R. 3353

H.R. 3353 is an important national response to the disturbing trends in youth gang violence and drug trafficking. The bill empowers the Bureau of Justice to provide grants to States, and local governments or combinations thereof, for the establishment of programs to reduce the formation and perpetuation of youth gangs and the use and sale of illegal drugs by juveniles. The bill authorizes for appropriation $100 million for each of the fiscal years 1994 and 1995 to implement these grants.

The programs funded by these grants are designed to assist States and local governments to identify drug-dependent and gang-involved juveniles so that they may provide appropriate counseling and treatment. They will allow the development of effective alternatives and responses to the unique crime and drug challenges faced by our nations children, including our inner-city youths and youths living near international ports of entry. These grants will also allow States and local governments to identify promising juvenile drug demand reduction and enforcement programs so those programs can be replicated as national, regional, or local models.

The Committee believes this grant program will fund activities to open windows of opportunity for our young people who might otherwise be seduced by the siren song of drugs and violence. In this way, the Federal government can extend a friendly hand to help them in their struggle against street gangs. The Committee considers it imperative that the Federal government aid States and localities in their efforts to help young people overcome the threat of street gangs that so many of them face every day of their lives. The threat is a threat to the very future of our country.

102d Congress

A provision similar to H.R. 3353 was included in Title XI of the Conference Report to H.R. 3371, the Violent Crime Control and Law Enforcement Act of 1991. That Crime Conference Report passed the House, but did not come to a vote in the Senate prior to the adjournment of the 102d Congress sine die.

103d Congress

This grant program was included as Subtitle D of Title VI of H.R. 3131, the Violent Crime Control and Law Enforcement Act of 1993, and subsequently was introduced separately as H.R. 3353.

Committee Action

On October 28, 1993, the Committee took up for consideration H.R. 3353. An amendment was offered to provide that grants made pursuant to the bill may be used to coordinate violence, gang, and juvenile drug prevention programs with other existing Federal programs that serve community youth to better address the comprehensive needs of such youth. The amendment was adopted by voice vote.

An amendment was offered to provide that the Federal share of the grants made pursuant to the bill may not exceed 75 percent of the total costs of the projects funded by such grants for the fiscal year for which the projects receive assistance. This amendment was also adopted by voice vote.

Subsequently, the Committee, by a roll call vote of 34 to 1, ordered H.R. 3353, as amended, favorably reported.

Section-by-Section Analysis

Section 1

This section amends title I of the Omnibus Crime Control and Safe Streets Act of 1968 to create a new grant program for the prevention of juvenile gangs and juvenile drug trafficking.

Subsection (a). This subsection would add a new Part Q Juvenile Drug Trafficking and Gang Prevention Grants to title I of the Omnibus Crime Control and Safe Streets Act of 1968. This Part would contain the following provisions:

Section 1701. Grant Authorization. Authorizes the Director of the Bureau of Justice Assistance to make grants to States, and units of local government or combinations thereof, to assist them in planning, establishing, operating, coordinating, and evaluating projects, including education, prevention, treatment, and enforcement programs, to reduce the formation or continuation of juvenile gangs and the use and sale of illegal drugs by juveniles. The programs authorized may be implemented by the States and local governments directly or through grants and contracts with public and private agencies.

As the latest crime figures indicate that violent crime is growing faster in rural America than in metropolitan areas, it is the intent of the Committee that the Director ensure that assistance under this program reflect a fair proportion of funds being distributed to all areas of the country from which applications are received.

11

11

See U.S. Department of Justice, Federal Bureau of Investigation, "Crime in the United States," Uniform Crime Report, 1992, at 238, 247, and 256.

The grants made pursuant to this section may be utilized to implement programs for any of the following specific purposes:

To reduce the participation of juveniles in drug related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools;

To reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles;

To develop new and innovative means to address the problems of juveniles convicted of serious, drug-related and gang-related offenses;

To reduce juvenile drug and gang-related activity in public housing projects;

To provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to identify drug-dependent or gang-involved juvenile offenders and to provide appropriate counseling and treatment to such offenders;

To promote the involvement of all juveniles in lawful activities, including:

School programs that teach that drug and gang involvement are wrong;

Programs such as youth sports and other activities, including girls and boys clubs, scout troops, and little leagues;

To facilitate Federal and State cooperation with local school officials to develop education, prevention and treatment programs for juveniles who are likely to participate in drug trafficking, drug use or gang-related activities;

To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system; with the highest possible priority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers;

To provide education and treatment programs for youth exposed to severe violence in their homes, schools, or neighborhoods;

To establish sports mentoring and coaching programs in which athletes serve as role models for youth to teach that athletics provide a positive alternative to drug and gang involvement;

To develop new programs that specifically address the unique crime, drug, and alcohol-related challenges faced by juveniles living at or near International Ports of Entry and in other international border communities, including rural localities;

To identify promising new juvenile drug demand reduction and enforcement programs, to replicate and demonstrate these programs to serve as national, regional or local models that could be used, in whole or in part, by other public and private juvenile justice programs, and to provide technical assistance and training to public or private organizations to implement similar programs; and

To coordinate violence, gang, and juvenile drug prevention programs with other existing Federal programs that serve community youth to better address the comprehensive needs of such youth.

Section 1702. Applications. A State or local government applying for grants authorized by this legislation must submit an application to the Director of the Bureau of Justice Assistance. Such applications must be made in such form and contain such information as the Director reasonably requires.

Subsection (b). Makes conforming amendments to the table of contents of the Omnibus Crime Control and Safe Streets Act of 1968.

Subsection (c). Provides that the Federal share of a grant under this program may not exceed 75 percent of the total costs of the projects described in the grant application.

Section 2

Authorizes for appropriation $100 million for each of the fiscal years 1994 and 1995 to carry out the purposes of this grant program.

Committee Oversight Findings

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

Committee on Government Operations Oversight Findings

No findings or recommendations of the Committee on Government Operations were received as referred to in clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives.

New Budget Authority and Tax Expenditures

Clause 2(l)(3)(B) of House Rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditure.

Congressional Budget Office Cost Estimate

In compliance with clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill H.R. 3353, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. Congress,

Congressional Budget Office,

Washington, DC, November 1, 1993.

Hon. Jack Brooks,

Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

Dear Mr. Chairman:

The Congressional Budget Office has reviewed H.R. 3353, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to develop more effective programs to reduce juvenile gang participation and juvenile drug trafficking.

Enactment of H.R. 3353 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

Robert D. Reischauer, Director.

Congressional Budget Office Cost Estimate

1. Bill number: H.R. 3353.

2. Bill title: A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to develop more effective programs to reduce juvenile gang participation and juvenile drug trafficking.

3. Bill status: As ordered reported by the House Committee on the Judiciary on October 28, 1993.

4. Bill purpose: H.R. 3353 would authorize appropriations of $100 million for each of fiscal years 1994 and 1995 for grants to state and local governments to develop programs to reduce juvenile gang participation and juvenile drug trafficking.

5. Estimated cost to the Federal Government:

-- (PLEASE REFER TO ORIGINAL SOURCE FOR TABLE) --

The costs of this bill falls within budget function 750.

Basis of estimate: The estimate assumes that the Congress will appropriate the full amounts authorized. The outlay estimates are based on the historical spending rates for similar activities.

6. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enactment of H.R. 3353 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

7. Estimated cost to state and local governments: Recipients of the grants authorized by H.R. 3353 would be required to fund at least 25 percent of the cost of the projects for which the grants are intended. We estimate that the share paid by state and local governments would amount to $67 million over the fiscal years 1994 to 1998.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Mark Grabowicz.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

Inflationary Impact Statement

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that H.R. 3353 will have no significant inflationary impact on prices and costs in the national economy.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

\* \* \* \* \* \* \*

TITLE I JUSTICE SYSTEM IMPROVEMENT

TABLE OF CONTENTS

Part A Office of Justice Programs

Sec. 101. Establishment of Office of Justice Programs.

Sec. 102. Duties and functions of Assistant Attorney General.

\* \* \* \* \* \* \*

Part Q Transition Effective Date Repealer

Sec. 1701. Continuation of rules, authorities, and proceedings.

Part Q Juvenile Drug Trafficking and Gang Prevention Grants

Sec. 1701. Grant authorization.

Sec. 1702. Applications.

Part R Transition Effective Date Repealer

Sec. 1801. Continuation of rules, authorities, and proceedings.

\* \* \* \* \* \* \*

Part J Funding

Authorization of appropriations

Sec. 1001. (a)(1) There is authorized to be appropriated $30,000,000 for fiscal year 1992 and $33,000,000 for each of the fiscal years 1993 and 1994 to carry out the functions of the Bureau of Justice Statistics.

\* \* \* \* \* \* \*

(11) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1994 and 1995 to carry out the projects under part Q.

\* \* \* \* \* \* \*

PART Q JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

SEC. 1701. GRANT AUTHORIZATION.

(a) In General. The Director is authorized to make grants to States and units of local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective programs, including education, prevention, treatment and enforcement programs to reduce

(1) the formation or continuation of juvenile gangs; and

(2) the use and sale of illegal drugs by juveniles.

(b) Uses of Funds. The grants made under this section may be used for any of the following specific purposes:

(1) to reduce the participation of juveniles in drug related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools;

(2) to reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles;

(3) to develop new and innovative means to address the problems of juveniles convicted of serious, drug-related and gang-related offenses;

(4) to reduce juvenile drug and gang-related activity in public housing projects;

(5) to provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to identify drug-dependent or gang-involved juvenile offenders and to provide appropriate counseling and treatment to such offenders;

(6) to promote the involvement of all juveniles in lawful activities, including

(A) school programs that teach that drug and gang involvement are wrong;

(B) programs such as youth sports and other activities, including girls and boys clubs, scout troops, and little leagues;

(7) to facilitate Federal and State cooperation with local school officials to develop education, prevention and treatment programs for juveniles who are likely to participate in drug trafficking, drug use or gang-related activities;

(8) to provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system; with the highest possible priority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers;

(9) to provide education and treatment programs for youth exposed to severe violence in their homes, schools, or neighborhoods;

(10) to establish sports mentoring and coaching programs in which athletes serve as role models for youth to teach that athletics provide a positive alternative to drug and gang involvement;

(11) to develop new programs that specifically address the unique crime, drug, and alcohol-related challenges faced by juveniles living at or near International Ports of Entry and in other international border communities, including rural localities;

(12) to identify promising new juvenile drug demand reduction and enforcement programs, to replicate and demonstrate these programs to serve as national, regional or local models that could be used, in whole or in part, by other public and private juvenile justice programs, and to provide technical assistance and training to public or private organizations to implement similar programs; and

(13) to coordinate violence, gang, and juvenile drug prevention programs with other existing Federal programs that serve community youth to better address the comprehensive needs of such youth.

(c) Federal Share. The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in applications submitted under this section for the fiscal year for which the projects receive assistance under this part.

SEC. 1702. APPLICATIONS.

A State or unit of local government applying for grants under this part shall submit an application to the Director in such form and containing such information as the Director shall reasonably require.

Part Q R Transition Effective Date Repealer

Continuation of rules, authorities, and proceedings

Sec. 1701. 1801. (a)(1) All orders, determinations, rules, regulations, and instructions of the Law Enforcement Assistance Administration which are in effect on the date of the enactment of the Justice System Improvement Act of 1979 shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President or the Attorney General, the Office of Justice Assistance, Research, and Statistics or the Director of the Bureau of Justice Statistics, the National Institute of Justice, or the Administrator of the Law Enforcement Assistance Administration with respect to their functions under this title or by operation of law.

(2) All orders, determinations, rules, regulations, and instructions issued under this title which are in effect on the date of the enactment of the Justice Assistance Act of 1984 shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Attorney General, the Assistant Attorney General, the Director of the Bureau of Justice Statistics, the Director of the National Institute of Justice, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, or the Director of the Bureau of Justice Assistance with respect to their functions under this title or by operation of law.

\* \* \* \* \* \* \*

ADDITIONAL VIEWS OF HON. BILL McCOLLUM, HON. HAMILTON FISH, HON. CARLOS J. MOORHEAD, HON. HENRY J. HYDE, HON. GEORGE W. GEKAS, HON. HOWARD COBLE, HON. LAMAR S. SMITH, HON. STEVEN SCHIFF, HON. JIM RAMSTAD, HON. CHARLES T. CANADY, AND HON. BOB GOODLATTE

We do not oppose H.R. 3353, a bill to provide grants to develop more effective programs to reduce juvenile gang participation and juvenile drug trafficking. This bill is one of the series of small crime bills marked up in Judiciary Committee on October 28, 1993. However, this bill and the others considered on October 28, 1993 do not constitute major crime legislation and do not address the critical issue central to controlling the wave of violent crime rolling over our nation: stopping the revolving door that spins out those arrested for violent crimes faster and faster every day. Consequently, we do not believe this bill should be brought to the Floor until comprehensive legislation which does address this and other issues critical to reforming our criminal justice system is brought forward.

In addition to H.R. 3353, other bills considered by the Judiciary Committee on October 28, 1993 included grant programs designed to provide for community policing and drug treatment for prison inmates. These narrow proposals do not deal with the major problems facing our criminal justice system, issues that could have been addressed if we were considering the omnibus bill, H.R. 3131, as originally scheduled, or the omnibus bill introduced by Congressman McCollum, H.R. 2872, and cosponsored by 80 Members.

Consideration of these bills may be politically expedient and may make for good political rhetoric, but it does not address the most serious problems facing the criminal justice system, including the inability to keep repeat, violent offenders off the streets. The statistics are alarming: one murder every 22 minutes, one forcible rape every 5 minutes, one violent crime every 22 seconds, one aggravated assault every 28 seconds. Every year nearly 5 million people in the U.S. are victims of violent crime. Most importantly, 7% of the criminals account for 80% of the violent crime. We must put a stop to this wave of violent crime by career criminals which is gripping our nation by passing comprehensive legislation that will reform the entire system from top to bottom. What is needed are laws that will take violent criminals off the streets, and keep them locked up, and laws that will restore swiftness and certainty of punishment to our criminal justice system.

Putting more police on the street is a necessary, but not sufficient, component in addressing violent crime. The only way to get the repeat, violent offenders off the street for good is to increase police presence and build more prisons to hold these career criminals. The amount of violent crime has increased 531 percent since 1960, yet violent criminals are serving shorter sentences. The average time served by violent offenders is only 37% of the sentence given. Without a place to put those arrested, the state prison revolving door will simply spin faster. That is why H.R. 2872 proposes a cost sharing agreement with the States to build a national system of regional prisons to house State violent criminals. To qualify for this partnership States must require violent criminals to serve at least 85 percent of their sentences and enact mandatory minimum sentences for certain violent offenders. Unless comprehensive legislation is considered, this critical issue of prison overcrowding will not be addressed and deterrence and incapacitation of the truly dangerous will not be restored to the criminal justice system.

Additional provisions that are needed for comprehensive reform of the criminal justice system, which were not addressed by the bills reported from the Judiciary Committee, include the following: restrictions on the use of habeas corpus petitions to delay the carrying out of death sentences, the establishment of additional mandatory minimum sentences for major drug and firearm crimes, restoration of the federal death penalty, establishment of a drug kingpin death penalty for those who traffic in very large quantities of narcotics, adoption of the good faith exception to the exclusionary rule, and establishment of tough new laws on terrorism and new protections for women and children.

These are all issues which the Members of the Judiciary Committee deserve to have an opportunity to debate and resolve. More importantly, the American people expect their elected representatives to act in a responsible and responsive manner to solve the serious and tragic problem of crime in our society.

The reality is that the Judiciary Committees action on October 28, 1993 is likely to be the only substantive action on crime legislation by the Committee this year To date the Committee has abdicated its legislative responsibility to construct strong anticrime legislation. It is also clear that these events could mean that the full House of Representatives will not be allowed to exercise its proper role in formulating this legislation either. Instead, the House might essentially go to a Conference Committee with a "carcass of a Crime bill." The Senate and a few House Members would be able to determine the contents of this Congresss crime bill.

In conclusion, this grant program may be helpful around the edges of the crime problem, but it does not provide the comprehensive response to violent crime that the American public demands. This bill should not have been brought to the House Floor under suspension of the rules until comprehensive legislation, which addresses the real crime emergency, had been considered by the Judiciary Committee.

Bill McCollum.

George Gekas.

Lamar Smith.

Hamilton Fish, Jr.

Howard Coble.

Carlos J. Moorhead.

Jim Ramstad.

Henry J. Hyde.

Charles T. Canady.

Steven Schiff.

Bob Goodlatte.

DISSENTING VIEWS OF THE HONORABLE F. JAMES SENSENBRENNER, JR.

I oppose H.R. 3353, which authorizes grants for programs to curb the formation or continuation of juvenile gangs and the use and sale of illegal drugs by juveniles. Additionally, this bill authorizes grants to States and local governments for use by public or non-profit private organizations or individuals to identify promising new juvenile drug reduction and enforcement programs, as well as programs to address the crime, drug, and alcohol-related challenges faced by juveniles living at or near international ports of entry and in other international border communities, including rural localities. There is authorized to be appropriated $100 million for each of FY94 and 95.

While the purposes of the program created under this bill are laudable, the unfunded nature of this grant program represents a step backward for this Congress. Congress does not pay for this program it now proposes. Little, if any, money will actually be available to carry it out. Congress should not once again give the illusion of fighting crime by creating new programs unfunded programs. Moreover, cuts in spending should not be followed by new spending.

Additionally, expectations are all the more important here. Americans patiently wait, and have waited too long at that, for the federal government to assist in dealing with the crime problem. Promises to throw money at the problem, especially when the money is not available, are not enough.

Jim Sensenbrenner.