United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, TUESDAY, MAY 11, 1999 *No. 67*

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Holy Father, we join with Americans across our land in the celebration of National Police Recognition Week. We gratefully remember those who lost their lives in the line of duty. Particularly, we honor the memory of our own officers in the United States Capitol Police: Sergeant Christopher Eney on August 24, 1984 and Officer Jacob Chestnut and Detective John W. Gibson on July 24, 1998. Thank you for their valor and heroism. Continue to bless their families as they endure the loss of these fine men.

May this be a time for us as a Senate family to express our profound appreciation for all of the police officers and detectives who serve here in the Senate. They do so much to maintain safety and order, knowing that, at any moment, their lives may be in danger. Help us to put our gratitude into words and actions of affirmation. May we take no one for granted.

Now we dedicate this day to serve You. Bless the Senators as they confront issues with Your divinely endowed wisdom and vision. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. HATCH. Mr. President, today the Senate will immediately begin consideration of S. 254, the juvenile justice bill, with debate only until 12 noon. Amendments are anticipated after noon, and therefore rollcall votes can be expected during today's session of the Senate. Members will be notified as votes are ordered with respect to this legislation.

The majority leader encourages Members who intend to offer amendments to work with the chairman and ranking member to schedule a time to come to the floor to debate those amendments.

I thank my colleagues for their attention.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to S. 254 with debate only until noon. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 254) to reduce violent juvenile crime, promote accountability by and rejuvenation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I am pleased that today the Senate will begin consideration of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

There are few issues that will come before the Senate this Congress that touch the lives of more of our fellow Americans than our national response to juvenile crime. Crime and delinquency among our young people is a problem that troubles us in our neighborhoods, in our schools and in our parks. It is the subject across the dinner table, and in those late night, worried conversations all parents have had at one time or another. The subject is familiar—how can we prevent our children from falling victim—either to crime committed by another juvenile, or to the lure of drugs, crime, and gangs?

Their concerns are shared by all of us. Most of us are parents. Many of us are now proud grandparents. We have dealt with the challenges of raising children—the joys and the trying times. But for today's parents, the challenges they face are more complex. The temptations children confront come from many different directions and parents seemingly have less and less control over what it is their children are exposed to.

There is a sense among many Americans that we are powerless to reverse this trend, that we are powerless to deal with violent juvenile crime, that we are powerless to change our culture. It is this feeling of powerlessness which may restrain our collective ambition for meaningful, penetrating solutions in the wake of the Littleton tragedy. As Dr. William Bennett said recently on a national talk show, if the two students who committed the murders at Columbine High had ''carried Bibles and [said] Hail the Prince of Peace and King of Kings, they would have been hauled into the principal's office.'' Instead, these young people who committed these crimes saluted Hitler and they were ignored. Ironically, it seems the only time we promote morality in school these days is when mourners

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

visit on-school memorials in the wake of tragedies like Littleton.

If the murder of twelve innocent students and one teacher cannot give us the backbone to shed this defeatism and to do what is right, then we are doomed to see more tragedies. I believe that as a nation we must do more—and expect more—from our schools, the entertainment industry, our juvenile justice systems, and—where appropriate—the Department of Justice. We must also do more to empower parents in the raising of their children and help the States reform our juvenile justice systems.

True—the tragedy in Littleton was a bizarre and complex crime. For that reason, we should resist the temptation to claim we have all of the answers. And we should also fight the temptation to play politics with the matter. We should examine this and other acts of school violence and not single out one politically attractive interest as a cause.

Yet, we must also do more than simply talk about the problem. Accordingly, I along with several of my colleagues have developed—and will advance this week—a comprehensive legislative plan to respond to the problem of violent juvenile crime. Our Youth Violence Plan contains four main components:

No. 1, prevention and enforcement assistance to State and local government;

No. 2, parental empowerment and stemming the influence of cultural violence;

No. 3, getting tough on violent juveniles and those who commit violent crimes with a firearm; and

No. 4, providing for safe and secure schools.

Allow me to discuss each of these in more detail:

No. 1, prevention and enforcement assistance to State and local government: The first tier of this plan involves passage of the measure we are beginning consideration of today—S. 254, the Violent and Repeat Juvenile Offender and Accountability Act. We believe we should provide a targeted infusion of funds to state and local authorities to combat juvenile crime. S. 254 provides $1 billion a year to the States to fight juvenile crime and prevent juvenile delinquency. We need to reach out to young children early in life, ensure that parents are empowered to do what they believe is best for their children, and take meaningful steps to give local education and enforcement officials the tools they need to hold violent juveniles accountable. I will discuss the underlying bill in greater detail shortly.

No. 2, parental empowerment and stemming the influence of cultural violence: The second tier of our plan involves steps Congress should take to empower parents, educators and the entertainment industry to do more to limit the exposure of America's children to violence in our popular culture. We plan to offer several amendments to the underlying bill which will further this leg of our plan. For example, parents should be given the power to screen undesirable material from entering their homes over the Internet. I have an amendment I will offer to this bill which does just that. Senator BROWNBACK's hearings on marketing violence to children provided powerful evidence of the exposure of children to violence in music, movies, and video games. He and I plan to offer a measure to give the entertainment industry the tools it needs to develop and enforce pre-existing ratings systems so that children are not exposed to material that the industry itself has deemed unsuitable for children.

In recent years, the movies our children watch have become increasingly violent. The video games they play reward virtual killings. The lyrics of popular music have grown more violent and depraved. And much of the violence and cruelty in modern music and cinema is directed toward women.

The President of the Motion Picture Association of America, Jack Valenti, is a man of great intellect and a man who I admire. He recently testified at a hearing that, ''I do earnestly believe that the movie/TV industry has a solemn obligation . . . [to engage in] creative scrutiny.'' He also notes that the industry has ''a duty to inform parents about film content.'' I agree with him and commend the industry for some of the steps they have taken. But I believe the entertainment industry's ''obligation'' and ''duty'' go a bit further. Indeed, what good is a ratings system if it is not enforced? Is the industry fulfilling its obligation to parents if, out of one side of its mouth, it take steps to inform parents that a particular video game, movie, or CD is not suitable for children and then, out of the other side of its mouth, advertises, promotes, and sells this same material to children?

Let me be clear. I am not standing here arguing that this filth should be banned or regulated by the government. I simply believe we should limit our young people's exposure to it. It is one thing to say that Marilyn Manson or Eminem should be prohibited from producing their material. It's another thing for Congress to condone the entertainment industry's embracing of this garbage and its sale to children.

Exposure to violent and depraved material is just one part of a complex problem. But I do hope that we can encourage the industry to work with us to do what is best for our children. Why can't this industry, which is a source for so much good in America, do more to discourage the production and marketing of filth to children? Why shouldn't the industry help fight the marketing of violence to young people? This week, I intend to give them the opportunity to do more.

No. 3, getting tough on violent juveniles and enforcing existing law: A third tier of our plan insures that violent juveniles—teenagers who commit violent crimes—will be held accountable. Part of the solution is to insure that when a teenager brings a gun to school, he or she is held accountable by the criminal justice system. The Administration—and several of my colleagues—have called for more gun control. I plan to offer and support many of the proposals that have been discussed. I support the extension of the Youth Handgun Safety Act to semi-automatic rifles. Indeed, the Republican bill before the Senate contains reforms like the juvenile Brady provision—a measure which will prohibit firearms possession by violent juvenile offenders. Republicans have been fighting for this provision for years, but the Administration has, until recently, largely ignored our efforts.

The test for the Senate over the coming days will be whether we choose to play politics with the gun issue or work in a bipartisan manner to insure that access to firearms by juveniles is tightly controlled and that the laws are fully enforced. You see, we need to remember that it seems the Clinton Justice Department has trouble prosecuting violations of existing gun laws, especially gun crimes committed at school or involving minors. Arguably, we should not simply rush to enact more gun control—some of which cannot even be remotely associated with the Littleton tragedy—without taking steps to insure that existing federal laws are being enforced. So, we plan to propose legislation to insure that the Department of Justice will walk the walk—not just talk the talk—when it comes to prosecuting violent gun offenders and providing needed funding to the States to build detention facilities for violent and recidivist juvenile offenders.

No. 4, safe and secure schools: The fourth tier of our plan revolves around the basic right that all students share—the right to receive the quality education they deserve. Our teachers and students need to know that their schools are safe and that, should they take action to deal with a violent student, the teacher will be protected. Our plan will also promote safe and secure schools, free of undue disruption and violence, so that our teachers can teach and our children can learn.

The sad reality is that we can no longer sit silently by as children kill children, as teenagers commit truly heinous offenses, or as our juvenile drug abuse rate continues to climb. In 1997, juveniles accounted for nearly one fifth—18.7 percent—of all criminal arrests in the United States. Persons under 18 committed 13.5 percent of all murders, over 17 percent of all rapes, nearly 30 percent of all robberies, and 50 percent of all arsons.

In 1997, 183 juveniles under 15 were arrested for murder. Juveniles under 15 were responsible for 6.5 percent of all rapes, 14 percent of all burglaries, and one third of all arsons. And, unbelievably, juveniles under 15—who are not

old enough to legally drive in any state—in 1997 were responsible for 10.3 percent of all auto thefts.

To put this in some context, consider this: in 1997, youngsters age 15 to 19, who are only 7 percent of the population, committed 22.2 percent of all crimes, 21.4 percent of violent crimes, and 32 percent of property crimes.

And although there are endless statistics on our growing juvenile crime problem, one particularly sobering fact is that, between 1985 and 1993, the number of murder cases involving 15-year olds increased 207 percent. We have kids involved in murder before they can even drive.

Cold statistics alone cannot tell the whole story. Crime has real effects on the lives of real people. Last fall, I read an article in the Richmond Times-Dispatch by my good friend, crime novelist Patricia Cornwell. It is one of the finest pieces I have read on the effects of and solutions to our juvenile crime problem.

Let me share with my colleagues some of what Ms. Cornwell, who has spent the better part of her adult life studying and observing crime and its effects, has to say. She says ''when a person is touched by violence, the fabric of civility is forever rent, or ripped, or breached. . . .'' This is a graphic but accurate description. Countless lives can be ruined by a single violent crime. There is, of course, the victim, who may be dead, or scarred for life. There are the family and friends of the victim, who are traumatized as well, and who must live with the loss of a loved one. Society itself is harmed, when each of us is a little more frightened to walk on our streets at night, to use an ATM, or to jog or bike in our parks. And, yes, there is the offender who has chosen to throw his or her life away. Particularly when the offender is a juvenile, family, friends, and society are made poorer for the waste of potential in every human being. One crime, but permanent effects when ''the fabric of civility is rent.''

This is the reality that has driven me to work for the last three years to address this issue. In this effort, I have been joined by a bipartisan majority of the Senate Judiciary Committee, which last Congress reported comprehensive legislation on bipartisan, two to one vote.

Our legislation from last Congress, which S. 254 is modeled after and improved upon in an effort to gain the support of more Democrats, was supported by law enforcement organizations such as the Fraternal Order of Police, the National Sheriffs Association, and the National Troopers Coalition, as well as the support of juvenile justice practitioners such as the National Council of Juvenile and Family Court Judges, and victim's groups including the National Victims Center and the National Organization for Victims Assistance. S. 254 is enthusiastically supported by law enforcement. It has been endorsed by the Fraternal Order of Police, the International Association of Chiefs of Police, the National Sheriffs Association, and the National Troopers Coalition. Victim's groups including the National Center for Victims of Crime and the National Organization for Victims Assistance support the bill and its pro-victim provisions. The Boys and Girls Clubs of America, undeniably experts in what it takes to prevent juvenile crime and delinquency, has urged passage of S. 254. And the National Collaboration for Youth, which includes a wide array of front-line juvenile crime and delenquency prevention providers such as the American Red Cross, Big Brothers Big Sisters of America, the National 4–H Council, the National Network for Youth, and the YMCA and YWCA of the USA, has called S. 254 a ''strong bill'' and praised ''the increasingly balanced emphasis S. 254 places on prevention activities''.

Mr. President, allow me to spell out in greater detail the major provisions of this bill—the first tier in our plan to deal with violent juvenile crime. And how it will help reform the juvenile justice system that is failing the victims of juvenile crime, failing too many of our young people, and ultimately, failing to protect the public.

First, this bill reforms and streamlines the federal juvenile code, to responsibly address the handful of cases each year involving juveniles who commit crimes under federal jurisdiction. Our bill sets a uniform age of 14 for the permissive transfer of juvenile defendants to adult court, permits prosecutors and the Attorney General to make the decision whether to charge a juvenile offender as an adult, and permits in certain circumstances juveniles charged as an adult to petition the court to be returned to juvenile status.

It also provides that when prosecuted as adults, juveniles in Federal criminal cases will be subject to the same procedures and penalties as adults, except for the application of mandatory minimums in most cases. Of course, the death penalty would not be available as punishment for any offense committed before the juvenile was 18.

Finally, in reforming the federal system, I believe that we must lead by example. So our bill provides that the federal criminal records of juveniles tried as adults, and the federal delinquency records of juveniles adjudicated delinquent for certain serious offenses such as murder, rape, armed robbery, and sexual abuse or assault, will be treated for all purposes in the same manner as the records of adults for the same offenses. Other federal felony juvenile criminal or delinquency records would be treated the same as adult records for criminal justice or national security background check purposes.

The bill also permits juvenile federal felony criminal and delinquency records to be provided to schools and colleges under rules issued by the Attorney General, provided that recipients of the records are held to privacy standards and that the records not be used to determine admission.

Let me assure any who may be concerned that it is not our intent in reforming the federal juvenile code to federalize juvenile crime—indeed, no conduct that is not a federal crime now will be if this reform is enacted. I do not intend or expect a substantial increase in the number of juvenile cases adjudicated or prosecuted in federal court. It is our intent, rather, to ensure that when there is a federal crime warranting the federal prosecution of a juvenile, the federal government assumes its responsibility to deal with it, rather than saddling the states with that burden.

Second, at the heart of this bill is an historic reform and reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, the most comprehensive review of that legislation in 25 years. The States—under the leadership of a new breed of young, no-nonsense Governors, like Mike Leavitt of Utah, then-Governor George Allen and current Governor Jim Gilmore of Virginia, and Frank Keating of Oklahoma—have for several years have been far ahead of the Federal Government in implementing innovative reforms of their juvenile justice systems. For example, between 1992 and 1996, of the 50 States and the District of Columbia, 48 made substantive changes to their juvenile justice systems. Among the trends in State law changes are the removal of more serious and violent offenders from the juvenile justice system, in favor of criminal court prosecution; new and innovative disposition/sentencing options for juveniles; and the revision, in favor of openness, of traditional confidentiality provisions relating to juvenile proceedings and records.

While the States have been making fundamental changes in their approaches to juvenile justice, the Federal Government has made no significant change to its approach and has done little to encourage and reward State and local reform. Thus, the juvenile justice terrain has shifted beneath the Federal Government, leaving its programs an policies out of step and largely irrelevant to the needs of State and local governments. This bill corrects this imbalance between State and Federal juvenile justice policy, and will help ensure that federal programs support the needs of State and local governments.

First, our bill reforms and strengthens the Office of Juvenile Justice and Delinquency Prevention, OJJDP, of the Department of Justice. The effectiveness of the OJJDP will be enhanced by requiring its Administrator to present to Congress annual plans, with measurable goals, to control and prevent youth crime, coordinate all Federal programs relating to controlling and preventing youth crime, and disseminate to States and local governments data on the prevention, correction and

control of juvenile crime and delinquency, and report on successful programs and methods.

And, most important to state and local governments, in the future, OJJDP will serve as a single point of contact for States, localities, and private entities to apply for and coordinate all federal assistance and programs related to juvenile crime control and delinquency prevention. This one-stop-shopping for federal programs and assistance will help state and local governments focus on the problem, instead of on how to navigate the federal bureaucracy.

Second, our reform bill consolidates numerous JJDPA programs, including Part C Special Emphasis grants, State challenge grants, boot camps, and JJDPA Title V incentive grants, under an enhanced $200 million per year prevention challenge block grant to the States. The bill also reauthorizes the JJDPA Title II Part B State formula grants. In doing so, it also reforms the current core mandates on the States relating to the incarceration of juveniles to ensure the protection of juveniles in custody while providing state and local governments with needed flexibility.

This flexibility is particularly important to rural states, where immediate access to a juvenile detention facility might be difficult. Since many communities cannot afford separate juvenile and adult facilities, law enforcement officers must drive hours to transport juvenile offenders to the nearest facility, instead of patrolling the streets. Another unintended consequence of JJDPA is the release of juvenile offenders because no beds are available in juvenile facilities or because law enforcement officials cannot afford to transport youths to juvenile facilities. Juvenile criminals are released even though space is available to detain them in adult facilities. Our reform will provide the states with a degree of flexibility which currently does not exist.

However, this flexibility is not provided at the expense of juvenile inmate safety. The bill strictly prohibits placing juvenile offenders in jail cells with adults. No one supports the placing of children in cells with adult offenders. To be clear—nothing in the bill will expose juveniles to any physical contact by adult offenders. Indeed, the legislation is explicit that, if states are to qualify for federal funds, they may not place juvenile delinquents in detention under conditions in which the juvenile can have physical contact, much less be physically harmed by, an adult inmate.

These provisions are largely based on H.R. 1818 from the 105th Congress, but are improved to ensure that abuse of juvenile delinquent inmates is not permitted by incorporating definitions of what constitutes unacceptable contact between juvenile delinquents and adult inmates.

Third, and finally, our reform of the JJDPA reauthorizes and strengthens those other parts of the JJDPA that have proven effective. For example, the National Center for Missing and Exploited Children and the Runaway and Homeless Youth Act are reauthorized and funded. Gang prevention programs are reauthorized. And important, successful programs to provide mentoring for young people in trouble with the law or at risk of getting into trouble with the law are reauthorized and expanded. Operating through the Cooperative Extension Service program sponsored by the Department of Agriculture, the University of Utah has developed a ground-breaking and highly successful program that mentors to entire families—pairing college age mentors with juveniles in trouble or at risk of getting in trouble with the law, and pairing senior citizen couples with the juvenile's parents and siblings. This program gets great bang for the buck. So our bill provides demonstration funds to expand this program and replicate its success in other states.

Finally, our bill provides an important new program to encourage state programs that provide accountability in their juvenile justice systems. All or nearly all of our states have taken great strides in reforming their systems, and it is time for the federal government's programs to catch up and provide needed assistance.

Despite reforms in recent years, all too often, the juvenile justice system ignores the minor crimes that lead to the increasingly frequent serious and tragic juvenile crimes capturing headlines. Unfortunately, many of these crimes might have been prevented had the warning signs of early acts of delinquency or antisocial behavior been heeded. A delinquent juvenile's critical first brush with the law is a vital aspect of preventing future crimes, because it teaches an important lesson —what behavior will be tolerated. Accountability is not just about punishment—although punishment is frequently needed. It is about teaching consequences and providing rehabilitation to young offenders.

According to a recent Department of Justice study, juveniles adjudicated for so-called index crimes—such as murder, rape, robbery, assault, burglary, and auto theft—began their criminal careers at an early age. The average age for a juvenile committing an index offense is 14.5 years, and typically, by age 7, the future criminal is already showing minor behavior problems. If we can intervene early enough, however, we might avert future tragedies. Our bill provides a new Juvenile Accountability Block Grant to reform federal policy that has been complicit in the system's failure, and provide states with much needed funding for a system of graduated sanctions, including community service for minor crimes, electronically monitored home detention, boot camps, and traditional detention for more serious offenses.

And let there be no mistake—detention is needed as well. Our first priority should be to keep our communities safe. We simply have to ensure that violent people are removed from our midst, no matter their age. When a juvenile commits an act as heinous as the worst adult crime, he or she is not a kid anymore, and we shouldn't treat them as kids.

State receipt of the incentive grants would be conditioned on the adoption of three core accountability policies: the establishment of graduated sanctions to ensure appropriate correction of juvenile offenders, drug testing juvenile offenders upon arrest in appropriate cases; and recognition of victims rights and needs in the juvenile justice system.

Meaningful reform also requires that a juvenile's criminal record ought to be accessible to police, courts, and prosecutors, so that we can know who is a repeat or serious offender. Right now, these records simply are not generally available in NCIC, the national system that tracks adult criminal records. Thus, if a juvenile commits a string of felony offenses, and no record is kept, the police, prosecutors, judges or juries will never know what he did. Maybe for his next offense, he'll get a light sentence or even probation, since it appears he's committed only one felony in his life instead 10 or 15. Such a system makes no sense, and it doesn't protect the public.

So the reform we offer in this bill also provides the first federal incentives for the integration of serious juvenile criminal records into the national criminal history database, together with federal funding for the system.

Finally, we all recognize the value of education in preventing juvenile crime and rehabilitating juvenile offenders. When trouble-causing juveniles remain in regular classrooms, they frequently make it difficult for all other students to learn. Yet, removing such juveniles from the classroom without addressing their educational needs virtually guarantees that they will fall further into the vortex of crime and delinquency. The costs are high—to the juvenile, but also to victims and to society. These juveniles too frequently become crime committing adults, with all the costs that implies—costs to victims, and the cost of incarcerating the offenders to protect the public. So our bill tries to break this cycle, by providing a three-year $45 million demonstration project to provide alternative education to juveniles in trouble with or at risk of getting in trouble with the law.

The bill we are debating today authorizes significant funding for the programs I have described. In all, our bill authorizes a total of $5 billion in assistance to state and local governments. This breaks down to $1 billion per year for five years, in the following categories:

$450 million per year for Juvenile Accountability Block Grants;

$435 million per year for prevention programs under the JJDPA, including

$200 million for Juvenile Delinquency Prevention Block Grants, $200 million for Part B Formula grant prevention programs, and $35 million for Gangs, Mentoring and Discretionary grant programs;

$75 million per year for grants to states to upgrade and enhance juvenile felony criminal record histories and to make such records available within NCIC, the national criminal history database used by law enforcement, the courts, and prosecutors; and

$40 million per year for NIJ research and evaluation of the effectiveness of juvenile delinquency prevention programs.

Additionally, the bill authorizes $100 million per year for joint federal-state-local law enforcement task forces to address gang crime in areas with high concentrations of gang activity. $75 million per year of this funding is authorized for establishment and operation of High Intensity Interstate Gang Activity Areas, and the remaining $25 million per year is authorized for community-based gang prevention and intervention for gang members and at-risk youth in gang areas.

And, finally, as I have already noted, the bill authorizes $45 million over three years for innovative alternative education programs to make our schools safer places of learning while helping ensure that the youth most at risk do not get left behind.

Under the leadership of a crime conscious Republican Congress and the leadership of our nation's governors, we as a nation have seen a decrease in our overall violent crime rate. Consider that since 1995, we have made significant progress against crime—much of it in partnership with public officials like Governors Mike Leavitt of Utah, Jim Gilmore of Virginia, George Pataki of New York and George W. Bush of Texas, and Mayors Rudy Giulianni of New York City and Richard Riordan of Los Angeles. Consider that violent crime is down 18 percent from 1993 to 1997, murders are down 28 percent from 1993 to 1997, and overall crime is down 10 percent from 1993 to 1997.

These declines have put a serious dent in our crime rates for the first time since the 1960's. Congress since 1995 has supported the efforts of our state and local officials with legislation that has provided real funding and real solutions to crime, rather than feel-good measures. We cleared out our courts with habeas corpus and prisoner litigation reform. We have added thousands of border guards to stop criminal aliens from entering the country. We have returned billions of the taxpayers' dollars directly to our governors to build prisons and equip our police. Now it is time to address the problem of juvenile crime in the same way—with real solutions and real support to state and local efforts.

Meaningful reforms like truth-in-sentencing laws, which replaced the liberal indeterminate sentencing systems with longer and binding sentences for violent, drug, and repeat offenders, zero-tolerance policing, which put law enforcement officers back in our neighborhoods, and habeas corpus reform, which insured death sentences for heinous criminals would be carried out, have all contributed to this improving picture.

Yet, in the face of this improving domestic environment, depraved acts of school and related violence by young people are becoming increasingly more commonplace and increasingly more depraved. While overall, juvenile crime may be headed down slightly, juvenile drug use is up and juveniles increasingly account for the violent crime being committed.

Our states are responding to this trend. They recognize, as this first chart shows, that the average age of delinquency or problem behaviors for tomorrow's adult violent offenders begins very early in life—with the average age of a first serious offense occurring before the child turns 12 years old. It is this fact—that many of tomorrow's violent crime problems are today's juvenile delinquents—which caused Senator SESSIONS and me to take this issue head-on more than three years ago.

This chart shows the average age of the onset of problem behaviors of delinquency in male juveniles for minor problem behavior is 7 years old; moderately serious problem behavior is 9.5 years old; serious delinquency, 11.9 years of age, almost 12; and first court contact for index offenses, 14.5 years old.

This is data based on the statements of the oldest sampling in the Pittsburgh Youth Study and on statements made by their mothers. It was also in the OJJDP Juvenile Justice Bulletin, ''Serious and Violent Juvenile Offenders,'' in May 1998.

I am concerned that the Clinton Administration has been slow to respond and provide assistance. They have failed to enforce the gun laws already on the books and they have sat silently by, failing to endorse our bill because it was too tough on violent juveniles and because it wanted more control over how the monies would be spent. As recently as last week, I offered the Attorney General the opportunity to endorse S. 254 or provide us with her suggested improvements but we have heard nothing. Instead the Administration holds summits which produce nothing in terms of assisting the states. Instead of concrete proposals, the Administration offers the public poll-driven, legislative trinkets. They hold press conferences ''announcing'' as their own industry driven reforms aimed at making the Internet more safe for children.

Desperate for something to crticize, I expect the Administration will argue that our bill is short on the prevention-side of the equation—a claim they have to know just doesn't add up. Consider the fact that, under our bill, Justice Department juvenile justice spending will reach unprecedented heights. Since 1994, the Republican Congress has steadily increase funding for OJJDP—from $107 million in FY 94 to $267 million in FY 99. Our bill continues this trend by increasing authorized funding levels over existing appropriations from $267 million to $435 million in FY 2000.

So, it is left to the Congress—once again—to step forward to provide the necessary leadership at the federal level. I hope the Administration will see its way clear to do what's right and come out in support of our efforts to help fight juvenile crime.

Mr. President, in the face of a confounding problem like juvenile crime and school violence, it is tempting to look for easy answers. It is also tempting to play politics and advance poll-driven, legislative trinkets in lieu of meaningful reform. I do not believe that we should succumb to this temptation. We are faced with a complex problem which cannot be solved solely by the enactment of new criminal prohibitions. It is at its core a problem of our nation's values. But I believe that by parents and communities working together to teach accountability by example, by early intervention when the signs clearly point to violent and anti-social behavior, and by demanding more of our popular culture and industry leaders, we will be taking a postitive step forward.

Mr. President, that is what our efforts are all about. Our efforts are a comprehensive approach to this national problem. I hope we can work together to develop a bipartisan solution to these problems as well.

To that degree, I appreciate the work of my colleagues, especially Senator SESSIONS, who worked so long and hard on our side, as well as Senator CAMPBELL, who has been very concerned about these juvenile crime issues, and my colleagues on the Democratic side, Senator BIDEN, Senator LEAHY, and others, who are working with us to try to come up with what needs to be done.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent floor privileges be granted to the following staff for the duration of the Senate's consideration of S. 254: Sharon Prost, Rhett DeHart, Michael Kennedy, Craig Wolf, Ed Harden, Leah Belaire, and David Muhlhausen.

The PRESIDING OFFICER (Mr. CRAPO) Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that floor privileges be granted to Beryl Howell, Bruce Cohen and Edward Pagano for the duration of both the debate and all votes on this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Emilia Beskind, an intern, be permitted floor privileges during the duration of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we have had a series of shocking schoolyard shootings. I cannot imagine any Senator, as a human being or as a parent or citizen, who would not be shocked, just as have most people around the world. The Senate is now finally turning its attention to doing something about youth violence in this country. Two weeks ago, the distinguished majority leader promised the American people that this week he would permit full and open debate on this issue. I commend him for that, because for 3 years we have not been given the opportunity to discuss this critical issue on the floor of the Senate without some kinds of procedural gimmicks or artificial limits on debate or amendments. I think the American people do not want to see that. They want to see a full and real debate.

Over that same 3-year period when we tried to have this debate, this country has witnessed schoolyard shootings by children in Arkansas and Washington, Oregon, Tennessee, California, Pennsylvania, Kentucky, Mississippi, and most recently in Littleton, CO. I say to the distinguished Presiding Officer and all Members on the floor, none of us can look at our States and say with certitude that we are immune to such a tragedy.

Finally, after the deaths and injury of 41 children just in the incidents to which I have referred, the Senate is turning its attention to this matter. Violence in our Nation's schools, committed by or against children, devastates all of us—as parents or as grandparents, as educators, as civic leaders or whatever. But devastating as it is to us, most importantly these incidents scar and upset our children. Obviously, it takes them away from the learning, which should be the focus at this important time in their lives, a time that should be a time of joy, a time of growth, a time of learning—a time that will set their path, really, for the rest of their lives. They should not be distracted by these terrible things.

This is a complex issue. Frankly, no one party has all the right answers. It is time we as Democrats and Republicans discuss all of our ideas and proposals for actions and then choose the best among them. A good proposal that works should get the support of all of us.

Our first question really should be whether a program or proposal will help our children effectively, not whether it is a Democrat or Republican proposal. I have learned through the years that good legislators coming together can make good proposals. I have been honored to see passed into law numerous law enforcement proposals I have sponsored and co-sponsored with like-minded Members on the other side of the aisle. But we also have to recognize that legislation alone is not enough to stop youth violence. We can pass a law saying we don't want violence. We can also pass a law saying we would like the Sun to rise in the west and set in the east. Either one would be about as effective as the other. We have to do a lot more than that.

We can pass an assortment of new laws and still turn on the news and find out some child in the country has turned violent and turned on other teachers or children with a weapon, with terrible results. So this is not just about Littleton. Littleton is the most recent, it is the most bloody, but it is the seventh incident of schoolyard killings in the past years and no area of the country has escaped the bomb threats or fears these incidents have generated. Each incident of school violence leaves us with more questions than answers. It is easy to say each is related to the next, but together they all point to problems we must do something about. There is not one major catalyst that touches off an eruption of violence in a school; there are a whole lot of contributing causes.

We can certainly point to inadequate parental involvement. Frankly, that is an area about which I worry—very, very busy parents and very, very little time for their children. In an increasingly affluent society, we have to ask whether we are paying a terrible price for our affluence.

We can talk about overcrowded classrooms and oversized schools that add to students' alienation. When we have high schools with 1,200, 1,500, 1,600 people, how can they possibly have a sense of community within that high school?

We can talk about the easy accessibility of guns. We can speak of the violence depicted on television and movies and video games. We can talk about the inappropriate—more than inappropriate—disgusting content now available on the Internet. There is no single cause, and because there is no single cause, there is no single legislative solution that will cure the ill of youth violence in our schools and in our streets.

Just as those who look at a fire know if you remove enough kindling, you can prevent the fire, so there are things we can do right now, and there is no excuse for not trying. Everybody has a role to play in the solution. While we cannot legislate the problems away, we all have a role, and that means parents, teachers, lawmakers, Hollywood, Internet providers and gun manufacturers and sellers. But we should also recognize that despite the recent and shocking school shootings, we have been doing some things right.

By any measure you want to use—victimizations reported by police or crimes reported by police or arrests—the serious violent crime rate is going down. Let me show this chart. This is something of which we ought to be proud. Since 1973, the total violent crime rate has gone down. In fact, it has gone down the most in the last 6 years, certainly more than I have seen it go down at any time.

According to the most recent statistics from the Bureau of Justice, the overall crime rate has fallen more than 18 percent since 1993.

This next chart is remarkable. It is something in which we should take pride. After seeing for decades, during my adult life, the crime rate go up, up, up and up, to see it these last 6 years go down is very significant.

The rate of serious violent crime being committed by juveniles is also on the way down. Following a period of going up in the late 1980s and early 1990s, they peaked in 1993. That also is something in which we should take some pride and we should take comfort as Americans and as citizens.

The reduction in the murder rate alone is truly good news. In 1997, the murder rate was 28 percent lower than 1993. And in 1998, this rate had fallen to its lowest level in three decades. That, again, is something in which we should take some comfort, even though any murder is one murder too many.

In the years I have been here, in 30 years—this goes back to the time when I was a prosecutor and throughout all this—I have seen through each administration, Republican or Democrat, the murder rate go up. Finally, we have seen in the last 6 years the murder rate come down to where it is now, the lowest level in three decades.

Over the past few months, we have begun hearing criticism that this administration is not focusing sufficient resources on enforcing our gun laws. Of course, there is always room for improvement, as there is with anybody. But let's not let political name-calling detract from the indisputable fact that the murder rate for teenagers and young adults rose sharply in the late eighties and early nineties due to a rise in gun violence that is now on the decline. In fact, juvenile murder and nonnegligent manslaughter arrests declined almost 40 percent between 1993 and 1997. To use real numbers, there were 3,800 juvenile arrests for murder at the peak in 1993. By 1997, that number was down to 2,500 out of a population of 30 million children between the ages of 10 and 17.

As we talk about juvenile crime legislation, it is important to keep in mind these statistics show some successes and we should be promoting and expanding those programs that are helping to produce these successes.

We have some complex, sweeping legislation before us. S. 254 was never referred to the Judiciary Committee for consideration, which is extraordinarily unusual. I look forward to discussing this.

It was introduced by the chairman of the Judiciary Committee and cosponsored by the distinguished Senator from Alabama, who is on the floor. I wait to hear from the distinguished chairman as to what will be accomplished with it.

While we did not examine the bill in the Judiciary Committee because the majority chose, as they have a right to, to place the bill directly on the Senate Calendar, instead the Judiciary Committee has been busy on a bankruptcy

bill protecting creditors and a proposed constitutional amendment to protect the flag. Protecting the flag and protecting creditors may be important issues, but frankly, as a parent, I am far more interested in protecting children from violence, both in the schoolyard and outside school.

Last Congress, we had an earlier version of this bill, S. 10. We tried to improve it, and I think we did. I will describe in more detail S. 254. The juvenile crime bill we turn to today reflects that progress, and I commend Senator HATCH for his leadership in continuing to push forward and building a consensus of Republicans and Democrats. I thought we missed opportunities in the last Congress to come together on legislative efforts to deal with youth violence. I hope we will not miss that opportunity in this Congress and we can come together.

In fact, many of the improvements we tried to make to the juvenile crime bill, S. 10, were rejected mostly along party-line votes in the Judiciary Committee, and by nearly a party-line vote we saw it passed out of committee. Not surprising, because it was a partisan bill, and crime should not be a partisan issue, it was hard to find anybody who liked it when it came to the floor. I made, as did others, a number of criticisms of the bill, and those criticisms were echoed by virtually every major newspaper in the United States, as well as by national leaders, and ranged across the spectrum from Chief Justice William Rehnquist to Marian Wright Edelman, the president of the Children's Defense Fund.

The Philadelphia Inquirer called the bill ''fatally flawed.'' The Los Angeles Times described the bill ''peppered with ridiculous poses and penalties'' and as taking a ''rigid, counterproductive approach'' to juvenile crime prevention. The St. Petersburg Times called the bill ''an amalgam of bad and dangerous ideas.''

Chief Justice Rehnquist criticized S. 10 because it would, as he said, ''eviscerate [the] traditional deference to state prosecutions, thereby increasing substantially the potential workload of the federal judiciary.''

He was concerned that federalizing juvenile crimes meant that ''federal prosecution should be limited to those offenses that cannot and should not be prosecuted in state courts.''

The National District Attorneys Association, having been the vice president of that association, I listened to them. They expressed concern that ''S. 10 goes too far'' in changing the ''core mandates'' which have kept juveniles safer and away from adults while in jail for over 25 years, and that S. 10's new juvenile record-keeping requirements were ''burdensome and contrary to most state laws.''

Similarly, the National Governors' Association, the Council of State Governments, the U.S. Conference of Mayors, the National Association of Counties, the National Conference of State Legislatures expressed concerns about the restrictions S. 10 would place on their ability to combat and prevent juvenile crime effectively.

So with all this criticism, when the Republican leadership said we could not have real debate in the last Congress, that became an unacceptable situation and one, frankly, which created a lot of concern among a number of Republican legislators.

Despite the wellspring of concern by the Federal judiciary and by State and local law enforcement and public officials over significant parts of S. 10 as reported by the Judiciary Committee, we were not going to be allowed to debate it.

In September 1998, the majority propounded a unanimous consent request to permit the Republicans to offer a substitute that contained changes to over 160 separate paragraphs of the bill, but not allow Democrats the same opportunity. That did not allow full and fair debate.

I suggested a plan that would have ensured debate on the more controversial aspects of last year's bill by placing in the RECORD on September 25, 1998, a proposal for a limited number of Democratic amendments. My proposal was never responded to.

I say that because that was in the past. And I accept the majority leader's representation that this will not happen this year, that we will not allow narrow procedural devices to limit debate on S. 254. And I think we will have a better bill because of that.

There are very good ideas on both the Republican and Democratic side of the aisle here in the Senate to improve this legislation. After all, keeping children safe, both in school and out of school is not a Republican or Democratic idea; that is a basic, automatic feeling that every parent, every family and every person in this Chamber of either party feels strongly.

The concerns I outlined about S. 10 are shared by many others, as well as by child advocates, judges, law enforcement and State and local officials, and were shared here on November 13, 1997; January 29, 1998; April 1, 1998; June 23, 1998; September 8, 1998, and October 15, 1998. I said the bill skimped on effective prevention efforts to stop children from getting into trouble in the first place.

Second, I said the bill would have gutted the core protections which have been in place for over 20 years to protect children who come into contact with the criminal justice system and keep them out of harm's way from adult inmates, to keep status and nonoffenders out of jail altogether, and to address disproportionate minority confinement.

Thirdly, I expressed concern about the federalization of juvenile crime resulting from S. 10's elimination of the requirement that Federal courts only get involved in prosecutions of juveniles if the State cannot or declines to prosecute the juveniles.

Finally, I was concerned that the new accountability block grant in S. 10 contained onerous eligibility requirements which would end up imposing on the States a one-size-fits-all uniform sewn up in Washington for dealing with juvenile crime. The States simply did not want this straitjacket. In fact, at one stage, the way it was written in the bill, no State would have qualified for the block grant; no State of the 50 would have.

So I say this, and I say this as a compliment to Senators on both sides of the aisle who worked on S. 254: It is a much more improved bill than S. 10 in the last Congress. It incorporates many of the improvements we suggested last Congress. I am delighted to see that proposals that the Republicans on the Judiciary Committee specifically voted down in 1997 have now been put back in the bill. These are changes that we have been pushing for a number of years. It is the right approach now to put them back in the bill.

So let's make progress together. I hope through an open floor debate and an open amendment process, without procedural games, we will be able to make sufficient progress to be able to support a Senate bill that can make a difference.

We tried in July 1997 to amend S. 10 to protect the States' traditional prerogative in handling juvenile offenders. And my amendment would have limited the Federal trial as an adult of juveniles charged with nonviolent felonies to circumstances when the State is unwilling or unable to exercise jurisdiction. That was defeated. Whereas, the language in S. 254 contains a new provision analogous to my previously rejected amendment that would direct Federal prosecutors to ''exercise a presumption in favor of referral'' of juvenile cases to the appropriate State or tribal authorities.

While the language used in this S. 254 section may need some clarification, particularly since it appears to contradict other language in the bill requiring Federal trial of juveniles who commit any Federal offense, it is a provision in the right direction.

In July 1997, we tried to amend S. 10 before the Judiciary Committee to permit limited judicial review of a Federal prosecutor's decision to try certain juveniles as adults. S. 10 granted sole, nonreviewable authority to Federal prosecutors to try juveniles as adults for any Federal felony, removing Federal judges from that decision altogether.

I am a little bit hesitant to give authority to any Federal prosecutor—special prosecutors or regular Federal prosecutors—that cannot be reviewed. And my amendment would have granted Federal judges authority in appropriate cases to review a prosecutor's decision. Only three States in the country granted prosecutors the extraordinary authority over juvenile cases that S. 10 proposed, including Florida.

I mention that because sometimes we get the impression that here in Washington we always know better than the States. In criminal procedures, criminal process, we should look at the States and their experience in determining whether we should step in and change things. And when you find that only three States have done what we were asking to do, you ask why. And I mentioned Florida as being one of the States that granted this extraordinary authority.

Earlier this year, we saw the consequences of that kind of authority, when a local prosecutor in that State charged, as an adult, a 15-year-old mildly retarded boy with no prior record, who stole $2 from a school classmate to buy lunch. The local prosecutor locked up this retarded boy in an adult jail for weeks. You can imagine what that was like, for this $2 theft, before national press coverage forced a review of the charging decision in this case. We do not want to see that kind of incident on the Federal level.

Unfortunately, my proposal for a ''reverse waiver'' procedure providing judicial review of a prosecutor's decision was voted down, with no Republican on the committee voting for it.

S. 254 contains a virtually identical ''reverse waiver'' provision to the one proposed that was rejected almost 2 years ago. So that is a welcome change in the bill.

S. 254 also contains a provision to increase penalties for witness tampering that I first suggested and included in the Youth Violence, Crime and Drug Abuse Control Act of 1997, S. 15, which was introduced in the first weeks of the 105th Congress, at the end of the last Congress in the Safe Schools, Safe Streets and Secure Borders Act of 1998, S. 2484, and again in S. 9, the Comprehensive package crime proposals introduced with the Senator DASCHLE at the beginning of this Congress.

This provision would increase the penalty for using or threatening physical force against any person with intent to tamper with a witness, victim or informant from a maximum of 10 to 20 years imprisonment. In addition, the provision adds a conspiracy penalty for obstruction of justice offenses involving witnesses, victims and informants.

I have long been concerned about the undermining of our criminal justice system by criminal efforts to threaten or harm witnesses, victims and informants, to stop them from cooperating with and providing assistance to law enforcement. I tried to include this provision, along with other law enforcement initiatives, by amendment to S. 10. It was voted down in the committee. I am now pleased to see it is included in S. 254. I think that is an improvement.

S. 254 substantially relaxes the eligibility requirements for the new juvenile accountability block grant. That is a positive step. S. 10 in the last Congress would have required States to comply with a host of new Federal mandates to qualify for the first cent of grant money, an awful lot of record-keeping mandates, and make all juvenile delinquency records available to law enforcement agencies and to schools, including colleges and universities. We could not find any State that would have qualified for this grant money. We tried to get the Judiciary Committee to revise this. My amendment was then voted down, but I am glad to see that 2 years later S. 254 reflects the criticism that I and other Democrats on the Judiciary Committee leveled at the recordkeeping requirements.

The current bill removes the record-keeping requirements altogether from the juvenile accountability block grant, as we had requested. In fact, it sets up an entirely new juvenile criminal history block grant funded at $75 million per year. To qualify for a criminal history grant, States would have to promise within 3 years to keep fingerprint-supported records of delinquency adjudications of juveniles who committed a felony act. No more photographs required; no more records of mere arrests required. No more dissemination of petty juvenile offense records to schools required. Only juvenile delinquency adjudications for murder, armed robbery, rape, or sexual molestation must be disseminated in the same manner as records.

So the eligibility requirements for the juvenile accountability block grant now number only three, including that the State have in place a policy of drug testing for appropriate categories. This reflects an amendment that we offered to S. 10 in July of 1997.

One problem I do have is that S. 254 does not allow substance abuse counseling or treatment as an allowable use of grant funds. I hope that is something we can rectify as the bill goes forward.

Now, we have children in custody provisions that were enacted in the Juvenile Justice and Delinquency Prevention Act of 1974. This was done to address the horrific conditions in which children were being detained by State authorities in close proximity to adult inmates. These were conditions that often resulted in tragic assaults, rapes, and suicides of those children.

As it has evolved, we have four core protections that have been adopted and, frankly, are working: separation of juvenile offenders from adult inmates in custody, so-called sight and sound separation; removal of juveniles from adult jails or lockups with exceptions for rural areas, travel, weather-related conditions; deinstitutionalization of status offenders; to study and direct prevention efforts toward reducing the disproportionate confinement of minority youth by the juvenile justice system.

S. 254 is an improvement over S. 10, which tried to take out three of the four core protections. S. 254 includes the sight and sound standard for juveniles in Federal custody. The same standard is used to apply to juvenile delinquents in State custody.

S. 254 incorporates changes I recommended to S. 10 in the last Congress to ensure the continued existence and role of State advisory groups. That, I think, is going to be very important. The bill authorizes the use of grant funds to support the SAGs, but it doesn't require States to commit funds. I hope that is an omission that we may be able to work out.

Now, there are a lot of improvements, but there are still some problems. S. 254 does not provide adequate assurance of funding for primary prevention programs. I understand that Senator HATCH may agree to an amendment to earmark 25 percent of the funds appropriated from the juvenile accountability block grant for primary prevention. That is good news. It is less than we had hoped for, but it is certainly progress. I commend him for that.

When Senator SPECTER tried to earmark funds from this grant program for prevention during committee mark-up in 1997, his amendment failed. I hope we can do better than that.

Secondly, the bill weakens the core protections under the Juvenile Justice and Delinquency Prevention Act. This would reverse progress made over the past 25 years, and I do not think we should do it. It also includes a sense-of-the-Senate resolution urging States to try juveniles 10 to 14 years old as adults for crimes, such as murder, that would carry the death penalty if committed by an adult. The resolution does not urge the death penalty for such children, but asks for adult prosecution. This is really something the States should make up their minds. We shouldn't be telling them what to do on that.

I say this as a representative of one of the very, very few States in the country that allows the prosecution of juveniles 10 years and older as an adult for certain crimes. We really have in Vermont the toughest law of any State on that, but it is something that the Vermont Legislature decided. It probably shouldn't be opined on by the Senate.

Lastly, the bill is completely silent on how we should address the problem of the easy accessibility of guns to children.

Mr. President, one of the reasons for this debate, one of the best things about this debate, if it is allowed, is a full and open debate, something we were not allowed before. We can address all of these issues.

Again, I urge Senators to come together as Senators, not as Republicans or Democrats, about what would be best. Is there too much violence in the media today? Of course there is. I find it very, very difficult to have any enthusiasm for going to a very violent movie or watching a violent television show. I have been to too many murder scenes. It seems they are always at 2 or 3 in the morning.

If anybody thinks a murder scene is somehow glamorous, talk to people who have been there. I have had a murder victim dying while he was telling me the name of the person who killed him. You can imagine the shock when the person he was telling me had killed him was his own son.

There is nothing exciting or glamorous about this. There is nothing exciting or glamorous about the stench, the sight, the view of a murder scene. Anybody who has visited them knows that. Anybody who has visited as many as I have knows it very, very well. We should talk about that—are there too many violent scenes in an antiseptic way given to our juveniles—but at the same time let us be honest enough to say that guns do kill people and there are too many guns available to young people. I say this, coming from a State that is probably the only State in the Union that has no gun laws and also has an extremely low crime rate, a State where parents still teach their youngsters a safe and responsible way to use guns. But there is no reason why a teenager should be allowed to walk in to a gun show anywhere they want and buy any kind of high-powered weaponry they want, with no parental responsibility, no parental supervision.

We should also know that simply saying let's increase penalties does not stop crime. You stop crime by stopping crime, and that means we have to address prevention programs that work and have to understand that a prevention program that may work very well in Alabama may not work in Vermont or vice versa.

The prevention programs, such as the one that stopped youth murders in Boston, is something which should be looked at, and it can be funded, if people want to. We should accept that.

As I said in the opening part of my statement, Mr. President, we also have to accept the fact that parents are not spending enough time with their children and that we ought to get back off this hurly-burly world and understand that nothing we will ever do in life—career, money making, or anything else—is as important as how we raise our children. A lot of parents are going to have to accept that fact. We are going to have to look at the size of our schools and say that you can't have a sense of community in a high school of 1,200 or 1,500 people.

There are a lot of things we can do, and, working together, we can make it better. The murder rate has come down. We have done some very good things in the Congress. The administration deserves credit for it. Law enforcement deserves credit for it. But there is still more to do. Working together, we can do it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

(The remarks of Mr. CAMPBELL and Mr. LEAHY pertaining to the introduction of S. 996 are located in today's record under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Thank you, Mr. President.

Mr. President, I would like to say that Senator LEAHY has been a prosecutor, has been interested in these issues, and has spent a lot of time and effort on it.

We indeed attempted to respond, as you know, to a number of the concerns he has had. Some of the suggestions and concerns he has raised I believe are worthy. We made a number of corrections which I think would be helpful to that. I know Senator HATCH has also worked hard on it.

Let me say first that juvenile crime is in fact a serious national problem. We have had some very real progress in the crime situation in America. We had some reductions in the 1980s. Then, in the mid-1980s, we had a crack epidemic which I think drove the number up some. But it has been declining among adult criminals steadfastly for quite a number of years.

I have watched those numbers carefully—not as a Senator but as an attorney general of Alabama and as a U.S. attorney and Federal prosecutor in Alabama. I have observed the numbers and what has been happening. There are some good trends. We need to keep those trends going.

A lot of people may not realize that from about 1980 until today we have quadrupled—four times—the number of people in prison as there were before.

During a time when many people thought the crime rate was going to continue to go up, this Nation—mostly at the State level—has begun to step forward and identify repeat, dangerous offenders, and not just act as a revolving door but to incarcerate them for longer periods of time, keeping them off the streets, keeping them from being gang leaders and involving other, more impressionable young people in their criminal activity.

We have had some nice reductions in violent crimes and, in crimes generally, some reduction among adults. We have not had the same kind of success in juvenile crime. There are a lot of reasons for that. I would like to suggest the fundamental reason, in my opinion; that is, we have not responded as a nation to juvenile crime as we have to adult crime. Most people may not know that 99.9999 percent of all juvenile cases are tried in State court. There are almost no juvenile cases tried in Federal court.

I was a Federal prosecutor, U.S. attorney, for 12 years. I think I prosecuted one juvenile case in 12 years. There are so many impediments to it, so many difficulties, that it kept those prosecutions from going forward even when they should have gone forward. We need to improve that and make it a little bit better and easier in appropriate cases for U.S. attorneys, Federal prosecutors, to prosecute juvenile cases.

But the thrust of our reform and the thrust of S. 254 is to encourage and strengthen the ability of State and local governments to prosecute and handle and deal with young people who are committing crimes, are about to commit crimes, and who are running afoul of the law.

We know that in the last several years there has been a reduction in juvenile violent murders and the rates have gone down—not dramatically, but it has been a good number. Overall, from 1993 through 1997, however, there has been an increase of 14 percent in arrests of juveniles for criminal activities; we are not seeing a decline. This is after an incredible period of explosive growth in the last 15 or 20 years in juvenile crime—maybe even 25 or 30 years in juvenile crime. We have an extraordinarily high, unprecedented level of juvenile crime. Unfortunately, we have not responded to that.

Mr. President, I have seen it in my State. And my State is typical. We have increased adult prisoners, but we have not done anything to deal with what happens when a youngster is arrested for a serious crime. Judges don't have options. They don't have the ability to deal with them in an effective way, and they are coming back time and time and time again.

There was a murder in Montgomery, AL, when I was attorney general, by three young people. They were 16 and 15. I asked the police chief what kind of criminal history those three young people had. They were out on the streets. They were free, running loose. One had 5 prior arrests; another one had 5 prior arrests; and the third one had 15 prior arrests.

A New York Times writer, Mr. Butterfield, within the last year did an analysis of what is happening in juvenile courts. He went to Chicago IL, a major city. What he found there is too typical of what is going on in juvenile justice. What he found was that judges were spending 5 minutes per case—5 minutes per case—because of the crush of these cases.

That is unacceptable. It is our responsibility, if we care about those young people coming before that judge, standing in court having been apprehended for a serious crime—if we care about them, if we really love them—to do something with them. We will not spend 5 minutes on their case; we will confront youngsters of 13, 14, or 15 years of age and find out what has been troubling them, find out what their problems are, and intervene effectively.

Some say, Well, Senator SESSIONS, you just want to spend money on courts and lock kids up.

I don't want to lock kids up. But what we are doing today is not doing anything to help them. Some kids have to be locked up, unfortunately. I wish it weren't so. Some do. Some have been back 3, 4, 6, 8, 10 times.

Finally, if a judge at some point does not have the capacity to validate the integrity of his order of probation which prohibits them from committing

further crimes, and he just ignores it time and time again, the whole law becomes a mockery. It becomes a joke. It undermines respect for law. It undermines respect for the police officer who is out doing his duty.

Some of these youngsters will kill you. A police officer goes out and makes arrest after arrest, and one of them is liable to pull a gun. One of them is liable to pull a knife. This is a dangerous world. Why should he go out and do his best to apprehend and commit himself to those cases if the judges and prosecutors are unable to proceed with effective punishment?

I want to say, first of all, that if we care about what is happening in America, I suggest we look at what is happening in our communities, talk to our police officers, juvenile probation officers, juvenile judges, and ask them: What is happening? Are you sufficiently funded and do you have the resources to intervene effectively at the earliest possible stage of criminality by a young person?

If we do that, we can perhaps avoid more serious consequences down the road.

I know a lot of people have talked about Littleton, Jonesboro, Paducah, and other mass shootings that have occurred in school. I don't know if those could have been prevented. In my own personal survey, reading the newspapers, I have found that in every one of those cases those young people had been before a judge previously for a serious offense. Had that judge had the time and the resources—an alternative school, a boot camp, a detention facility, mental health treatment, drug treatment, a drug testing program to determine whether or not these kids were in serious trouble—perhaps these crimes could have been prevented.

I know people say what we really need is prevention. I think the phrase is ''primary prevention.'' I am not against prevention. This bill has an awful lot of money in it for prevention. I will show you in a moment some of the prevention programs that already exist.

Based on my experience and what I know with a virtual certainty in my own mind, if we want to prevent serious criminal behavior and we have a limited amount of money—and we do; for every project that comes before this body, our money is limited—then we ought to focus on that group of people who can be best served by the application of that money. Who is it? It is the ones who are already getting in trouble with the law, the ones who are already being arrested. They are the ones on whom we ought to focus.

I assure Members, all over this country we are not able to do that effectively. Call the juvenile judge in your community, if you know him, call your police officer or your prosecutors, and talk to them and see if they don't think we could do better.

I have visited with Judge Grossman in Ohio. He has a magnificent court system that Senator DEWINE and I visited. When those kids are arrested, they are interviewed by probation officers. Backgrounds are done. The judge studies it. He promptly analyzes their case. He has a school there, a drug treatment program, mental health treatment, family counseling—all these things—when that child comes before him and his team of judges; they have a program to deal with it effectively.

That is what I want to see happen all over America. In fact, I believe local communities are considering that all over America. I know in Alabama they are. Cities are sending people up to Boston, which has some terrific innovative programs that have dramatically reduced their murder rate by young people. They are thinking about what to do.

How can we help this? We are a Federal Government. How can we help our local county juvenile judge, local county probation officer, do that job? We ought to encourage them to study programs that are working. I think we ought to encourage them to visit programs such as the one in Boston and to develop their own programs.

The problem is they need, oftentimes, more money to accomplish that than they have in the immediate short term. What we have is a block grant program that will allow them to receive partial funding from the Federal Government as an encouragement, as an inducement, to create the kind of programs that take place in Ohio and Boston and in my hometown of Mobile, AL. Judge John Butler, who serves on the board of the Juvenile Judges Association, is a long-time friend. He has probably the finest boot camp in the United States. It has an education program. I have been there. I have visited that boot camp. I helped start it years ago. I supported it for years.

We have a drug court in Mobile where young people—and adults, too, for that matter—are examined for drug problems. Those are the kind of things that ought to be done. The school is so good that a lot of the young people who have been arrested and put into that detention boot camp facility with an education component want to continue their education there. They don't want to go back to their regular school. They want to stay in that school. That is what we need. That is the absolute best application of limited dollars to reduce serious violent crime, in my opinion.

We can find out if there is a serious problem at home. Maybe it is child abuse. Maybe one of the parents is a drug addict or an alcoholic. Maybe the child is totally neglected and there is psychological abuse going on in the home. Maybe they are running around with very bad friends and gang members. If the family is brought in, if the probation officers are brought in, if they are drug tested, if they are analyzed carefully, then progress can be made to turn around some of those young people. Some of them will continue a life of crime.

We care about our young people. Most of the victims of crimes by young people are other young people. We simply have to remove some of them from the community because they are not safe. Innocent kids who have done nothing wrong can be shot, killed, or abused by violent youngsters who are not able to be changed by the court system.

That is basically the philosophy. We call it ''graduated sanctions.'' That is the phrase we are using in this bill, S. 254. It says if you receive money under this grant program, develop a system that is consistent with your own philosophy, your own local community, that increases punishment for repeat offenders. This idea a lot of people have that we are putting young people in jail for light or transient crimes is not true. It is not true. They know it. Minor kids don't get sent to jail.

I recently talked to a judge who had a serious case, a repeat of two or three household burglaries. He said he had one bed in the State juvenile system. If it is not an approved juvenile facility, according to the Federal Government, they can't even spend one night in it. He said he had one minor there for assault with intent to murder and he was not going to let him out to put the burglar in jail, so he had to let him go.

That is what is happening in the America. If we are not serious about it and don't invest in it and allow our judges, in a humane, disciplined, and effective way, to validate the rule of law, to validate decency and morality, to establish a system that disciplines wrongdoing instead of accommodating to it, we will continue to have more juvenile crime. I believe that is a significant way to prevent crime.

I know, regarding general prevention programs, it is the politically correct thing for people to say we need to spend more money. I am not opposed to it, if they work. I will say this: Our program had $40 million spent for the National Institute of Justice to research and evaluate the effectiveness of the various juvenile prevention programs. I know Senator FRED THOMPSON, from Tennessee, who worked on this committee, used to say: We don't know what works. We need to study more effectively what we are doing. We have had a commitment in this bill to research, to analyze, what really does work to reduce crime.

Mr. President, I have no pride of authorship. I want to spend the resources we are prepared to spend as a Congress as wisely as we possibly can so we can get an effective reduction of crime. School programs probably ought to be funded through the school and not through a crime bill.

The general philosophy of most experts in dealing with juvenile crime is to make that young person's first brush with the law their last. That does not mean they have to be locked up for weeks on end, but it means a

meaningful confrontation about their wrongdoing must occur.

Families need to be involved. A probation officer needs to be involved, one who has the time to analyze the problem—perhaps in the family or perhaps that child's own problem. Sometimes it is not a family problem; sometimes the child has the problem— to confront it and take the steps necessary to improve that circumstance.

Police officers all over America tell me this is what is happening. They are out patrolling. They catch a young person who is burglarizing a house or business. The child is arrested and taken down to the police station. I would say the overwhelming majority of communities in America do not have a juvenile jail facility in their community, so that means the nearest jail is some hours away. They are not able to keep that child for 1 hour in an adult prison, even if it is on a separate floor or separate wing, totally apart from adults. They cannot keep that child 1 hour. They leave the child sitting in the police station lobby waiting for mother and daddy to come and take them home.

Some say, oh, that is not true.

It is true. That is what is happening all over America, and a lot of it is because the Federal regulations on detaining young people are too severe, in my opinion.

I know some think, oh, you want to put young people in jail with adults. I don't want to put them in jail with adults. But I don't want every local community in America to have to build a separate juvenile jail when they may have no more than two or three people. They have new facilities and they can carve our wings or sections of those jails for short-term detention of young people, because if they are arrested, bail has to be set. If they are not able to make it right away, they have to have a hearing within 72 hours. So if they have to take them to a distant facility at night—maybe there is only one police officer still on duty. I know the Senator from New York has more police officers on duty than one, but there are a lot of communities in New York State and Alabama that may only have one officer on duty. So it is just not a practical thing.

I believe we ought to be more realistic because juvenile judges do not want children to be harmed. Police chiefs do not want children to be harmed. They are not going to put them in these places so they can be abused. That is ''Easy Rider'' myth, that stuff. That is myth. People get sued if you allow somebody in prison to be abused while in prison. We ought not allow that to happen.

I just say that first of all. That is my general view of where we are.

We did make a commitment—and Senator LEAHY referred to it —not to federalize juvenile justice. I really do not believe that is an appropriate thing for us to do. As I said, virtually all juvenile cases are handled in State courts. They have procedures for it. They have detention systems that ought to be expanded, but they have them already. They have their own laws that have been set up. They have juvenile judges. They have, many times, prosecutors who specialize in juvenile cases. They have probation officers who specialize in it. They have boot camps, halfway houses, mental health treatment, drug treatment—systems already set up around these systems, and we ought to encourage that and encourage them to invest more and not create a new Federal system for it. There has been some concern. I think anyone who reads this bill will realize we have not made any move to federalize juvenile justice.

Let me mention a few things now. There is some question about what does it require to get a grant out of this bill if you are going to improve your juvenile justice system, if you want to help your judge in your town have an expanded capacity to confront youngsters and deal with them.

You need to have a graduated sanctions. We just do not believe we ought to give money where there is business as usual and a revolving door. You ought to have some plan—it doesn't tell you how—of graduated punishments so when they come back the second and third time, there is an ability for the judge to impose more serious punishments.

You need to have a policy of drug testing upon arrest. If we care about young people who are committing crime and we want to improve them and see they do not continue a life of crime, we ought to test them for illegal drugs.

We have known for the last 20 years—there was a survey by, I believe, the National Institute of Justice, of major cities around the country that showed that almost 70 percent—everywhere it usually runs 67 to 70 percent—of the people arrested in those cities when drug tested upon arrest test positive for an illegal drug. That drugs are an accelerator to crime cannot be denied. There is no doubt about it. What I believe is every court system—this doesn't mandate exactly the way I would like to see it—but it does encourage every court system to have a program to drug test young people when they are arrested. Because if they are on drugs, we need to start treating them. We need to start dealing with it effectively.

You say, even for small crimes like theft? Yes. Because oftentimes the thief, the person who is stealing, is stealing to get money for drugs. Frequently those people who show up with drug use, who are more likely to have a drug problem, are more likely to shoot somebody than someone who gets mad at a football game. So you just don't know. In Washington, DC, it has been done for years. I met with the director here 15 years ago and I have studied this problem. I really believe we need to do a better job. So it says you should have a plan.

Then we need to recognize the rights of victims. We continually have the complaint, if you are burglarized or robbed by a young person, oftentimes you do not even know when they are tried or what the prosecutor and judge decide to do about it. Your opinion is not asked. It gets settled. There is never a court hearing and you are not told anything about it. Victims have rights in juvenile court, too. So we are asking them to address that and establish some policy that will improve the victims' right to participate. Some States do, some do not.

These are some of the things we try to do in funding this bill. It is one thing to say you ought to do these things; it is another thing for the Federal Government to ante up and help pay for it. So our block grant proposal deals with that. It provides money that can be used for graduated sanctions. It helps them build detention facilities. There are a lot of them that are modern, are first rate, that have a lot of good things about them. We need to encourage every community in America to analyze its detention facilities and see if it can do a better job. I think we ought to provide matching funds for it, which this bill does. We have been doing some of that for the last 2 years in our budget, but I would like to make it permanent with this.

We have money for drug testing. If you set up a drug testing program, you can have the Federal Government, basically, pay for it—because we believe it is important.

Recordkeeping—there is a famous case about a youngster in New York who committed an assault with intent to murder; went to New Jersey, committed another violent crime and was released on bail and then murdered a police officer. A judge in New Jersey did not know about the serious violent crime in New York.

We were not putting those records in the National Crime Information Center. I know some will say this is juvenile, but I say this is serious. People who are committing serious violent crimes need to have their records in the National Crime Information Center, because when they are arrested again—that is the pattern; they will be arrested again—the judges will not know their prior history.

We have a good bit of money for that in this legislation which I believe will help States set up a first-class program; Mr. President, $75 million, in fact, for them to update their criminal records. We need to encourage the States to start putting their records in the National Crime Information Center. Director Louis Freeh said they will accept those records, they want those records, and they do not need any money from the Federal Government to receive them. They can receive them without additional cost.

We want to promote restitution programs. That is what this grant money can be spent for.

We want to promote programs requiring juveniles to attend and complete

school programs and vocational programs.

We want to require parents to work and pay for some of these programs.

We want antitruancy programs. Truancy is a serious problem. It is an indicator of an oftentimes deeper problem. If we can create a better truancy program in America, we can improve and reduce crime.

We want identification and treatment of serious juvenile offenders, those who have real problems, and prevention and disruption of gangs, technology and training programs for juvenile crime control, and moneys for programs that punish adults who knowingly and intentionally use a juvenile during the commission of a crime.

There are, in fact, in America today cold-blooded drug dealers and other criminals who actually use juvenile offenders to commit crimes because not much will be done to them if they are caught. We believe that is a horrible thing and we ought to have a program to end it.

I am going to talk about prevention now. Again, I have no objection to good prevention programs, but since 1974, we have put no money—and in my hometown of Mobile, AL, the juvenile detention center there was built in 1974 or 1975, partly with Federal funds. It encouraged them to create what, at the time, was a first-rate, state-of-the-art facility. But that all ended many, many years ago. We have no money dedicated today to help juvenile law enforcement, detention or otherwise. There are no dedicated moneys for that, except what we have as part of our effort last year, which is not enough.

We are spending $4.4 billion per year on juvenile prevention programs. GAO has found there are 117 of these programs—117 juvenile programs, spending $4.4 billion a year. We are asking for $450 million only for juvenile accountability in a block grant and only a portion of that so we can improve our detention facilities.

Look at this chart. I think we ought to understand this. There is a lot of money being spent now on prevention programs, and some of it is not being spent wisely. That is why we have money in this bill, to review the effectiveness of these programs.

Listen to this: There are 62 programs that provide training and technical assistance for young people who may be in trouble; 62 for counseling; 55 for research and evaluation; violence prevention, 53 programs; parental and family intervention, 52; support service, 51; substance abuse prevention, 47; self-sufficiency skills—I don't know what that means, but I guess it is a good program—46; mentoring, 46; job assistance training—people say we need to get these young people jobs. All right, we have 45 programs doing that; substance abuse treatment, 26, and there are others.

That is some of the money we are already spending. I am not sure we are spending it well. What we probably should do is have a total analysis of all that is being spent in the different agencies and departments.

I used to be in the 4–H Club. I had the best hog in Wilcox County. I received a little pin for it from the 4–H Club. I was able to go to Auburn. It was a big deal to go to Auburn University. My friend almost won the tractor driving contest in Auburn. That was a big deal for me, but they have a 4–H Club program now for the inner city. That sounds like a good idea, I guess. Maybe it is a good idea. I don't know whether it is working or not. Maybe we ought to see if money we are spending on inner-city 4–H Clubs as prevention projects is well spent and whether those programs are working. I would like to look at that.

There is also a strong feeling that after we have a tragic shooting, as we did in Littleton, CO, we ought to do something about guns; we ought to do more about guns. We have quite a number of Federal gun laws on the books today.

I served as a prosecutor for 12 years. President Bush sent out a message that he wanted a crackdown on illegal guns in America. He wanted us as prosecutors—there were three districts in Alabama and 92 Federal districts, 92 U.S. attorneys in America. He said: I want you to crack down on these gun cases and prosecute criminals who are using guns.

We started a project called Triggerlock. In 1992, when I left office, there were 7,048 prosecutions under existing Federal gun laws. After President Clinton took office, he said we have to have more gun laws.

Since he has been in office, he has pushed for more, more, more, more, shoving the second-amendment right to bear arms as far as it can be shoved. Those of us who believe in the second amendment and the right of people individually to bear arms find that troubling. It is always more, more, more, but at the same time, the prosecutors he appoints, the U.S. attorneys who are Presidential appointments, are allowing the cases to drop. It dropped, in 1998, to 3,807. That comes right out of the U.S. attorneys' statistical report.

You say, ''Jeff, I don't know what that proves.'' I say to you, if Attorney General Reno tomorrow made a commitment and sent a message to all U.S. attorneys that she wanted these cases prosecuted, those numbers would be up to the rate of 7,000 within a month or two.

These are not complicated questions. It is a question of the priority of the Department of Justice. A good prosecutor can prosecute 100 gun cases in the time he can spend on one complex tax case, for example. I am telling you, they can prosecute 100 of them for one complex tax case, one corruption case. We ought not to abandon tax cases and corruption cases, but just a little emphasis on this will help.

Since the President took office, he said we have to have a lot of new gun laws because this will reduce violence. We want new laws. The Congress responded and gave him new laws.

One of them is possession of firearms on school grounds. The First Lady said the other day there were 6,000 incidents of guns being brought onto school grounds last year—6,000. Look at how many this Department of Justice, President Clinton's personally appointed prosecutors, prosecuted. In 1997, they prosecuted five defendants for that violation. They had to have this law. In 1998, they prosecuted eight. That is not going to affect the crime rate in America. That is all I am saying. I am not saying how many cases ought to be prosecuted.

What I am saying is we need to get away from symbolism and we need to strengthen our juvenile justice system in America.

Look at this one: Unlawful transfer of firearms to juveniles. It is not a bad law. If you transfer a gun to a juvenile, it is against the law. It ought to be a crime. It was not a crime until it was passed, 922 (x)(1). Five were prosecuted in 1997 and six in 1998.

Look at this one: Possession or transfer of semiautomatic weapons, assault weapons. That was the assault weapons bill that was so controversial. An assault weapon looks horrible, but it is, in effect, a semiautomatic rifle. It fires one time when you pull the trigger. It is not fully automatic, which is already illegal and has been illegal for years.

There was debate on it, and Congress voted to make it illegal. It was the first time that a semiautomatic was made illegal. In 1997, four cases were prosecuted; in 1998, four cases.

My view is that if we have a good gun law that needs to be passed that can make our communities safer, I am willing to support it as long as it does not violate the second amendment of the Constitution. But I took an oath to uphold the Constitution.

This legislation has a good provision called the Juvenile Brady provision which says if a youngster is convicted of a crime of violence, that record has to be maintained, and they cannot get a weapon when they get older. Adults who have been convicted of a felony cannot possess a firearm in America. That is against the law. But if you were convicted of a serious crime as a juvenile, it did not count against you and you could possess a gun as an adult when you became an adult. So we are going to close that loophole.

Finally, this legislation has gained great support throughout America. The Fraternal Order of Police, the International Association of Chiefs of Police, and the Boys and Girls Clubs of America have endorsed this legislation. The National Troopers Association, the National Sheriffs' Association, and the National Collaboration for Youth have commented extremely favorably on the bill, as has the National Juvenile Judges Association, which has been much involved in helping us draft it. They are very positive about this.

I strongly believe that we have responded to the concerns of the Democratic Members and have tried to craft a bill that would be acceptable to them. I know Senator LEAHY has worked on it, and Senator BIDEN. I see he would like the floor. He has sponsored many crime bills over the years and has been active in his interest in this legislation. As ranking member on our subcommittee, he will be talking about the legislation in a minute.

I believe we have a good bill. I think it is time for America to respond to juvenile crime in an effective way. This bill will do many of the things that are necessary—not all, but it will do many of the things necessary for us to create an effective response to juvenile violence in America.

I have a unanimous consent request. I ask unanimous consent that until 2:15 today debate only be in order on the pending legislation.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. SESSIONS. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. BIDEN. I thank the Chair.

Mr. President, this bill has been a long time in coming. We have been debating this bill in the Judiciary Committee for some time. We have attempted to come up with a compromise that made sense. Later in the day—if not today, tomorrow—the distinguished chairman of the committee and I are going to offer an amendment that is essentially a substitute, but we will not probably offer it in the form of a substitute; it will be offered in the form of an amendment. At that time, I will speak to the distinctions of the bill before us and the provisions Senator HATCH and I will be amending.

Let me speak to the general proposition of juvenile crime in America.

I listened to my friend from Alabama and others who have spoken today, and I sometimes get confused. I get confused because the assertions that are made do not always comport with what the legislation says.

For example, there is a general assertion made, and a general consensus, that we should not be federalizing juvenile crimes; we federalize too much already, yet we do that in this bill in terms of attempts to deal with preemptive jurisdiction, imposing upon the States judgments about how and under what circumstances they should try adults, and children as adults, and so on.

The second thing that we do is we go through episodic periods in this body. I have been around long enough that I have been in more than one episode. I remember when I first came here, I say to my friend from Minnesota. We all kind of forget the consensus, the academic consensus, the criminal justice consensus, the political consensus we reached in the early 1970s. That was that we had horrible cases—and legions of them—where we put juveniles in adult prisons, we put juveniles in adult holding tanks, we put juveniles in circumstances where they were exposed to adult-convicted criminals.

There were legions of reports about their being raped, their being beaten, their being sodomized, their being dealt with in the most horrendous way. The Nation rose up in the late 1960s and early 1970s, led by the academics of this Nation, led by the criminologists, who said this has to stop, this has to stop.

I was here when Birch Bayh, the distinguished father of the Senator from Indiana, led the fight on the Judiciary Committee and the bipartisan consensus to change the rules. We ended up with things called sight and sound requirements. We ended up with things that dealt with recordkeeping. We ended up with changes in the law that dealt with the ability to try juveniles as adults and under what circumstances. And they worked. They worked. They worked very well, because you are not reading in our press about 13-year-old boys being sodomized in a jail, while they are held in a holding tank to be arraigned. You are not reading about that now.

For those of you who have not done this as long as I have, I suggest you go back and look at the RECORD and what we read about in the 1960s. It happened all the time. It does not happen anymore.

A little bit of power given to anybody is almost always abused. The bureaucrats got a little bit too much power, and over a long period of time we came up with some stupid rules, stupid applications of the sight and sound restrictions.

For example, if you in fact are in a rural community, in your State, I say to my friend from Minnesota, and you arrest a kid, a 16-year-old at 2 o'clock in the morning for a violent crime and there is no facility in town except one that has two adults in it, and the nearest juvenile facility is 4 hours away, we have been in some cases insisting—it is rare—that that kid be driven 4 hours all the way to that other facility when you have a one-cop town. It doesn't make sense. There should be accommodations made for 6 or 8 hours until the next shift comes on so you can work this out. Well, what we do is we make accommodations for that.

Let's not blow this out of proportion. I remind people, you are not reading in the press, as you did in the 1950s and 1960s and early 1970s, about juveniles being abused in adult prisons. In my own State, it doesn't take much. Let me remind everybody: You put a young kid, maybe even a status offender, not a violent criminal, in a cell next to somebody who is a hardened criminal. You lock the door. The hardened criminal starts telling the kid about what he is going to do to him and how he is going to enjoy doing it to him. The records are replete with jailers coming back and finding the kid hanging himself in a jail, committing suicide. They are not happening now. So let's not get trigger happy here, no pun intended, and decide that we are going to overcorrect.

Back in the bad old days, when I was chairman of this committee, a ranking member for about 18 years, we had scores of hearings. We brought everybody in. The cops who come in want to solve the problem—the example I gave in Minnesota or Vermont or Montana or Delaware. We can do that. But let us not go into this routine where somehow this sight-and-sound provision has taken on some bureaucratic hubris where what happens is that we have people going awry with power and preventing us from trying violent juvenile children or young adults and they are on the rampage in the countryside because of this stupid Federal rule. Not true. Not true.

Let's get some facts straight. Remember when I introduced the Biden crime bill back in 1984. It took 6 years to get it passed finally, the one with the 100,000 cops in it. I used to say all the time, Why can't we learn to walk and chew gum at the same time? When the crime bill, which everyone has stood up here and is giving great credit to for the significant reduction in violent crime among adults in particular, was written, I might point out, a number of people giving it credit here voted against it, thought it was a bad idea, for 2 years tried to amend it.

Well, there have been a couple altar calls. I welcome everybody to the party. What is that old expression: Success has 1,000 fathers; defeat, none. I am delighted there are so many strong supporters for the crime bill now. I am delighted. But let them remember why it worked.

We finally got liberals and conservatives to agree that they were both wrong and both right. I don't know how many times my colleagues had to listen to me on the floor during the 1980s and 1990s saying: Look, liberals have been harping on the following point: It is the society that makes these young criminals, and all we have to do is give them love and affection. All we have to do is intervene with the right programs. All we have to do is deal with prevention. All we have to do is deal with treatment.

My conservative friends would come in and say: The answer is tougher penalties, hang them higher, put them in jail longer.

The facts were sitting before us just as they are now. Let's get some of the statistics straight, lest we be confused. I know facts sometimes bother us in this debate. Our friend Alan Simpson, the former Senator, as you know well, used to say—I loved him, still do—he used to stand on the floor and say—I will never get it as well as Alan said it and never get it quite as right, but I think this was how his phrase went—he would stand up, when someone was spouting off about something they didn't know, and say: Everyone is entitled to their own opinion, but they are not entitled to their own facts.

Crime is the only issue on which everyone thinks they are entitled to their own facts. Everybody has an opinion on crime. Everybody has an answer, whether they know anything about it or not. I am not talking about my colleagues now. I mean the whole world. If you ask the public what caused the increase in the value of the dollar, they won't pretend to have an answer. If you ask them what will stop murder, they have an answer. If you ask them why is there violent crime, they have an answer. It is one of the areas that affects us all, and we are entitled to our opinion. But let us look at some of the facts.

Since 1993 the national rate of juvenile crime is down. Juvenile arrests for murder and manslaughter have decreased almost 40 percent, from 1993 to 1997, the last time we have the numbers. Juvenile arrests for forcible rape are down almost a quarter, 22.8 percent. Juvenile violent crime arrests are down by 4 percent from 1996, from the previous year. There was no decline in adult crime then.

Now, let's look at what we are talking about—again, the facts: There are basically three categories of kids. When I introduced the Biden crime bill for adults years ago, which became the crime law, I used to stand on the floor and say there are basically three types of criminals we have to deal with, and we need different solutions for each category. If I am not mistaken, I am the first one to write a report that about 6 percent, only 6 percent of the violent criminals in America back in the 1980s and 1990s, and even now, committed over 60 percent of all the violent crimes in America. If you went out and you could gather up all 6 percent of the career criminals, gather them all up, put them in jail and throw the key away, violent crime would drop by over half. That is No. 1. So we need a specific program for career criminals. The Senator from Pennsylvania, Mr. SPECTER, had a career criminal bill that became law, a gigantic help.

The second category is people who have committed a violent offense but are not career criminals. The third category is people who had crimes of property and status offender crimes, victimless crimes.

They all required different solutions. So that is why in the Biden crime bill we did three things: We took about $10 billion and hired more cops, about $10 billion and built more prisons, and about $10 billion to deal with drug treatment, prevention, and other programs. Guess what. It works.

The conservatives were right, that you have to get tougher, but with one segment. The liberals were right, you have to pay more attention to what brings people into the crime stream, for one section. One size doesn't fit all. So we finally got it right, and crime has dropped dramatically.

Now guess what. For juvenile crime, we have decided we are going to reinvent the wheel.

What is the formula here? The formula is simple. It is simple but hard. G.K. Chesterton once said about Christianity: It is not that Christianity has been tried and found wanting; it has been found difficult and left untried.

Well, it is not that this is so complicated, but boy is it political.

In all of America, in that first category of kids, career criminals for adults, there are 115,000 kids who were arrested for murder or arrested for a violent crime; 2,000 of the 115,000 were arrested for murder; 113,000 were arrested for violent crime. They are clearly in one category. They are the bad actors. Everybody wonders why they have all these floppy clothes. Walk through the train station down here, walk in any city. Those floppy clothes allow you to conceal a gun. Guess what. These kids are bad. They are bad seeds.

I want to tell you something that the liberals do not like hearing said: Some of these 16-year-olds are beyond redemption. They are beyond redemption for all practical purposes. And if and when they are redeemed, we don't know why they were. They may have seen the Lord in a blinding light. They may have come to their senses. But when it occurs, we don't know why. And it doesn't occur that often.

But think about it, all the children in America we are talking about—115,000.

There is a second category.

There are 685,000 kids who are arrested for nonviolent property crimes ranging from stealing your car to mutilating your property, or, as we say in my section of the country, ''turfing your lawn.'' Nonviolent property crimes, 685,000. They require a different solution.

Mr. President, locking them up in juvenile detention facilities as they are only getting into the crime stream usually only makes them better criminals. That is where the graduated offenses come in.

If I am not mistaken, I think I am the first guy who had James Q. Wilson testifying before a committee up here. Everybody now talks about the ''broken window theory.'' Most don't understand it. It is a simple proposition. It is not complicated. If, in fact, you have a sanction the first time a young person is brought before the courts, no matter how small the sanction is, it has a greater impact than waiting three or four times and throwing the book at them. It is not rocket science. It is not a big deal. It is pretty easy to figure out.

Then there is a third category of kids. There are at least a few million of them. They are in the at-risk category. BIDEN, what is that fancy term, ''at-risk?''

From 8 to 5, walk into any schoolyard in America. Take two or three teachers. Say to them: Point out the kids out there who are the ones on the edge and haven't done anything wrong, but the ones you are most worried about. They can identify the at-risk kids for you.

Again, a second time using the phrase ''not rocket science.'' They can identify them for us. We have civil liberties and civil rights that do not allow that to occur, and shouldn't. But, as Barry Goldwater used to say, ''In your heart you know I am right.'' You know that we know that you can identify them.

What are we going to do about those kids? Are we going to build jails for them? Are we not going to take the time and effort to use prevention programs that work?

That is a third category.

I wrote a report a couple of years ago referring to the ''baby boomlettes,'' pointing out that the largest cadre of young people since the baby boom is about to reach their crime-committing years—39 million kids under the age of 10.

If not one single thing happens in terms of the crime rates going up with juveniles, every single category of crime will increase significantly—every one of them—because, guess what. There is just a heck of a lot more kids.

If we do ''as well as we have been doing,'' and there is not a one one-hundredth of 1 percent increase in crime among juveniles that occurs, we are going to have several thousand more murders; we are going to have a 20-percent increase in the juvenile murders by the year 2005, and the overall murder rate will go up 5 percent. Violent crime will increase by the same percentage if we do not allow one single percentage increase, because there are so many kids coming.

Mr. President, the interesting thing about crime—only a few things we know perhaps even with certainty—is that if we have a cop on this corner and no cop on that corner, and there is a crime going to be committed, it will be committed on the corner where there is no cop. That is one thing we know. Another thing we know is that violent crime decreases when you get older.

Do you know why? It is harder to jump that chain-link fence. It is a little harder. It is harder to jump that chain-link fence. That is why it decreases.

You don't need a degree in criminology to figure this stuff out.

So why do we keep trying to reinvent the wheel?

I remember when I introduced the first crime bill; there was a New York Times editorial saying: But we have tried this before.

More cops, we never tried that before. For the previous 20 years, the top 20 cities in America had less than a 1-percent increase in the total number of police on their forces, yet their population increased by about 18 percent. We used to have three cops for every one violent crime committed in America. We have gotten to the point where we have one cop for every three violent crimes.

So we did it. We hired more cops. And it is working.

The same principles work with regard to juveniles.

Look, a couple of my friends said: You know what we ought to really do is, this Clinton administration ought to get in gear. Get in gear? This Clinton administration has done better than any administration in history in reducing crime.

By the way, that ''truth in sentencing,'' I am the guy that wrote that law. It is called ''The Federal Sentencing Commission.''

I might add that a lot of people who are speaking about it now were against it then. As a matter of fact, a colleague who used to be on the floor, Mac Mathias, called the Biden law ''the same-time-for-the-same-crime law.''

So what are we doing now? We are changing the game. This administration that came along and supported ''truth in sentencing'' is the administration that pushed community policing; is the administration that has targeted the most violent criminals; is the administration that has provided more money and effort from the Federal level for fighting crime than any in the history of the United States of America, and has succeeded. Let's get off this poppycock about whether or not this is a Democrat or Republican deal. The hope was that once we passed the Violent Crime Control Act of 1994—by the way, it is not coincidental. If you notice when all the charts go up, violent crime starts to drop in 1993. Guess what. That is when we introduced the bill, and it passed in early 1994.

Mr. President, juvenile justice requires our attention. It requires us to be honest with one another and honest with the American people.

There are three categories of kids we have to focus on. The 115,000, 2,000 of whom have been charged with murder, but 115,000 who are the violent offenders, we should be building prisons for them. We should put them in juvenile facilities. And we should treat them in some cases as adults.

I might add, all my States rights guys, guess what. Most States have a surplus.

I love these Governors. They come and tell us about how to run the Federal Government. And then they come to us and tell us if we want to deal with building a juvenile facility, we had better send Federal money. But it is a local issue, it is a local problem, and it is a local crime. Local law enforcement does it, but you send the money, Federal Government, to build the prisons.

They can build the prisons. There is money in here to allow help for that. But they should get responsible, I would respectfully suggest, in the State legislature in Dover, DE; in Springfield, IL; and every other capital in America to acknowledge what their responsibility is.

There is a second category, Mr. President—those that committed crimes against property.

We can save these kids. We can intervene. A lot of them we can keep from being violent criminals. But it doesn't mean building more jails for them.

The third category of 3 million-plus is those at-risk kids. We don't have to reinvent the wheel. Just look at what we have done.

Mr. President, at some point I will be joining my friend, the Senator from Utah, the chairman of the committee, to introduce an amendment in the nature of a substitute that makes the necessary corrections in a bill which has already made some progress.

My colleagues have heard me say this over and over again for the last 15 years. A trial lawyer with whom I used to practice used to always say to a jury: Keep your eye on the ball. The prosecution will tell you this, this, this, and this about the defendant. The question is, Did the defendant pull the trigger? Keep your eye on the ball.

I respectfully suggest that in this debate we keep our eye on the ball. What are we going to do about the 115,000 very violent kids in America? What are we going to do about the 680,000 in the crime stream who have not committed crimes of violence but are on the edge? What are we going to do about the 3 million kids who are on the edge, who are ready to slip into the crime stream?

The problem that still exists beyond what we have to deal with here and beyond guns and beyond prevention—and the Hatch-Biden substitute puts in more money for prevention—what we really have to do is deal with the drug problem in America.

I said before that we learned in the early 1980s that if we could take the 6 percent of career criminals in America and remove them from the scene by an act of God, violent crime in America would drop over 50 percent. Nobody disputes that now. I respectfully suggest, if any Member can have one wish that would fundamentally alter youth violence in America, ask God to come down and take alcohol and drug abuse out of the system. If we did that one thing and nothing else, we would affect the course of juvenile justice in America more than anything we can do.

Obviously, we can't do that. As I said years ago when I introduced the first bill, there are three things we have to do: One, deal with adult crime, particularly focusing on violence against women; two, we have to fix the juvenile justice system; and three, we have to deal with the drug problem. They are the three pieces. It hasn't changed.

I urge my colleagues, as the debate gets underway, keep your eye on the ball. Don't try to reinvent the wheel. Look at what is working. Stick with what is working. I am not suggesting we don't try new ideas, but stick with what is working.

By the way, I point out that the very people who now are all for juvenile Brady—what was in the original juvenile justice bill I introduced—are the very people who were against the Brady bill before. So there is progress. There is hope.

Brady made a difference.

Mrs. BOXER. Will the Senator yield?

Mr. BIDEN. I am happy to yield to the Senator.

Mrs. BOXER. I want to ask a question. The Senator and I have talked for a very long time about afterschool programs. We had a conversation abut the Hatch-Biden amendment. I am very glad the two Senators were able to work something out with a bipartisan thrust.

Could the Senator clarify for me the language the Senators have both agreed to regarding block grants and setting aside 25 percent for prevention, and what afterschool programs fit into that definition in the bill?

Mr. BIDEN. I will be brief because we will discuss this when the amendment comes up, but I am happy to answer the question.

There are four block grants in the bill. The one in which the distinguished Senator from Utah has agreed to make an alteration is the provision for $450 million that is available for up to 25 percent; $113 million of that will now be able to be used for afterschool programs, for drug treatment programs, and for any program which is designed to deal with the cadre of kids who, from the time the school bill rings at 2:30 until they go to a supervised situation at 6 or 7 o'clock at dinner, commit the majority of crimes committed by young people.

However, there are two other provisions in the bill. There are two other block grants of $200 million apiece. Those two allow money to be used for prevention and afterschool programs.

As I told the Senator, I happen to think in the original bill which I introduced 2 years ago—that was the juvenile justice bill—that had a number of cosponsors.

I think we should be spending closer to $1 billion on this prevention notion. From the time I was a kid, I went to a Catholic grade school. I don't know whether the nuns got this from my mother, or my mother got this from the nuns, but as my Mother would say, an idle mind is the Devil's workshop.

Give a kid no supervision from 2:30 in the afternoon until dinnertime, and I promise—I promise—good kids are going to get in trouble and bad kids are going to do very bad things. This is not rocket science. We should be doing much more.

The Senator from California has focused very much as a Congresswoman and now as a Senator on dealing with afterschool programs. Again, if you could wave a wand, and all the school boards and school districts that say they care so much about their children—and they do—if they could have baseball, basketball, cheerleading, chess, girls' field hockey, lacrosse, I would have those programs for every junior high in America. Almost no junior high in America has the programs. Do you want to keep kids out of trouble? This is not hard. This is not hard.

The people in the gallery know it; they understand it. The American people understand it. Why don't we understand it? Why don't the local authorities understand it? It is hard to tell people you will raise your taxes in order to do this.

The other thing this bill does, with the help of Senators PHIL GRAMM and ROBERT BYRD: When the Biden crime bill passed in 1994, we set up a violent crime trust fund. We let go 300,000 Federal workers. Under this administration, we have the smallest federal workforce since John Kennedy was President. I know the Senator knows this, but what we did with that money is take the paycheck that used to go to the person working at the IRS or the Department of Energy or wherever, and when they left their job, we didn't rehire people. We reduced the workforce. We put their paycheck in a trust fund, like the highway trust fund. This extends the trust fund until the year 2005.

I say to my friend that there are a lot of programs worth spending money on—education and defense—but I can't think of anything more fundamental than taking the streets back and giving our kids a safe environment in which to live.

There are two things we do. We add prevention money as a permissible use. We earmark it. It adds up only to $113 million. It has part of the other $400 million in this bill that can be used for prevention, but it is short of what we should be doing.

I am looking forward to supporting the Senator from California when she tries to do more for afterschool programs.

Mrs. BOXER. I thank my friend from Delaware. I am very happy he is going to support the amendment. We have $200 million in here for after school—and this administration deserves a lot of credit—up from $40 million.

Guess how many applications came in. Another $500 to $600 million on top of the $200 million. We have a very big void to fill.

As my friend said, crime happens after school. The FBI has shown that. I think for this bill to be balanced it needs to go to tougher penalties for certain crimes but also to prevention and modest gun control measures. I am looking forward to working with my friend on all these matters.

Mr. BIDEN. As I said, at some point when it is appropriate, when the distinguished chairman of the committee decides we should introduce our amendment, we will. I thank him for reaching out, because it has not been easy for him to be able to do this, and I look forward at the end of the day to this entire bill being a bipartisan consensus when it leaves the floor.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank the distinguished Senator and I understand the distinguished Senator from Minnesota is about to take the floor.

Does the distinguished Senator from California wish to speak before lunch?

Mrs. BOXER. No, I can wait until after lunch.

Mr. HATCH. Then I suggest after the Senator from Minnesota completes his remarks we recess for the policy meeting. Is there any objection?

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Reserving the right to object, I could not hear the first part of what the Senator from Utah said.

Mr. HATCH. The Senator would be the last speaker before the policy meetings of both parties.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I wonder if my friend could expand that to include a list, with Senator SCHUMER and Senator BOXER on our side? Is it possible to make this a little broader so we know for certain, when we come back here after lunch, we can talk on this bill?

Mr. HATCH. I am hoping after lunch we will be able to start on the first amendment. But we will certainly accommodate the Senators as they come to the floor.

Mrs. BOXER. What my friend is saying is we could speak in favor or opposition to an amendment. Is it possible to line it up in that way?

Mr. HATCH. Sure. Of course it is. We will try to go back and forth, if we can, on the floor.

Mrs. BOXER. I ask unanimous consent——

The PRESIDING OFFICER. There is a unanimous consent request pending.

Mrs. BOXER. I will add to that and see if my friend will accept this: That the speakers to be decided on his side of the aisle, that of Senator HATCH, and from our side of the aisle it will be Senators SCHUMER and BOXER, in that order, after lunch? And we would add that to this.

Mr. HATCH. Will the Senator withhold until after we have offered an amendment?

Mrs. BOXER. Absolutely.

Mr. HATCH. After we have offered an amendment, then we will work it out.

Mrs. BOXER. I will withdraw it.

The PRESIDING OFFICER. Is there objection to the original request?

Without objection, it is so ordered.

Mr. HATCH. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, this will just be an opening statement. I presume we are going to have a lot of time to debate this legislation and all of us will have the opportunity to have amendments we think are relevant and important. Then we will have substantive debate. That is what the Senate is all about.

Once upon a time this bill was S. 10. Now it is S. 254. I am not exactly sure about all the provisions in this legislation. I am not exactly sure as to what the Biden-Hatch, or Hatch-Biden, amendment will say, as well. But let me just say at the beginning, what I am quite sure of is that, as I look at this, I do not see a lot of balance. I see a whole lot of emphasis on punitive measures, locking up more children. I do not see a whole lot by way of efforts to keep children from getting into trouble in the first place. I am actually surprised that we have not learned some of the lessons which I think the people who are down in the trenches, working with at-risk kids, have learned.

I heard my colleague from Alabama talk, and I like what he did. He talked to people back home. I think if you talk to cops on the beat and you talk to judges and you talk to sheriffs and you talk to counselors and you talk to youth workers, they will tell you we should be doing a whole lot more by way of prevention. As I heard Senator BIDEN talk about the substitute amendment, it sounds like a pittance we are really putting into prevention.

Let me also just say I am not a lawyer, I am trying to wade my way through this argument, but I want to make sure this legislation does not weaken certain core protections we have had for children. There is no doubt in my mind that when certain kids commit violent crimes they may very well be tried as adults and they may be faced with stiff sentences. But we have had certain protections for kids which make sure we do not have too many kids in adult facilities.

I do not really know exactly whether or not we have a judicial review process of what prosecutors might want to do. I do not know what kind of protections are there. But to me it is really important, because even if you call some of these facilities ''colocated facilities,'' that may just be a fancy word for adult facilities with juvenile wings. As Senator BIDEN was saying, with a considerable amount of power and eloquence, there is disturbing evidence that a whole lot of children—many more children—commit suicide in adult facilities; eight times more often than children held in juvenile detention facilities. I do not think we can take these kinds of risks with young people's lives. Again, I want to really understand whether or not we have the protection we need for kids.

I will tell you what is a huge flaw in this legislation, not fixed at all by the substitute amendment or the amendment to the bill or the legislation that is before us right now. This legislation undermines our efforts—and I hope every Senator will feel strongly about this—to deal with the disproportionate confinement of ''minority youth'' in our Nation's jails.

In practically every State, children of color are overrepresented at every stage of the juvenile justice system, especially when it comes to secure confinement. Furthermore, they receive unequal treatment by the system.

A study in California showed that minority children consistently receive more severe punishments and were more likely to receive jail time than white children for the same crime. Black males are four times more likely to be admitted to State juvenile jails for property crimes than their white counterparts and 30 times more likely to be detained in State juvenile jails for drug offenses than white males. The source is the Youth Law Center study called ''Juvenile Offenders Taken Into Custody.''

Also, let me say at the very beginning of my remarks that it is incredible that here we are at the end of the century—working with kids up to adults—it is my understanding that, roughly speaking, one-third of all African American males ages 18 to 26 or 18 to 30 are either in prison, awaiting to be sentenced, or on probation—one-third of African American males in this country.

We ought to think seriously about what that means. In the State of California, I read and, again, I think it is ages 18 to 26—it may be 18 to 30—there are five times as many African American men serving sentences, incarcerated in prison, than in college. We ought to think about what this means.

Last month, along with Senator DORGAN, I visited the Oakhill Juvenile Detention Center in Maryland. We were joined by Judge George Mitchell who sits on the D.C. Superior Court. He made an astonishing statement, if anybody wants to pay close attention to this. In talking about the disparity of the treatment of minority children, in his 15 years, as a juvenile judge, having had thousands of juveniles in his courtroom, he has had only two white youths appear before him. That is unbelievable. By the way, this is not due to a dearth of white youth in the District of Columbia, nor is it that they never run afoul of the law.

We have a current law that says: States, you need to address this problem and States are directed to identify the extent to which disproportionate minority confinement exist in their State and try to identify the problem, the causes, and what can be done about it.

This requirement has never resulted in the release of juveniles who have broken the law, nor any kind of quota system on arrest or release of youth based on race. As a result of the current legal requirement, 40 States to date are implementing intervention plans to address this problem.

It seems to me we would want to do this as a nation. S. 254 is a piece of legislation that does not want to mention race and has removed this current DMC requirement. Efforts to remedy the disparate treatment of minority youth that are underway in States is going to be seriously undermined as a consequence of this legislation. As a result of this, our juvenile justice system will fail, as it is now failing, to treat every youth fairly and equitably, regardless of race.

I oppose this legislation, given the way it is now framed, and I think other Senators should oppose this legislation for this reason alone.

Another issue that is going to come up in our debate—and the legislation does not really address this in any major way—has to do with the issue of gun violence. Please do not misunderstand me. I have been very careful in talking about Littleton and what happened at Columbine High School to simply not make a one-to-one correlation of any particular agenda that I am for because sometimes events in human experience are so dark, so evil that they cannot be flippantly explained. I do not know why those kids did what they did, why they committed murder. It is hard for me to know what really happened.

I will tell you this—and by the way, I have been so impressed with discussions with students in Minnesota. Just yesterday at Harding High School, we had a great discussion about education, violence in schools, violence in communities, and those students had so many poignant and important things to say. This I do know: A Washington Post editorial pointed out that 13 children a day in this country are killed by guns. That is, in effect, one Littleton massacre each and every day in the United States. Of the 13 children killed by guns, 8 are murdered, 4 commit suicide—there is a lot of youth suicide in this country; it is hard for me to accept as a father and grandfather—and 1 is killed accidentally by a firearm.

I will leave it up to other colleagues to go over the legislation we will have on the floor that is going to be much tougher in terms of how to keep guns out of the hands of kids, much tougher on adults who peddle guns to kids, et cetera. I am saying we have to get a whole lot more courageous and tougher when it comes to this gun legislation.

What I want to focus on is the whole question of the criminalization of mental illness. We are talking about a juvenile justice bill. I point out—and I will talk about a piece of legislation that I have introduced, the Juvenile Justice Mental Health Act which has 40 sponsors, including the American Bar Association—a lot of people are talking about juvenile justice and a lot of people are talking about mental health services. I want to make sure we are of substance. I want to make sure we do not engage in symbolic politics. I want to make sure this debate is real.

That may sound self-righteous. Sometimes I worry about everybody carrying on about this legislation and the legislation then going nowhere, or people staking out a lot of positions, maybe not even based upon having had any experience for this. I hope we remain very, very focused.

One of the things that is going on right now is we have criminalized mental illness. There are a whole lot of people—I am going to talk about kids today—who should not be incarcerated in the first place. There are many children in their very short lives who have been through what children should not go through.

When we look at the statistics on kids who are incarcerated, roughly speaking, 1 out of every 5 is struggling with some kind of mental disorder, struggling with mental illness. Moreover—and Senator BIDEN talked about this—many of them struggle with substance abuse, many of them have learning disabilities, many of them come from troubled homes, many of them come from homes where they have seen violence every day.

The question becomes whether or not we are going to make some changes in this juvenile justice legislation that responds to these kids' lives. In setting the context, I will say that, despite popular opinion, most of the kids we lock up are not violent. The Justice Department study shows that 1 in 20 youth in the juvenile justice system have committed violent offenses—1 in 20. What has happened is that, No. 1, a lot of kids who could be in community-based treatment who have not committed a violent act instead wind up in these so-called correctional facilities which are not very correctional. And, No. 2, once there—and I am talking about 20 percent of the kids, probably more, kids who struggle with mental illness—the law enforcement community, the guards, the police at these facilities do not know how to treat these kids. Quite often, they do not know with what these kids are dealing. As a result, many kids end up being disciplined within these facilities and put in solitary confinement.

As the juvenile justice system casts a wider and wider net, which is the direction of this legislation, and as we have more fear and more intolerance of kids who misbehave or commit nonviolent crimes, we are pushing more and more children into the juvenile system who would not have ended up there in earlier times. In particular, what bothers me to no end is a lot of these kids should not be there. A lot of these kids are struggling with mental illness and should be treated in a community setting, and that is not happening.

The warnings are there. There is the school failure. There is the drug and alcohol abuse. There is the family violence. There is the poverty at home. Yet, we do not put the emphasis on community prevention. We do not put the emphasis on early intervention services for these kids. We do not put the emphasis on mental health treatment. As a result, we make the same mistake over and over.

There are two amendments—or several amendments—that I am going to offer to this bill. But two of the amendments that I am going to offer are based upon the Mental Health Juvenile Justice Act. It is a comprehensive strategy. We get the money to State and local communities and we provide the mental health services. There is strong support from 40 organizations. When we introduced it with Congressman MILLER about a month ago, I

guess, there was strong support from 40 organizations—every organization, from the American Bar Association to the American Psychiatric Association, the Children's Defense Fund, you name it. And what we are basically saying is, as opposed to warehousing children with mental illness, we provide moneys to State and local communities to identify kids with these problems on the front end of the system, look to alternatives to incarceration, provide mental health services for these kids.

Mr. BAUCUS addressed the Chair.

Mr. WELLSTONE. Mr. President, I yield for a question.

The PRESIDING OFFICER. Does the Senator from Minnesota yield the floor?

Mr. WELLSTONE. I am not yielding the floor.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator be able to continue his statement and that I be allowed to speak as in morning business at the conclusion of his statement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WELLSTONE. I say to my colleague from Montana, I am going to hurry right up. I waited about 3 hours. I am just trying to go through this. I do not plan on going on a long time, but I just want you to understand. I appreciate it.

The Mental Health Juvenile Justice Act, which I will basically offer as an amendment, says, A, let's do careful assessments on the front end. Let's not incarcerate kids who do not need to be incarcerated; and, B, let's provide the funding for these facilities to provide mental health services for kids; and let's make sure that the law enforcement community, whether it be on the front end or whether it be in these facilities, is trained to recognize kids who are struggling with mental illness. That is the direction to go in.

Right now the situation is absolutely brutal—absolutely brutal. I have spoken on the floor of the Senate before—and I could go on for hours on this, and I will not—about some trips I have taken to some of these facilities. One trip to Tallulah, LA, was enough, although there are other Justice Department reports on Georgia and Kentucky as well, and it is the tip of the iceberg.

It is really just unbelievable to read about kids who spend as much as 7 weeks, 23 hours a day, in solitary confinement, to go to these facilities where these kids do not get any treatment whatsoever, kids who are brutalized. To go to the Tallulah ''correction'' facility with all of it privatized out to a private company—TransAmerica Corporation, I think, is the name of the company—and to have kids just blow the whistle on the whole facility, I say to my colleague from Montana, is just absolutely unbelievable. There have been lawsuits filed.

It really is, frankly, unconscionable that we put so many of these kids in this situation. And 95 percent of the kids in Tallulah have not committed a violent crime. We are talking about racial disparity. There was a sea of African American faces. There were up to 650 kids, and I bet you 80 percent of the kids were African American children. That is my first point.

What I want to do is really put a very strong emphasis on mental health in juvenile justice. I want us to do a much better job as a Nation, and we need to get the resources to the State and local communities to do the assessment, to do the alternatives to incarceration, to make sure kids who are in these facilities get the treatment they need. And right now we are not doing it.

We have criminalized mental illness among kids and adults. Many of them should not be in these facilities. And when they are in these facilities, they receive no treatment whatsoever. I want to make sure that with the debate on this legislation and the amendments that are offered we have a very strong focus on juvenile justice and the mental health of kids. That is my first point.

My second point is, I think that—well, no. In deference to my colleague from Montana, I will just sort of say it in 1 minute, and make my final two arguments. We are getting to the point now where we have six States, led by California, that are spending more money on prisons than on State colleges and universities. In the State of New York, keeping a juvenile in New York's Division of Youth now costs $75,000 a year. You can send three kids to Harvard for the same amount of money.

And I think we have to come to terms with some basic facts. There is a higher correlation between high school dropouts and incarceration than cigarette smoking and lung cancer. It would seem to me, again, we would be doing a whole lot more by way of prevention—I certainly do not think it is in this legislation, albeit there is some minor improvement with the Hatch-Biden amendment which is helpful, but I think it does not give the legislation the balance that it should have.

I do not see us doing very much when it comes to the early years. I do not see us doing very much at all. Frankly, if we really want to make a difference, we are going to have to pay some attention to all of these reports that have come out about childhood development.

Where is the focus on early childhood development? I thought we were going to do a whole lot to make sure that we do well for children from right after birth to age 3, much less before kindergarten. Why are we not doing that? Kids who come to school behind fall further behind, drop out, and then wind up in jail. When are we going to begin to get real about responding to these children in America? It is not in this legislation. I have not seen it in any legislation that has come out on the floor.

The second amendment that I am going to offer has to do with domestic violence. I hope there will be overwhelming support for this. Let me just tell you that above and beyond the focus on women, I am sorry to say that still about every 13 seconds or 15 seconds—what difference does it make; it is just outrageous—a woman is battered in her home. A home should be a safe place.

I have been working with a number of people and staff—Charlotte Oldham-Moore, my wife Sheila—and now we find out that we have not done a very good job of really providing support for kids. They may not be battered, but the effect of seeing this in their home over and over and over again, and then going to school, and not doing well, is that they wind up in trouble.

So one of the amendments we are going to have is to provide, again, the funding to be able to recognize this and to be able to bring together all of the actors in the community to provide support for these kids. In other words, we can have the greatest teachers, the smallest class sizes, the greatest technology, and a lot of these children are not going to learn unless we get the support services to them early.

We are also going to have an amendment, a third amendment, which really does a good job of having much more focus on school-based mental health services. Again, I will have a chance to speak on this, but I think we have to develop a whole infrastructure that focuses on mental health services. And I think it has to be before these kids get into trouble rather than afterwards.

Finally, let me just say that there were some comments here which were made that I wish we would have more debate on. I hope when I have amendments I can get people out here debating. But my colleague from Alabama, Senator SESSIONS, over and over and over again was talking about drug testing and the rest. What I do not understand is, if you are going to do the drug testing, how about the treatment as well? We do not do the treatment programs. We do not do the treatment programs. So much of what we see is tied into substance abuse problems.

I am going to be working on legislation—we have the bill with Senator DOMENICI to try and end this discrimination in terms of covering mental health services for people. We are not doing that. That is one piece of legislation—including any number of childhood illnesses, autism, or post-traumatic stress syndrome, which, unfortunately, also is something that affects children, or anorexia, or attention deficit disorder. We do not provide any treatment or any coverage for treatment.

We act as if these illnesses are not illnesses. There is all this stigma. When are we going to get this right? If we are going to talk about prevention in a juvenile justice bill, we have to have that component. And in the substance abuse, it is the same issue.

Where is the parity? Where is there a way of making sure we get the treatment to these kids? It is crazy. So much of this prison construction industry, so many of the people who we are now incarcerating—so many of these kids who are in trouble are in trouble because of addiction. I would love it if my colleagues would just look at the Moyers documentary. Many are viewing brain diseases. We are now talking about the biochemical and neurological connection, and we do not provide the funding. We do not provide the treatment.

Mr. President, let me conclude by saying I think we are going to have to do a whole lot better. I will talk a lot about some of my travel around the country and what I have seen with my own eyes, but I bring to the attention of my colleagues, to give this a little bit of context, a report by Amnesty International. It is called ''The United States of America, Rights for All, Betraying the Young.'' Just a few quotes. I am not picking on any particular States, but it is important.

''Judge Zintner, I have an important question to ask you! Would you please move me out of here? Please don't leave me here with all these adults. I can't relate to any of them. They pick on me because I am just a kid. They tease me and taunt me. They talk to me sexually. They make moves on me. I've had people tell me I'm pretty and that they'll rape me . . . I'm even too scared to go eat . . . It's too much for anyone my age to handle . . . Please help me with this.'' Letter from 15-year-old Paul Jensen, imprisoned in South Dakota State Penitentiary, to his sentencing judge, 1997. In September 1998, his mother told Amnesty International that he had not been moved from the prison.

''There are 2.5 psychologists to see the 300 juveniles in general population. This is despite the fact that 40 percent of the juveniles received will be identified . . . as having mental health or suicide watch needs. Because of the number of juveniles that need to be seen, the supervisor has told his staff that they cannot see a juvenile more than three times a month unless they indicate that the juvenile will die if he is not seen more often.'' Official audit of facilities, Virginia 1996.

''. . . girls as young as twelve years old were subjected to sexual abuse, received no counselling, no vocational treatment, no case treatment plans or inadequate or inappropriate medical care, were placed in a 'levels' program in which the length of time of the juveniles detention could be unilaterally changed, lengthened or shortened depending on the whims of Wackenhut's untrained staff members, and were made to live in an environment in which offensive sexual contact, deviate sexual intercourse and rape were rampant and where residents were physically injured to the point of being hospitalized with broken bones.'' Texas 1998—extract from a complaint filed in court alleging abuses at a juvenile correctional facility operated by the Wackenhut Corporation, a private for-profit company.

On a Sunday morning Paul Doramus, recently appointed director of the state agency that is responsible for juvenile justice——

Mr. BAUCUS. Mr. President, might I inquire of the Senator how long he is going to proceed? We are going past 12:30. In great deference to the Presiding Officer, we were supposed to finish at 12 o'clock.

Mr. WELLSTONE. I will be done in a moment. I started at 20 after. I will be done in about 2 minutes.

Mr. BAUCUS. The Presiding Officer has let us proceed with great generosity.

Mr. WELLSTONE. I say to my colleague that I waited for 3 hours and I also deferred to others. Senator MACK needed to speak, and others. I understand that. I will finish up. I said that several times, I think, to my colleague.

On a Sunday morning Paul Doramus, recently appointed director of the state agency that is responsible for juvenile justice institutions, visited the Central Arkansas Observation and Assessment Center. He heard a boy sobbing: ''Mister, get me out of here, I want my mother.'' Doramus discovered a 13-year-old boy in an isolation cell, ''sobbing so hard he could hardly speak.'' The boy had been caught in a stolen car and was arrested for theft of property. At the institution he had been disruptive, and staff placed him in isolation. ''As I attempted to talk with him, his calls for help just grew louder,'' Doramus said. The boy's next words jarred Doramus even more. ''Jesus doesn't love me anymore for what I did.'' Doramus held the boy's hands through the cell bars. ''That's not true, partner,'' he assured him. ''He does.''

''All I could think of was my two kids who were at home, who got the hugs and got the love and got the support,'' Doramus said. ''I thought, God forgive us all. How could we allow kids to live in an environment like this?'' Little Rock, Arkansas, June 1998.

This is from an Amnesty International report that came out this past year, November 1998.

Mr. President, I have seen these conditions in these facilities. I will have a number of amendments dealing with domestic violence, dealing with mental health and juvenile justice that I have been working on for the past year, dealing with the whole question of how we can get more support for kids before they get into trouble.

I look forward to this debate, and I hope before it is all over we will have a balanced piece of legislation. I am sorry for being so sharp in my response to my colleague from Montana, but when I read from such a report—and these are children's lives—I just don't like to be interrupted.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

(The remarks of Mr. BAUCUS pertaining to the introduction of legislation are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

RECESS

The PRESIDING OFFICER. The Senate now stands in recess until the hour of 2:15 p.m.

There being no objection, at 12:49 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Senator from Delaware is recognized.

ORDER OF PROCEDURE

Mr. ROTH. Mr. President, I ask unanimous consent that the following Senators be permitted to speak as if in morning business for up to 5 minutes, and that following their remarks there be a quorum call: Senator ROTH, Senator JEFFORDS, and Senator KENNEDY.

Mr. LEAHY. Reserving the right to object, Mr. President, I want to accommodate the Senator from Delaware. Could we also say that following that quorum call the distinguished Senator from Virginia, Mr. ROBB, be recognized to discuss an amendment? We will not introduce the amendment, of course, unless the chairman of the Judiciary Committee is here.

Mr. ROTH. As if in morning business.

Mr. LEAHY. Certainly.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

THE WORK INCENTIVES IMPROVEMENT ACT

Mr. ROTH. Mr. President, in January, I joined Senators MOYNIHAN, JEFFORDS, and KENNEDY to introduce S. 331, the Work Incentives Improvement Act of 1999. This legislation has a simple objective—to help people with disabilities go to work if they want to go to work, without fear of losing their health insurance lifeline.

S. 331 creates two new Medicaid options for States to make it possible for people with disabilities who choose to work to do so without jeopardizing health insurance access. The bill also extends Medicare part A coverage for a 10-year trial period for individuals on SSDI who return to work.

In addition to these health coverage innovations, the bill provides a user-friendly, public-private approach to job placement. Because of a new, innovative payment system, vocational rehabilitation agencies will be rewarded for helping people remain on the job.

Mr. President, this combination of health care and job assistance will help disabled Americans succeed in the workplace.

Tremendous progress has been made on many fronts in the 8 years following the passage of the Americans With Disabilities Act. However, there are still serious obstacles standing in the way of employment for individuals with disabilities.

Unofrtunately, federal programs for individuals with disabilities too often discourage work. The most important barrier to employment identified by disabled individuals is the fear of losing health insurance.

The unemployment rate among working-age adults with severe disabilities is nearly 75 percent. Many of these individuals would prefer to be working and paying taxes. Unfortunately, Mr. President, the simple fact is that people with disabilities are

often presented with a catch-22 between working and losing their Medicaid or Medicare. This is a choice that no one should have to make.

But even modest earnings can result in a loss of eligibility for Medicaid or Medicare, and disabled individuals cannot surrender their insurance access without jeopardizing their health.

Today, more than 7.5 million disabled Americans receive cash benefits from SSI and SSDI. Disability benefit spending for these two programs totals $73 billion a year. If only 1 percent—or 75,000—of these SSI and SSDI beneficiaries were to become employed, federal savings in disability benefits would total $3.5 billion over the worklife of the beneficiaries.

Mr. President, income tax day, April 15, is still fresh in our minds. It is not very often, especially at this time of year, that we hear from millions of Americans eager to become taxpayers. I say we should welcome Americans with disabilities into the ranks of taxpaying citizens.

In my own State of Delaware, experts on disability policy have made their support for S. 331 clear. Larry Henderson, Chair of Delaware's Developmental Disabilities Planning Council, testified in support of S. 331 at a Finance Committee hearing. He supports S. 331 ''because it does not penalize persons with disabilities for working in that it allows for continued access to health care.''

For this reason, more than 100 national groups have endorsed the bill, representing veterans, people with disabilities, health care providers, and insurers.

Mr. President, on March 4, the Finance Committee marked up and passed S. 331 by a vote of 16 to 2. S. 331 was the first health care bill passed out of our committee this year, and I appreciate the spirit of bipartisan cooperation that made our vote possible.

The strong support for S. 331 shown by our committee is also reflected in the full Senate. Mr. President, a total of 75 Senators now sponsor S. 331. Let me say that again—75 Senators have signed on to S. 331. That would be a remarkable total for any bill, let alone a health care proposal.

I think S. 331 has been so popular on both sides of the aisle because it is all about helping disabled Americans work if that is what they want to do. It is about helping people reach their potential. It is not about big government—it is about getting government out of the way of individual commitment and creativity.

Through my work on S. 331, it has become vividly clear to me that we are all just one tragedy away from confronting disability in our own families.

Unfortunately, we cannot prevent all disabilities. But we can prevent making disabled individuals choose between health care and employment.

It is time now to act. Mr. President, together with Senators MOYNIHAN, JEFFORDS, and KENNEDY, I have asked that S. 331 be scheduled for a vote before Memorial Day. I ask all my colleagues to join with us on behalf of millions of disabled Americans.

With a Senate vote in support of S. 331, we can move another step closer to unleashing the creativity and enthusiasm of millions of Americans with disabilities ready and eager to work. I look forward to seeing S. 331 enacted into law this year.

Mr. MOYNIHAN. Mr. President, I join today with Senators ROTH, KENNEDY, and JEFFORDS in announcing that we have a total of 75 cosponsors supporting the Work Incentives Improvement Act of 1999. This bill would address some of the barriers and disincentives that individuals enrolled in Federal disability programs face in returning to work. We rise today to make the case that this measure deserves consideration in the Senate as soon as possible. We are committed to passing this bill promptly and without amendment.

The great enthusiasm and broad support for this legislation has created its impressive momentum. Senators JEFFORDS, KENNEDY, ROTH, and I introduced the Work Incentives Improvement Act of 1999 (S. 331) on January 28 of this year. On February 4, the Finance Committee held a hearing on the bill. Our former chairman and majority leader among others testified in emphatic support. On that day, we already had a bipartisan list of 42 Senators. The committee reported the bill without amendment on March 4 by a vote of 16 to 2. At that time, the total cosponsor list reached 60, including 18 Republicans and 42 Democrats.

The President included the Senate legislation in his fiscal year 2000 budget, and expressed his support for this bipartisan initiative in his State of the Union Address.

The overwhelming support for this legislation is not surprising given its simple and universal goal: to provide Americans with disabilities the opportunity to work and contribute to the fullest of their ability. Its supporters include persons with disabilities and their families, veterans, health care providers, and health and disability insurers.

I join Senators KENNEDY, ROTH, and JEFFORDS in urging its earliest possible consideration and passage by the Senate.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I join with my friends and colleagues, the Senator from Delaware, Mr. ROTH; and the Senator from Vermont, Mr. JEFFORDS; and my colleague from New York, Mr. MOYNIHAN, in urging the Senate to move ahead with this excellent piece of legislation which has been described by the Senator from Delaware and which I will summarize at the conclusion of my remarks.

Once in a while the Members of this body get together and try to exercise a judgment which is going to have an important and dramatic impact on improving the quality of life of the people of this country. This is such an undertaking. The reason it is so powerful is because it reflects the best judgment of the disability community in its entirety—not only those who are affected by some particular kind of challenge—it has the input of parents; it has the input of the medical profession, both the doctors, nurses and the caretakers; it has the input of those who have worked in this field for many, many years.

It is the result of the extraordinary work over a period of some 18 months, tireless work of the members of the community—not Democrat or Republican, not just the four of us here today, but so many others on our committees and off our committees who are so strongly committed toward providing this kind of opportunity for those who have a disability to participate in the economy in our country.

This body took monumental steps a number of years ago when we passed the Americans With Disabilities Act. However, we were reminded after the passage of that act that we were no longer going to permit discrimination against those with disabilities in our country, those who had the ability to be able to perform in the areas of employment. That was a major, major step forward. What we found out very quickly is that there was another barrier for those who had disabilities. That was the fact that if individuals who had disabilities could work, wanted to work, were able to gain entry into the employment in the country, they were going to lose because of the cutoff in terms of cash payments or lose, in terms of their medical health and assistance, the kind of help and assistance in terms of health care and in terms of their income that would put them at enormous risk.

What was worked out in this amendment and in this legislation understands that. That effectively says to those who have a disability or a challenge that they can go on out and be a part of the American dream, a part of the American economy, and that we are working in a process that will continue to make the health insurance available and affordable when a disabled person goes to work or develops a significant disability while working, and it will gradually phase out the loss of cash payments as the incomes rise, instead of the unfair sudden cutoff which so many workers with disabilities face today. It will give people with the disabilities greater access to the services they need to become successfully employed.

I think many in this body and across the country think that ''disabled'' applies to individuals who are born with some disability. In fact, this occurs in only about 15 percent of those who are disabled.

This is a challenge that is out there every single day, for every member of this body, for every citizen in this

country. We are an accident away from having the kind of physical or mental challenge where we could even be affected or impacted by this legislation. Just look at the number of people in the workforce every single year who experience hazards and difficulties. Accidents happen.

This is not just dealing with something in the past, this is something about America today and America in the future. We have the expanding economy, the growing economy which is offering such hope and opportunity for millions of Americans with the exception of those who have some kind of disability. With this legislation, we are guaranteeing now for the first time, one, that they will not be discriminated against in terms of employment; second, that they will be able to get the training, be able to gain the employment, and be able to have useful, productive, and contributing lives and be part of the whole process and system. That is the kind of opportunity this legislation means for so many of our citizens.

I thank all who have been a part of this, including the leadership of Senator JEFFORDS, who has been strongly committed to this legislation, and our Human Resource Committee, that has worked so hard in the development of the legislation, so many of the other members of our committee, Republican and Democrat alike, and to the members of the Finance Committee, the chairman, who I have mentioned—Senator ROTH, who has been enormously committed to it—and our colleague and friend, Senator MOYNIHAN. This has passed virtually unanimously in our Human Resources Committee, it has that degree of support; and 16 to 2 in the Finance Committee.

We ought to be about the business of calling this legislation up, considering it and passing it. Every day that goes by we are denying these opportunities to individuals; every day, every week, every month that goes by. We have been through the legislative process. I daresay the four of us are prepared to agree, as we have uniquely so in other situations, on sort of a ''no amendment'' strategy. We feel, since we have tried to gain input from so many of those who have been involved in this process, this legislation could pass in a relatively short time, in the time of a couple of hours, and still it would reflect the best judgment of so many of those in so many different parts of the country.

We are strongly committed. With the overwhelming support we have, 73 Members reflecting every possible viewpoint in the Senate, and the overwhelming need, this is legislation that needs to pass, should pass, must pass. I hope we can do it in the next few days. It should not take much time. The disability community deserves it.

Mr. President, to reiterate, I strongly support the Work Incentives Improvement Act, and I urge Senator LOTT to bring the bill to the floor and allow the Senate to complete action on this important bipartisan legislation before the Memorial Day recess. Last month, under the impressive leadership of Senator ROTH and Senator MOYNIHAN, the act passed in the Senate Finance Committee by a 16–2 vote. Today, 75 Members of the Senate stand behind this bill, which removes the barriers that present so many of our citizens with disabilities from living independent and productive lives.

As former Majority Senator Bob Dole stated in his eloquent testimony to the Finance Committee, ''this is about people going to work—it is about dignity and opportunity and all the things we talk about, when we talk about being an American.''

We know that a large proportion of the 54 million disabled men and women in this country want to work and are able to work. But they are denied the opportunity to do so. Removing barriers to work will help disabled Americans to achieve self-sufficiency. It will also contribute to preserving the Social Security Disability Trust Fund.

For too long, Americans with disabilities have faced unfair penalties if the take jobs and go to work. They are in danger of losing their medical coverage, which could mean the difference between life and death. They are in danger of losing their cash benefits, even if they earn only modest amounts from work. Too often, they face the harsh choice between buying a decent meal and buying their medication.

The Work Incentive Improvement Act will remove these unfair barriers facing people with disabilities who want to work.

It will continue to make health insurance available and affordable when a disabled person goes to work, or develops a significant disability while working.

It will gradually phase out the loss of cash benefits as income rises—instead of the unfair sudden cut-off that so many workers with disabilities face today.

It will give people with disabilities greater access to the services they need to become successfully employed.

Many leaders in communities throughout the country have worked long and hard and well to help us reach this milestone. They are consumers, family members, citizens, and advocates. They see everyday that the current job programs for people with disabilities are failing them and forcing them into poverty.

They have spent many months helping to develop effective ways to right that wrong. And to all of them I say, thank you for helping us to prepare this needed legislation. it truly represents legislation of the people, by the people and for the people.

When we think of citizens with disabilities, we tend to think of men and women and children who are disabled from birth. But fewer than 15 percent of all people with disabilities are born with their disabilities. A bicycle accident or a serious fall or a serious illness can disable the healthiest and most physically capable person.

This legislation is important because it offers a lifeline to large numbers of our fellow citizens. A disability need not end the American dream. That was the promise of the Americans With Disabilities Act a decade ago, and this legislation dramatically strengthens our commitment to that promise.

We know that disabled citizens are not unable. Our goal in this legislation is to reform and improve the existing disability programs, so that they do more to encourage and support every disabled person's dream to work and live independently, and be a productive and contributing member of their community. That goal should be the birthright of all Americans—and when we say all, we mean all.

The road to economic prosperity and the right to a decent wage must be more accessible to all Americans. That is our goal in this legislation. For too long, our fellow disabled citizens have been left out and left behind. This bill is the right thing to do, and it is the cost effective thing to do. And now is the time to do it.

I especially commend Senators JEFFORDS, Senator ROTH, and Senator MOYNIHAN for their bipartisan leadership on this legislation. Now is the time to enact this long overdue legislation and free up the enterprise, creativity, and dreams of millions of fellow Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I thank the Senator from Massachusetts for his very kind words. I want to express my deep appreciation for his efforts throughout his time here in the Senate to assist those people with difficulties and disabilities.

Mr. President, let me pose a question. What would most people do if they had health insurance coverage if they stayed home but not if they worked? Believe it or not, this is exactly the dilemma that many individuals with disabilities face today. They must choose between working or having health care. This is an absurd choice. Current federal law forces individuals with disabilities to make this choice. The Work Incentives Improvement Act, S. 331, bipartisan legislation, with 75 cosponsors, addresses this fundamental flaw.

Reaching this day has taken 2 years of hard work. Over 100 national organizations endorse our legislation and many helped us craft a consensus-based bill.

Chairman ROTH and Senator MOYNIHAN of the Finance Committee joined Senator KENNEDY and I as original cosponsors along with 35 of our colleagues. The cooperation and support we received, helped us move this important legislation from introduction on January 28, to a full Finance Committee hearing on February 4th, a Finance Committee markup on March 4,

and filing of the committee report on March 26.

It is time for the Senate to complete its work on S. 331. Many of our constituents are watching and waiting for us to make this bill a law.

In my state, Vermont, 24,355 Social Security disability beneficiaries are waiting for S. 331 to become law. There are 9.5 million people waiting across the country. Under current law, if these people work and earn over $500 per month, they lose cash payments and health care coverage under Medicaid or Medicare.

This is health care coverage that they simply cannot get in the private sector. S. 331 allows them to work and have access to health care coverage. It also provides them choices regarding job training and placement assistance.

Do Social Security beneficiaries with disabilities really want to work? The answer is a resounding ''Yes.'' Over the last 10 years, national surveys consistently confirm that people with disabilities of working age want to work, but only about one-third are working.

I have heard many compelling stories from individuals with disabilities. Some sit at home waiting for S. 331 to become law, so they can go to work. Others work part-time, careful not to exceed the $500 per month threshold which may trigger a cut-off of their health care. Each of us has received letters in support of S. 331. Let me share one story with you. Don is a 30 year-old man, who has mild mental retardation, cerebral palsy, a seizure disorder, and a visual impairment. Don works, but only part-time.

At the end of his letter, Don wrote:

> The Work Incentives Improvement Act will help my friends become independent too. Then they can pay taxes too. But most of all they will have a life in the community. We are adults. We want to work. We don't need a hand out . . . we need a hand up.

We should give Don and his friends a hand up. Doing so would be good for Don and good for the Nation. The hard facts make a compelling case for S. 331:

As I indicated, there are 9.5 million Social Security beneficiaries. Of those who work, very few make more than $500 per month. In fact, of working individuals with disabilities on supplemental security income, only 17 percent make over $500 per month and only 10 percent make over $1,000 per month. Another 29 percent make $65 or less per month. Let's assume that S. 331 becomes law, and just 200 Social Security disability beneficiaries in each State work and forgo cash payments. That would be 10,000 individuals across the country out of 9.5 million disability beneficiaries. The annual savings to the Federal treasury in cash payments for these 10,000 people would be $133,550,000. Clearly, the Work Incentives Improvement Act of 1999 is targeted, fiscally responsible legislation.

It enables individuals with disabilities to enter the workforce for the first time, re-enter the work force, or avoid leaving it in the first place.

These individuals would not need to worry about losing their health care if they choose to work a 40-hour week, to put in overtime, or to go for a career advancement. Individuals who need job training or job placement assistance would get it. S. 331 reflects what individuals with disabilities say they need. It was shaped by input across the philosophical spectrum. It was endorsed by the President in his State of the Union Address. S. 331 will give us the opportunity to bring responsible change to Federal policy and to eliminate a perverse dilemma for many Americans with disabilities—if you don't work, you get health care; if you do work, you don't get health care. S. 331 is a vital link in making the American dream an accessible dream, for Americans with disabilities. In closing, I would like to tell you about a young constituent of mine. Her name is Maria, and she faces many daily challenges as a result of her disability. She recently contacted my office to let me know that she is counting on S. 331. Maria is a junior majoring in Spanish at a college in Vermont. She plans to graduate to become a billingual teacher for children and adults from Central and South America.

Maria has her whole life ahead of her. She has dreams and she has contributions to make. Enactment of S. 331 will make Maria's dreams possible. She will be able to pursue a career without fear of losing the health care she needs. Let's enact S. 331 now.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Virginia.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The Senate continued with the consideration of the bill.

Mr. ROBB. Mr. President, under a previous unanimous consent order, I am to be recognized to speak on an amendment which I plan to offer to the pending legislation.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBB. Mr. President, I had appeared on two previous occasions today believing that would be the time at which amendments would be accepted only to find that that had changed. Because I, like the Chair, have responsibilities with the defense authorization committee and subcommittee markups, I may be absent when that time eventually arises.

I rise now to discuss, rather than offer, an amendment, which I will offer as soon as we are permitted to do so, that I hope will add an essential component to the larger debate we have begun about school violence and juvenile justice.

Given the last year of school tragedies in Arkansas, Kentucky, Mississippi, Oregon, and now Colorado, discussions about seemingly random acts of school violence have moved from the school board meeting rooms to the kitchen tables of America. Our dialog has encompassed everything from Internet use and video games to gun control. If anything positive has resulted from these tragedies, it is that we, as a nation, have finally started to focus on school violence by acknowledging that this is a multifaceted problem demanding multifaceted solutions.

Unfortunately, the issue of violence in our schools is not new. Six years ago, I stood in this Chamber to talk about school violence and offered an amendment to create a 2-year commission to study school violence. I acted in response to shootings that involved students and took place in the Norfolk area of Virginia.

When I spoke in 1993 about school violence, I mentioned that we had experienced a cultural change. In fact, I brought this very chart to the floor to illustrate that point.

In 1940, public schoolteachers were asked to cite the top disciplinary problems they dealt with on a routine basis. The list included: Talking out of turn, chewing gum, students making noise, running in the halls, cutting in line, dress code violations, and littering. The same list of routine disciplinary problems in 1990 looked like this: Drug abuse, alcohol abuse, pregnancy, suicide, rape, robbery, and assault.

That was 1990. If the same survey were done today, I suspect assault would rank even higher on the list. In the 1996–1997 school year, 43 percent of our Nation's schools had no incidents of crime at all. For those that did, the vast majority of crime involved theft and vandalism. But despite these facts, in the last year alone, 40 people have died as a direct result of school shootings. The most serious of them, of course, occurred 3 weeks ago today at Columbine High School in Littleton, CO.

The most common questions asked following incidents of school violence are: Why? and, What could have been done to spot the warning signs and intervene before it was tragically too late?

In an effort to better educate school districts across the country about how to develop violence prevention and intervention strategies, the Secretary of Education and the Attorney General last August issued a comprehensive guide entitled ''Early Warning, Timely Response.'' The guide was developed with the help of experts from law enforcement, education, juvenile justice, mental health, and other social services and was based upon extensive research about violence prevention plans. The emphasis of this guide is communitywide involvement.

Our children come into contact every day not only with us as parents, but also with teachers, administrators, pastors, bus drivers, coaches, counselors, and so many others. We all have a responsibility to help parent and guide our Nation's children.

Furthermore, we all know that recognizing the warning signs of stress, depression, substance abuse, and violent behavior starts at home and extends well into our communities. We, as public officials, have a responsibility to work with States and communities to ensure that we are doing all we can to keep our schools safe.

That is the thrust of the amendment I plan to offer. It is about the Federal Government becoming a better, more responsible partner with States and localities to combat school violence in America. I use the word ''partner'' because there is not a single requirement that States or localities participate at all.

Instead, this proposal is about providing the sources and expert advice to States and communities and schools who worry today about school violence and want to renew their efforts to fight it. For those of us on both sides of the aisle who care deeply about education, this amendment is a recognition that good schools are safe schools.

In this spirit, the amendment I will offer, hopefully later today, establishes a national resource center for school safety and youth violence prevention and authorizes additional funding to communities to develop violence prevention and intervention plans and to expand mental health services and treatment programs.

First, the national center that we envision will serve as an ''education FEMA,'' if you will. In the event of an incident of school violence, the center's experts would be dispatched directly to the school involved to provide emergency response services. The center's team of experts would provide crisis counseling, additional school security personnel, and long-term counseling for students and families who chose to take advantage of these services.

Second, the center will establish a toll-free, anonymous student hotline so that students may report, without fear of retaliation, criminal activity or threats of criminal activity and other high-risk student behavior they witness or of which they become aware. For example, a student could call such a hotline to report another student's substance abuse or gang affiliation. The center would work with the Attorney General to develop guidelines about how to coordinate with law enforcement agencies to both relay the information and protect student privacy.

The importance of this hotline became apparent to me during my own research on this bill, as well as during the visit I made with President Clinton to T.C. Williams High School in Alexandria, VA, just 2 days after the shooting in Littleton. It is clear to me that there has been a void in our legislative approach to promoting school safety.

While we have substantially increased the funding of school safety plans under the COPS program over the last 2 years, we need to do a better job of encouraging and teaching our children that students themselves also have a responsibility to report high-risk or threatening behavior of which they are aware in themselves or other students. But to effectively encourage this, we have to provide students with safe channels through which to report this information. A student who is aware of a plan to build bombs or knows that another student is suicidal should have a confidential way to report that knowledge.

In the long run, an investment in prevention is an investment not just in the child who may be on the brink of pulling the trigger or throwing the bomb, but an investment in the safety of all our children who can all too quickly become tragic victims.

Third, the center will provide training and technical assistance to teachers, administrators, parents, law enforcement personnel, and others in communities about ways to develop effective school safety strategies. Components include helping schools effectively utilize tip hotlines, assisting with threat assessment, helping create partnerships among police, schools, parents, and social service agencies, developing media and police protocols to handle emergencies and, very important, working with the Departments of Justice, Education, and HHS to help train teachers to learn to identify students at risk of bringing violent behavior into their schools.

Fourth, the center will serve as a clearinghouse of information about model school safety plans across the country, with the center's staff available to offer a wide array of plans to a community seeking assistance, from increased use of surveillance equipment to a community case management process to deal with troubled youths. This includes the operation of a nonemergency, toll-free number for the public to obtain information about school safety.

Finally, the center would conduct research about school violence prevention and the extent to which smaller learning communities help reduce incidents of violence in our schools. We can do all this for less than $100 million. That is the center's authorization in the legislation that we plan to offer.

From emergency response teams, to the student hotline, to the teacher training to identify violent behavior in school, this small investment in an education FEMA is well worth the expense.

In truth, however, nothing can ever compensate a family for the loss of a child. But we ought to be able to say to all communities throughout this country that we are doing everything we can to prevent these tragedies from happening in the first place.

The second part of this amendment provides direct support to communities as they look for resources to develop or enhance their own school safety and youth violence prevention services. I believe communities will benefit tremendously from this amendment, because it authorizes more funding for comprehensive community-wide school safety plans under the Safe Schools/Healthy Students Program, an existing program that was enacted in response to the tragic incident in Jonesboro, AR.

I will not go into detail about this part of the amendment because I know Senator KENNEDY has been working on these issues for some time now and has particular expertise about the combined work that the Department of Education and the Department of Health and Human Services have done with communities that have come together to improve or establish mental health services for violence-related stress and other types of community efforts. I certainly applaud the Senator for all he has done in this regard. He has been an outstanding advocate for children and families over the years.

Let me conclude by saying as a public official and as a former marine, I have long believed that the first responsibility of the Federal Government is to keep our citizenry safe—safe from enemies both foreign and domestic. Americans have a right to be safe in their homes, on their streets, and in their workplaces. And our children have a right to be safe in their schools.

Fear of violence should not threaten our children's learning environment. The bottom line is this: We cannot have good schools unless we have safe schools. As I said at the outset, there are many components of this debate about school violence and juvenile justice. We need to talk about parenting and values and teaching our children about respecting their lives and the lives of those around them.

We need to talk about how we hold accountable those who endanger or harm our children. We need to talk about guns and the extent to which there are loopholes in existing laws that can be changed to better protect our children. But there is absolutely no question that we need to talk about prevention, and this amendment builds upon the work Congress has already done in the area of prevention.

This amendment will be just one component of a debate that I hope we will all support to help our kids and their families, America's teachers and counselors, our law enforcement officials, and entire communities across our Nation who have one goal in common—to stop school violence before it starts.

Here in Washington we can do our constructive share. We can provide expertise. We can provide resources directly to communities. We can empower communities to better protect America's children. We can, and we should.

As I said on the floor last week, simply going to school should not in and of itself be an act of courage.

With that, Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 322

(Purpose: To make amendments with respect to grants to prosecutors' offices to combat gang crime and youth violence, juvenile accountability block grants, and the extension of Violent Crime Reduction Trust Fund, and for other purposes)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. BIDEN, Mr. SESSIONS, and Mr. DEWINE, proposes an amendment numbered 322.

Mr. HATCH. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 323 TO AMENDMENT NO. 322

(Purpose: To provide resources and services to enhance school safety and reduce youth violence)

Mr. LEAHY. Mr. President, I send an amendment in the second degree on behalf of Mr. ROBB and Mr. KENNEDY.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. ROBB, for himself and Mr. KENNEDY, proposes an amendment numbered 323 to amendment No. 322.

Mr. LEAHY. I ask unanimous consent reading of the amendment be dispensed with.

Mr. HATCH. I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

AMENDMENT NO. 322 WITHDRAWN

Mr. HATCH. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 322) was withdrawn.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. It is my understanding the distinguished Senator from New York just wants to speak on the bill.

Mr. SCHUMER. Correct. I have no intention of offering anything today.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Thank you, Mr. President, and I thank the Senators from Utah and Vermont for yielding me time on the floor as we begin to discuss juvenile violence.

First, let me say I appreciate the majority leader making this time available, and at this crucial time, because some say, well, maybe we should wait for the dust to settle in the aftermath of the tragedy in Littleton, CO. But I have found in years that sometimes when a terrible tragedy occurs people are focused on issues that might prevent future terrible tragedies; but if we wait several months, nothing much happens. So I am grateful for the opportunity. I think it is correct legislatively.

This is not a new issue. We have, unfortunately, seen other tragedies—in Springfield, OR, and Arkansas and throughout the country. Most of us have given lots of thought to the issue of how do we deal with violence among juveniles? How do we deal with violence in the schools? I agree with all of those who have said there is no one road to Rome, that there are many, many different approaches. In fact, to me, an argument where one says, well, do A, which means don't do B, C, and D, is wrong. We have to examine all the causes of violence. We have to look at them. To advocate one particular course doesn't gainsay that another course might help as well.

It is obviously a very complicated issue. The question I guess all of America is asking itself is a simple one: Why now? Why all of a sudden have we seen such a rash of violence in our schools?

I have given this a great deal of thought, first in my 18 years in the House where, as a member of Judiciary, I focused on crime issues, and now in the last several months as a new Member of this body. In addition to thinking and reading about this, I also went out and talked to many young people. In fact, I have had conversations, been in classrooms, either directly or by video, with schools across my State—East High School in Rochester; Nottingham in Syracuse; Colony High School in Albany; Rockville Center in West Chester; New Rochelle High School; and two schools in New York City, Tottenville and Hunter High School. In each I sat down with a group of 30 to 50 young men and women and asked them their views, because I think it doesn't make much sense to talk about juvenile violence without talking to the juveniles.

Basically, what I found was quite interesting. I found that they, too, agreed that there were a number of causes, and many were perplexed as to why this happened. But I found some interesting thoughts. In every school, the students talked about two things more than any other that they thought led to this violence. In each school I went to—and these schools were quite varied; one was in an upper-income neighborhood, one in a poor neighborhood, and the rest were in rather middle-class neighborhoods—there were two common themes:

First, students did stress isolation, that young people do feel isolated and alone. They realized that the adolescent condition sometimes was such that when someone was isolated and alone, instead of reaching out, the inclination was to pick on them. A number of schools had suggestions as to how to deal with this problem. One school had an ombudsman, a young teacher whom the students loved. If someone was in trouble or feeling isolated or lonely, they could go to that ombudsman, and many did. Just as importantly, if it seemed to other students in the school that a young person or a group of young people was headed towards trouble, they could go to the ombudsman and the ombudsman would do what was necessary to try to bring that group of young people into the fold.

In another school up in Albany they had a human relations club. The heads of all the various student activities and the heads of different cliques or groups would get together once a month and discuss things and discuss their differences. It proved a good way of bridging gaps in that high school. Finally, another school, one on Long Island, had a club. It was sort of an elite club; it was hard to get into. I think it was called Smiles. One of the ideas of Smiles was to reach out to others and be inclusive. It was sort of taking the credo of inclusiveness and bringing people together and making it a thing that everyone aspired to do. I thought those ideas were pretty good and pretty interesting. Maybe we should look at some of them this week.

One idea that every classroom I went to seemed to laugh at was the idea that seems to have gained some currency here in Washington, and that is the culture of violence. I, for instance, myself, having seen the video games and seen some of the movies that came out, when I started this process, thought this should be a reason young people would be more violent.

The kids seemed not to feel that way. They laughed at the idea that a video game, a movie, a television show would push somebody to do something awful like at Littleton. I said to them, well, it may not push you, but it might push people who were isolated and alone. They said, no, it would take a lot more than that.

One youngster raised his hand and said to me: When did you grow up? I said in the 1950s. He said: You saw a lot of westerns. I said that, yes, I did. He said: Did that move you to be more violent? I said not at all.

We may disagree with it, but I thought it was interesting that from one end of my State to the other, young people of all economic backgrounds and races and creeds and ethnicities rejected that idea. And again, of course, I come from New York

State, but these schools were spread throughout the State, many in quite conservative areas.

I found the one thing that was virtually universal is kids thought that guns were too available for them. I asked each high school class, if you really wanted to get a gun, would you know where to go or who to ask? And 60 to 100 percent said yes.

My point here today is this: Certainly we should consider other causes of violence among young people. We should look at isolation. Certainly we should look at parental responsibility. I am the father of a 4-year-old. It seems a lot of times she doesn't want to have her parents around her. But most of them wanted parental guidelines, wanted parental responsibility, wanted parental authority. There was no disagreement about that.

If you looked at the one consistent thing that almost everyone agreed with, it was that guns, the availability of guns, was too great; the availability of knowledge of how to make bombs and how to buy guns encouraged and created more violence. And it made me think of a useful parallel, which I just heard Senator LEVIN mention earlier today about his community in Detroit, MI, and I have mentioned in mine in Buffalo and western New York. Both those communities are right across the border from Canada. In both those communities, there is something startling. There is the same culture, same video games, same movies, and they get the same TV stations. People in Windsor, ON, watch the same TV as people in Detroit. People across the Niagara River in Canada, in Fort Erie, watch the same TV as the people in Buffalo and Niagara Falls.

Why are we so much more violent? It is not culture or violence. It is the same in each. It is not really the idea that we have two parents working and single moms and single dads, fewer parents around, less parental responsibility. That is the same in each. It is not the isolation that young adolescents often feel. That is the same in each. What is the difference between the situation in Canada and the situation in America?

The one difference is the gun laws, where Canada's are much tougher than ours.

It seems to me that if we go through this package—and we certainly should consider other issues—but we ignore or short circuit, truncate, a debate on gun violence, we will be making a serious mistake.

I heard one of my friends say this is political. Well, it is no more political to me than talking about Hollywood might be to some others in this. I believe this would make a huge difference.

I thank the Senator from Vermont. He has put together a package of gun amendments that just about everybody in our caucus could support. I am glad he did. I think they will make a difference. A group of us have been meeting, those of us who believe in tougher laws on guns, although we tried to be very mindful of the law-abiding rights of citizens, of gun-owning citizens. We have put together a package of 10 amendments. Each of them meets two criteria: One, that they would do some good; two, that they have a chance of passing, that they are not going to get 25 or 30 votes from people who agree with my position but, rather, that they would be able to garner much greater support.

I say to the majority leader and to my chairman, the Senator from Utah, we do not want to speak on these amendments forever. We do want the opportunity to debate them and to discuss them and to vote on them, because we think some of them have a real chance of passage.

I say to my colleagues that I am appreciative of this opportunity. I know the issue of guns is not the only answer, but it seems to me, because there is a culture of violence, because parents are working, and because adolescents are young and often feel isolated, that none of those gainsay the need for better laws on guns.

As I say, our package is moderate. It is careful. We have not put everything on the floor. Many times I would like to, because I would go further than this body would.

But I welcome the opportunity to discuss these issues. I believe we will do it in a careful, respectful and bipartisan way. Our goal is not to have a Democratic v. Republican division. Our goal is to pass legislation, and if we can do that in a bipartisan and nonrancorous way, I think we will have served America well.

I thank the Senator from Utah and the Senator from Vermont for yielding their time. I look forward to their debate.

I simply ask the majority leader to make sure, provided we are willing to live within the time limits, that we have the time to discuss these 10 amendments—there may be others—and to discuss them, perhaps pass them, and finally do something real about the Littletons that have plagued our Nation over the last year.

I thank the President.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Utah.

Mr. HATCH. Mr. President, as I understand it, the Senator from Massachusetts would like to make a statement for debate only. Am I correct, the senior Senator from Massachusetts would like to make a statement for debate only, and also the distinguished Senator from California would like to make a statement for debate purposes only?

I ask unanimous consent they be permitted to proceed at this point.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, if I could ask the Chair—I appreciate the opportunity to address the Senate—what is the pending matter?

The PRESIDING OFFICER. The pending matter is S. 254.

Mr. KENNEDY. It is open for amendment; is that correct?

The PRESIDING OFFICER. The bill has no amendments pending on it.

Mr. KENNEDY. The bill has no amendments pending at the moment.

The PRESIDING OFFICER. That is correct.

The Senator from Utah.

Mr. HATCH. Mr. President, we were hopeful that we could call up the Hatch-Biden-Sessions amendment and get a vote on that. We would like to cooperate with fellow Senators and be able to do that. We hope the Senator from Massachusetts will defer any amendments until we finish with that.

Mr. KENNEDY. Mr. President, I believe that the Robb amendment is before the Senate, and I intend to speak on behalf of this amendment. I will be glad to follow leadership as to how we should proceed. I do not intend to delay the proceedings.

Mr. HATCH. If the Senator will yield, we are looking at the Robb amendment.

Mr. KENNEDY. I am having difficulty hearing my colleague and friend.

Mr. HATCH. We are looking at the Robb amendment and studying it to determine when and if it is to be brought up. If the Senator wants to speak, it is not before the Senate.

Mr. KENNEDY. Mr. President, with all respect to my friend and colleague, I do not believe that the Senator from Utah can decide if Senator ROBB's amendment can be brought up. It is my understanding that Senator ROBB is perfectly entitled to bring it up.

Mr. HATCH. Will the Senator yield?

Mr. KENNEDY. I yield the floor.

Mr. HATCH. The Senator from Utah understands that. We chatted with Senator ROBB and said we would look at the amendment to see if it is something we can accept. If not, he can bring it up any time he wants to in the regular course of business. He had to go to another meeting, and we will discuss the amendment as soon as he returns.

Mr. LEAHY. If the Senator will yield, I will explain it. The Senator from Virginia, Mr. ROBB, brought up his amendment in the second degree to the Hatch-Biden-Sessions amendment. The distinguished Senator from Utah is one of the sponsors of Hatch-Biden-Sessions. He withdrew it, thus withdrawing the second-degree amendment by Senator ROBB. The distinguished Senator from Virginia is thus waiting for time to bring his amendment back up for consideration.

Mr. KENNEDY. Mr. President, I will speak briefly in support of the Robb amendment. Later, I intend to participate in the debate on the Robb amendment and other provisions underlying the legislation.

Over the next few days, we will have the opportunity to consider how we can best respond to the anxieties and concerns of families and children across

this country. In the wake of the tragedies that have affected a number of our schools over the past few years, it is appropriate that the Senate consider violence and its impact on children and families.

As we begin this debate and discussion in the Senate, we should understand that, in just a few days, we cannot develop a silver bullet capable of responding to all of the complex issues raised by the tragedies that have occurred in Colorado, Paducah, and other communities and other schools across this country.

But even having noted that these are complex issues, we have to ask ourselves: Can we at least evaluate some things that have been done in the fairly recent past that have been helpful to students, that have been helpful to parents, that have been helpful to schools, and that have been helpful to communities? Quite clearly the answer to this is yes.

I am not one of those who says that we don't have all the answers and, therefore, we don't have any of the answers. No one could say that, coming from the City of Boston where we have seen dramatic reduction in youth homicide and youth violence in the country. It has been within the last probably 4 years. Boston has approximately 128 schools. We had only one youth homicide involving a firearm during a 2.5 year period.

As we look at the underlying bill in terms of youth violence, it is appropriate that we also look at the current record to see if there are some ideas that might be of some value and some use.

I think issues dealing with the media—perhaps the various excessively violent video games and others are going to take some time, but these are issues that we must consider. We have a chance to see what has been working out there, and to see whether those efforts should be supported, perhaps enhanced, and if they can be shared in other parts of the country. That is what we are trying to do with the Robb amendment.

There are two important parts to this amendment. One is to establish a resource center that will be a place where either parents or schools or school districts or communities are able to go to find out what is working in other communities around the country. It will be an evaluation of information. It will have a collection of what is working in urban areas and what is working in rural communities, and what the results have been and how communities utilize these efforts.

There have been a number of efforts. Some might be particularly appropriate to Boston. Others might be different and better suited in terms of dealing with the problems in Pocatello. There may be some development of efforts that have involved law enforcement, some that have involved the schools, some that have involved the parents, some that have involved the students in terms of mentoring, programs of reconciliation. A number of different initiatives that are out there may just have some application in terms of different schools across the country, and those communities might be interested.

In the Robb amendment, we have a proposal for this clearinghouse that will be a resource available to schools, a resource available to communities, a resource available to parents, a resource that will be available to students who have responsibility in their schools, a resource that will be available to the law enforcement officials. It will have other functions such as having available individuals who might be able to respond if there is an immediate danger of violence. This all makes a good deal of sense.

A second provision of the Robb amendment deals with the resources that are out there within the community, within the Department of Justice, the Department of Health and Human Services, and the Department of Education. It is called the Safe Schools/Healthy Students initiative. This was developed in a nonpartisan effort to try to bring together a number of different programs that have a positive impact on reducing youth violence which the schools will be able to draw upon. This program includes aspects to develop a safe school environment, including partnerships with the local law enforcement; it includes aspects to enhance security measures for those schools where it is necessary; it includes aspects to redesign school facilities to get into smaller school units where teachers know the names of every student in the school, and every student knows the name of every teacher.

We have this program being implemented in a number of different communities. In Boston it is being developed in a number of different schools. It has been tried and is being utilized in a number of different communities. It is very interesting and exciting, and we have seen positive results.

Prevention programs and early intervention, in terms of alcohol and drugs—bringing in the mental health, preventive treatment and intervention services that exist in the SAMHSA program which deals with mental health and assistance and targeting help and assistance for children—have been particularly effective.

We know almost a third of all the children who go to the schools in the inner city of Boston, for example, come from completely dysfunctional homes—either with substance abuse or violence, and these children are facing the most extraordinary set of circumstances. We have to understand being young, being a child, and being at school today is no picnic. They are faced with enormous challenges. We don't have, generally, health care centers in these schools; a few of them do, but not many. The importance of mental health counselors, psychologists and nurses working with the early childhood psychological, social and emotional development services have been included in the second phase of this program. This was basically the result of a very extensive review done by the Department of Justice working with HHS, and the Department of Education, and the resulting recommendations.

This evaluation shows that this kind of approach, with law enforcement and the preventive aspect, has provided some very important help and assistance to the schools.

I look forward to working with a number of our colleagues—Senator BOXER, Senator SCHUMER, Senator DURBIN, Senator LAUTENBERG, Senator FEINSTEIN and others—in terms of responsible ownership regarding weapons. I think that is certainly very important. We ought to expect responsibility in terms of manufacturers making safe guns. We ought to expect dealers are not going to sell to adolescents. We have to expect responsibility of parents in storing their guns separate from the ammunition. We will keep rapid automatic weapons out of the hands of children, extend the Brady bill, and include the background checks at the gun shows. We will have a chance to debate all of those.

We can reduce the occasions when these violent impulses reflect themselves in the use of weapons. One of the most disturbing factors is the continued growth and explosion of youth suicides. Handguns are too easily accessible and available. We will have a chance to debate some of those issues.

It comes back to the recognition that the first responsibility for all of these matters rests in the home and with the parents, or with a single parent, working to provide the guidance to children who need guidance.

What we see in this chart is very disturbing, a gradual decline of the time mothers are spending with their children. This is the percentage of time parents eat dinner with their children from ages 5 to 17 every day. We see the gradual decline in terms of the time mothers are spending with their children; and also the time fathers are spending. The fact is, generally speaking, in the last 15 years there is a third less quality time being spent with parents. Some of that is the result of people working harder and working longer in order to maintain their own income, a tragic reality for those at the lower economic line that have to work one, two, or even three jobs—receiving minimum wage—in order to keep the family together. It is very difficult to see how those people are able to spend any time at all with their family. Some of that is the result of choice, some of that is out of necessity.

On this chart is the percentage of parents in the home who have private talks with their children ages 5–17 almost every day. The number has been cut in half by fathers, and there is an important reduction in terms of the

mothers. Again, we are talking about parental responsibilities.

This is a blowup of ''A Guide To Safe Schools''. Every school in America has a copy of this particular publication. It was sent out by Secretary Riley and Secretary Reno. It contains a variety of early warning tips for the parents. It has a whole page of action steps for the students. It has suggestions for parents. It has suggestions for teachers. It has suggestions for school boards. It has a series of ideas: what to look for, what to do, early warning signs—it is enormously comprehensive.

It is the result of the work of a number of different organizations that came together and spent weeks and months in developing this publication. If anyone would take the time to go through it, it has an enormous wealth of information from which those involved in schools across the country can benefit. It is a very, very instructive and positive document. It is a guide for schools, students, parents, about some of the concerns they might have.

We may never fully understand the complex factors that led Eric Harris and Dylan Klebold to kill 13 members of the Columbine High School community, but there is one thing we do know—we must do more to prevent future tragedies. The deaths that have occurred at the hands of young people in Littleton, Colorado, Jonesboro, Arkansas, Pearl, Mississippi, and other communities, are national tragedies. They are also a call to action—a call that America must answer.

We have a responsibility to listen to our constituents, to answer the calls for help by our children, and do more to protect the health and welfare of the nation's youth. Children may make up one-eighth of the population, but they are 100 percent of our nation's future.

We know that there is no single, simple solution to this complex problem. The mindless, heartless cruelty in Littleton is symptomatic of the problems that exist in communities throughout America, and we need to find more effective ways to deal with them.

This latest tragedy is another wakeup call to the nation. We have an opportunity to work together to prevent youth violence, and reduce the likelihood of future tragedies like Littleton. We can do more to make schools safer.

We know that school violence is a continuing festering problem. In 1996, 5 percent of all 12th graders reported being injured with a weapon during the previous 12 months while they were at school. Another 12 percent reported that they had been injured at school in an incident that did not involve a weapon. An increasing number of students report feeling unsafe at school, and avoid one or more places at school for fear of their own safety. Clearly, children cannot learn in this kind of environment.

We need to ask difficult questions about our society, the media, parenting, peer pressure, and other social forces. We have a shared responsibility as parents, teachers, role models, and concerned, caring adults, Fifty million school children are now in their formative years. We need to think about what kind of society we want these children to grow up in.

In too many cases, television is raising far too many of the nation's children. On a daily basis, close to 20 percent of 9-year-olds watch 6 or more hours of television. Much of what they see is a steady stream of violence and aggression that is presented as legitimate and justified entertainment. By the time children leave elementary school, they will have seen 8,000 murders and more than 100,000 other acts of televised violence. Violent video games which glorify killing are increasingly popular.

The negative influences of violent programming and violent video games are growing stronger, because positive influences—families, schools, churches, synagogues, and communities—are becoming weaker. Parents are the most important influence in their children's lives, but they are being stretched to the limit. We know the importance of strong parental guidance and support for healthy development. Spending time together is a basic ingredient for building strong parent-child relationships. Yet time together is increasingly scarce.

Research indicates that parents are eating fewer meals and having fewer conversations with their children. Between 1988 and 1995, a significant drop took place in parent-child activities. Sixty-two percent of mothers reported eating dinner with their child on a daily basis in 1988, but only 55 percent reported doing so in 1995. Fifty percent of fathers ate a daily dinner with their child in 1988, but this rate dropped to 42 percent in 1995.

Parents and families want to spend more time together, but there simply aren't enough hours in the day. We must pursue initiatives to give parents the opportunity to spend more time with their children, and ensure that all parents have the skills they need to be strong mentors, role models, and caregivers for their children. We should support family-friendly work policies and flexible work hours, so that parents can eat dinner with their children, and talk to their children.

Yesterday, I spent time in Boston talking to students about youth violence and the tragedy in Colorado to try and get some insight into what is going on with our youth. I asked them for a show of hands of how many of them feel that their parents are too busy to talk to them—over ¾ths of the students raised their hands.

This is lack of communication is unacceptable and the American people agree. A recent Newsweek poll asked ''How important is it for the country to pay more attention to teenagers and their problems.'' 89 percent of those polled replied that it is very important. If we as parents are not raising our children, then we must worry about who is.

In the coming days, we will have a unique opportunity to begin to reverse the culture of youth violence. There are no quick fixes to this problem—no easy solutions. We need a long-term strategy, and we must work together to find appropriate remedies. To meet this challenge, we must consider provisions that (1) promote healthy children and youth in safe communities; (2) help parents with parenting skills from birth through adolescence; (3) equip teachers and school officials with tools to intervene before violence occurs; (4) give law enforcement the tools needed to keep guns away from children; and (5) promote responsible media programming for children and youth.

There are also immediate steps that we can take. Congress has a responsibility to act, to stop allowing the NRA to dictate what is right and what is wrong on guns. Surely, without threatening the activities of honest sports men and women, we can agree on ways to make it virtually impossible for angry children to get their hands on guns. We can give schools the resources and expertise they need to protect themselves, without turning classrooms into fortresses. We can make gun dealers responsible for selling guns to adolescents, and make gun owners responsible for locking up firearms in their homes. We can insist that gun manufacturers be smart enough to develop ''smart'' guns with effective child safety locks. We can do more to dry up the interstate black market in guns. We can crack down harder on assault weapons.

Surely, we can take sensible steps like these to reduce the tragedy of gun violence. America does more today to regulate the safety of toy guns than real guns—and it is a national disgrace. When we see and hear what gun violence has done to the victims in Pearl, MS—West Paducah, KY—Jonesboro, AR—Edinboro, PA—Fayetteville, TN—Springfield, OR—and now Littleton, CO, we know that action is urgently needed.

Practical steps can clearly be taken to protect children more effectively from guns, and to achieve greater responsibility by gun owners, gun dealers and gun manufacturers. The greatest tragedy of the Columbine High School killings is that these earlier tragedies did not shock us enough into doing everything we can to prevent them. By refusing to learn from such tragedies, we have condemned ourselves to repeat them. How many wake-up calls will Congress and the nation continue to ignore?

We can act now to provide communities and schools with more information and resources to prevent these tragedies. We can provide the training needed to recognize the daily warning signs, long before actual violence occurs. Last year the Departments of Education and Justice jointly created a

''Guide to Safe Schools—Early Warning: Timely Response.'' This guide has extensive helpful information to assist parents, children, schools, and communities in keeping children and young people safer. The guide tells what to look for, and what to do. It lists Characteristics of Schools that are Safe and Responsive for all children. It has Tips to Schools, Tips to Parents, and Tips to Children.

This guide is part of an overall effort to make sure that every school in the nation has a violence prevention plan in place. This guide is available to every school, every parent, and every community leader. You can download it from the Internet if you go to www.usdoj.gov, and click on to ''early warning, timely response''

We also need to invest in services that ensure Safe Schools and Healthy Students. That means quality afterschool programs, accessible mental health services for youth, and grassroots models that successfully target youth violence. Results occur when there is a cooperative effort.

Boston has a remarkable program that has enabled the city to go from July 1995 to December 1997 with only one juvenile death that involved a firearm. This program works because it involves the entire community—police and probation officers, community leaders, mental health providers, and even gang members themselves. The strategy is based on three components: (1) tough law enforcement; (2) heavy emphasis on crime prevention (including drug treatment); and (3) effective gun control.

The Safe Schools/Healthy Students Initiative can make such initiatives a reality in many more communities. This cooperative effort by the Departments of Education, Justice, and Health and Human Services draws on the best practices of the education, law enforcement, social service, and mental health communities to achieve a realistic framework for communities to prevent youth violence.

We must answer the call that children across the nation are so desperately making. We have the knowledge, the skill, and the resources to make a difference.

The nation's children need us. And they need us now. We cannot afford to let them down. If we are to remain the strongest and fairest nation on earth, we must deal with these festering problems. We cannot afford to abandon children to despair and depression. We can no longer allow children to have virtually unrestricted access to guns. We must reduce the tide of violent images washing over children on a daily basis. We must lead this nation into the next century by providing a safe, secure, and gun free environment for children to grow and learn and thrive.

Our mission is clear. Let us work together to save our children, and by so doing, we will save our nation too.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Heather Bullock, Connie Garner, Kathleen Curran, David Goldberg, David Pollack, and Angela Williams, fellows in my office, be granted the privilege of the floor during the course of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, before the Senator from California speaks, I ask unanimous consent that immediately following her speech I be given recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I thank the Senator from Utah and the Senator from Vermont for their kindness in allowing me to take the floor at this time. I hope to be succinct in my comments. I feel so strongly about this bill and the opportunity we have to do something good for the American people.

I wanted to have the chance to make some general comments on what I hope a good bill will do. I think a good juvenile justice bill would have a good piece for prevention, a good piece for tougher penalties, and a good piece for strong enforcement. If we come out with that balance we will have done a good job.

I really think this is a chance to make life better for our children and our families. I am glad it looks like we will have an open debate in order to put forward our ideas.

I think we have an emergency on our hands when the majority of parents are worried about the safety of their children at school. I think those of us here, thinking back to the years that we went to elementary school and either junior high or high school, do not have any memory of being fearful. Yet that is the circumstance today, where the majority of parents are now saying they are fearful for their children.

I think we have an emergency on our hands when many children tell us they see the kind of hostility and isolation that evidenced itself in Columbine—they see that in their schools.

We have an emergency on our hands when 31 percent of teenagers know someone their age who carries a weapon—who carries a weapon, not who just owns a weapon, but who carries a weapon. An article appeared last weekend in the San Diego Union Tribune which reported that 138 out of 150 of the brightest students in this country said they had seen guns at their high school.

We have an emergency on our hands when teachers say they do not feel safe. We have an emergency when a million kids are looking for afterschool programs and they cannot get in because there is no room.

Let's take a look at when juvenile crime occurs. This is a juvenile justice bill. Let's look at when juvenile crime occurs. This chart shows it very clearly. Juvenile crime spikes up at 3 p.m., and it starts going down after 6 p.m. So you do not need a degree in criminology or child psychology or sociology or any ''ology'' to know that juvenile crime occurs after school lets out. One million of our children are waiting in line for afterschool programs. I will be offering an amendment similar to the one I offered during the budget debate to allow those 1 million children to get into afterschool programs.

Again, I want to bring us back. This is a juvenile justice bill. It is no secret juvenile crime occurs after school. I think the first thing we ought to be looking at, what ought to be included in this bill, is a piece on afterschool. I want to give some credit to Senators BIDEN, LEAHY, and HATCH, because in their amendment they will be offering soon they do a little bit for afterschool. In essence, they take the block grant and they set aside 25 percent of it; that is about $115 million. One of the uses local districts can avail themselves of, one of the uses, is afterschool programs. But it is not specifically an afterschool program. So we will be offering that and giving our colleagues a chance to really act on the information we have had for so many years.

I know the Senator from Utah understands this very clearly. After school the kids get in trouble. We need to help them. I would like to do even a little more than he has done in his amendment.

We have an emergency when schools cannot afford metal detectors. Some of them have them and they are broken. Or they cannot afford community police on their campuses. We have an amendment, of which I am very proud, on this side of the aisle, which will allow us to put more community police in the schools. I think it is about 25,000 additional police would be added to community policing and we would waive the match, the local required match, if people put these community police on school campuses. We know we do not have enough school counselors. We know we do not.

By the way, there was a little press conference today with some schoolchildren and one of them had done this cartoon. This is a cartoon of a youngster from an elementary school. It shows a little boy and he has a gun in his hand—very crudely drawn by this young girl—and he is thinking out loud. The little cartoon says, ''I'm going after So-and-So because she tortured me all year, verbally.'' And the little girl is thinking, ''Don't do that. Go to your counselor and talk it out. Go to an adult.''

That is good advice from this youngster. But, unfortunately, in many of our schools we are seeing one counselor for 500 kids, for 1,000 kids, for 1,500 kids. So we ought to do something to change this and change the culture of violence by giving our kids grownups who care about them during the school hours to whom they can take their problems.

I agree with the President, there is not one particular thing we can point out and say this is the problem. There are a number of problems in our society. We have to deal with all of them,

and every one of us is responsible. Anytime someone stands up, wherever that person is from, whatever industry, and says, oh, it's not my problem, it's somebody else's problem, I simply lose respect for that person who is saying that. I don't care whether he is from the gun lobby or makes videos; if that person says, I have nothing to do with the problem, I don't give him any credibility, because every one of us has responsibility, including every one of us in this Chamber, in our private lives, as parents, as grandparents, and in our public lives as Senators.

Too many children are not getting enough support, love, and guidance from their parents, or from their community. Too many are using drugs and alcohol, too many are seeing violent images on computer and TV and in the culture. A lot of those images affect certain children more than others. We know that. But it has an impact just as everything has an impact, a cumulative impact on our children.

Let me be very clear. If those two boys at Columbine High School had knives instead of guns, we would not have seen such devastating results. In Jonesboro, AR, if those two boys had used baseball bats instead of guns, that number of people certainly would not have died.

I do not want us to tiptoe around the gun issue. I know it is hard. I know it steps on powerful toes, but we cannot tiptoe around the gun issue. It is not the only cause of the problem; it is one of the causes of the problem. Angry kids and guns add up to death. As a matter of fact, angry people with guns add up to death.

I want to show you this chart which gives this issue a sense of reality. Many of us came into politics after the Vietnam war, and we saw this country fall to its knees over that war. It was such a difficult time. We lost 58,168 Americans in the Vietnam war, every one of them a grievous loss, a tragic loss, a loss that can never be replaced for so many families; their potential gone on the battlefield.

In an 11-year period, 396,572 Americans have been shot down by guns, every one of those a horrible, deep, tragic loss to a family, to a mother, to a father, to a grandmother, to children. As a matter of fact, every single day in America there is a Columbine High School. Thirteen children are killed every day, an ordinary day. Yet, we tiptoe around the gun issue.

We have to deal with it, I say to my colleagues, in a fair way, not saying this is the only problem, but it is one of the problems.

People say, oh, in Columbine, there were laws; they just didn't work.

Not true. The young woman who transferred two guns to juveniles can stand behind the law. That was legal. I say it should not be legal to give juveniles guns. That is one example of a gun law we ought to pass.

Let's look at our laws concerning 18-year-olds in this country. If you are under 18 in this country, you cannot buy cigarettes, you cannot buy beer or wine. If you are under 18, you cannot buy whiskey and you cannot buy a handgun. But if you are under 18, you can buy any one of these long guns—a shotgun, a rifle, an assault weapon. You can.

That should not be the case. Oh, if a grandma or a grandpa or a mom or dad wants to give you a hunting rifle, that is OK. But they should have to buy it and supervise you. They should not be able to say: Here's some money, go to the gun show and pick up a long gun, if you are 15 or you are 14 or you are 13 or even 12, 11, 10, 9, 8, 7. I cannot believe people say we do not need any more gun laws when a juvenile can walk in and buy a deadly weapon when they cannot buy cigarettes, beer, whiskey or a handgun, but they can buy these long guns.

You say to me, oh, Senator BOXER, there's no interest in youth owning guns and the gun manufacturers don't peddle to the youth.

Let me show you an ad. We took this off the Internet. This is a Beretta, a painted gun which is part of their youth collection. I want to tell you what they say in the catalog about their painted gun in their youth collection. Think about what I am saying and what it invokes in your mind. This is what they say in their catalog:

An exciting, bold designer look that's sure to make you stand out in a crowd.

''An exciting, bold designer look that's sure to make you stand out in a crowd.'' What crowd are they talking about? It is surely not you and your grandma and your grandpa going out on a family hunting trip. That is not what it means. You decide what it means.

Anyone who tells you that the gun manufacturers are not looking at the youth, just take a look at this Internet page, the Beretta youth collection, and read what they say about standing out in a crowd. They are playing to the psychology of a young person: How can they be seen as different, special, more important.

There are some things we can do to address this. I want to reiterate a point. In our bill, we say, yes, if a parent—I say this to the Senator from Vermont—if a parent or a grandparent wants to give their child a rifle for hunting, in our amendment we say fine. But we do not want that 15-year-old or 14-year-old walking in and buying these guns or, for that matter, buying a used gun which would be more affordable on the street.

We have an opportunity to do something that is relevant to the lives of our people. Our people are looking to us. Yes, I think the Robb-Kennedy amendment is good. I am glad Senator HATCH is looking at it. There are good, important things in there: a national center for school safety and youth violence that will help our children, because it will provide a rapid response to violent shootings. It will establish anonymous tiplines for kids to call in if there is some trouble spotted by a youth but he or she is afraid to come forward and go public with the information. All schools will have safety plans. Senator KENNEDY talked about his contribution to that amendment which deals with conflict resolution and violence prevention, very important issues that we need to take care of.

I hope Senator MURRAY will offer her amendment to put more teachers in the schools. If we have these huge class sizes, these kids get lost in the shuffle. If we have smaller class sizes, we can pick out those kids who cause trouble.

There are just two more points I wish to make, and then I will yield the floor to my friends.

Senator DURBIN is leading an effort in the Appropriations Committee to add some emergency funding for our children: more cops in schools, more metal detectors, more afterschool programs, et cetera. I hope he will be successful. We have billions going for the military. We have billions for other purposes. What is more important than the safety of our children, or certainly as important as these other important needs. I hope we will do some of that. But if we do not, this bill becomes even more important, because it is our only hope for the future.

So what we will be seeing is a series of amendments, I assume from both sides of the aisle—I will be working on some of those— on the gun issue. I have talked about 18-year-olds. Also, I will be working with Senator KOHL on locks, child safety locks that would have to be sold with handguns. We need to reestablish the 3-day Brady waiting period. We need to increase the age at which you can buy an assault weapon to 21.

I close on this point. The majority in the Senate has shown a lot of compassion for business. They brought up the Y2K bill. Who will that help? Big business. They showed a lot of compassion for business when they brought the Financial Modernization Act to the floor. Who does that help? Big business—the big banks, the big securities companies, the insurance companies. They want to bring the bankruptcy bill to the floor. Who does that help? The big credit card companies.

That is fine. I do not have any problem with that as long as we in the process take care of the consumers, the people who use these services. But the other side has shown tremendous compassion for big business. I am asking them to show equal compassion for our children.

This is our chance. We just celebrated Mother's Day, and Father's Day is coming. What a perfect moment for us to seize this time—after the Columbine tragedy, after the Arkansas tragedy—and say enough is enough, and to vote out a well balanced bill that gives us the prevention, gives us the treatment, gives us the enforcement, gives us the tougher penalties,

addresses the gun issue in a sensible way, and we can all come out of here in a bipartisan way feeling that we have done something for our children and our families.

Once again, I thank my colleagues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am going to propound a unanimous consent request in just a minute.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 322

(Purpose: To make amendments with respect to grants to prosecutors' offices to combat gang crime and youth violence, juvenile accountability block grants, and the extension of Violent Crime Reduction Trust Fund, and for other purposes)

Mr. HATCH. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for himself, Mr. BIDEN, Mr. SESSIONS and Mr. DEWINE, proposes an amendment numbered 322.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Utah is recognized. The yeas and nays——

Mr. HATCH. I have another amendment.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

AMENDMENT NO. 324 TO AMENDMENT NO. 322

(Purpose: To maximize local flexibility in responding to the threat of juvenile violence through the implementation of effective school violence prevention and safety programs)

Mr. HATCH. I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for Mr. GREGG, proposes an amendment numbered 324 to amendment No. 322.

Mr. HATCH. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. SAFE STUDENTS.

(a) SHORT TITLE.—This section may be cited as the ''Safe Students Act.''

(b) PURPOSE.—It is the purpose of this section to maximize local flexibility in responding to the threat of juvenile violence through the implementation of effective school violence prevention and safety programs.

(c) PROGRAM AUTHORIZED.—The Attorney General shall, subject to the availability of appropriations, award grants to local education agencies and to law enforcement agencies to assist in the planning, establishing, operating, coordinating and evaluating of school violence prevention and school safety programs.

(d) APPLICATION REQUIREMENTS.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (c), an entity shall—

(A) be a local education agency or a law enforcement agency; and

(B) prepare and submit to the Attorney General an application at such time, in such manner and containing such information as the Attorney General may require, including—

(i) a detailed explanation of the intended uses of funds provided under the grant; and

(ii) a written assurance that the schools to be served under the grant will have a zero tolerance policy in effect for drugs, alcohol, weapons, truancy and juvenile crime on school campuses.

(2) PRIORITY.—The Attorney General shall give priority in awarding grants under this section to applications that have been submitted jointly by a local education agency and a law enforcement agency.

(e) ALLOWABLE USES OF FUNDS.—Amounts received under a grant under this section shall be used for innovative, local responses, consistent with the purposes of this Act, which may include—

(1) training, including in-service training, for school personnel, custodians and bus drivers in—

(A) the identification of potential threats (such as illegal weapons and explosive devices);

(B) crisis preparedness and intervention procedures; and

(C) emergency response;

(2) training of interested parents, teachers and other school and law enforcement personnel in the identification and responses to early warning signs of troubled and violent youth;

(3) innovative research-based delinquency and violence prevention programs, including mentoring programs;

(4) comprehensive school security assessments;

(5) the purchase of school security equipment and technologies such as metal detectors, electronic locks, surveillance cameras;

(6) collaborative efforts with law enforcement agencies, community-based organizations (including faith-based organizations) that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school age children;

(7) providing assistance to families in need for the purpose of purchasing required school uniforms;

(8) school resource officers, including community police officers; and

(9) community policing in and around schools.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $200,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2004.

(g) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Attorney General shall prepare and submit to the appropriate committees of Congress a report concerning the manner in which grantees have used amounts received under a grant under this section.

Mr. LEAHY. I ask for the yeas and nays.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent to speak for 15 minutes.

Mr. LEAHY. Mr. President, reserving the right to object, I assume, unless the rules have been changed, there would be an equal amount of time on this side. Is that all right?

Mr. GREGG. Mr. President, I ask unanimous consent that there be 30 minutes of debate on my amendment, 15 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, the amendment, which has been offered graciously by the Senator from Utah on my behalf, is an amendment which reflects action which this Senate has already taken which has been extremely positive in the area of dealing with the issue of how we protect our schools and our children who are in school.

Last year, this Senate, with great foresight, in the appropriations bill from the committee which I chair passed a funding proposal which I called the safe school proposal, which was bipartisanly agreed to and which was worked out through our subcommittee. Senator HOLLINGS, my ranking member, worked very hard on this. Senator CAMPBELL had a special role in this. Senator KOHL from Wisconsin had a special role in this.

We produced this piece of legislation, which is a step in the right direction, funded at the level of $210 million, for the purposes of setting up a grant program to allow schools to apply to the Justice Department for grants in order to address the issue of safety in schools.

Basically the grants were broken into three main goals. The first was for allowing police officers to work with schools as resource officers or as actual security officers within the school systems so there could be a merger of the law enforcement atmosphere and the teaching community in a way that was constructive and reinforced the positive nature of law enforcement within the school community.

The second function of this language was to fund technology basically to allow schools to put in place technology in order to identify hazardous things that might come into the schools such as weapons.

The third was to initiate prevention programs, which schools might come up with, which they felt would positively respond to the needs of the school community. This program, which a fair amount of work went into, was part of a larger program which our subcommittee has been undertaking to try to address the issue of safety and children. In fact, our subcommittee has been aggressively funding the National Center for Missing and Exploited Children, the Innocent Image Program the FBI has been running to catch child predators, Boys and Girls Clubs of America, Parents Anonymous, violence against women programs, safe school programs, Big Brother, Big Sister.

We have been funding a large number of initiatives. Programs which we found were working well we have tried to put money into, rather than reinventing the wheel.

The amendment I have offered today basically takes the ideas that we put into last year's appropriation bills, codifies them, authorizes them, and expands them to some degree, but basically works on the same framework, the initiative here, the Safe Schools Initiative. The concept of it is not for us at the Federal Government level to tell the local communities how they should protect their schools and how they should do a better job of addressing the issue of safety in schools. Rather, we wanted the local communities to come to us, the Federal Government, and say here is an idea we have. This is a creative, imaginative idea. We need some money to run it. Can you help us out with it?

Basically, it is a philosophy of giving flexibility to the local school districts in applying for these grants. We anticipated that these grants will be used for a lot of different things. There will be a lot of different ideas that come forward. We expect there will be proposals where money will be used to assist in training of parents, teachers, and law enforcement personnel in order to recognize early warning signs relative to the children who may have violent dispositions. We expect there will be funding that will be used for the basis of innovative research-based initiatives relative to delinquency and violence prevention in school programs. We expect there will be programs to assist schools, for example, if they decide to put in a uniform code. That is a local school district's decision. Where this grant will be of assistance is if a local school decides to go to a uniform code and it needs money in order to help folks in the school system who can't afford those uniforms, they can apply for these grants.

It will also support collaborations between community-based organizations, including faith-based organizations, which are doing a good job and have a demonstrated success rate of dealing with troubled youth. This is an area where we think there is tremendous fertile ground. We, of course, already are funding aggressively the Girls and Boys Clubs and Parents Anonymous and Violence Against Women and initiatives such as Big Brothers and Big Sisters, but there are a lot of other great ideas out there. There are people in Boston who have good ideas. There are people in New York who have good ideas, people out in California and the Midwest who have good ideas. These local community initiatives —grants have to come in through a school system—are tied into the school systems and are going to be assisting the school systems.

Those are proposals which we think will be very, very positive, and here is a place where they can get some funding to make them successful.

We actually, in this proposal, also give preference to proposals that come forward that are a joint effort between the law enforcement community in the town and the school system in the town. I think it is very important when we can join those two mainstays of the community together in a joint effort to try to address the issue of violence in our schools and especially how we deal with troubled children. Those types of programs we would expect to be funded and, in fact, get preference.

We also would expect that you will see funding for training people, people who work in the school systems, like teachers, bus drivers, janitors, to identify potential threats they might come across in the school system. We would expect that money might be used here for the purposes of hiring officers who would be resource individuals, police officers, resource individuals within the schools in order to help out and in order to bring safety into the classroom and into the hallways.

We also expect that money would be used for assessing security needs or for the cost of making improvements within school systems in order to address their security needs.

There are a lot of different initiatives which can result from this proposal. The point is that we already have the money in place. This is not a pie-in-the-sky, theoretical proposal. This is not something that is going to be authorized and not be funded. We have already funded this program to the tune of $210 million.

I regret, quite honestly, that the administration so far has not been able to get that money out to the communities. In fact, at last check, none of the $210 million which was appropriated last year and which was specifically addressed to safe school issues, such as putting police officers in the classroom, getting equipment to make sure schools are more secure, helping out with prevention programs, has actually been distributed. This is too bad. It reflects maybe a lack of attention to this issue by the administration. However, with the horrendous events that occurred in Littleton, we are now seeing that a lot of applications are forthcoming. Maybe there will be a higher level of awareness of this problem.

Basically, this is a proposal which I think obviously makes a lot of sense. This Senate actually already thought it made a lot of sense, because we voted for the money to be spent on this type of proposal. This authorizing language now makes the money that is already in the pipeline more specifically directed and puts in place authorization which properly accounts for how we proceed relative to the appropriations process.

It is obviously, in my opinion, a good step, an appropriate step, and something that should not be at all controversial.

Mr. President, I reserve the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I have a question for my colleague. Would the Senator be willing to add this Senator from California as a cosponsor of his amendment?

Mr. GREGG. I would be honored to have the Senator from California as a cosponsor.

Mrs. BOXER. It is a good amendment, because I think it takes from some wonderful ideas that a lot of us around here have. I appreciate the Senator's offer.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

Mr. LEAHY. Mr. President, it is very similar to what the Senator from New Hampshire and I worked on in the Appropriations Committee. This incorporates a number of things in an amendment I have planned for this bill.

I also ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I thank the Senator very much, as the ranking member of the committee, for cosponsoring the amendment.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that following the debate on amendment No. 324, the Gregg amendment, that amendment be set aside, and Senator ROBB or his designee be immediately recognized to offer an amendment, the text of which is amendment No. 323, and that there be up to 30 minutes of debate. I also ask unanimous consent that at the conclusion or yielding of time, the Senate resume the Hatch-Biden-Sessions amendment No. 322 and the time be limited to 30 minutes equally divided; following that debate, the Senate proceed to vote on or in relation to the Gregg amendment, to be followed by a vote on or in relation to the Robb amendment, to be followed by a vote on or in relation to the Hatch amendment; and no other amendments or motions be in order prior to the three votes just identified.

Finally, I ask unanimous consent that following those votes, Senator DEWINE be recognized for up to 20 minutes, and then Senator LEAHY be recognized to offer an amendment, and no amendments be in order prior to a motion to table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, my understanding is that the distinguished Senator from Ohio is not seeking recognition to offer an amendment but simply to speak.

Is that correct?

Mr. HATCH. That is correct.

Mr. LEAHY. That was the basis of the unanimous consent request.

Mr. HATCH. That is my understanding. That is right.

Will the Senator yield back the time?

Mr. LEAHY. Mr. President, I yield the time on this side in relation to the Gregg-Boxer-Leahy, et al, amendment.

Mr. HATCH. Mr. President, as I understand it, we will now proceed to the Robb amendment.

AMENDMENT NO. 325 TO AMENDMENT NO. 322

(Purpose: To provide resources and services to enhance school safety and reduce youth violence)

Mr. LEAHY. Mr. President, I send to the desk an amendment on behalf of Mr. ROBB and Mr. KENNEDY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. ROBB and Mr. KENNEDY, proposes an amendment numbered 325 to amendment No. 322.

Mr. LEAHY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LEAHY. Mr. President, under the unanimous consent agreement, what is the situation now?

The PRESIDING OFFICER. There is one-half hour equally divided.

Mr. LEAHY. Thank you, Mr. President.

Does the distinguished Senator from Virginia wish to yield any of his time at this point?

I yield the control of time on this side of the aisle to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. I thank the Senator from Vermont. I had an opportunity prior to the offering of this amendment to make a statement about the amendment. I will give the other side an opportunity to speak.

Mr. HATCH. Mr. President, we have $1.1 billion a year in this bill, for law enforcement, for prevention, for safe schools, for parental empowerment. The distinguished Senator from Virginia wants to add each year an additional $1.4 billion on top of that. This is another marathon Federal bureaucratic solution to a local problem.

The first title creates a so-called National Resource Center for School Safety to the tune of $100 million. The director of this center is appointed by the head of the Department of Education, the Attorney General, and the head of Health and Human Services. This sounds to me very much like we are creating another Federal agency in a way that is duplicative of what is going on at the State level, something we have been trying to avoid in the whole 2 years we debated the juvenile justice bill.

For example, the funds of this center include such things as:

No. 1, an emergency response to do such things as helping communities meet urgent needs such as long-term counseling for students, faculty, and family.

No. 2, a national anonymous hotline. Many local areas are already establishing hotlines to accept calls from local students and other parties. Why on earth do we need a Federal hotline on top of the local community hotlines, a Federal hotline which is supposed to then relay the urgent messages to the local hotlines and officials? We are going to spend $100 million of taxpayer money in this bill for something already taken care of. Why not help the States establish their own hotlines, if they even need that help? This bill does that.

No. 3, training and assistance. This proposal has this new $100 million Federal bureaucracy helping local agencies develop a school safety plan—as if they can't do it themselves.

First, most local agencies already have school safety plans and they know how to provide for school safety a lot better than the bureaucrats here in Washington or, I might add, anybody standing or sitting here in the Senate. Most local agencies, since they already have school safety plans, don't need help from us.

Second, if a national model is needed, the Department of Education can identify a local education agency's particularly affected plan and send it out to the local jurisdictions so they can carry it out. That way, we have 50 State laboratories or in every school district a State laboratory rather than bureaucrats back in Washington telling us what to do. That ought to cost just a few thousand dollars compared to $100 million provided in this particular instance.

No. 4, the new $100 million Federal bureaucracy is supposed to act as a clearinghouse for research and evaluation. This information is readily available on the Internet. We do not need a Federal bureaucracy to administer this.

The bottom of this chart lists the number of Federal programs we already have in each of these particular areas: Training and assistance, 62; counseling, 62; research and evaluation, 55; violence prevention, 53; parental and family intervention, 52; support service, 51; substance abuse prevention, 47; planning and program development, 47; self-sufficiency skills, 46; mentoring, 46; job training assistance, 45; tutoring, 35; substance abuse treatment, 26; clearinghouse, 19; and capital improvement, 10. There are similar services in several department and agency programs funded in fiscal year 1998. The source of this information is the General Accounting Office as of 1999.

Under title 2 of this amendment, as I read this, this is a marathon new grant program to the tune of $722 million for areas such as educational reform. As you can see, we are already doing that. ''The review and updating of school policies.'' Can you imagine that? Why would anybody want to do this, when the State and local school board directors know exactly what they are doing? Why would we spend $722 million more on this? I might add, ''to review for the review and updating of school policies,'' whatever that means.

Title 3 in this bill includes alcohol and drug abuse prevention. That is already part of our bill. We have worked on this for 2 solid years. We have made every dime count and we have added plenty of money for prevention. Better than half of this bill is prevention money. It makes you wonder; you would never be able to outspend some of these people around here. It doesn't make any difference what is in the best interests of taxpayers; it is what is in the best interests of the political people who push these things.

Mental health prevention and treatment and early childhood development is something they want to do. This proposal includes a grant to address violence-related stress. Another element includes grants to ''the development of

knowledge on best practices for treating disorders associated with psychological trauma.''

Mr. President, mental health treatment is a very important area and one in which a lot of Members, including myself, have done a lot of work through the years. However, I have a concern about using this bill on school violence for a major new Federal mental health system at a cost of hundreds of millions of dollars when we have better than half of the bill now going for prevention purposes.

The final title of this bill is a $600 million increase in afterschool programs. I am not categorically opposed to directing more Federal resources to promote afterschool programs. I am concerned that this section is overly bureaucratic. We can better help schools by freeing them up from regulatory hoops. I think that is what we ought to do instead of doing this. I have been around here for 23 years. When committees work 2 solid years on this matter, the way we have, and we work with a leader on crime issues such as Senator BIDEN and with others on the committee in a bipartisan way to come up with prevention moneys that actually exceed the money for law enforcement itself, and do so to the tune of well over a half billion dollars a year, there is no need for this type of amendment which is just ''let's throw money at it'' and call it nice things—general things at that, if you will—even though almost everything this amendment proposes to do we already do in our bill and we do it in a fiscally responsible way and in a fiscally restrained way.

I am almost amazed that this amendment has been brought forth. At first I thought I might support it, because I thought they were talking about doing these things within the framework of what we have already done. But when I look at it and read it and understand it, it is just another way of throwing more money and beating our breasts, saying we have done something for prevention in the juvenile justice area when in fact we are doing plenty for prevention.

It needs to be known there is already $4 billion in the pipeline on prevention now, without the bill we have brought to the floor, the bipartisan bill we have brought to the floor. Now they want to add another $1.4 billion for these generalized programs that, literally, the States are taking care of in most instances, and if they have not, we have taken care of them in the underlying bill.

So I hope my colleagues will vote against this amendment, and at the appropriate time I will make a motion to table.

Mr. President, I yield the floor.

Mr. SESSIONS. Mr. President, I thank the Senator from Utah for his steadfast leadership, his skill, and efforts on behalf of this legislation on which we have been working for 2 years. I hope now we are at a point where we can bring it to a conclusion. It passed last year out of committee with bipartisan support, 12 to 6.

We continue to have problems getting the bill up. I believe we will this time. There is support across the aisle. But I know there are those who believe we can somehow pass out a few billion dollars and we can prevent all crime in America. That is an awfully broad category, just to say ''prevention.'' What does that mean? How do you spend that money wisely?

My concept, as a prosecutor of 15 years, was to try to have the money where, first of all, our first focus would be to make sure the juvenile judges, who are seeing these kids come before them, have a full panoply of options with which to deal with them. They need to be able to drug test them. They need to be able to have them get drug treatment if need be. If they need to go to work camps, they ought to go to work camps or weekend work programs. If they need to have a boot camp, they ought to have that option. If they need to have detention, they should have that. Some do. I wish it were not so. So we have helped craft a bill to have the judge intervene effectively in the life of those youngsters when they first start getting arrested, when they first get in trouble with the law.

We have had a lot of talk and created this dichotomy, saying those kinds of programs are not prevention. I believe they are. I believe a program which has a school-based boot camp, like the one in my hometown of Mobile, that I have visited where kids go and have physical exercise, they have discipline, and they have intensive schoolwork on their level—it is working for them. They have after-care to make sure they do not slide back into bad habits after they leave. So I think we have a lot of good things going. I believe that is prevention.

We, in this legislation, have half the money going for what they, on the other side of the aisle, would say is prevention.

I want to show this chart. It says some things that are important. It was done by the University of Maryland at the behest of the U.S. Department of Justice. They did a prevention evaluation report. We have billions of dollars being spent on programs for high-risk youth to try to keep them from heading down the road of a life of crime. A lot of those programs work. A lot of them are not very effective. Our bill, Senator HATCH's bill, has $40 million to research programs to see if they are working.

They have already done some research. This is the study the Department of Justice, President Clinton's Department of Justice, did. They found most crime prevention funds are being spent where they are needed least. Is that not a horrible thing to say? We do not have unlimited budgets. I have learned that here. We talk in big numbers but there is a limit to how many millions of dollars we can spend on projects. The conclusion of their own study was, these prevention moneys are being spent where they are needed least. Second, they concluded most crime prevention programs have never been evaluated. Third, among the evaluated programs, some of the least effective receive the most money.

That is a real indictment of us. I hope this research and evaluation money we have put in this legislation will help confront that problem.

The amendment that has been offered to spend over $1 billion more on prevention—that effort is pretty troubling to me. There have not been intensive hearings on these proposals, as the Senator from Utah noted. We have not evaluated them carefully. In effect, it appears to me we would be throwing money at the problem. Our history tells us that is precisely what we ought not to do.

What we have found is there are $4.4 billion now in juvenile prevention money from 117 different programs, according to the General Accounting Office study done very recently on our behalf —117 programs. I used to be in the 4–H Club. Being in the 4–H Club was probably a good thing for me. I got to go to Auburn one time. That was big for me. I had the award for the best hog in Wilcox County. But now they have 4–H Club programs in inner cities, for crime prevention. It may work. But the Department of Agriculture has programs to build 4–H Clubs in the inner cities as some sort of crime prevention program. I have my doubts about whether those are the best ways to spend that money. We need to evaluate these programs.

What we found is that money actually dedicated to law enforcement programs for juvenile justice, a juvenile justice system which is in a state of collapse in America, is zero.

The PRESIDING OFFICER. All time for the Senator has expired.

Mr. SESSIONS. I ask unanimous consent for 2 extra minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, this is what we are doing today. The juvenile justice system in America really does need to be strengthened. When young people are being picked up on burglaries, small-time offenses, they are treated as if they are in a revolving door. The court systems are overwhelmed. There is no detention. There is no alternative to schools. There is no treatment for many of them. As a result, we are not intervening effectively in these young peoples' lives. To say money spent—as we do in about half of this bill—to strengthen the court system and strengthen its ability to intervene effectively with young people is not prevention is an error. It is prevention. Almost every one of these mass-murdering young people who has gone into these schools—not almost, I believe every single one of them, because I have watched it—has had some prior

criminal record. Had they been effectively dealt with then, maybe they would not have gone on to these more serious offenses.

That is where we are. I wish we could afford to spend as much as the Senator would like to on this panoply of prevention programs. We simply are not able to do that. We battled for every dollar we could as the bill is today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, this bill is designed to address problems that are not being met at this particular point. The distinguished Senator from Utah makes the point that there are duplicative programs. There are many programs in many areas of the country, some statewide, some local, some in jurisdictions that can afford to provide the kind of services that this Senator would provide, but what this bill attempts to do and would do, if approved, is provide a national center which will provide the hotline services that many school districts simply cannot afford.

Many States are indeed putting hotlines together.

In my State yesterday, the Governor announced the establishment of a hotline, but a number of States do not have them; many local jurisdictions do not have them. This will provide for the States that do not have the resources to meet these needs, not only with respect to the hotline, but with respect to providing technical assistance, providing any kind of help that the particular school or students who recognize a need for assistance might designate.

It will not require anything. It will not compel any jurisdiction to take on any new responsibilities, nor use any of the facilities that are available. But it will provide at one place the kind of technical response which can respond to these emergencies when they occur so that we have the expertise immediately available in terms of emergency response, we have the type of expertise that can assist school systems and other districts in putting together their own plans to deal with problems that fall into this particular area.

With respect to the other part of the bill, I yield now to the distinguished Senator from Massachusetts, who is the author of that particular provision.

Mr. KENNEDY. Mr. President, as the Senator from Virginia has pointed out, this particular proposal reflects a total of less than a billion dollars. It will be another $722 million. It has in it the National Resource Center for School Safety and it also has the Safe Schools and Healthy Students Program.

There are Members of this body who think the solution to the challenges we are facing in our schools can be solved by putting more kids in prison and keeping them there. That may be the view of some Members of this body, but it is not the view of those law enforcement officials who are working in school districts across the country who are making meaningful progress.

We have not heard from those people in the Judiciary Committee because they have not been asked to testify. We ought to at least be willing to look at the results of some of the cities and communities across this country that have reduced violence, not only in schools, but in the communities and ask them what has worked. That might be a useful test around here for a change. That is just what Senator ROBB and I have done. We have asked what has worked, and we have tried to make a recommendation to this body about programs that work, that are supported by students, supported by parents, supported by teachers, and supported by law enforcement officials.

If this body does not want to invest in those programs, if it thinks that we can just provide more cops and they are going to provide the answers to the problems in our schools, vote this amendment down. But if you want to look at the experiences of cities and communities like we have seen in our own city of Boston where there has been only one youth homicide with a gun in the last 2½ years in 128 schools—that is the record—these are the programs that are working. It is very easy to listen to our colleagues talk about bureaucracy, saying: we don't want to have programs; we don't want to deal with all these other issues; let's just throw them in jail and throw away the key.

One of the most profound comments I heard yesterday in the Jeremiah Berg School in Boston, MA, is one of common sense and one that everybody in this body understands: You either pay for it early on or you pay for it later on. That is the question: Are we going to support those programs that are tried and tested and are working in our schools and working in our communities, or are we going to say, no, we are just going to dismiss them because they deal with mental health, because they deal with violence protection, because they deal with mediation, because they deal with things that are happening in schools that can make a difference in reducing violence.

The proposal we have offered, with the Leahy proposal and the one that Senator ROBB has suggested, tries to combine those programs that are going to be effective in law enforcement, as well as those that are going to be supporting children.

I have heard a number of young people in the last several days say, ''We are not interested in someone telling us and yelling at us. We want parents and we want our teachers to talk with us, to listen to us and to give us an opportunity to work with counselors to provide for some of the needs of people in our schools and in our communities.''

This particular amendment is targeted. It is based on an evaluation of programs that are working. The Safe Schools and Healthy Students Program provides for 50 school districts. We have expanded it to 200. I think we can expand it further.

One may say, why 200? Because that is the judgment we made based upon the quality of applications we have had in the Justice Department. That is how we reached these figures.

I reject the arguments made by the Senator from Utah about this program. I reject the suggestion that we are going to solve all these problems just by law enforcement alone, because that is the alternative. I think that is a viewpoint that has been demonstrated to be a vacant attitude based upon where the progress has been made in recent times in the communities that have done something about youth violence.

I hope we will accept the Robb amendment. I withhold the time. How much time do we have?

The PRESIDING OFFICER. The Senator has 6½ minutes.

Mr. HATCH. Mr. President, I ask unanimous consent that the distinguished Senator from Virginia be given 2 extra minutes.

Mr. ROBB. Mr. President, I will be happy to yield 2 minutes for a response.

Mr. HATCH. There were 2 extra minutes taken on our side.

Mr. ROBB. The Senator from Minnesota would like to respond as well.

I will say, again, to address the specific concern raised by the Senator from Utah with respect to the duplication, this is an effort to provide one-shot, one-stop assistance to States, localities, individuals and others who need assistance who are currently uncovered by any of the programs that are in effect.

If this program is as effective as we believe it can and will be, it may be that some of the other programs will ultimately be folded into this protection. We do not need 100 or several hundred different hotlines. They are desirable if the local jurisdiction can afford them. In this case, we will have a national clearinghouse, a national hotline. We will have the coordination of the Department of Justice and the Department of Education. That is what we are trying to accomplish in a single bill.

Mr. HATCH. Will the Senator yield on this point?

Mr. ROBB. I am pleased to yield to the Senator from Utah.

Mr. HATCH. Let me respond to my colleague from Massachusetts. Fifty-five percent of the $1.1 billion that we already have in this bill—keep in mind there is already $4.4 billion out there for prevention—is for prevention, and one of the major uses, discretionary uses, is mental health. What I do not want to do is create a whole bunch of new bureaucracies back here that are just duplicative with what is already going on. That is where I have my difficulty with what the Senator from Massachusetts does.

Mr. KENNEDY. Will the Senator yield?

Mr. HATCH. I will be happy to, but let me make one more comment. Go ahead. I yield.

Mr. KENNEDY. How do you think we administer SAMHSA? We are using existing programs. We are not creating new programs. This is the SAMHSA authorization, SAMHSA funding.

Mr. HATCH. Right, and we have well over one-half billion dollars for these purposes now.

Mr. KENNEDY. Under the SAMHSA program?

Mr. HATCH. No, discretionary use.

The Substance Abuse and Mental Health Service Administration is to be reauthorized this year. As I understand it, Dr. FRIST, Senator FRIST from Tennessee, and Senator MIKULSKI——

Mr. KENNEDY. And Senator KENNEDY had reauthorized that.

Mr. HATCH. And I am sure Senator KENNEDY will be helping, too. These people have been working on a bipartisan bill——

Mr. KENNEDY. As a proud supporter of that, this is what is going to work.

Mr. HATCH. S. 976, the SAMHSA reauthorization, is cosponsored not only by Senators FRIST and MIKULSKI but by Senators JEFFORDS, KENNEDY, DODD, DEWINE and COLLINS.

Now, S. 976 is the bill to consider these changes on substance abuse and mental health. I do not want to see juvenile justice go down because we start tinkering around with it here, when we have mental health as one of the permissible uses of this money, by throwing another $1.4 billion at it.

The PRESIDING OFFICER. The Senator from Virginia now controls the time.

Mr. HATCH. I ask unanimous consent that the distinguished Senator from Minnesota be given 2 minutes, and then we will move on to the next amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. Two minutes will be added.

Mr. WELLSTONE. Mr. President, just very briefly, let me thank Senator ROBB and Senator KENNEDY and say to my colleague from Utah, I look forward to that reauthorization. My focus has been on mental health services. But I tell you, for the last 8½ years I have been in a school about every 2 weeks, and students talk all the time about the need to have more support services.

We can no longer view mental health services as icing on the cake. It is part of the cake. If we are serious about juvenile justice and we are serious about prevention, then we need to focus on what we can do.

When I meet with teachers and principals and education assistants, they all say to me, many children, in their very small lives, I say to Senator KENNEDY, even by first grade have been through so much that even the smallest class size, best teachers, and best technology will not do the job.

This effort, at the community level, to put a focus on mental health services and to have the coordination and make sure this is part of our approach to juvenile justice is right on target.

My final point. I have said it a thousand times on the floor of the Senate, and I will shout it one more time from the mountaintop: You can build all the prisons you want to and physical facilities; you will fill them all up, and you will never stop this cycle of violence unless you invest in the health and skills and intellect and character of children.

That is what this has to be about. That is what this amendment speaks to. And the vast majority of people in this country understand that essential truth. That is what this amendment is about. That is what this vote is about.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Is all time yielded back? Has the Senator from Virginia yielded back their time?

Mr. ROBB. How much time remains under the control of the Senator from Virginia?

The PRESIDING OFFICER. The Senator from Virginia has 3 minutes 20 seconds.

Mr. ROBB. I yield to the Senator from Massachusetts such time as he may need of that 3 minutes 20 seconds.

Mr. KENNEDY. Mr. President, I once again thank Senator WELLSTONE and others who have spoken on this. I just want to share with the Members of this body what has been happening in my home community with the implementation of the kinds of programs we have supported here, the programs that have been recommended by the chiefs of police in my town and in towns across the country.

Here we have the firearm homicides of people under 24 years of age in Boston: 51 in 1990; 38 in 1991; 27 in 1992; 35 in 1993; 33 in 1994; 32 in 1995. Then, with the implementation of these programs in the Robb amendment, in 1996, down to 21; 7 in 1997; 16 in 1998; and one in 1999.

Are we going to take what is working, what has been requested by law enforcement officials, what is demonstratively effective, or are we going to listen to the same old voices that say what we have to do is spend more time in locking up kids? That is the choice.

We need to say we are going to invest in and provide the kinds of programs that are supported by teachers, parents, schools, and law enforcement officials—programs that are effective and working. That is what the Robb amendment has done, and that is what it will do. It deserves the support of the Members.

We reserve our time.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. I see the Senator from Delaware approaching. Does he desire to speak on this?

In that case, I think the differences have been explored. Once again, I suggest to you that this is an attempt to codify and collect in one place the wisdom of those professional agencies and institutions which we look to for guidance in this particular area to address the problem the distinguished Senator from Massachusetts has related to us and which all of us know in terms of our personal experience is a very serious problem that cannot be ignored and simply cannot be solved solely by locking people up, no matter how much we might think that actually addresses the problem.

So I would again observe that this is a desire to make a collective opportunity available for those institutions that may not have the resources to take advantage of the various provisions of this bill and to provide additional funding for a program that has been demonstrated to work.

With that, I yield back——

Mr. KENNEDY. Will the Senator yield?

Mr. ROBB. I yield whatever time remains to the Senator from Massachusetts.

Mr. KENNEDY. I hope the Senator from Utah will refer specifically to what provisions in his legislation refer to mental health, because we have not been able to find them. If he has them there, I would like to hear from him on it.

The PRESIDING OFFICER. All time on both sides has expired.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 322

The PRESIDING OFFICER. There will now be 30 minutes, equally divided, on the amendment of the Senator from Utah.

Mr. HATCH. Mr. President, there are three of us who are going to speak as proponents of the Hatch-Biden-Sessions amendment: Senator BIDEN, Senator SESSIONS and myself.

This amendment contains three major provisions and reflects a hard fought, bipartisan compromise among Senator BIDEN, Senator SESSIONS and myself. It demonstrates that S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, is a bipartisan bill in every sense of the word.

Before I describe the amendment, I remind the Senate of other provisions in S. 254 that are also the product of compromise and concession.

For example, in title I of the bill we included the reverse waiver provision in section 5032, at Senator LEAHY's request. This provision ensures that Federal district judges have the ultimate authority to decide whether a juvenile is tried as an adult in Federal cases.

Another major compromise is the juvenile delinquency challenge grant in title III of the bill. This block grant provides $200 million a year to the States for prevention programs. This provision was included in S. 254 to satisfy demands from some Members for additional funds for prevention programs.

Another compromise in S. 254 concerns the juvenile felony records provision. Last year's juvenile crime bill, S.

10, required States to improve and share juvenile felony records in order to qualify for the accountability block grant. At the urging of Senators BIDEN and LEAHY, we removed the record-keeping provision as a requirement for the accountability block grant. Instead, there is a separate grant for juvenile criminal records for States that choose to upgrade and share their juvenile felony records.

The first provision of the Hatch-Biden-Sessions amendment earmarks 25 percent of the accountability block grant in title III for drug treatment and crime prevention programs. These drug treatment funds will complement and reinforce the drug testing provisions in the accountability block grant.

In addition, this earmark provides funds for additional prevention programs, such as afterschool activities and gang prevention programs. This amendment, by earmarking 25 percent of the accountability block grant for prevention and drug treatment, demonstrates our commitment to prevention funding and ensures a balanced juvenile crime bill.

The second provision of the Hatch-Biden-Sessions amendment provides a $50 million grant to the States to hire prosecutors to prosecute juvenile offenders. The hiring of juvenile prosecutors was a permissible use of grant funds in S. 254 since the bill was introduced. Our amendment merely provides a guaranteed source of funds for State and local prosecutors to target juvenile crime.

The third and last provision of the Hatch-Biden-Sessions amendment extends the Violent Crime Reduction Trust Fund until the year 2005. By extending the Violent Crime Reduction Trust Fund, we will ensure that the Federal Government continues to provide valuable assistance to the States in the war against crime.

Programs such as the truth-in-sentencing grant, the local law enforcement block grant, the COPS program, are funded from the Violent Crime Reduction Trust Fund. I am proud to propose the extension of this trust fund.

I want to personally thank Senator BIDEN for the hard work he has done on this bill and in working with us in a bipartisan and good way. I am very proud to have him on this bill, because he has been a major participant in every crime bill since I have been in the Senate, as have I. I just want to make that clear on the record.

I also particularly express my gratitude and appreciation to Senator SESSIONS, the Youth Violence Subcommittee chairman. He has done a great job on this bill, and I believe he has more than earned his spurs with regard to his work on anticrime matters.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes 10 seconds.

Mr. LEAHY. How much time is remaining on this side?

The PRESIDING OFFICER. Fifteen minutes.

Mr. HATCH. I am happy to yield to the distinguished Senator from Vermont.

Mr. LEAHY. I thank the distinguished Senator for yielding, on my time, not on the time of the distinguished Senator from Utah.

Just so the distinguished Senator from Utah can hear this, I appreciate the fact that he has included many of the provisions in this bill I had argued for in the last Congress. I compliment him on that. I did that earlier today when I spoke, referring to the Hatch-Biden-Sessions amendment. I tell the distinguished chairman that as he and I are both people who believe in redemption, and I would say this is a long way from redemption, going from 1997 to 1999, but hope springs eternal, and he has included some of my provisions in this bill. I appreciate it.

I note that the original bill provided $15 million for primary prevention. This amendment would earmark another $112.5 million.

I understand the distinguished Senator from California, Mrs. FEINSTEIN, would like to be added as a cosponsor. Mr. President, I ask unanimous consent for that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, if the Senator will yield, I am proud to have her as a cosponsor.

Mr. LEAHY. I think this is a positive step, by earmarking the other $112.5 million. I commend Senators HATCH and SESSIONS and BIDEN for this. It shows that our efforts over the last 2 years really have made a difference. Let us put this in context.

The rest of the bill also allocates over $330 million for law enforcement, $75 million for juvenile criminal history records, $20 million for gang fighting, and $50 million for prosecutors. In context, that is a total of $482.5 million for law enforcement compared to $112.5 million for primary prevention. S. 254 also provides $400 million for intervention programs after juveniles come into contact with the juvenile or criminal justice system. It is intervention money, not primary prevention money. It is important money, but it is not directed to primary prevention.

There is $50 million in the prosecutors grant fund. That is a proposal that was accepted in 1997 by the Judiciary Committee. My only concern is the money goes only to prosecutors, not to anyone else in the juvenile system. It doesn't go to counselors. It doesn't go to public defenders. It doesn't go to corrections officers. It doesn't go to juvenile judges. We have to examine closely the effects of this new prosecutors grant.

I want to make sure it doesn't exacerbate overcrowding in the juvenile system and the system does not break down; I pledge to now work with the Senator from Utah to see if there is a possibility of balancing the system in a fair way.

Overall, Mr. President, I thank the distinguished Senator from Utah, as I said, and the distinguished Senator from Alabama, the distinguished Senator from Delaware for adding the things we have requested for a couple years. I did want to point out, however, as I said earlier, anybody who has ever been in law enforcement will always tell you, if you can prevent the crime from happening, you are a lot better off in what you do after it happens. I wish there was more money for prevention. Money for law enforcement is well spent. I wish there was more money for prevention.

Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. As I recall, I have 11 minutes remaining.

The PRESIDING OFFICER. Will the Senator restate the question?

Mr. HATCH. As I understand it, I have 11 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. Let me say, prior to sending my amendment to the desk, I had agreed to drop some change that was of concern to the Appropriations Committee. The amendment at the desk does not contain this technical change.

AMENDMENT NO. 322, AS MODIFIED

Mr. HATCH. I ask unanimous consent to amend my amendment to reflect the change I promised Senator LEAHY and others I would make. The modification is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HATCH. Mr. President, I yield 8 minutes to the distinguished Senator from Delaware and the remaining 3 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I apologize. I did not. Did the Senator yield me a specific amount of time?

The PRESIDING OFFICER. Yes, sir. He yielded you 8 minutes.

Mr. BIDEN. I thank the Senator.

Mr. President, there are a number of revisions that have been worked out here in the core bill that is before us. As the ranking member, Senator LEAHY, knows, and as the chairman knows, this began over 2½ years ago. We have come a long way. We have narrowed the gap between the position held by Senator HATCH and myself and by Senator SESSIONS and myself and many others. Primarily what the Hatch-Biden-Sessions amendment does, it takes the underlying bill and it does three or four, I think, very important things.

No. 1, it adds prevention uses to permissible uses of the so-called accountability block grant. When I am home

sometimes watching this on TV, I wonder how the people understand anything we are saying. What is an accountability block grant? What it means is that there is $450 million in this bill that we give to given States to be able to use for various purposes. One of those chunks of money, the $450 million, prior to the Hatch-Biden amendment, did not allow the money to be used for prevention. This allows, earmarks, requires 25 percent of it to be used for prevention. You have about $113 million that is to be used for prevention out of that grant.

In addition to that, it adds other allowable uses that we hope the States will do. That is, it allows them to use money for drug treatment, alcohol treatment, drug and alcohol treatment, school counseling, school-based prevention programs. Then, in addition, what it does is—in the Biden crime bill, which became the crime law of 1994, what we didn't do was we did not put in money for prosecutors. We found out, as the former Governor of Nebraska knows, what happens in a lot of these courts is we add more cops and they arrest a lot more people. There are not enough prosecutors, there are not enough judges, and there are not enough facilities. So the cops do their job, but the process gets bottlenecked. So we have $50 million in here, which was initially resisted, $50 million for prosecutors at a State level, State prosecutors, money for the States to hire prosecutors to prosecute juvenile justice cases and for the States to train them to in fact prosecute crimes in juvenile court, because that always takes the hind quarter of these cases. One of the things is, there is not enough resources devoted to pursuing these cases.

The prosecution of the case doesn't mean we are just putting more prosecutors here to send kids to jail. We are putting more prosecutors in here to resolve these sets of graduated sanctions the States have set up so there is a prosecutor following through and saying, this kid is going to go on a work project, this kid is going to go to the State reform school, this kid is going to have to pay restitution for what he did, this kid is going to, in fact, follow through on the sanction that the court is imposing on him. And we, the State, are going to be able to pursue this—we, the prosecutor in such-and-such a county or such-and-such a State.

Finally, and perhaps most important of all, I think the best thing we did in the crime bill we passed in 1994, the thing that people paid the least attention to but the thing I worked the hardest on was setting up a crime trust fund, a violent crime trust fund.

I remind everybody that we made a commitment with this administration and when the crime bill passed we would reduce the workforce of Federal employees. We would reduce that workforce, but instead of taking their paycheck and returning it to the Treasury, we were going to put it in a trust fund. So we reduced the Federal workforce by 300,000 people—the smallest Federal workforce since John Kennedy was President of the United States of America. We took that money and we put it in a trust fund that can only be used for the purposes outlined in the crime bill—for prevention, for enforcement, and for incarceration. It stopped us from bickering over how we are going to fund the programs.

We are not raising any new taxes to pay for this. We are not giving money back. We can. We could take this money that we are no longer paying the Federal employees in the Department of Education, or in the Department of Energy, or wherever—we could take their paycheck and give it back in terms of a tax cut, or we could take it and put it in this trust fund.

That is what has kept the funding of the 100,000 cops, that is what has kept the funding of the prison system, and that is what has kept the funding of the prevention programs. That expires in the year 2000. This will extend that violent crime trust fund to the year 2005.

Once we cut through all the specific things we could legislatively do, it is probably the single most significant thing we will do.

I thank my colleagues for agreeing to the compromise which includes extending that trust fund.

There are a number of pieces of this legislation that understandably—because this is a moving target—have in fact confused people.

My friend from Nebraska asked me the question about whether or not this federalizes juvenile crime, whether or not it sets a Federal aid limit at which you could try a young person as an adult that preempts State law. No, we don't do that.

It does say that in a Federal court, if a Federal prosecutor brings a case within Federal jurisdiction against a minor, they can in fact seek to try that minor as an adult under a certain set of circumstances. But it doesn't go in and say to the State of Nebraska or Delaware that you must in your State treat minors in terms of whether or not they can be tried as adults the same way the Federal system treats them. Some States try minors as adults at a much younger age. Some States don't allow minors under the age of 18 to be tried as adults unless it is under the most extraordinary circumstances.

The original legislation in iteration of four or five bills ago probably did do that. But we are not federalizing this notion of under what circumstances a person under the age of 18 can be tried as an adult. We are not allowing for Federal preemption where there is State and Federal jurisdiction. It is not an automatic preemption to the State by the Federal Government. We have built into this legislation a rational way of approaching that.

In the interest of time, I am not going to take the time to explain that now.

The PRESIDING OFFICER (Mr. CRAPO). The Senator's time has expired.

Mr. BIDEN. Let me sit down and thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama has 3 minutes.

Mr. SESSIONS. Thank you, Mr. President.

I want to say that I am excited about where we are at this point with this legislation. It has been a 2-year struggle. Senator BIDEN is a great advocate and strong believer in his views. I have some strong views about it. I believe that at this point we have made a compromise, an agreement that both of us can live with, which will allow us to effectively respond at this time to assist State and local governments, State and local court systems and juvenile systems, and educational systems to better focus and better prevent and deter crime by young people.

I firmly believe we have seen over the last 20 years an extraordinary increase in the amount of juvenile crime in America. Hopefully, it will plateau out a bit. But between 1993 and 1997, juvenile crime was up another 14 percent and has been increasing even more rapidly than prior thereto. What we have is a piece of legislation which I believe will allow us to effectively deal with that.

Prevention: What is prevention?

A good, consistent court system that has credibility and respect among young people helps prevent crime. A court system that is known for not being credible does not prevent crime. Police officers tell me: They are laughing at us. They know we can't do anything to them. We have no place to put these kids. We have no detention, no punishment that we can impose. Nothing happens to them. We arrest them and they are let go.

That is what is happening too often in America. This bill will begin to turn the tide on that.

We will spend more money also on trying to prevent crime. I think we are making a good step forward. The House passed this bill. We passed it with bipartisan support last year in committee. I believe we will have a strong vote this time.

Thank you, Mr. President.

I again congratulate Senator HATCH for the outstanding leadership he has given as chairman of the Judiciary Committee and for his efforts to make this bill a reality. I thank him for his leadership.

Mr. HATCH. I thank the Senator.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Utah has 20 seconds.

Mr. HATCH. How much time in the opposition?

The PRESIDING OFFICER. Ten minutes 38 seconds.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am not aware of anybody on this side who wishes to speak further. I am willing to yield back our time.

The PRESIDING OFFICER. All time is yielded.

Mr. HATCH. Mr. President, parliamentary inquiry: As I understand it, you have the yeas and nays on the Gregg amendment and on the Hatch-Biden-Sessions amendment but you do not have it on the Robb amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. When we get the yeas and nays on the Robb amendment, the amendments will be voted on, first the Gregg amendment, then Robb, and then Hatch-Biden-Sessions?

The PRESIDING OFFICER. That is correct.

Mr. HATCH. I move to table the Robb amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The motion to table will then be the second vote.

The first vote is on the amendment of the Senator from New Hampshire.

VOTE ON AMENDMENT NO. 324

The question is on agreeing to the amendment of the Senator from New Hampshire. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 5, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—94

Abraham	Byrd	Edwards
Akaka	Campbell	Enzi
Allard	Chafee	Feingold
Ashcroft	Cleland	Feinstein
Baucus	Cochran	Fitzgerald
Bayh	Collins	Frist
Bennett	Conrad	Gorton
Biden	Coverdell	Graham
Bingaman	Craig	Gramm
Bond	Crapo	Grams
Boxer	Daschle	Grassley
Breaux	DeWine	Gregg
Brownback	Dodd	Hagel
Bryan	Domenici	Harkin
Bunning	Dorgan	Hatch
Burns	Durbin	Helms
Hollings	Lincoln	Sarbanes
Hutchinson	Lott	Schumer
Hutchison	Lugar	Sessions
Inouye	Mack	Shelby
Jeffords	McCain	Smith (NH)
Johnson	McConnell	Smith (OR)
Kennedy	Mikulski	Snowe
Kerrey	Murkowski	Specter
Kerry	Murray	Stevens
Kohl	Reed	Thurmond
Kyl	Reid	Torricelli
Landrieu	Robb	Warner
Lautenberg	Roberts	Wellstone
Leahy	Rockefeller	Wyden
Levin	Roth	
Lieberman	Santorum	

NAYS—5

Inhofe	Thomas	Voinovich
Nickles	Thompson	

NOT VOTING—1

Moynihan

The amendment (No. 324) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, so everybody will know, I ask unanimous consent that the remaining votes in this series be limited to 10 minutes each in length.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. There will be 10 minutes per vote.

Mr. HATCH. Also, so everybody will know, immediately after the ending of the votes, Senator LEAHY will call up his amendment. That will be the pending amendment we will start on tomorrow.

VOTE ON AMENDMENT NO. 325

The PRESIDING OFFICER (Mr. ENZI). The question is on agreeing to the motion to table amendment No. 325. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote ''no.''

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	
Fitzgerald	McConnell	

NAYS—44

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	

NOT VOTING—1

Moynihan

The motion was agreed to.

VOTE ON AMENDMENT NO. 322, AS MODIFIED

The PRESIDING OFFICER (Mr. BROWNBACK). The question is on agreeing to amendment No. 322, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 3, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—96

Abraham	Edwards	Lincoln
Akaka	Enzi	Lott
Allard	Feingold	Lugar
Ashcroft	Feinstein	Mack
Baucus	Fitzgerald	McCain
Bayh	Frist	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Murkowski
Bingaman	Gramm	Murray
Bond	Grams	Nickles
Boxer	Grassley	Reed
Breaux	Gregg	Reid
Brownback	Hagel	Robb
Bryan	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burns	Helms	Roth
Byrd	Hollings	Santorum
Campbell	Hutchinson	Sarbanes
Chafee	Hutchison	Schumer
Cleland	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Johnson	Smith (OR)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
Crapo	Kerry	Stevens
Daschle	Kohl	Thomas
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden

NAYS—3

Kyl	Thompson	Voinovich

NOT VOTING—1

Moynihan

The amendment (No. 322), as modified, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 327

(Purpose: To promote effective law enforcement)

Mr. LEAHY. Mr. President, I send to the desk an amendment on behalf of myself, Mr. DASCHLE and Mr. ROBB.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont (Mr. LEAHY), for himself, Mr. DASCHLE, and Mr. ROBB, proposes an amendment numbered 327.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LEAHY. Mr. President, I understand that under the previous unanimous consent request, when we come in tomorrow morning this will be the pending amendment. Is that correct?

The PRESIDING OFFICER. The amendment is now the pending question.

Mr. LEAHY. Mr. President, I understand that when the Senate reconvenes in the morning, the Leahy amendment be the pending amendment with 1 hour equally divided with no other amendments in order. Mr. President, I understand this will be agreed to by unanimous consent in closing tonight.

I ask unanimous consent the pending amendment now be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DEWINE. Mr. President, I ask unanimous consent that Pete Levitas, a fellow assigned to the Antitrust Subcommittee from the Justice Department, be granted the privilege of the floor during the Senate's consideration of S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I rise this evening in strong support of the bill before us. This juvenile justice legislation is a product of bipartisan work and bipartisan compromise. I believe it is a very valuable and long overdue measure that will tackle a major national problem.

Last week I spoke on the Senate floor on the need to find ways to reach out to young people and to hopefully save young lives. I said at that time that youth violence presents us with very difficult issues, really, for a public official to talk about because people, once you start talking about this issue, may think you, as the person who is talking, believe that you have ''the'' answer. So let me say again, right up front, I do not claim to have the answer. Evil is a mystery that exists deep in the human heart.

But if we do not have all the answers for the problems we see—what we saw happening in Littleton, for example—that should not stop us from trying to do something. I believe the juvenile justice bill we have before us, as well as many of the amendments which will be offered, will in fact save lives. The fact, the brutal fact of human existence, that we cannot come up with the answer does not excuse us from our moral responsibilities—our moral responsibilities, as legislators, as parents, as citizens. In fact, it increases our responsibilities. If we do not have ''the'' answer, we have to work harder to find answers, things we can do to make a difference, child by child by child.

This juvenile justice bill provides the Senate the opportunity to find some of these answers. Some of the things in the bill before us are certainly not glamorous, but I believe they will all be helpful. I believe they will save lives. In essence, the bill before us is designed to make sure our juvenile justice system and those who make decisions in that system have the tools they need to meet the challenge of a juvenile population that, tragically, is becoming more violent. I will focus briefly on some of the provisions I have been most involved in in putting together this bill and highlight how I believe they will make a real difference, addressing real problems facing juvenile justice systems across this country.

First, Senator SESSIONS and I have worked long and hard, along with the chairman, to provide $75 million to help States upgrade their juvenile felony record systems. I believe this is an especially important provision. As a former county prosecuting attorney, I can tell you, the decisions made by judges in our juvenile courts on juvenile offenders are only as good as the information on which they are based. The same is certainly true for judges in our adult criminal system. The problem is, the information that is available is not as complete, many times, as it should be. In fact, many times the information about the offender, about what the offender has done in the past, is simply nonexistent.

What am I talking about? We have had a tradition in this country that juvenile courts would all operate behind closed doors and the records of those courts would never be available. The reason, the rationale, was we wanted to protect young people; that young people could change and they should have a second chance, sometimes a third chance. All that makes sense and there is nothing wrong, even today, 1999, with that basic philosophy.

That philosophy, though, does not work when we are dealing with a 17-year-old, who is still a juvenile, who has committed a violent crime—let's say a rape—or a 16-year-old who has committed an aggravated robbery. It makes no sense to say that information about that individual will always be hidden.

Let me give Members of the Senate, my colleagues, a specific example. Let's say a 15-year-old in Xenia, OH, commits a serious offense. Let's say it is a violent offense. That 15-year-old is dealt with by the court and later moves, at the age of 17, to Adams County, Ohio. That juvenile then commits another offense. Under our current system, there is really no effective central depository of that information. There is one, but there is very little information in it. So the arresting officials in Adams County might not know that individual, several years before, had committed a serious offense in Greene County.

Let's take another example. Let's say the juvenile is 16 and commits an offense in Cincinnati, OH; several years later moves to Indiana and, as an adult, commits another violent offense in Indiana. The Indiana authorities may not necessarily know that juvenile—the person who was a juvenile, who is now 18, an adult—committed a violent crime several years before across the State line in bordering Ohio.

What this bill does is commit $75 million to local law enforcement agencies, to States to help them develop their criminal record system for juveniles.

We are not, by this provision, saying what a State should do. What we are saying, though, is that the State, by putting that information into a central computer system, will enable another State where that juvenile shows up, 2, 3, 5, or 10 years later, to be on notice as to what type individual this is, or at least they will know what crime, what serious crime, what violent crime this juvenile has committed. It simply makes sense.

It has been my experience that when we read about what I call horror stories in the newspapers, where we see someone who has been picked up by the police, and he is let out on bond, or she is let out on bond, and that person commits another offense or has been charged with an offense and has been convicted and gets a light sentence, and they commit another offense, most of those horror stories come from the fact that the police or the judge or the probation officer or the parole officer did not have the available information, didn't know what they were dealing with, didn't know what the criminal record was of that individual. Our bill goes a long way to address this problem. It gives local law enforcement the tools, it gives the judge the tools, so he or she can make a rational decision about bond or a rational decision about sentencing.

We need to make these records more accessible so law enforcement can keep closer track of kids who have been convicted of violent crimes. The tracking

provision I wrote, along with Chairman HATCH and Senator SESSIONS, will help do this.

If a State uses Federal funds to upgrade their juvenile records under this bill, all records of juvenile felonies will have to be accessible from the National Criminal Information Center. When it comes to making key decisions about juvenile offenders, judges, probation officers, police officers, need to make judgments based on the best possible information, and that is what this bill will give them.

One of my key priorities as a Senator, and as someone who started his career as a county prosecuting attorney in Greene County, Ohio, one of my priorities is to make sure the Federal Government does more to help law enforcement. That is where the action is. Mr. President, 95 to 96 percent of all Federal prosecutions is done at the local level by counties and States. They are the ones who do it—the police, the sheriffs' deputies, the local prosecutors. Anything we can do to help them will make a difference.

Helping set up a good system of records, good information on juvenile felons is one of the most important things we can possibly do to help them do their jobs more effectively, and this bill does it.

Let me turn to a second provision. We need to provide incentives to local governments to coordinate the services they offer to the kids who are most at risk, kids who may have already gotten into a little trouble, but who we believe can still be saved. This is prevention, and it is very, very important.

Here is the problem. Many times, juveniles who find themselves in juvenile court have multiple problems. Some of these problems may not come to the attention of the juvenile court judge, or if they do come to his or her attention, many times that judge does not have the resources, does not have the ability to treat that young person.

For example, a child may have both a psychiatric disorder and a substance abuse problem. A child may have been sexually abused, a child may have been physically abused, or any combination of four or five things. Many times, juvenile courts do not have the resources to detect or appropriately address these types of multiple problems. As a result, for too long, many children have been falling between the cracks of the court system. Many times these children are identified as the ''juvenile court's child.'' Many times we refer to them as a ''children services' child,'' or a local protection services agency child or maybe the child is under the auspices of the mental health system and sometimes the substance abuse system.

What we aim to do under this provision is allow the local community to come together with the juvenile judge and coordinate all of these services so that we can help these children. It is cost-effective and it is the right thing to do.

My proposal, which is included in this bill, will promote all across this country an approach that has been very successful in Hamilton County, Ohio, near Cincinnati; an approach that gives our most problematic children the multiple services they need under the overall coordination of the court system. These kids should not fall victim to bureaucratic turf conflicts. All of these children are our children.

The purpose of this initiative is to leverage limited Federal, State and local agencies and community-based adolescent services to help fill the large unmet need for adolescent mental health and substance abuse treatment in the juvenile justice system.

One of the things I learned when I started as a county prosecutor was that there is, in fact, many times a turf battle. There is a turf battle that occurs between the criminal justice system, in this case the juvenile justice system, the judge, his probation officer or her probation officer, and the social services agency—children's service is what we call it in Ohio—that protects children, or maybe the local mental health agency or maybe the local substance abuse agency. We have made progress in breaking down these walls, but what our provision in this bill does is accelerates that process and that progress.

If you talk to the judges, if you talk to the substance abuse counselors in most counties, they tell you there is a finite number of children who they have already identified who are the most problematic, who have the most problems, who need the most resources, who, if we do not deal with them now at the age of 13 or 14 or 15, are going to grow up and graduate into our adult system and are going to pose monumental problems for society for the rest of their lives.

Bringing the resources of the community together in a coordinated fashion to address the needs of these children is the right thing to do. We will not save all of them. We know that. But many of them can, in fact, be saved, and they can be saved if we care and if we approach this issue from an intelligent point of view.

The juvenile judge is key because the juvenile judge has the ability to get the attention of that young person. The juvenile judge has the ability to use the carrot and the stick in the sense of simply saying to the young person: Fine, if you don't want to go into drug treatment, I am going to commit you to the department of youth services for an indefinite period of time; I am going to put you, in essence, in prison. Or that judge can say to that young person: If you don't stay free of drugs for the next 2 years, and we are going to monitor you every 2 weeks and we are going to know whether you are on drugs or not on drugs—that type of approach where the juvenile court works with the substance abuse people, the experts in the field, or works with the mental health people. That coordination is absolutely essential when we deal with our most problematic children.

The idea for this, as I indicated, came from Hamilton County, Ohio. They have tried this. It works. They have identified 200, 300, 400 of the most problematic children. They meet regularly to talk about these kids and what they can do to get services to them. There is only so much money available. There are only so many services that can be provided. What we do with this provision is encourage local communities to get together and use that money in the most efficient and most effective way. It is the right thing to do. It is the most cost-effective thing to do.

In bringing this piece of legislation to the floor—and I congratulate Senator HATCH, Senator LEAHY, Senator SESSIONS, Senator BIDEN, and all those who have worked on this bill—we are making an important contribution to meeting a major challenge facing our communities.

I have mentioned just two key initiatives that will help our communities meet these challenges. Over the last several days, I have been working with several of my colleagues, including the Senator from Colorado, Mr. ALLARD; the Senator from Alabama, Mr. SESSIONS; the Senator from Idaho, Mr. CRAIG, and others on other initiatives that will help these children. These initiatives will be offered in the form of amendments over the next few days. These amendments will help, I believe, those people who are closest to troubled children—parents and teachers in particular.

I look forward to working on this bill and passing it and seeing it signed into law. Will it solve all the problems with juveniles? Of course not. Will it prevent all the Littletons that may occur or other tragedies that we have seen? No, there is no guarantee of that, but we do know, just to take one statistic, that the Littletons are replicated every single day in this country, quietly, silently, but tragically, because on average 13 children die every day just because of contact with guns. Most of them are homicides, a few of them are suicides, and some are accidents. That does not include all the other children who die violent deaths.

Our objective in this bill should be to try to reduce the number of children who die and who die needlessly. I believe we can do it. I believe we can make a difference.

We should not judge this bill, nor every amendment that is offered, by the test of would it have prevented one of the tragedies that is foremost in our minds. Some of the amendments would have, I think, but we will never know.

A more rational approach and more logical approach is simply this: Will the amendment that is being debated or the provision we are talking about or the bill itself save lives? I think the evidence is abundantly clear that this bill, as is written right now, will save lives. It will make a difference. I think we can improve it in the course of the next several days.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, much of the Robb amendment (#325) to S. 254 is based on S. 976, the Youth Drug and Mental Health Services Act, which I introduced this past Thursday, May 6, 1999. Furthermore, the Robb amendment does not include S. 976 in its entirety, but rather includes portions of S. 976 along with several new provisions which I have not yet had a chance to carefully consider in the context of other provisions of S. 976. Therefore, I voted to table this amendment. As chairman of the Subcommittee on Public Health which has jurisdiction over these Public Health Service programs, my intent is to allow the Committee on Health, Education, Labor, and Pensions full consideration of S. 976.

I look forward to moving S. 976 through the normal legislative channels to ensure that we pass a balanced, commonsense measure to provide for greater flexibility in treatment services for children.

STATE DMV DIRECTORS' VIEWS ON TITLE BRANDING LEGISLATION

Mr. LOTT. Mr. President, the American Association of Motor Vehicle Administrators recently provided me with letters it has received from state motor vehicle administrators across the country on title branding legislation. As a collective group, DMV directors are looking to Congress to enact a balanced and responsible measure to combat title fraud. Legislation that is based on real world experience. Legislation that they can implement.

As my colleagues know, I reintroduced the National Salvage Motor Vehicle Consumer Protection Act, S. 655 back in March. This legislation is similar to the bipartisan title branding bill Senator Ford and I coauthored during the 105th Congress. Legislation that received 57 cosponsors and which overwhelmingly passed the House of Representatives with some modifications last October.

S.655 is an appropriate legislative solution to a growing national problem. A problem that costs millions of unsuspecting used car buyers billions of dollars and places motorists in every state at risk. Everyday, severely damaged cars are put back together by unscrupulous rebuilders who sell these vehicles without disclosing their previous damage history. They are able to shield the vehicle's history due to significant advances in technology and, in large part, because their is a hodgepodge of titling rules throughout the nation. They take repatched vehicles, or their titles, to states that have minimal or no salvage vehicle rules and have them retitled with no indication that the vehicle previously sustained significant damage.

The National Salvage Motor Vehicle Consumer Protection Act would help curtail title washing by encouraging states to adopt a model title branding program for salvage, rebuilt salvage, flood, and nonrepairable vehicles. The bill provides states with incentives to establish minimum titling definitions and standards. This is key. It is particularly aimed at that those states which need to bring their rules and procedures to a universally accepted minimum standard.

In 1992, as part of the Anti-Car Theft Act, Congress mandated the establishment of a Motor Vehicle Titling, Registration, and Salvage Advisory Committee to devise a model salvage vehicle program. The Salvage Advisory Committee, led by the U.S. Department of Transportation, issued its findings in February 1994. Its report recommended specific uniform definitions and standards for severely damaged passenger vehicles. It included a 75% damage threshold for salvage vehicles, anti theft inspections for salvage vehicles before they could be placed back on the road, and the permanent retirement of vehicles that are unsafe for operation and have no value except as a source of scrap or parts. The report recommended the branding of titles as the most appropriate method for disclosing a severely damaged vehicle's prior history.

Mr. President, Senator Ford and I simply drafted legislation that would largely codify the Salvage Advisory Committee's recommendations. Recommendations that encompassed the wisdom of all of the experts on titling matters. This committee of key stakeholders, led by the U.S. Department of Transportation, provided real world solutions to address title fraud and automobile theft. Solutions based on state motor vehicle titling trends—uniform titling definitions and standards that states would be willing to accept.

Senator Ford and I introduced a sound, reasonable, and appropriately balanced measure during the 105th Congress. It did not take sides. It did not codify the recommendations of one particular interest group. It did not benefit one group at the expense of another. Instead, it reflected a balanced, bipartisan consensus. Even so, a number of significant changes were incorporated during the last Congress to accommodate the concerns raised by certain State Attorneys General, consumer groups and others. I would like to highlight some of the revisions made by me in a good faith effort to satisfy the concerns expressed and to advance the bill.

The ''Salvage'' vehicle threshold was lowered from 80% to 75%—so that if a late model vehicle has sustained damage exceeding 75 percent of its pre-accident value, it would be branded ''salvage. The bill also allowed a state to cover any vehicle regardless of its age.

The original bill did not allow conforming states to use synonymous terms. That has been stricken from the bill—so now states may use additional terms to define damaged vehicles. For example, a state can use the bill's ''nonrepairable'' definition and can also use another term such as ''junk'' if it wants to have a different definition to describe parts only vehicles.

The revised bill included a new provision granting state attorney's general the ability to sue on behalf of citizens victimized by fraud and to recover monetary judgements for consumers.

It included two new prohibited acts—failure to make a flood disclosure and moving the vehicle or its title into interstate commerce to avoid the bill's requirements.

Another new provision makes it clear that the bill will not affect any private right of action available under state law.

The bill clearly established that states could provide additional disclosures beyond those identified in the legislation.

At the request of Senator HOLLINGS, a new provision was added regarding the Secretary of Transportation advising automobile dealers of the prohibition on selling vans as school buses.

Instead of penalizing states for nonparticipation by withholding National Motor Vehicle Titling Information System (NMVTIS) funding, my bill now provides states with incentive grants to encourage their participation. This was a very good recommendation offered by the U.S. Department of Transportation. It takes into account the fact that 20 or more states will have received their NMVTIS funding by the time the bill becomes effective. These new grants can be used by participating states to issue new titles, establish and administer theft or safety inspections, and enforce titling requirements.

This voluntary approach also gets around the very real concerns that states and the Supreme Court have raised about Congress requiring states to legislatively adopt federal regulations. Remember, motor vehicle titling has been, up to this point, almost exclusively a state function. This revised approach also overcomes the strong possibility that preemptive federal titling rules and procedures would impose a significant federal unfunded mandate on states.

The revised bill also incorporates a change made by the House of Representatives last year which allows states to adopt an even lower salvage threshold if it chooses. It simply does not start the threshold at 65% which, while advocated by some, has been expressly rejected by states. I think it would be irresponsible for Congress to establish a minimum federal salvage threshold that is not in use anywhere and which states have maintained that

they do not want. S.655 provides a very reasonable compromise. Those who want a lower salvage threshold than 75% are free to work with state legislatures to convince them that a lower threshold in their states is warranted.

Also, at the request of the National Association of Attorney's General, S.655 includes provisions which require: the retail value of a ''late model vehicle'' to be adjusted by the Secretary of Transportation every five years; flood vehicle inspections to be conducted by an independent party; and the Secretary's establishment of a publicly accessible national record of conforming states.

Mr. President, I believe S.655 is the right legislative solution to address title fraud. It creates a model program based on balanced titling definitions and standards for salvage, rebuilt salvage, flood, and nonrepairable vehicles.

It does not violate the Supreme Court's rulings on federal versus state roles and responsibilities. Instead it establishes a voluntary titling framework.

It is not a federal unfunded mandate. Instead it provides states with seed money to encourage their participation.

It does not take away a state's NMVTIS funding or jeopardize the implementation of this system. Instead, it fosters maximum state participation in this important national title information system.

It does not harm consumers who own low value vehicles or cause motor vehicles to be branded unnecessarily. Instead, it adopts the reasonable thresholds recommended by the Salvage Advisory Committee and it focuses on severely damaged vehicles and pre-purchase disclosure.

It does not force otherwise repairable vehicles to be junked because of arbitrary thresholds. Instead, it subjects vehicles to a rational vehicle retirement standard based on a case-by-case determination. A standard employed by California, Illinois, and a number of other states.

It leaves intact state criminal penalties and causes of action without imposing significant additional burdens on the already overwhelmed federal court system.

Mr. President, the National Salvage Motor Vehicle Consumer Protection Act is a sound, reasonable, and workable title branding measure. This is not just my opinion, but the view of state motor vehicle administrators. These are the experts on the front line. The very people who would be responsible for administering the provisions of the National Salvage Motor Vehicle Consumer Protection Act.

Mr. President, I ask unanimous consent to have printed in the RECORD several letters from state motor vehicle administrators on the issue of title branding legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. LOTT. I ask my colleagues to take heed of the wisdom offered by the many DMV directors who submitted comments on S.655 and other title branding proposals.

Congress needs to pass S.655, the National Salvage Motor Vehicle Consumer Protection Act, for America's used car buyers and motorists and for the people who have to administer titling rules.

EXHIBIT 1

AMERICAN ASSOCIATION OF
MOTOR VEHICLE ADMINISTRATORS,
Arlington, VA, March 22, 1999.

To: Chief Motor Vehicle Administrators, Chief Law Enforcement Officers
From: Kenneth M. Beam, President & CEO
Re: Introduction of Salvage Titling Legislation

I am pleased to report that Senator Trent Lott (R–MS) along with 13 co-sponsors recently introduced S. 655, the National Salvage Motor Vehicle Consumer Protection Act of 1999. This bill establishes national uniform requirements regarding the titling and registration of salvage, nonrepairable and rebuilt vehicles. AAMVA has worked closely with Senator Lott's staff to assure that the bill reflects AAMVA policy on uniform salvage definitions and procedures.

For the most part this bill mirrors language in S. 852, which was introduced by Senator Lott and supported by 57 members of the Senate in the 105th Congress. However, there are two major differences in S. 655 we would like to highlight. First, the bill does not require that states who receive federal funding from the Department of Justice for the National Motor Vehicle Title Information System (NMVTIS) to conform with the requirements of the bill or place a notice on the certificate of title that their state is not in compliance.

Second, the bill includes incentive grants for states that do carry out its provisions. S. 655 authorizes $16 million to states for fiscal year 2000. No state that is eligible for the grant shall receive less than $250,000. The ratio shall be apportioned in accordance with section 402, Title 23 of the U.S. Code. Any state that receives a grant under this section shall use the funds to carry out the provisions of this bill including such performance related activities as issuing titles, establishing and administering vehicle theft or salvage vehicle safety inspections, enforcement and other related purposes.

In addition, AAMVA has worked closely with other interested organizations to respond to concerns raised by the National Association of Attorneys General (NAAG). We are enclosing a copy of our response to those concerns.

If you have questions or comments, please direct them to either Linda Lewis, director of Public & Legislative Affairs or Larry Greenberg, vice president, Vehicle Services at 703–522–4200.

NATIONAL ASSOCIATION OF
MOTOR VEHICLE ADMINISTRATORS,
Arlington, VA, March 31, 1999.

To: Chief Motor Vehicle Administrators, Chief Law Enforcement Officers.
From: Kenneth M. Beam, President & CEO.
Re introduction of companion salvage titling legislation.

A copy of Senator Lott's salvage legislation, the National Salvage Motor Vehicle Consumer Protection Act, S. 655, was recently forwarded to you for review and comment. AAMVA strongly supports this version, which mirrors the Salvage Advisory Committee's recommendations and current AAMVA policy. On March 23, 1999, Senator Dianne Feinstein introduced companion salvage legislation, the Salvaged and Damaged Motor Vehicle Information Disclosure Act, S. 678. We believe this bill will create a tremendous burden on jurisdictions to implement and will increase complexity and costs with regard to salvage definitions and standards without any corresponding gains in uniformity. In addition, many of its provisions are in conflict with AAMVA policy.

Many of AAMVA's concerns were addressed in the response to the National Association of Attorneys General Working Group (NAAG) who support similar provisions that are included in S. 678. Our comments to NAAG were included in the mailing dated March 22, 1999. However, we feel it important to highlight a few areas of major concern with S. 678. The bill: Establishes a 65 threshold for salvage vehicles; establishes a 90% nonrepariable threshold; establishes disclosure requirements for vehicles sustaining $3,000 of damage suffered in one (1) incident; requires states to comply with the legislation to receive federal funding for NMVTIS; and does not include incentive grants to states that implement the legislation as included in S. 655.

AAMVA's comments to NSSG provide more detail on these and other signs. Please review the companion legislation and forward any comments or concerns you have with the bill to Linda Lewis by April 15, 1999. Your comments will help ensure that the Association accurately represents the positions of state motor vehicle administrators. If you have any questions about the bill, please direct them to Linda or Larry Greenberg at 703–522–4200.

MARYLAND MOTOR
VEHICLE ADMINISTRATION,
Glen Burnie, MD, April 12, 1999.

MEMORANDUM

To: Linda Lewis, AAMVA
From: Anne S. Ferro, Administrator
Re: National Salvage Act—SB 655

Attached please find Maryland's review of S. 655 as it relates to salvage laws in our state. Based on the review by several key program managers, we have affirmed Maryland's support for this bill. Although numerous consumer advocate groups and the National Association of Attorneys General (NAAG) appear to oppose the bill, it is in the best interest of law enforcement and consumers to have a bill that establishes national uniform regulations governing salvage.

We oppose S. 678 introduced by Senators Feinstein and Levin. As you state in your cover memo, the alternate salvage bill has constraints which would be very difficult to enforce.

Maryland also favors NMVTIS as the project will benefit law enforcement and Motor Vehicle Administrations in combating title fraud. Maryland is committing to reevaluating its participation in the program once the pilot program is up and running. Our withdrawal from the project last year was due to current costs involved and constraints relating to our title and registration system as well as Y2K.

Thank you for the opportunity to voice our support for S. 655.

Enclosure.

MEMORANDUM

To: Thomas M. Walsh, Director, Driver and Vehicle Policies and Programs
From: Eltra Nelson, Chuck Schaub, Victoria D. Whitlock
Date: April 7, 1999
Subj: AAMVA Legislative Alert: Introduction of S. 655: National Salvage Motor Vehicle Consumer Protection Act of 1999

As requested, we have reviewed the above-referenced Lott Bill S. 655 and, although there are differences between Maryland's laws relating to salvage vehicles and this bill, we are generally in agreement with the goals of the proposed legislation. As urged by Congress in the Anti Car Theft Act of 1992, there needs to be more uniformity in state title branding laws if we are to defer the criminal activities of the fraudulent rebuilders, who are thriving under the current patchwork system. We offer the following comments:

If Maryland intends to support this initiative, a decision must be made on the best way to proceed, as Maryland's current law is inconsistent with the provisions of the federal bill. Guidance from the Attorney General's Office would be helpful in charting our course.

Maryland MVA was one of the National Motor Vehicle Title Information System's (NMVTIS) pilot states, but due to technical problems (Y2K, plans to reengineer TARIS) we temporarily discontinued participation. It is the MVA's intention to resume participation once these problems are resolved.

S. 655 definition 33301(a)(1) ''passenger motor vehicle'' includes multi-purpose passenger vehicles, and certain trucks including a pickup truck of not more than 10,000 pounds for purposes of the salvage law. We agree with the rationale for expanding the definition in the context of what constitutes a ''salvage vehicle'' (see next bulleted item). MD TR law has separate definitions (11–144.1, 11–136.1, 11–171, 11–176).

S. 655 term ''salvage vehicle'' 33301(a)(2) means any ''passenger motor vehicle'' other than a flood vehicle or a nonrepairable vehicle which has been wrecked, destroyed, or damaged . . . Conversely, MD TR 11–152 definition of ''salvage'' refers to ''any vehicle that has been damaged by collision, fire, flood, accident, trespass, or other occurrence.'' Flood and nonrepairable vehicles are defined separately (3301(a)(6) and (12)) and do not qualify for a salvage certificate. As recommended by the Federal Advisory Committee, the definitions of salvage vehicles, nonrepairable vehicles, and flood vehicles should be mutually exclusive to promote consumer awareness and uniformity. The bill specifies that once branded, a ''nonrepairable vehicle'' can never be titled or registered for use on roads or highways. (Comparably, Maryland vehicles branded ''Not Rebuildable, Parts Only'' also cannot be converted into a title.) The bill also specifies that to avoid subsequent branding as a ''flood vehicle'', the owner or insurer must have the vehicle inspected by an independent party.

S. 655 permits any individual or entity to certify the amount of damage and costs of repairs to rebuild or reconstruct. MD Law allows only insurance companies to make this certification.

S. 655 ''late model vehicle'' means model year designation of or later than the year in which the passenger motor vehicle was wrecked, etc. or any of the six preceding years; OR, has a retail value of more than $7,500. To be classified as a salvage vehicle, the cost of repairs to rebuild or reconstruct the vehicle must exceed 75 percent of the retail value of the vehicle. Maryland brands vehicles less than 7 years old when damage is greater than fair market value as ''rebuilt salvage.'' Regarding the bill's 75 percent threshold, we agree with AAMVA's rationale: ''. . . the rule of thumb level of damage used by insurers in making a determination of whether to 'total' a wrecked vehicle is damage that exceeds 75% of a vehicle's pre-accident value.'' The bill permits states to use the term ''older model salvage vehicle'' to designate a wrecked, destroyed, or damaged vehicle that does not meet the definition of a ''late mode vehicle.''

S. 655 (33302) requires states who receive funds under 33308 to disclose in writing on the certificate of title, when ownership is transferred and when indicated by ''readily accessible'' records, that the passenger motor vehicle was previously issued a title that bore any word or symbol signifying that the vehicle was ''salvage, older model salvage, unrebuildable, parts only, scrap, junk, nonrepairable, reconstructed, rebuilt, damaged by flood, and the name of the State that issued that title.

Inspection decal—S. 655 requires the inspection official to affix a permanent decal to the driver's door jam after a passenger motor vehicle titled with a salvage title has passed the state required inspections. According to Corporal Dupczak, the Maryland State Police oppose the placement of a decal, because it can be removed; however, the law specifies the decal shall comply with the ''permanency requirements'' established by the Secretary.

Disclosure and Label: S. 655 (33303) A person, prior to transfer of ownership, shall give the transferee written disclosure that the vehicle is a rebuilt salvage vehicle. A label shall be affixed by the individual who conducts the applicable state anti-theft inspection in a participating state to the windshield or window of a rebuilt salvage vehicle before its first sale at retail. Note: We assume that the ''brand'' notation on the front of the title certificate would serve as the ''written disclosure.''

S. 655 (33302(c)) requires the USDOT to establish a National Record of Compliant States. The Secretary shall work with States to update the record upon the enactment of a State law which causes a State to come into compliance or become noncompliant with the requirements of this law.

Section 33308 provides for incentive grants of not less than $250,000 for each state that demonstrates it is taking appropriate actions to implement the provisions of this law.

Effect on State law: Unless a state, that receives funds under section 33308, is in compliance with 33302(c), effective on the date the rule is promulgated, the provisions shall preempt all state laws to the extent they are inconsistent with the provisions of this law, which:

Set forth the form of the passenger motor vehicle title.

Define, in connection with a passenger motor vehicle part or part assembly separate from a passenger motor vehicle), any term defined in section 33301 or the terms ''salvage'', ''nonrepairable'', or ''flood'', or apply any of those terms to any passenger motor vehicle (but not to a part or part assembly separate from a passenger motor vehicle); (this requirement does not preempt state use of the terms ''passenger motor vehicle'' or ''older model salvage'' in unrelated statutes.

Set forth titling, recordkeeping, anti-theft inspection, or control procedures in connection with a salvage, rebuilt salvage, nonrepairable, or flood vehicle.

Nothing is this law may be construed to affect any private right of action under state law.

Additional disclosures of a passenger motor vehicle's title status or history, in addition to the terms defined in this law, shall not be deemed inconsistent.

States receiving funds shall make titling information maintained by the state available for use in operating the National Motor Vehicle Title Information System (NMVTIS). Participating states, before issuing a certificate of title, shall perform instant title-verification checks.

Maryland designates the following brands:

SALVAGE BRAND	TITLE BRAND
Damage is greater than fair market value	This will cause the title to be branded REBUILT SALVAGE. Only vehicles less than 7 years old are to be branded when converted to a title. Once branded, the brand is to be carried through to subsequent titles.
Damage is equal to or less than fair market value	The title will not be branded. DO NOT ENTER XSALVG IN THE BRAND FIELD. THE TITLE IS NOT TO BE BRANDED.
Not Rebuildable, Parts Only, Not to be Retitled	Cannot be converted into a title.
Abandoned Vehicle Note: S. 655 does not provide for this category	This will cause the title to be branded REBUILT SALVAGE. This applies to all vehicles regardless of subsequent titles.
Out of State Salvage Certificate	This will cause the title to be branded XSALVAGE. The brand is to be carried through to subsequent titles.
Out of State Titles Branded; SALVAGE, XSALVAGE, FLOOD, etc	XSALVAGE will show in the brand field or the brand from the out-of-state title will be entered in the brand field. The brand is to be carried through to subsequent titles.

MICHIGAN DEPARTMENT OF STATE,
Lansing, MI, April 16, 1999.

Re: comments on companion salvage titling legislation.

LINDA LEWIS,
Legislative Director, American Association of Motor Vehicle Administrators, Arlington, VA

DEAR MS. LEWIS: After receiving Kenneth Beam's Legislative Alert last Friday regarding the recently introduced Companion Salvage Titling legislation (S. 678), we did our best to quickly review and compile comments from a variety of areas within our Department. We agree with AAMVA's assessment that this bill could be very problematic for states to implement, for a variety of reasons. Michigan feels very strongly that this bill should not move forward, and that any action on the subject of Salvage Titling should follow the direction of the AAMVA-sponsored Salvage bill (S. 655). However, given the tight timeframes for response and our need to solicit input from many areas of our Department, we have only had time for a very cursory review of this legislation. If this bill has any chance of moving forward, we would appreciate prompt notification, so that we can prepare a more detailed summary of our concerns and suggestions.

An over-riding problem with S. 678 is the lack of detail regarding the specific requirements that would be imposed. In its current version, S. 678 creates new terminology, categories, enforcement requirements, and other implementation language that seriously lacks detail with regard to actual requirements. This type of approach would leave definition of critical details up to the rules promulgation process, which is a major timing problem in that detailed concerns would not be addressed until after passage of the bill.

The proposed changes appear to be quite complex, as well as costly overall, and there is no provision for State funding. In addition, many issues would require State legislation that would be difficult to obtain, and difficult to implement, without a corresponding need or significant improvement as compared to the AAMVA-supported bill. Also, our Department is unable to take on any new initiatives requiring major data processing changes, due to Year 2000 and

other priorities, so these changes would frankly not be able to be implemented in Michigan within any reasonable timeframe.

Other more specific concerns include:

The companion bill would make substantial changes to Michigan's current definitions of ''salvage'' and ''scrap'' vehicles, adds requirements related to leased vehicles, and includes a definition of ''flood'' vehicles different from what AAMVA proposes. We see all of these issues as very problematic for Michigan, requiring State legislation that would prove difficult to pass, and would cause a variety of problems from an implementation standpoint—including major overhauls to our computer system, which is an unrealistic expectation.

Sellers of salvage, flood, or non-repairable vehicles would be required to provide written disclosure of these facts, which would have to be signed by the seller and the buyer. This is another issue that would require passage of State legislation, and would also be very difficult from an enforcement standpoint.

There are several potential title format issues, including requirements for attachments, that we see as being unworkable and quite difficult from an implementation standpoint.

As AAMVA has already pointed out, the new 65% threshold for salvage vehicles and the disclosure requirement for damages greater than $3,000 are both unworkable and unrealistic, especially given current vehicle values. These portions of the proposal also create problems related to those already mentioned, such as title format and computer programming issues, without providing a justifiable improvement to the system.

This proposal also allows a person who rebuilds a salvage or flood-damaged vehicle to certify its road-worthiness. This raises conflict of interest concerns. (By comparison, Michigan law requires a rebuilt salvage vehicle to be inspected by a specially trained law enforcement officer.)

Again, Michigan feels very strongly that the Companion Salvage Titling legislation introduced by Senator Feinstein has serious flaws, lacks crucial detail regarding implementation options, and poses nothing that would present improvements to the Lott bill already introduced and supported by AAMVA.

Please do whatever possible to ensure we are informed of any positive action on this bill. If you need additional details or have any questions on our position, please do not hesitate to contact me.

Sincerely,

JUDITH OVERBEEK,
Deputy Secretary of State,
Service Delivery Administration.

OFFICE OF MOTOR VEHICLES, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS,
Baton Rouge, LA, May 3, 1999.

AAMVA, Arlington, VA.

Attention: Linda Lewis

DEAR MS. LEWIS: In regard to the Salvaged and Damaged Motor Vehicle Information Disclosure Act. S. 678, the State of Louisiana has very serious concerns regarding many provisions, as follows:

The 65% threshold for salvage vehicles.

Definitions regarding non-repairable and major damage.

Secure paper disclosure requirements.

Lack of grant funds for implementation.

We believe that Louisiana has a good salvage title law in place. As a state that has been branding salvage and rebuilt vehicles for a number of years, it is frustrating to see legislation that will result in problems for our state. We've come so far in this area, the thought of increasing an already complex, cumbersome procedure is disturbing. This Act is another attempt to ''punish the bad guys'' with something that will, in reality, only ''punish the good guys.''

Thank you for the opportunity to respond, and I know you will convey our opinion that this legislation will not increase uniformity among the jurisdictions. It will merely place unnecessary burdens on state agencies who are already force to ''do more with less'' and trying to eliminate bureaucratic red tape, not create it.

Please keep us posted of any additional developments regarding this issue.

Sincerely,

KAY COVINGTON,
Commissioner.

S. 678—SALVAGE AND DAMAGED MOTOR VEHICLE INFORMATION DISCLOSURE ACT

No grant monies include, provision that if State does not comply State may not receive grant funds under 30503(c).

Definitions: Salvage—65% damage of retail value*; Non-Repairable—90% damage of retail value; and Major Damage—$3000.00 damage on one incident.

*Salvage can also be defined when designated by owner or when vehicle is transferred to insurance carrier in connection with damage.

Disclosure Requirement: Requires States to place a disclosure on title, within one year of passage of law, stating whether vehicle is salvage, flood damaged, non-repairable or substained major damage.

Disclosure must be on secure paper and must be treated like the conforming title and odometer law.

Dealers and lessors must retain disclosure for 5 years.

State must be notified of all vehicles that are unrepairable.

Requirements for Rebuilt Vehicles: (1) Certification of inspection from rebuilder stating condition of vehicle (must be on secure paper), and

(2) decal placed on door jam stating.

Non-Repairable cannot go back on road. May only be transferred to an insurance carrier, automobile recycler or dismantler.

After State receives disclosure of unrepairable that vehicle may not be licensed for use in that State.

Proposed law states that a person who owns motor vehicles that are used for personal, family, or household use shall not be liable for failure to provide disclosure, unless they have actual knowledge of requirement for disclosure.

STATE OF NEW YORK,
DEPARTMENT OF MOTOR VEHICLES,
Albany, NY, April 15, 1999.

LINDA LEWIS,
AAMVA, Arlington, VA

DEAR MS. LEWIS: In a March 31, 1999 memo to Chief Motor Vehicle Administrators and Chief Law Enforcement Officers, Mr. Kenneth Beam requested that comments and concerns regarding the Salvaged and Damaged Motor Vehicle Information Disclosure Act, S. 678, introduced by Senator Dianne Feinstein, be forwarded to your attention. This legislation is companion legislation to the National Salvage Motor Vehicle Consumer Protection Act, S. 655, introduced by Senator Lott.

Referring to S. 678 introduced by Senator Feinstein, the New York State Department of Motor Vehicles agrees with the concerns raised by AAMVA in their response to the National Association of Attorneys General Working Group (NAAG), specifically: The 65% threshold for damage in order to declare a vehicle a salvage vehicle; the 90% non-repairable threshold; the $3,000 limit of damages attributable to one (1) incident; the requirement of compliance in order to receive federal funding for NMVTIS; and the lack of incentive grants for states that implement the legislation.

The 65% threshold for damage in order to declare a vehicle a salvage vehicle is much lower than the 75% that we established through extensive discussions with the insurance industry and others in New York. Further, it is also lower than the recommendation made by the Presidential Commission established in 1992 from the Anti-Car Theft Act.

Due to the ever-rising expense of owning a new vehicle, the $3,000 limit for damages attributable to one (1) incident would result in a remarkably high number of vehicles labeled as salvage. With the average cost of a new vehicle approximately $22,000, a $3,000 limit for damages is less than 15%.

Lastly, Senator Feinstein's proposal requires states to comply in order to receive funding for NMVTIS and does not include incentive grants for states implementing the legislation. The Lott proposal does not call for compliance-based NMVTIS funding, and does offer incentive grants for implementation.

In short, the New York State Department of Motor Vehicles does not support the Salvaged and Damaged Motor Vehicle Information Disclosure Act, S. 678 introduced by Senator Dianne Feinstein, due to the concerns identified above.

Sincerely,

RICHARD E. JACKSON, JR.,
Commissioner.

IDAHO DMV,
April 15, 1999.

Lewis, Linda,
'lindal@aamva.org'.

Subject: S. 678 Diane Feinstein Proposal

Idaho's current statutes do not conform to the requirements of S. 678, and it is unlikely that legislation could be enacted to conform. Therefore, funding to implement NMVTIS in Idaho would be jeopardized.

It appears that he documentation requirements of S. 678 are onerous, much more all-inclusive than the implementation of the secure power of attorney processes. If disclosure documents are required to issue every title transfer, many transactions would be delayed, customers would be turned away and inconvenienced. Public perception of the DMV would suffer.

We are also concerned about the public resistance to non-registration of vehicles that have sustained damage that is 90% of the fair retail market value before it was damaged. For many older vehicles one dent would require that the vehicle go the crusher, even though it may be a fully operational and safe vehicle.

EDWARD R. PEMBLE,
Vehicle Services Manager.

OREGON DEPARTMENT OF TRANSPORTATION, DMV SERVICES,
Salem, OR, April 30, 1999.

LINDA LEWIS
Director of Public & Legislative Affairs, American Association of Motor Vehicle Administrators, Arlington, VA.

DEAR MS. LEWIS: Brendan Peters requested a letter from Oregon DMV regarding Senate Bill 678 and Senate Bill 655 pertaining to salvage of motor vehicles.

We are taking no position on either bill, but I hope the following comments on both bills will be helpful in your up-coming meetings with legislators.

SENATE BILL 678

1. Requires excessive paperwork for both the public and state agencies. For example, forms must be maintained for five years.

2. There is no allowance for any type of electronic process.

3. The 65% threshold for salvage vehicles is lower than all states' current threshold. Oregon has a threshold for salvage vehicles of 80% and many customers feel 80% is too high.

4. The definition of ''major damage'' may impact the majority of recent year model vehicles.

5. Requires compliance with this legislation in order to receive any funding for NMVTIS (National Motor Vehicle Title Information System). Tying NMVTIS funding to this legislation has potential to reduce the NMVTIS benefits if lack of funding prevents states from participating in NMVTIS.

SEANTE BILL 655

1. Has a lower impact to the public and state agencies.

2. Allows for an electronic process.

3. The anti-theft inspection, if required, could have significant workload impact.

4. There is no tie to the funding for NMVTIS.

5. There are provisions for an incentive grant to provide money to states to implement legislation.

We hope these comments can be used to assure that federal legislation on the salvage of motor vehicles accomplishes its intended purpose without undo hardships on the public and the states that must implement the law.

Sincerely,

MARI MILLER,
Manager, Program Services.

WISCONSIN DEPARTMENT OF TRANSPORTATION,
Madison, WI, April 14, 1999.

LINDA LEWIS,
AAMVA, Arlington, VA.

DEAR LINDA: I'm writing on behalf of the Wisconsin Division of Motor Vehicles to respond to your request for comments on the bill titled ''Salvaged and Damaged Motor Vehicle Information Disclosure Act'' (S. 678) introduced by Senator Feinstein.

Our concerns with this bill are:

DEFINITIONS

It applies to all motor vehicles; no limit on age or value.

Flood damage definition is water-line based like the Lott bill, but it doesn't go on to specify that electronic components must actually have been damaged.

The whole concept of ''major damage'' being defined strictly as a dollar amount ($3,000) with no provision for rising prices seems problematic. A late model luxury car could have very minimal damage with $3,000 repair costs, while an old economy car could be considered nonrepairable with $3,000 damage.

Like the Lott bill, salvage is defined both as a percentage of fair market value (65% in S. 678 and 75% in S. 655) and anything an insurance company pays a claim on and acquires ownership of. The Lott bill excludes theft recoveries unless damaged 75%. When we worked on Wisconsin's title branding law, insurance companies were very upset at salvage-branding what they called ''convenience totals.'' The insurance industry will probably object to that in these bills, too.

DISCLOSURE

S. 678 requires: written disclosure on secure paper of salvage, flood, nonrepairable or major damage (plus a description of each occurrence—attached to the title. Each reassignment needs its own disclosure statement. We've been trying to avoid attachments to the title and make all required disclosures on the title itself.

It looks like the disclosure statement could be made in the title assignment area if the format conforms with federal regulations (when they are promulgated).

It appears we'd need to have the attached disclosures whether or not there is something to disclose, which could mean lots of go-backs for incomplete applications.

REBUILDING AND INSPECTION

The restrictions imposed by this bill would seem to significantly reduce interest in rebuilding flood or salvage vehicles. The rebuilder is also the inspector in this bill and he or she must: Sign and attach to the title, a secure inspection certificate attesting that ''original manufacturer established repair procedures or specifications'' were followed in making the repairs and inspections; affix a decal to the door jamb or other conspicuous place; follow ''regulations promulgated'' describing qualifications and equipment required to do inspection certifications; follow ''regulations promulgated'' that establish minimum steps for inspection; and post up to a $250,000 bond (if required) to protect the public against unsafe or inadequate repairs or improper inspection certification.

So, the person who repairs a flood or salvage vehicle also inspects it for safety and quality of repair—but not anti-theft. There doesn't seem to be a provision for anti-theft inspection.

NONREPAIRABLE VEHICLES

Nonrepairable vehicles can't be registered and can only be transferred to an insurance company, automotive recycler or dismantler—and only for the purpose of dismantling or crushing.

So, the owner of a classic car that's damaged more than 90% of its fair market value has no choice but to have it dismantled or crushed—even if willing to pay whatever it costs to get it back to legal operating condition.

PENALTIES

A civil penalty of up to $2,000 may be charged for ''a violation''—the violation doesn't have to be ''knowingly and willfully'' performed.

However, if it is ''knowingly and willfully'' performed, the penalty is the $2,000 fine, or three years in prison, or both.

MISCELLANEOUS

We'd have to revise any of our laws that are inconsistent with this. We would be able to keep our other brands (manufacturer buyback, police, taxi, non-USA standard and insurance claim—if we revised the percentage to 30-65% damage).

Thank you for this opportunity to offer comments on the ''Salvaged and Damaged Motor Vehicle Information Disclosure Act.'' On behalf of the Wisconsin DMV, I hope our ideas prove useful. Please do not hesitate to contact me or Carson Frazier (with our Bureau of Vehicle Services at 608–266–7857) if you have any questions.

Sincerely,

ROGER D. CROSS,
Administrator.

STATE OF ALABAMA,
DEPARTMENT OF REVENUE,
Montgomery, AL, April 14, 1999.

MS. LINDA LEWIS,
Public and Legislative Affairs, AAMVA, Arlington, VA.

DEAR MS. LEWIS: Pursuant to President Beam's memo of March 31, 1999, we have reviewed S. 678 to ascertain its possible effects on Alabama. Below is a listing of problems observed.

1. The bill establishes a 65% threshold for salvage vehicles. Alabama has a 75% threshold to determine when a vehicle is declared salvage. In addition, the proposed legislation states that ''if the full cost of the damages suffered in 1 incident is attributable only to cosmetic damages, those damages shall not constitute major damage.'' Alabama has no such exemption for cosmetic damage when determining whether a vehicle qualifies as a salvage vehicle.

2. The bill has a specific definition for a ''flood vehicle.'' Alabama law does not distinguish between salvage vehicles that have been declared salvage due to flood damage and vehicles that have been declared salvage due to other events. Vehicles that suffer flood damage in Alabama are subject to the 75% threshold for a salvage vehicle and receive a salvage title if damage to the vehicle is equal to or greater than 75% of the retail value for the vehicle. Alabama law does not require a vehicle to be branded as a ''flood vehicle.''

3. The bill provides a definition for a leased vehicle that differentiates the vehicle from a non-leased motor vehicle. Alabama law makes no such distinction.

4. The written disclosure requirements mandated by the bill would be difficult to comply with when transfers involves repossessions, disposal of an abandoned motor vehicles, situations where ownership passes as a result of the death of an owner, non-voluntary transfers by operation of law and other situations where the transferor may not have personal knowledge of previous vehicle damage.

5. The bill's prescribed use of a secure power of attorney could prove to be burdensome in situations where there was a transfer between individuals who do not have access to the secure document.

6. The bill would be an unfunded mandate that would require a costly re-design of the Alabama certificate of title and the design and implementation of a new secure power of attorney document and secure inspection form. Additional costs would include: training costs for designated agents and reprogramming costs for county offices, automobile dealers, financial institutions, and insurance companies.

7. The disclosure requirements in the bill do not address vehicle damage that occurred prior to the proposed implementation date of the legislation. Therefore, it is unlikely that this information would not be readily accessible to transferor of the vehicle for a subsequent disclosure statement.

8. The bill does not clearly specify who is responsible for conducting a rebuilt salvage vehicle inspection.

In summary, the bill would be an administrative nightmare for the State of Alabama to implement. In addition, based upon the past experience of implementing the federal truth in mileage act, the gains in uniformity among states would be minimal for a substantial period of time and the costs would be both immediate and significant. If additional input is desired, please feel free to contact me at the address listed below or at telephone (334) 242–9013.

Sincerely,

MIKE GAMBLE,
Assistant Supervisor, Motor Vehicle Division/Title Section.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 10, 1999, the federal debt stood at $5,571,919,882,068.64 (Five trillion, five hundred seventy-one billion, nine hundred nineteen million, eight hundred eighty-two thousand, sixty-eight dollars and sixty-four cents).

Five years ago, May 10, 1994, the federal debt stood at $4,571,813,000,000

(Four trillion, five hundred seventy-one billion, eight hundred thirteen million).

Ten years ago, May 10, 1989, the federal debt stood at $2,765,710,000,000 (Two trillion, seven hundred sixty-five billion, seven hundred ten million).

Twenty-five years ago, May 10, 1974, the federal debt stood at $469,195,000,000 (Four hundred sixty-nine billion, one hundred ninety-five million) which reflects a debt increase of more than $5 trillion—$5,102,724,882,068.64 (Five trillion, one hundred two billion, seven hundred twenty-four million, eight hundred eighty-two thousand, sixty-eight dollars and sixty-four cents) during the past 25 years.

CONTINUING CAMPAIGN OF TERROR IN EAST TIMOR

Mr. FEINGOLD. Mr. President. I am dismayed to report to the Senate that the situation in East Timor continued to deteriorate over the weekend. The violence has become so bad that courageous human rights activists, lawyers, health workers and others have been forced to go into hiding. There are reports that thousands of East Timorese are trapped inside what one observer has called a ''concentration camp.''

This situation comes on the heels of several new developments. Last week, we had the unfortunate and ironic coincidence of several events on one day, Wednesday, May 5. On that day, the governments of Portugal and Indonesia, under the auspices of the United Nations, signed an agreement regarding the modalities of the planned August 8, 1999, vote on autonomy in East Timor. On that same day, the New York Times published a very significant op-ed by a key human rights lawyer, Aniceto Guterres Lopes, while at the same time, his house was surrounded by armed militias. And, still on the same day, I and several other Senators introduced S. Res. 96, a resolution to push for the Government of Indonesia to make a top priority the disarming of the very militias that seem to be terrorizing the region, among other actions.

Mr. President, on Sunday, May 9, 1999, the Washington Post published an excellent article that explains in horrifying detail just how bad the situation has become in East Timor. I ask unanimous consent that the text of the article be printed in the RECORD, and I thank the Chair.

[From the Washington Post, May 9, 1999]

A CAMPAIGN OF TERROR; ARMY-BACKED MILITIAS USE VIOLENCE TO SWAY VOTE ON E. TIMOR INDEPENDENCE

(By Keith B. Richburg)

The Indonesian military, through armed surrogates and paramilitary groups, is using intimidation, violence and the forced relocation of thousands of people to ensure that residents of East Timor do not vote for independence in a referendum Aug. 8, according to relief workers, human rights groups, Western military analysts and independent reporting here.

The actions of the paramilitary groups stand in sharp contrast to the central government's commitment in a U.N.-brokered agreement last week to allow East Timor's 800,000 people to choose their own future in a referendum, even if they decide to sever ties with Indonesia and become the world's newest independent nation. The government promised a free and fair vote.

Hundreds of Timorese independence activists have been killed or have gone into hiding after receiving death threats from army-backed militias. The main independence group, the National Council for Timorese Resistance has been wiped out in the capital, Dili; its downtown office is shut and its leaders are on the run. Militia members armed with machetes and homemade rifles roam the streets, carrying what is believed to be a death list with the names of prominent activists, human rights lawyers and even Catholic priests.

And in the most ominous sign yet that the military intends to engineer the outcome of the vote, 20,000 people have been herded from their mountain villages and are being held in this town as virtual hostages of the militia—creating a captive bloc of votes in favor of Timor remaining a part of Indonesia. Each day, the men are separated from the women, are forced to stand and sing the Indonesian national anthem and to wear red-and-white armbands and scarves, the colors of the Indonesian flag.

The police say these people are refugees fleeing the pro-independence guerrillas in the hills, who have been waging a low-level insurgency against Indonesian occupation for 24 years. But local relief workers in Dili—no foreign aid workers are allowed here—say they have been barred from traveling to Liquica to check on the condition of these people, who are living in makeshift tents, under tarps or in abandoned buildings. What little food they have is provided by the local government, and water is scarce.

Last week, a small group of reporters was allowed into Liquica to see the detainees and take pictures. But interviews outside the presence of the police or militia were forbidden, and most of the people seemed too frightened to speak. A few times, someone in the crowd shouted to the journalists a line not in the official script—one shouted, for example, that they did not have enough to eat—but they were quickly silenced by militia members who raced into the crowds after them.

The police commander for East Timor, Col. Timbul Silaen, had said in Dili earlier that reports of people being held captive in Liquica were untrue. ''At most, there are 100 [people being held], and they are from the pro-independence faction,'' he said in an interview.

LIKE A CONCENTRATION CAMP

But when journalists arrived in Liquica, they saw what appeared to be at least 20,000 people. The Liquica police commander, Lt. Col. Adios Salova, put the number at 10,000, but he insisted, ''They can go back to their homes if they want.''

''They've got Liquica like a concentration camp,'' said Dan Murphy, an American physician from Iowa working at a church-run clinic in Dili. ''They need help. These people are in desperate shape. . . . They're just sitting out in the open. It's a perfect setup for massive amounts of death'' from disease, with so many people without access to clean water and medical care.

Other Timorese relief workers said the kind of forced relocation seen in Liquica is being repeated on a large scale elsewhere in the territory. The goal, they said, appears to be to hold the detainees captive until the referendum, to create a large bloc of voters who will support a government-sponsored package that would give broad autonomy to East Timor, but keep it as a part of Indonesia.

''Their plan is to keep the people there and make sure they vote for'' autonomy, said Estanislau Martins, an official of the Catholic charity Caritas.

East Timor, a former Portuguese colony, has been a nettlesome problem for Indonesia since its troops invaded in 1975 on the pretext of stopping a civil war between rival Timorese factions. East Timor was annexed the following year as a province of Indonesia, but the United Nations never recognized the annexation.

For much of the past 24 years, Indonesia refused to budge on recognizing Timorese demands for independence. Displays of defiance were crushed, including a series of army massacres that are now etched in the psyche of Timorese. Human rights groups and Timorese activists estimate the conflict has killed as many as 200,000 Timorese. But for the most part, Timor has simmered on the back burners of international diplomacy.

All that changed this year, when President B.J. Habibie, who took power last May after the fall of longtime ruler Suharto, suddenly announced that Timorese could have independence if they rejected one last, broadened autonomy offer.

But while the civilian government in Jakarta was eager to rid itself of the East Timor problem, the Indonesian military apparently has other concerns. Senior military officers are known to fear that granting the territory independence will fuel separatist movements across the sprawling archipelago, particularly in the mineral-rich province of Irian Jaya, and in the troubled, Muslim fundamentalist-dominated province of Aceh on Sumatra Island. Troops have been fighting insurgencies in both those provinces, and the rebels have been emboldened by the government's concessions to the Timorese.

''It's national unity, and fear of national disintegration,'' said a Western military analyst.

The armed forces created the militias ostensibly to help keep the peace. But Timorese activists, human rights lawyers, and Western military analysts point to a more sinister purpose—to use them to create the appearance of a civil war in East Timor, while embarking on a campaign to terrorize and intimidate enough people to ensure a vote against independence.

WEAPONS OF TERROR

In recent weeks, the militias have rampaged unchecked in East Timor, killing and maiming suspected independence supporters and sympathizers. ''Ever since [Secretary of State] Madeleine Albright came [in March], it's been terrible,'' said Murphy, the American physician. ''Since then, they've decided to take a hard line, and bring out all the weapons of terror and intimidation.''

The most brazen attack was here in Liquica on April 6, when militiamen stormed a Catholic church sheltering hundreds of refugees. Tear gas forced the refugees into the open, where they were shot and hacked with axes and machetes; human rights groups recorded 57 deaths.

On the weekend of April 17, militias rampaged through Dili, driving out most of the independence supporters after a rally at the offices of Timor's Jakarta-appointed governor. The militia members burned down homes and shops in Dili's Becora market area, injuring scores of people.

''The militia is the military; they didn't do this on their own,'' said a man named Mateus, whose house was spared but who saw his neighbors' houses reduced to smoldering rubble. ''We saw their cars, and behind them was the military.''

The Western military analyst agreed that the armed forces control the militias, and are using them as surrogates. ''There's a big disconnect between what the leadership in Jakarta is saying and what's going on on the ground,'' he said. ''If [Defense Minister Wiranto] was unhappy with what's going on in East Timor, he would have fired some people.''

There are now at least 13 militia groups in East Timor, one for each of the territory's 13 districts, with names like Red and White Iron and Aitarak. The Western military analyst said the number now could be as high as 20. The Dili police commander, Col. Timbul, said each militia has about 5,000 members.

One tactic of the militia groups is intimidation of independence supporters. Militia posts have been set up just yards from the homes of human rights activists and other independence sympathizers.

Last Wednesday night, the Portuguese consul general in Jakarta, Ana Gomes, telephoned journalists in Dili to tell them that the Aitarak militia had surrounded the home of a prominent human rights lawyer, Aniceto Gutteres Lopes, director of the Legal Aid, Human Rights and Justice Foundation. The journalists, arriving in taxis just before midnight, found about two dozen militiamen outside Gutteres' empty home.

Gutteres and his family were discovered hiding in his back yard. He whispered to the reporters to stay and make sure he was not found, and to try to persuade the militia that he was not at home. He escaped, and has gone into hiding.

That episode was not unique; dozens of independence supporters, human rights workers and others have been threatened, have fled East Timor or have gone into hiding. Those who remain say they sleep in different houses each night.

Relief workers and foreign military analysts in Jakarta say the militias have a death list, with the names of prominent independence sympathizers to be killed between now and the vote, to guarantee the result the military brass prefers.

Matins, of Caritas relief agency, said he knows his name is on the list. ''It's all the key persons they say have to be killed,'' he said, cowering in his office after receiving an early morning warning of an imminent attack.

''They believe if they kill them all, they can win the elections.'' He said four priests are on the list, including the Rev. Francisco Barreto who heads the Caritas office. A man stands in front of bullet holes that riddled his home during an attack by a militia group in the East Timor town of Liquica. The militias, who are believed to have the support of the Indonesian armed forces, also rounded up an estimated 20,000 villagers who are being detained in the town. Members of this family are among thousands of East Timorese being held in tents and abandoned buildings in Liquica. It is believed that they will be pressured to vote against independence.

TAX FREEDOM DAY

Mr. MACK. Mr. President, I am here today because finally, Tax Freedom Day has arrived—the day the average American has earned enough income to cover his or her Federal, State and local taxes for the year. Only today—after one-third of the year has already passed—have our working men and women earned enough money to pay their taxes for the year! This is truly amazing, and it is also truly wrong.

Tax Freedom Day has moved successively later into the year for the past 7 years, as the Federal Government seeks to claim a larger and larger portion of the American family income. Since 1993, Federal tax revenues have grown 52 percent faster than personal income growth. And last year alone, Federal revenues grew 80 percent faster than personal income.

Florida's Tax Freedom Day is even later—Floridians will not finish earning enough to pay their taxes for the year until Friday, May 14. They also shoulder the 5th heaviest total tax burden in the country.

In 1999, Federal, State and local governments are projected to collect an average of $10,298 in tax revenue for every person in the country. This year, the Federal Government will collect more tax revenue as a share of GDP—that is 20.7 percent—than at any time since 1944. This is the highest level in peacetime history.

If that isn't enough to put the high Federal tax take into perspective, let me share with you a few examples of just how much taxes impede our freedom every day of the year.

I brought with me a daily tax clock to illustrate just how many different times we are taxed in ways we may not even realize. Think about the different things you do in the course of your average day. Planning your family's summer vacation? Forty percent of the cost of an airline ticket is taxes! When you drive to and from work today, 54 percent of the price of a gallon of gasoline is taxes. Did you call your mother on Mother's Day? Fifty percent of the cost of your phone bill is due to taxes.

Taxes infringe on our freedom—our freedom to work, our freedom to invest and our freedom to provide for our families. It is more apparent than ever that the mammoth Federal Government we have created will never be satisfied—if there is money to be had, the Federal Government will take it.

That is why it is more important than ever to provide tax relief to our families. We have a balanced budget, and soon we will be working with a Federal surplus. If the Federal Government has its way, this overpayment of taxes by the American people will be spent in Washington on new Federal programs. We need to give the American people their money back. I have proposed a tax plan which will do just that by, No. 1, providing tax relief for all American income taxpayers, No. 2, encouraging economic growth and, No. 3, ensuring U.S. technological leadership in the 21st century.

We need to ensure the United States keeps its status as an economic powerhouse in the next millennium. The Federal Government's role in ensuring this happens is to cut taxes and get out of the way to give the American people the freedom to pursue their own dream—not Washington's.

SOCIAL SECURITY LOCK BOX

Mr. FITZGERALD. Mr. President, twice, the Senate has failed to invoke cloture on the Social Security Lock Box. I am a cosponsor of this important amendment and I encourage all of my colleagues to join me in support for a Social Security lock box.

For several years, Congress has taken all the money out of the Social Security Trust Fund and spent it on other programs. In fact, through the end of last year, Congress has taken over $730 billion out of the trust fund and spent it all on other programs.

I believe that it is wrong to spend Social Security Trust Fund money on other programs. If a private corporation were to take money out of an employees' pension plan and spend it on something else, the executives of that corporation would, under Congress' own laws, be subject to prosecution and imprisonment. Why do we allow Congress to raid Social Security, the pension fund for all Americans?

Each time our government takes money out of the Social Security Trust Funds, it incurs a debt to these funds. To date, the government has incurred total debts of over $730 billion to the Social Security Trust Funds. The debts owed to these funds are included in the calculation of our total national debt which now stands at roughly $5.5 trillion. This debt, along with the program's massive unfunded liabilities, will ultimately have to be paid by future taxpayers.

The lock box proposal would ban Congress from spending Social Security Trust Fund monies on other programs (unless there is a super-majority vote to do so). Those who oppose the lockbox proposal want to continue spending Social Security Trust Funds on other new and unrelated programs.

While I believe that we need to take other steps to protect Social Security, I nevertheless believe that this lockbox provision is an important first step in ensuring the long-term fiscal health of our nation. By making it more difficult to spend Social Security Trust Funds on other programs, we will make it easier for ourselves to meet our obligation to Social Security in the future.

FINANCIAL SERVICES MODERNIZATION ACT

Mr. ENZI. Mr. President, I rise to speak briefly about the historic legislation passed in the Senate last week, S.900, Financial Services Modernization Act. I want to again commend Chairman PHIL GRAMM, the Senator from Texas for the outstanding work that he did leading us through the process of passing that landmark piece of banking reform legislation. Senator GRAMM is perhaps the most knowledgeable person on U.S. banking law. He was diligent in seeing that the action began last year in the Banking Committee came to fruition this year. He also took to heart the admonition we've given to the entire banking community to keep things in plain English. He simplified last year's bill, reduced it from 308 pages to 150 pages. Before we

began the debate on the Senate floor, he even had to undergo a massive demonstration at his house that was aimed not only at him, but at his wife. Which brings me to the subject I wanted to discuss—the Community Reinvestment Act.

Mr. President, I ask unamious consent that the May 11, 1999, article in the Wall Street Journal by former Federal Reserve Governor Lawrence B. Lindsey be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ENZI. Mr. Lindsey points out quite correctly that the CRA provisions in S.900 are very modest. In spite of this, I continue to be amazed that the Administration and its supporters have demonized the bill because of the minor changes it makes to the Community Reinvestment Act, CRA. Yes, included in the bill are changes to the CRA. However, it does not dismantle, destroy or otherwise diminish the CRA. In fact, the amendments included in the bill should only strengthen the legitimacy of CRA.

You wouldn't suspect this, though, from the comments of the Administration. They claim that these provisions would utterly destroy the CRA. Since the Administration does not support the bill's structure that favors the Federal Reserve over the Treasury Department, they have instead garnered opposition to the bill over the CRA issue. They have gotten the community development industry to oppose a bill that the Administration opposes primarily because it does not expand the banking policy authority of the executive branch.

What I have become concerned about is a government policy that encourages a bank, as Lawrence Lindsay stated, ''to simply pay for a problem to go away.'' S.900 attempts to correct the abuse of the CRA by declaring a bank in compliance with the law if it has earned a ''satisfactory'' rating for three consecutive years. It would require individuals or groups to present some form of evidence to the contrary in order to prevent a merger or acquisition. This will help eliminate extortion, which only amounts to lining the pockets of a few select individuals. It should help ensure that the CRA is preserved for helping the communities instead of funding the extortionists.

I urge all to read the whole Wall Street Journal editorial.

EXHIBIT 1

[From the Wall Street Journal, Mary 11, 1999]

CLINTON'S CYNICAL WAR ON BANKING REFORM

(By Lawrence B. Lindsey)

Last week the Senate passed a bill overhauling the regulation of banks, including a provision sponsored by Sen. Phil Gramm (R., Texas), chairman of the Banking Committee, to reform the Community Reinvestment Act. Mr. Gramm's provision has stirred controversy, to say the least. Last month hundreds of ''community activists'' descended on his house, where they pounded on the windows, trampled the landscaping and left the yard covered with garbage.

The 20-year-old CRA requires banks to serve their entire community. Regulators take banks' CRA compliance into account when deciding whether to approve applications for mergers or expanded services. In the recent wave of bank consolidation, banks have made billions of dollars of loan commitments and signed agreements with numerous community organizations in order to be seen as complying with CRA.

HEAVY-HANDED TACTICS

Sen. Gramm has complained that many of these payments amount to little more than extortion sanctioned by federal bank regulators, a claim bolstered by the protesters' behavior at the senator's house. While the great majority of CRA activity is legitimate, some banks and their executives have been subjected to similar personalized and heavy-handed tactics with a demand that they sign agreements that, in effect, fund the protesters. Other banks find their mergers held up by legalistic protests until they pay up.

I helped write the current CRA regulations when I was a governor of the Federal Reserve, and I part company with Mr. Gramm on the degree to which the CRA encourages extortion. In fact, those regulations, implemented in 1996, were designed to reduce the potential rewards for such behavior. Most bankers and community development professionals agree that the regulations have been successful in that regard. Yet I think Mr. Gramm is getting a bum rap.

Mr. Gramm's proposed reforms are quite modest. You wouldn't know it, though, from listening to the Clinton administration and its supporters. President Clinton himself attacked the Gramm proposal in a February meeting with the nation's mayors. Treasury Secretary Robert Rubin, the Rev. Jesse Jackson and Ralph Nader all joined the chorus. The attack strategy worked. Regulators with whom I spoke said they believed Mr. Gramm was out to destroy CRA, although when pressed, they admitted they didn't know the details of his proposal.

When I spoke to a group of community-development professionals, there was stunned silence when I described how mild Mr. Gramm's proposals actually are. First, he proposes that a bank that has earned ''satisfactory'' ratings from the regulators for three years running be presumed in compliance with the law, unless evidence is presented to the contrary.

Second, he proposes that small rural banks be exempt from CRA. The banks that would be excluded under this plan have a total of 2.8% of all U.S. bank assets; the banks with the remaining 97.2% would remain subject to CRA. When we wrote the current CRA regulations, we recognized the burden they placed on small banks and carved out a streamlined examination procedure for them. Mr. Gramm takes this principle only a little further.

Why, then, is the administration demonizing Mr. Gramm? As with similar disinformation campaigns in the past, the attack is meant to draw attention away from an issue on which the administration is vulnerable. What is really at stake here is a separate provision of the banking-reform bill, concerning the question of which agency should regulate most banks—the Fed, which is independent of the administration, or the comptroller of the currency, who reports to the Treasury secretary. Mr. Gramm's bill, which passed on a near-party-line vote, favors the Fed.

Such a bureaucratic turf struggle is not the stuff over which nonbureaucrats go to the barricades. So the administration has instead rallied the troops with a campaign of exaggeration about the CRA. In short, the community-development industry is being used as a pawn by the administration in a power struggle with the Fed.

The worst part of this is that the community-development industry is finally coming of age. All around the country, community-development professionals are engaged in exciting partnership with forprofit organizations to rebuild the physical and social infrastructure of some of America's blighted areas. The best of these are run in a very professional and businesslike fashion; their management teams could compete with any in corporate America.

Unfortunately, much of the industry is still quite insecure, with deep memories of being caught between widespread private-sector indifference and an unresponsive federal bureaucracy led by the Department of Housing and Urban Development. And some of the more flamboyant leaders in community development, who cut their teeth in the radicalism of the 1960s, are quick to lead protest marches and demonstrate their feelings. They have been coopted as unwitting foot soldiers in bigger wars, such as the Comptroller-Fed battle and the feud between the mortgage-insurance industry and the secondary mortgage market.

In the long run, there is no alternative to a zero-tolerance policy with regard to extortion in CRA or the type of protest that occurred at Sen. Gramm's house. Such behavior poisons the well of goodwill that makes community reinvestment possible. The time has come for those responsible for the success of CRA to break their silence and make clear whether they want community development to be a business success story or just some politician's sound bite.

What is needed is a clear way to demarcate those who deliver real community development from those who deliver a mob outside a bank branch or senator's house. The best people to do this are the leaders of community groups themselves. In private, some of the most accomplished practitioners have told me how embarrassed they are about the events at Mr. Gramm's house. They have not shied away from using the term ''extortion'' to describe activity that clearly fits the definition. These people know that their good efforts are made more difficult by the extortionists; who misuse resources and give community development a bad name.

PET CAUSES

Banks themselves must also make clear that they will not pay for political favors or meet extortionists' demands. The intent of CRA is to ensure that an adequate number of loans are made in low- and moderate-income neighborhoods and that those areas have access to bank branches and other banking services. There is no requirement that civic or community leaders must say nice things about the bank or that the bank must contribute to those leaders' pet causes or even their own organizations.

It is often too easy for bank management to simply pay for a problem to go away. Regulators should make sure that this doesn't happen, by insisting that CRA-type payments made by bank management go for services rendered—such as loan referrals—and are not de factor political contributions or extortion payments. Regulators would not tolerate a bank management that violated the Foreign Corrupt Practice Act by bribing foreign officials. Nor should they allow bribes to community groups in the U.S. The administration, meanwhile, should stop using America's developing communities as pawns in its own bureaucratic battles.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON CERTIFICATION OF EXPORTING TO THE PEOPLE'S REPUBLIC OF CHINA SATELLITE FUELS AND SEPARATION SYSTEMS—MESSAGE FROM THE PRESIDENT—PM 26

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

In accordance with the provisions of section 1512 of Public Law 105–261, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, I hereby certify that the export to the People's Republic of China of satellite fuels and separation systems for the U.S.-origin Iridium commercial communications satellite program:

(1) is not detrimental to the United States space launch industry; and

(2) the material and equipment, including any indirect technical benefit that could be derived from such export, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 10, 1999.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2964. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Electronic Funds Transfer (EFT)'', received on April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2965. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Administrative Revisions to the NASA FAR Supplement'', received on April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2966. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, a draft of proposed legislation entitled ''National Aeronautics and Space Administration Authorization Act, 2000''; to the Committee on Commerce, Science, and Transportation.

EC–2967. A communication from the Deputy Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a ''Request for Proposals for the Ecology and Oceanography of Harmful Algal Blooms Project'' (RIN0648–ZA60) received on April 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2968. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report regarding bluefin tuna, for calendar years 1997 and 1998; to the Committee on Commerce, Science, and Transportation.

EC–2969. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report regarding highly migratory species; to the Committee on Commerce, Science, and Transportation.

EC–2970. A communication from the Chairman, National Transportation Safety Board, transmitting, a draft of proposed legislation entitled ''National Transportation Safety Board Amendments of 1999''; to the Committee on Commerce, Science, and Transportation.

EC–2971. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled the ''Voluntary Seafood Inspection Performance Based Organization Act of 1999''; to the Committee on Commerce, Science, and Transportation.

EC–2972. A communication from the Acting General Counsel, Department of Defense, transmitting, a draft of proposed legislation relative to various transportation matters; to the Committee on Commerce, Science, and Transportation.

EC–2973. A communication from the Acting Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Americans with Disabilities Act Accessibility Guidelines; Detectable Warnings'' (RIN3015–AA24), received March 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2974. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the activities of the Department regarding the guarantee of obligations issued to finance the construction, reconstruction, or reconditioning of eligible export vessels for calendar year 1998; to the Committee on Commerce, Science, and Transportation.

EC–2975. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''The Performance and Registration Information Systems Management Project'' dated March 1999; to the Committee on Commerce, Science, and Transportation.

EC–2976. A communication from the Secretary of Transportation, transmitting, a report entitled ''Development of Plans For Responding to Aviation Disasters Involving Civilians on Government Aircraft'', dated March 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2977. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Status of Activities which Respond to National Transportation Safety Board's Recommendations to the Secretary of Transportation'' for calendar year 1998; to the Committee on Commerce, Science, and Transportation.

EC–2978. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report of a vacancy; to the Committee on Commerce, Science, and Transportation.

EC–2979. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Implementation of the International Safety Management (ISM) Code''; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–84. A resolution adopted by the Land Use and Zoning Authority, City of Dearborn Heights, Michigan relative to pending federal land use and zoning legislation; to the Committee on the Judiciary.

POM–85. A concurrent resolution adopted by the Legislature of the State of South Dakota; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE CONCURRENT RESOLUTION NO. 4

Whereas, ongoing depressed prices at the market place for agricultural products have created an economic emergency for rural America; and

Whereas, an investigation into the causes of the crisis in the agricultural economy, including a full investigation of market competitiveness in livestock and crops and a reexamination of trade agreements is warranted and necessary; and

Whereas, action is necessary at the federal state level to stabilize this nation's food producers, main street businesses, and rural America as a whole: Now, therefore, be it

Resolved, by the Senate of the Seventy-fourth Legislature of the State of South Dakota (the House of Representatives concurring therein), That the South Dakota Legislature requests the following actions by the Congress and the executive agencies of the federal government:

(1) The commencement of vigorous antitrust investigations into the concentration of ownership in meat packing, grain handling, and retail agricultural operations;

(2) A block of the proposed Cargill-Continental Grain merger;

(3) Country-of-origin labeling of meat and meat products and a limitation of the USDA label to United States production;

(4) Mandatory price reporting for livestock and grain;

(5) Shift the responsibility for the regulation of packers and stockyards and enforcement of the Packers and Stockyards Act from the United States Department of Agriculture to the Justice Department;

(6) Inspections of imported agricultural products to ensure that such products have met standards equivalent to United States standards for food safety and environmental and worker protection; and

(7) Actions to ensure that farm and ranch producer interests are represented at the 1999 World Trade Organization negotiations.

POM–86. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 440

Whereas, federal legislation entitled the ''Conservation and Reinvestment Act of 1999'' has been introduced in the 106th Session of Congress which would provide financial assistance to meet the outdoor conservation and recreation needs of the American people; and

Whereas, funds received pursuant to the Act may be used for projects and activities related to air quality, water quality, fish and wildlife, wetlands, or other coastal resources, including shoreline protection and coastal restoration; and

Whereas, this measure, if enacted, would divert 50 percent of the Outer Continental Shelf Lands Act funds from the federal treasury directly to states to meet their outdoor conservation and recreation needs; and

Whereas, it is estimated that Virginia's allocation, if such legislation is enacted, would be $27 million;

Whereas, the money is to be allocated to both the Commonwealth and its eligible political subdivisions; and

Whereas, Virginia, as evidenced by its laws and the allocation of financial resources, has remained committed to protecting its environment and conserving its natural wildlife resources; and

Whereas, a partnership between the federal government and the states would further enhance the various efforts that states have made to protect their land, water, and wildlife resources; and

Whereas, the Land and Water Conservation Fund Act of 1965 embodied a visionary concept that a portion of the proceeds from Outer Continental Shelf leasing revenues and the depletion of nonrenewable natural resources should result in a legacy of public places accessible for recreation; and

Whereas, the demand for recreation and conservation areas, at the state and local level, remains a high priority for Virginians; and

Whereas, compleition for limited federal moneys has resulted in the states not receiving an equitable proportion of funds for land acquisition; and

Whereas, to develop a comprehensive conservation legacy that will not only protect open space but will also provide funding for sustaining the wildlife that use the lands, it is essential to establish a permanent funding source for state-level wildlife conservation, conservation education, and wildlife-related recreation programs that promote wildlife diversity; and

Whereas, through enactment of the Federal Aid in Wildlife Restoration Act and the Federal Aid in Sport Fish Restoration Act, hunters and anglers have for more than 60 years willingly paid user fees in the form of federal excise taxes on hunting and fishing equipment to support wildlife diversity and abundance; and

Whereas, state, programs, conducted in coordination with federal, state, tribal, and private landowners and interested organizations, must serve as a vital link in a nationwide effort to protect and enhance wildlife diversity through comprehensive wildlife-management programs that benefit both game and nongame species; and

Whereas, the investment of these Conservation and Reinvestment Act funds in wildlife-related programs would support natural resources related to tourism and wildlife viewing that generate millions of dollars annually to the economy of Virginia: Now, therefore, be it

Resolved by the Senate (the House of Delegates concurring), That Congress be urged to enact the ''Conservation and Reinvestment Act'' which will provide federal matching funds for such projects; and, be it

Resolved further, That Congress be urged to enact the proposed House of Representatives version of the Act, House Resolution No. 701, that would raise the total diversion of Outer Continental Shelf Lands Act revenues to 60 percent by increasing the allocation of such revenues in the proposed Title II provisions from 16 to 23 percent and Title III provisions from 7 to 10 percent; and, be it

Resolved finally, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the Virginia General Assembly in this matter.

POM–87. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE CONCURRENT RESOLUTION NO. 1616

Whereas, Economic sanctions hinder the export of agricultural products, exacerbating the transportation of such products and possibly lowering the price received by the Kansas farmer for such agricultural products; and

Whereas, The export of agricultural commodities has provided the United States the only positive return on its balance of trade; and

Whereas, The only way to ensure that a positive return on the balance of trade continues is to allow international markets to remain open; and

Whereas, The use of unilateral economic sanctions rarely achieves its goal, but cause substantial harm to the producers of products; and

Whereas, Not only do the sanctions imposed by the United States cause lost market opportunities for the Kansas farmer, but so do the unfair trade barriers and sanctions imposed on agricultural products by other countries; and

Whereas, The storage of grain on the ground in Kansas is just one example of the adverse affects sanctions have on agricultural products: Now, therefore, be it

Revolved by the Senate of the State of Kansas (the House of Representatives concurring therein): That Congress remove or restrict the use of trade sanctions as they apply to agricultural products and that Congress ensure that the use of trade sanctions will result in meaningful results;

Whereas, The export enhancement program is one tool which can expand foreign market opportunities; and

Whereas, If the Kansas farmer is to have the opportunity to prosper and grow, the agricultural products produced by the farmer must be able to reach foreign markets; and

Whereas, The stockpiling of grain is just one example of where the lack of access to foreign markets hurts not only the Kansas farmer but all American farmers and the economy of the United States in general: Now, therefore, be it

Resolved; That the secretary of the United States department of agriculture is urged to take greater advantage of the export enhancement program; and be it further

Resolved: That Congress work for the reduction and elimination of trade barriers and sanctions imposed by other countries against agricultural products; and

Whereas, Foreign meat and dairy products must be raised or produced under the same regulatory standards to ensure consumer health and safety as meat and dairy products raised and produced in the United States; and

Whereas, Numerous cattle producers have testified before the Kansas Legislature that this issue needs to be investigated and decided in Congress: Now therefore, be it

Resolved: That Congress pass laws that require country of origin labeling on foreign meat and dairy products with such labeling on the final consumer product; and

Whereas, Pork and beef associations presented resolutions and testimony on the need and value of mandatory price reporting; and

Whereas, Discriminatory pricing and retaliatory actions are unacceptable in an open market system; and

Whereas, Pork and beef associations also support a marketing system free from unnecessary government regulations; and

Whereas, Producers should consider participating in marketing alliances, cooperatives and other innovative methods of marketing livestock in order to focus on changing consumer demands and to regain market share; and

Whereas, Pork and beef associations support a system free of government restrictions on livestock ownership, unless such livestock ownership restricts free and competitive markets or is a violation of antitrust laws; Now, therefore, be it

Resolved: That Congress continue to investigate mandatory price reporting in the livestock industry and, if warranted, pass appropriate legislation that will assure a free and open market for our independent farmers and ranchers; and

Whereas, Concentration of segments of the beef and pork industries is occurring; and

Whereas, Such concentration must not result in lower commodity prices for Kansas farmers and ranchers and higher food prices for American consumers; and

Whereas, Pending mergers of grain companies could result in disproportionate control of the grain market; and

Whereas, Renewed investigative efforts, including enforcement of the antitrust laws, must be generated by the justice department and the packers and stockyards division of the United States department of agriculture to ensure the competitive market structure: Now, therefore, be it

Resolved: That the justice department and the packers and stockyard division of the United States department of agriculture enforce the antitrust laws in the livestock and grain industry; and be it further

Resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the President of the United States, the Vice-President of the United States, Majority Leaders and Minority Leader of the United States Senate, the Speaker, Majority Leader and Minority Leader of the United States House of Representatives, the Secretary of the United States Department of Agriculture, the Attorney General of the United States and to each member of the Kansas Congressional Delegation.

POM–88. A resolution adopted by the Southern Governors' Association relative to the pricing of imported steel; to the Committee on Finance.

POM–89. A resolution adopted by the Southern Governors' Association relative to political self-determination for Puerto Rico; to the Committee on Energy and Natural Resources.

POM–90. A resolution adopted by the Southern Governors' Association relative to deepwater ports and inland waterways; to the Committee on Environment and Public Works.

POM–91. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE JOINT RESOLUTION NO. 245

Whereas, Article I, Section 8 of the Constitution of the United States grants to the Congress the power to coin money; and

Whereas, many Americans are unaware of the provisions of the Constitution, one of the most remarkable and important documents in world history; and

Whereas, an abbreviated version of this essential document, consisting of the Preamble and the Bill of Rights could easily be placed on the reverse of the one-dollar bill; and

Whereas, placing the Preamble and the Bill of Rights on the one-dollar bill, a unit of currency used daily by virtually all Americans, would serve to remind the people of the historical importance of the Constitution and its impact on their lives today; and

Whereas, Americans would be reminded by the Preamble of the blessings of liberty and by the amendments of the historical changes to the document that forms the very core of the American experience; now, therefore, be it

Resolved by the House of Delegates (the Senate concurring), That the Congress of the United States be urged to direct that the United States one-dollar bill be redesigned to place the Preamble of the Constitution of the United States and the Bill of Rights on its reverse side; and be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congressional Delegation of Virginia so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–92. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 499

Whereas, the 10th Amendment of the Constitution of the United States specifies that ''the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people''; and

Whereas, the founders of this Republic and the framers of the Constitution of the United States understood that centralized power is inconsistent with republican ideals, and accordingly limited the federal government to certain enumerated powers and reserved all other powers to the states and the people through the 10th Amendment; and

Whereas, the federal government has exceeded the clear bounds of its jurisdiction under the Constitution of the United States and has imposed ever-growing numbers of mandates, regulations and restrictions upon state and local governments, thereby removing power and flexibility from the units of government closest to the people and increasing central control in Washington; and

Whereas, in 1995 the General Assembly of Virginia passed several resolutions strongly urging the federal government to observe the principles of federalism embodied in the 10th Amendment and to cease and desist, effective immediately, imposing mandates that are beyond the scope of its constitutionally delegated powers; and

Whereas, despite the General Assembly's admonitions, another attempt to disrupt the delicate balance between the powers of the federal government and the states occurred on May 14, 1998, when President Clinton issued Executive Order No. 13083, which dramatically changed the way the federal government deals with state and local governments; and

Whereas, the effect of Executive Order No. 13083 was to revoke previous protections for states from federal agency action and widen the areas for preemption and the imposition of federal mandates; and

Whereas, on August 6, 1998, in response to negative reaction from congressional, state, and local officials, President Clinton retreated from his position and announced the suspension of Executive Order No. 13083 on federalism; and

Whereas, Congress took further action to ensure the effective repeal of Executive Order No. 13083 by amending H.R. 4328, the omnibus appropriations act, to provide that no federal funds could be used to implement, administer, or enforce the executive order; and

Whereas, although a major assault on the principles of sovereignty was averted, the attack by the federal government on the principles of federalism does not appear to be abating; and

Whereas, many Virginia citizens, disturbed by these recent events and the federal government's unwillingness to limit its powers as required by the 10th Amendment, are calling for Virginia to reassert its constitutional right of sovereignty; now, therefore, be it

Resolved by the House of Delegates (the Senate concurring), That the General Assembly of Virginia reaffirm its notice to the federal government that the Commonwealth strongly opposes any effort to weaken the powers reserved to the states and the people by the 10th Amendment of the Constitution of the United States; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congressional Delegation of Virginia so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–93. A joint resolution adopted by the Legislature of the Commonwealth of Virginia to the Committee on Health, Education, Labor, and Pensions.

Whereas, the McCarran-Ferguson Act, passed by the Congress of the United States in 1945, established a statutory framework whereby responsibility for regulating the insurance industry was left largely to the states; and

Whereas, the Employee Retirement Income Security Act (ERISA) of 1974 significantly altered this concept by creating a federal framework for regulating employer-based health, pension and welfare-benefit plans; and

Whereas, the provisions of ERISA prevent states from directly regulating most employer-based health plans that are not deemed to be ''insurance'' for purposes of federal laws; and

Whereas, available data suggests that self-funding of employer-based health plans is increasing at a significant rate; among both large and small businesses; and

Whereas, between 1989 and 1993, the General Accounting Office estimates that the number of self-funded plan enrollees increased by about six million; and

Whereas, approximately 40–50 percent of the employer-based health plans are presently self-funded by employers, who retain most or all of the financial risk for their respective health plans; and

Whereas, as self-funding of health plans has grown, states have lost regulatory oversight of this growing portion of the health insurance market; and

Whereas, the federal government has been slow to enact meaningful patient protections such as mechanisms for the recovery of benefits due plan participants, recovery of compensatory damages from the fiduciary caused by its failure to pay benefits due under the plan, enforcement of the plan-participant's rights under the terms of the plan, assurance of timely payment, and clarification of the plan-participant's right to future benefits under the terms of the plan; and

Whereas, in the absence of federal patient protections, state-level action is needed; now, therefore, be it

Resolved by the House of Delegates (the Senate concurring), That the Congress of the United States be urged to either enact meaningful patient protections at the federal level with respect to employer self-funded plans or, in the absence of such federal action, amend the Employee Retirement Income Security Act (ERISA) of 1974 to grant authority to all individual states to monitor and regulate self-funded, employer-based health plans; and be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of the United States Department of Labor, the Congressional Delegation of Virginia, and to the presiding officer of each house of each state's legislative body so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–94. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation.

HOUSE JOINT RESOLUTION NO. 568

Whereas, the air transportation needs of the metropolitan Washington region are addressed through a finely balanced, comprehensive regional airport plan; and

Whereas, under that plan, Ronald Reagan Washington National Airport and Washington Dulles International Airport each perform a separate and unique function in that regional airport plan; and

Whereas, Ronald Reagan Washington National Airport functions as the local and regional airport, serving cities within a 1,250-mile radius; and

Whereas, Washington Dulles International Airport serves as the national and international airport; and

Whereas, significant local decisions about airport investment and development plans have been based on this locally and federally endorsed balance of traffic; and

Whereas, the allocation of roles to each airport under the plan has stimulated the growth and development of Washington Dulles International Airport; and

Whereas, the development of Washington Dulles International Airport has improved the quality of regional, domestic, and international air transportation for all citizens of the region; and

Whereas, the improvement in air transportation alternatives has brought to local passengers the benefits of increased competition in the form of competitive fares and a broad array of new service options between these two airports; and

Whereas, the region has benefited from investments by many new firms in Northern Virginia that have located to this area because of the presence of a major international airport, Washington Dulles International Airport, and the strength and continued viability of competitive air service offerings at both Washington Dulles International Airport and Ronald Reagan Washington National Airport; and

Whereas, the increased business activity has produced substantial economic benefits for the region; and

Whereas, a linchpin of this balanced regional air transportation system is the rule at Ronald Reagan Washington National Airport limiting flights to 1,250 miles from the airport; and

Whereas, as one of only four high-density airports in the country, Ronald Reagan Washington National Airport is subject to a ''slot rule'' reservation system which limits the total number of flights per hour to sixty; and

Whereas, changes to the perimeter rule would threaten air service to smaller communities within the perimeter that now enjoy convenient access to Northern Virginia by air; and

Whereas, the perimeter rule and the slot rule were enacted as Section 6012 of the Metropolitan Washington Airports Act of 1986; and

Whereas, legislation is being considered in the Congress of the United States that would provide for exemptions from the perimeter rule and slot rule; and

Whereas, any change in the current perimeter rule and slot rule would threaten the benefits now enjoyed by citizens of the region as a result of the balance of services among the regional airports, as well as threaten the existing noise mitigation policy that is provided with the slot rule; and

Whereas, maintaining the perimeter rule and the slot rule is critical to the continued effectiveness of the balanced regional air transportation plan; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the retention of the 1,250-mile perimeter rule and slot rule at Ronald Reagan Washington National Airport be supported and that any relaxation of, exemption from, or amendment to Section 6012 of the Metropolitan Washington Airports Act of 1986 or the regulations promulgated pursuant thereto be opposed; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, United States Senator John McCain, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–95. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 581

Whereas, on November 23, 1998, the Attorneys General and other representatives of forty-six states, Puerto Rico, the U.S. Virgin Islands, Northern Mariana Islands, Guam, and the District of Columbia signed an agreement with the five largest tobacco manufacturers which ended a four year legal battle with the states and the industry which began in 1994 when Mississippi became the first state to sue the tobacco industry; and

Whereas, the four other states had previously settled with the tobacco manufacturers which means that now all fifty states have settled with the largest tobacco companies; and

Whereas, over the next twenty-five years starting in June 2000, the states will receive an estimated $206 billion under the Master Settlement Agreement; and

Whereas, the states' agreement with the tobacco manufacturers focused on public health and youth access issues by prohibiting youth targeting, advertising, marketing and promotions, by banning cartoon character advertising, by restricting brand name sponsorship of events with significant youth audiences, by banning outdoor advertising and youth access to free samples, and by creating a national, foundation and a public education fund; and

Whereas, this agreement also changed the corporate culture of the tobacco industry by requiring the industry to make a significant commitment to reducing youth access and consumption, by disbanding tobacco trade associations, by restricting industry lobbying, and opening the industry records and research to the public; and

Whereas, the tobacco settlement provided for court jurisdiction for the implementation and enforcement of the Tobacco Settlement Agreement amount the states; and

Whereas, federal legislation was not required or needed to implement the Master Settlement Agreement which has been reached by the five largest tobacco manufacturers and all fifty states; and

Whereas, certain elements of the federal government in the U.S. Department of Health and Human Services have attempted to stake claim to the states' Tobacco Settlement dollars under the existing Medicaid law claiming recovery made on behalf of Medicaid clients should be shared with the federal government based on the federal Medicaid match in the states; and

Whereas, the states have settled with the tobacco industry with no help from the federal government; and

Whereas, there may be a temptation by some to seize this large sum of dollars that has been agreed to by the states and the tobacco industry; now, therefore, be it.

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to enact legislation to prevent the seizure of state tobacco settlement funds by the federal government, and that the federal government be urged not to interfere in the tobacco settlement which has been reached between the fifty states and the largest tobacco manufacturers; and, be it.

Resolved further, That the Congressional Delegation of Virginia introduce legislation to ensure that this occurs; and, be it

Resolved Finally, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and the members of the Congressional Delegation of Virginia so they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–96. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION NO. 598

Whereas, Virginia ranks second in the nation in the amount of municipal waste imported from other states and the tonnage imported is likely to increase as other states close landfills; and

Whereas, Virginia has ample public and private municipal waste disposal capacity for waste generated in the Commonwealth; and

Whereas, the negative impacts of truck, rail, and barge traffic and litter, odors, and noise associated with waste imports occur not just at the location of final disposal but also along waste transportation routes, and current landfill technology has the potential to fail, leading to long-term cleanup and other associated costs; and

Whereas, the importation of waste runs counter to the repeatedly expressed strong desire of Virginia's citizens for clean air, land, and water and for the preservation of Virginia's unique historic and cultural character, and it is essential to promote and preserve these attributes; and

Whereas, the Commonwealth has demonstrated the ability to attract good jobs and to promote sound economic development without relying on the importation of garbage; and

Whereas, in 1995, 23 governors wrote to the Commerce Committee of the United States Congress urging passage of legislation allowing states and localities the power to regulate waste entering their jurisdictions; and

Whereas, legislation is pending before the Commerce Committee that would provide states and localities with the authority to control the importation of waste, a power that is essential to the public health, safety, and welfare of all citizens of Virginia; therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to enact legislation giving states and localities the power to control waste imports into their jurisdictions. The study shall include: (i) a ban on waste imports in the absence of specific approval from the disposal site host community and governor of the host state; (ii) authorization for governors to freeze solid waste imports at 1993 levels; (iii) authorization for states to consider whether a disposal facility if needed locally when deciding whether to grant a permit; and (iv) authorization for states to limit the percentage of a disposal facility's capacity that can be filed with waste from other states; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–97. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation.

HOUSE JOINT RESOLUTION NO. 640

Whereas, areas are now capable of having more than two cellular service providers in a single area; and

Whereas, the northern sections of Buchanan County and the section of Dickenson County that includes the Breaks Interstate Park are not currently included in the local cellular calling area administered by ALLTEL Corporation; and

Whereas, the communication system must be considered as highways that separate those parts of Buchanan County and Dickenson County from the Cumberland Plateau Planning District, the Virginia Coalfield Coalition, the Coalfield Economic Development Authority, and the Coalfield Regional Tourism Authority; and

Whereas, the current local cellular calling area divides Buchanan County and removes it from the planning and growth activities of surrounding localities in regional Southwest Virginia; and

Whereas, significant efforts to bolster the lifestyle and prosperity of this region are underway and depend on the availability of reliable and affordable telecommunications, with such service especially needed for the Appalachian School of Law, which is beginning its second year of training attorneys, and the Breaks Interstate Park, which attracted over 420,000 visitors last year; and

Whereas, these and other developments require telecommunications service that will enable the region to continue to grow; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to direct the Federal Communications Commission to study the feasibility of including all of Buchanan County, Virginia, and all of Dickenson County, Virginia, into the Southwest Virginia Network; and be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Secretary of the United States Department of Labor, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congressional District of Virginia in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–98. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation.

HOUSE JOINT RESOLUTION NO. 649

Whereas, encryption technology plays a pivotal role in protecting and enhancing the privacy and security of communications over the Internet, especially those containing personal information or information of commercial value, from criminal and other unwarranted intrusion or interference; and

Whereas, each citizen should be free to employ the level of encryption technology he sees fit to protect the privacy and security of his communications over the Internet; and

Whereas, the ability to use encryption technology will provide safe, secure, and private transactions via the Internet; and

Whereas, because such transactions will enhance electronic commerce, the use of encryption technology by private and corporate citizens should not be curtailed for any legitimate purpose; and

Whereas, there is pending in the United States House of Representatives the Security and Freedom through Encryption Act, which substantially eases federal export controls on American cryptographic products; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That availability and unfettered usage of strong encryption technology for any legitimate purpose will enable and facilitate the growth of the information economy and therefore should be encouraged and supported by government at all levels; and, be it

Resolved further, That the Congress and the President of the United States be urged to take immediate action to revise the current federal export controls on the export by American companies of cryptographic products; and,be it

Resolved finally, That the Clerk of the House of Delegates transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the United States House of Representatives and the President pro tempore of the United States Senate, and to each member of the Congressional Delegate of Virginia that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–99. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT RESOLUTION NO. 650

Whereas, the federal Individuals with Disabilities Education Act (IDEA) governs the delivery of education services to disabled students; and

Whereas, disabled students are entitled to ''free and appropriate education,'' which includes special education and related services and requires the development and implementation of an individualized education plan; and

Whereas, procedural safeguards are provided to students with disabilities who have been identified as eligible for special education, including a variety of notice, hearing and appeals requirements; and

Whereas, the majority of students with disabilities behave well in school; and

Whereas, there are, however, some students with disabilities who have serious behavior problems, resulting in violence and disruption in the educational environment; and

Whereas, prior to the early 1990s, students with disabilities were subject to expulsion for the same infractions as other students if there was no causal connection between the student's behavior and the student's disability and the student was appropriately placed at the time of the misconduct; and

Whereas, in the first half of the decade, Virginia was in litigation with the federal Department of Education as a result of federal demands that the Commonwealth's plan for special education include a provision requiring continuation of educational services to students with disabilities upon expulsion from school attendance, even if the discipline resulted from behavior unrelated to the child's disability; and

Whereas, pursuant to the Individuals with Disabilities Education Act, federal funds are conditioned on compliance with federal law and regulations; and

Whereas, for several years, Virginia's grant funds under IDEA were in limbo because of the litigation; however, in 1976 the Fourth Circuit Court ruled in favor of Virginia; and

Whereas, after the Fourth Circuit Court decision, Congress amended IDEA during the reauthorization process to require continuation of services to expelled students with disabilities; and

Whereas, it has been Virginia's contention throughout this process that allowing students with disabilities to be exempt from the consequences of their actions is a policy which does not benefit the student with disabilities or the educational environment and is patently unfair to other students; and

Whereas, the school divisions in Virginia have continued to serve students with disabilities who have been expelled from school through a variety of methods, such as visiting teachers, distance learning, and alternative programs; and

Whereas, Virginia's school divisions are dedicated to providing quality education to students with disabilities while maintaining good discipline and an atmosphere conducive to learning; and

Whereas, the Commonwealth would like to have a policy which provides uniform sanctions for violent students; however, federal law prevents the application of standardized disciplinary penalties; and

Whereas, the public schools throughout the nation are seeking to develop mechanisms to prevent the outbreaks of violence, particularly incidences of shootings; and

Whereas, the Commonwealth's education community believes that Congress should examine the consequences of its mandate to continue educational services to expelled students in terms of fairness to all students, school safety for all students and the maintenance of a positive educational atmosphere; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to reconsider federal restrictions on discipline of certain students with disabilities; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–100. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Indian Affairs.

HOUSE JOINT RESOLUTION NO. 754

Whereas, by resolution of the General Assembly, eight Indian tribes have been recognized by the Commonwealth; and

Whereas, the Chickahominy; the Chickahominy, Eastern Division; the Mattaponi; the Upper Mattaponi; the Pamunkey; and the Rappahannock tribes were recognized by House Joint Resolution No. 54 (1983); the Nansemond tribe by House Joint Resolution No. 205 (1985); and the Monacan tribe by House Joint Resolution No. 390 (1989); and

Whereas, the existence of those tribes has been recognized by the Virginia Council on Indians, since they were indigenous to and occupied a specific site in what is now Virginia the time of the arrival of the first European Settlers; the current members are Indian descendants of those tribes as demonstrated by various records; the tribes have established tribal organizations with appropriate records and historical documentation; and other similar criteria; and

Whereas, the members of the Indian tribes have expressed the desire, through their leadership, for greater autonomy and local authority to deal with issues affecting tribal members and have represented that they have no intent in operating commercial gaming on their lands; and

Whereas, among these local issues are housing, health care, and education; and

Whereas, the preservation of tribal identity, culture, and tradition is also a concern of the leadership of the several tribes; and

Whereas, historic congressional federal recognition of the tribal status of these Virginia Indian tribes would greatly enhance the ability of the tribes to preserve their tribal cultures and address pressing local problems affecting tribal members; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to grant historic congressional federal recognition to the Chickahominy; the Chinkahominy, Eastern Division; the Mattaponi; the Monacan; the Nansemond; the Pamunkey; the Rappahannock; and the Upper Mattaponi as Indian tribes under federal law; and, be it

Resolved, further, That the Congressional Delegation of Virginia be requested to take all necessary steps forthwith to gain historic congressional federal recognition for the eight Virginia Indian tribes; and , be it

Resolved finally, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–101. A concurrent resolution adopted by the Legislature of the State of Ohio; to the Committee on Foreign Relations.

H. CON. RES. NO. 6

Whereas, the United States is a signatory to the 1992 United Nations Framework Convention on Global Climate Change (FCCC); and

Whereas, a proposed protocol to expand the scope of the FCCC was negotiated in December 1997 in Kyoto, Japan, potentially requiring the United States to reduce emissions of greenhouse gases by seven percent from 1990 levels during the period from 2008 to 2012, with potentially larger emission reductions thereafter; and

Whereas, developing nations are exempt from greenhouse gas emission limitation requirements in the FCCC, and refused in the Kyoto negotiations to accept any new commitments for greenhouse gas emission limitation through the Kyoto Protocol; and

Whereas, achieving the emission reductions proposed by the Kyoto Protocol would require a thirty-eight per cent reduction in projected United States greenhouse gas emissions during the period from 2008 to 2012; and

Whereas, the legally binding goals to reduce emissions to the levels stipulated in the Kyoto Protocol would weaken the economy of the United States, impair the competitiveness of its industries in the growing global market, and cause economic dislocation in the United States, including job loss, major

economic restructuring, and increased levels of poverty; and

Whereas, if the requirements of the Kyoto Protocol were implemented, Americans would experience increased prices for energy, emergency services, education, finished goods, and transportation; and

Whereas, the economic consequences of complying with the Kyoto Protocol merit rejection of the treaty and consideration of policies that promote a more studied, balanced, and constructive approach; and

Whereas, the results of scientific studies evaluating greenhouse gas emissions and their effect on the earth's environment are inconclusive; and

Whereas, the ratification of the Kyoto Protocol will allow foreign interests to control and limit the growth of the United States economy; now therefore be it

Resolved, That we, the members of the 123rd General Assembly of the State of Ohio, respectively memorialize the members of the United States Senate not to ratify the Kyoto Protocol related to the control of greenhouse gases; and be it further

Resolved, That we, the members of the 123rd General Assembly of the State of Ohio, strongly recommend that the United Stated protect and improve the environment by adopting incentives for the development, commercialization, and use of technologies that promote energy efficiency and reduce pollution rather than through coercive and excessive government regulation; and be it further

Resolved, That the Clerk of the House of Representatives transmit copies of this resolution to the President Pro Tempore and the Secretary of the United States Senate.

POM–102. A concurrent resolution adopted by the Legislature of the State of West Virginia; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 35

Whereas, the Legislature works tirelessly to improve the quality of life for the citizens of the Mountain State; and

Whereas, coal mining has been, and continues to be, one of the primary industries responsible for the economic success of West Virginia and its citizens; and

Whereas, thousands of West Virginians are employed, either directly or indirectly, by the coal mining industry which generates payrolls totaling over $2 billion; and

Whereas, surface coal mining, including the practice of mountaintop removal, currently represents one third of the total coal production in West Virginia; and

Whereas, surface mining currently accounts for the payment of millions of dollars in severance taxes, millions of dollars in income taxes, and millions of dollars in other related taxes paid to the State of West Virginia; and

Whereas, county governments and county school systems throughout the state rely on the taxes from coal companies and coal miners to fund many valuable programs, including public education, ambulance services and law enforcement; and

Whereas, the loss of any of West Virginia's coal mines and the loss of any mining-related employment ultimately results in significant harm to all West Virginians; and

Whereas, the world marketplace for coal is severely competitive and supports only mining companies that are dependable, low cost sources of coal; and

Whereas, concerns have been raised about the method of mining known as mountaintop removal and the Governor and the Legislature have responded to those concerns; and

Whereas, by executive order, the Governor did appoint a task force to explore the issue of mountaintop removal mining and related practices. That task force conducted numerous public meetings and collected significant amounts of information prior to issuing a comprehensive report containing numerous recommendations to the Governor and the Legislature; and

Whereas, the Legislature did request a study of the issues surrounding blasting to be conducted by a joint interim subcommittee of the Joint Standing Committee on Government Organization and that subcommittee recommended numerous bills to address the concerns of blasting; and

Whereas, the 1999 Legislature, through the passage of Senate Bill No. 681, has considered the reports and recommendations of the Governor's task force and the interim subcommittee and has affirmatively responded to concerns which have been raised about the issue of mountaintop removal mining by doing the following:

Strengthening the laws and regulations which are designed to control blasting by extending the pre-blast survey areas, requiring site-specific blasting plans when blasting is to occur near structures, imposing new penalties for blasting violations causing damage to property, establishing a presumption of liability where damage is done to water wells within certain distances of water wells and establishing an economical and efficient claims process for those aggrieved by blasting operations; and

Establishing the office of blasting to review and regulate blasting operations in surface mining;

Establishing the office of coalfield community development to require the various stakeholders in the mining process to address the issues of community development, regional development, property acquisitions and other issues relevant to the future of the areas of the state where coal mining occurs;

Repealing the provisions of legislation which was enacted during the 1998 session of the Legislature thereby restoring the stream mitigation program to its previous status; and

Addressing other issues of concern in the areas of mountaintop removal mining; and

Whereas, actions and inactions by federal regulatory agencies which have had the effect of closing surface coal mines are more frequent and result in the loss of hundreds of mining and other jobs in West Virginia; and

Whereas, in an effort to address these problems and to solicit cooperation with the federal agencies, the Governor, the President of the Senate and the Speaker of the House of Delegates jointly prepared and sent to Carol M. Browner, Administrator of the United States Environmental Protection Agency, a letter inquiring about mining standards and agency actions. At the present time, there has been no response to the letter; therefore, be it

Resolved by the Legislature of West Virginia, that

The Legislature hereby recognizes the importance of the coal mining industry and encourages all federal and state agencies regulating the coal mining industry to demonstrate affirmative responsiveness by returning to fair and objective behavior, particularly in the issuance of mining permits and other regulation of the coal industry; and, be it

Further Resolved, That the Legislature supports the continued mining of coal in West Virginia, including surface mining by all methods recognized by state and federal law, and is prepared to cooperate with all federal agencies in an effort to resolve quickly any outstanding issues which are preventing the mining of coal and which are contributing to the loss of jobs in West Virginia; and, be it

Further Resolved, that the Legislature requests West Virginia's congressional delegation to join in the efforts to support the coal industry in West Virginia and to make every effort possible to assist in securing the needed cooperation from federal agencies to allow the continuation of the mining of coal and to protect the jobs of coal miners and others who derive their employment from coal mining; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the President and Vice President of the United States, the Governor of West Virginia, members of West Virginia's congressional delegation and the directors of each of the federal and state agencies that regulate the coal mining industry in West Virginia.

POM–103. A resolution adopted by the Okanogan Horticultural Association relative to the financial plight of the apple grower; to the Committee on Agriculture, Nutrition, and Forestry.

POM–104. A resolution adopted by the Okanogan Horticultural Association relative to agricultural water rights; to the Committee on Energy and Natural Resources.

POM–105. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION NO. 1

Whereas, the United States is a signatory to the 1992 United Nations Framework Convention on Global Climate Change (''FCCC''); and

Whereas, a proposed protocol to expand the scope of the FCCC was negotiated (''Kyoto Protocol'') in December, 1997, in Kyoto, Japan, potentially requiring the United States to reduce emissions of greenhouse gases by seven percent (7%) from 1990 levels during the period of 2008 to 2012, with potentially larger emission reductions thereafter; and

Whereas, the Kyoto Protocol would require other major industrial nations to reduce emissions from 1990 levels by six percent (6%) to eight percent (8%) during the period 2008 to 2012, with potentially larger emission reductions thereafter; and

Whereas, President William J. Clinton pledged on October 22, 1997, that the ''United States not assume binding obligations unless key developing nations meaningfully participate in this effort''; and

Whereas, Article 2, Section 2 of the Constitution of the United States requires a two-thirds concurrence of the United States Senate before any treaty may be ratified; and

Whereas, on July 25, 1997, the United States Senate adopted Senate Resolution No. 98 by a vote of 95 to 0, expressing the sense of the Senate that ''the United States should not be a signatory to any protocol to or other agreement regarding the Framework Convention on Climate Change . . . which would require the advice and consent of the Senate to ratification, and which would mandate new commitments to mitigate greenhouse gas emissions for the developed country parties unless the protocol or other agreement also mandates specific scheduled commitments within the same compliance period to mitigate greenhouse gas emissions for developing country parties''; and

Whereas, developing nations are exempt from greenhouse gas emission limitations in the FCCC refused, in the Kyoto negotiations, to accept any new commitments for greenhouse gas emission limitations through the Kyoto Protocol; and

Whereas, manmade emissions of greenhouse gases such as carbon dioxide are caused primarily by the combustion of oil, coal and natural gas fuels by industries, automobiles, homes and other uses of energy; and

Whereas, the United States relies on carbon-based fossil fuels for more than ninety percent (90%) of its total energy supply; and

Whereas, achieving the emission reductions proposed by the Kyoto Protocol would require a thirty-eight percent (38%) reduction in projected United States carbon emissions during the period of 2008 to 2012; and

Whereas, developing countries exempt from emission limitations under the Kyoto Protocol are expected to increase their rates of fossil fuel use over the next two (2) decades and surpass the United States and other industrialized countries in total emissions of greenhouse gases; and

Whereas, studies prepared by the economic forecasting group, WEFA, estimate that legally binding requirements for the reduction of United States greenhouse bases below 1990 emission levels would result in the loss of many Wyoming jobs, while also experiencing higher energy, housing, medical and food costs. Since Wyoming government is so highly reliant on taxes and royalties from the production of fossil fuels such as oil, gas and coal, the result of decreasing the production of these minerals would result in economic hardships; and

Whereas, the failure to provide for commitments by developing countries in the Kyoto Protocol creates an unfair competitive imbalance between industrial and developing nations, potentially leading to the transfer of jobs and industrial development from the United States to developing countries;

Whereas, increased emissions of greenhouse gases by developing counties would offset any environmental benefits associated with emissions reductions achieved by the United States and other industrial nations.

Now, Therefore, Be It Resolved By The Members of the Legislature of the State of Wyoming:

Section 1. That the President of the United States not attempt to use federal activities to initiate strategies to mitigate greenhouses gases until and unless the Kyoto Protocol is amended or otherwise revised so that it is consistent with United States Senate Resolution No. 98 to including specific scheduled commitments for developing countries to mitigate greenhouse gas emissions within the same compliance period required for industrial nations.

Sec. 2. That the United States Senate reject any proposed protocol or other amendment to the FCCC that is inconsistent with this resolution or that does not comply fully with the United States Senate Resolution No. 98.

Sec. 3. That the Secretary of State of Wyoming transmit copies of the resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.

POM–106. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 1

Whereas, the livestock industry continues to play a vital role in the culture and the economy of Wyoming; and

Whereas, both the cattle industry and the sheep industry are struggling to survive in the face of unprecedented prolonged price decline for cattle, lambs and wool; and

Whereas, there is compelling evidence that the decline in cattle and lamb prices are being caused in strong part by growing levels of imports of both live animals and meat products; and

Whereas, significant increases in imports may be occurring in violation of the fair trade provisions of both the North American Fair Trade Agreement (NAFTA) and the General Agreement on Trade and Tariffs (GATT).

Now, Therefore, Be it Resolved By The Members of the Legislature of the State of Wyoming:

Sect. 1. That the Wyoming State Legislature fully supports the antidumping and the countervailing duty petitions against Canada as filed by the Ranchers-Cattlemen Action Legal Foundation (R-CALF); and

Sect. 2. That the Wyoming State Legislature fully supports the Section 201 Trade Action as filed by the American Sheep Industry Association with the United States International Trade Commission; and

Sect. 3. That the Wyoming State Legislature petitions the United States Department of Commerce and the United States International Trade Commission: (1) to act quickly to determine the extent of any trade violations by countries exporting cattle or lamb into the United States; and (2) if violations are found, to take decisive steps to protect Wyoming and other domestic cattle and sheep producers from the negative effects of this unfair and unlawful competition.

Sect. 4. That the Wyoming State Legislature requests that the Governor act to the full extent of his authority to support the actions filed by the Ranchers-Cattlemen Action Legal Foundation (R-CALF) and the American Sheep Industry Association.

Sect. 5. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the Secretary of Commerce, to the United States International Trade Commission and to the Wyoming Congressional Delegation.

POM–107. A resolution adopted by the House of the Legislature of the Commonwealth of Massachusetts; to the Committee on Commerce, Science, and Transportation.

RESOLUTIONS

Whereas, the Federal Communications Commission (FCC) and the North American Numbering Council (NANC) have been unable and/or unwilling to address the area code crises throughout the United States; and

Whereas, the Department of Telecommunications and Energy, should, after being given any and all appropriate waivers by the FCC, be permitted to examine, test, and implement number conservation initiatives to alleviate the necessity of adding additional area codes, including but not limited to: Number pooling, number utilization audits, and rate center consolidation; and

Whereas, the failure to immediately address this issue will result in increased costs and inconvenience to telecommunication customers in Massachusetts; and

Whereas, the Federal Communications Commission (FCC) should re-evaluate its procedures for granting waivers to individual states for the purpose of implementing number conservation initiatives as soon as possible; and

Whereas, the Massachusetts Congressional Delegation should take all appropriate action to convince the Federal Communications Commission (FCC) to grant to Massachusetts the necessary waivers to independently implement number conservation measures which are critical to telecommunications customers in Massachusetts; therefore be it

Resolved, That the Department of Telecommunications and Energy make initial reports of its investigation and subsequent initiatives undertaken to address the area code crises to the Governor and the Legislature no later than June 30, 1999; and be it further

Resolved, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to his Excellency, Governor Argeo Paul Cellucci, the Members of the Massachusetts Congressional Delegation, the President of the Massachusetts Senate and the Department of Telecommunications and Energy.

POM–108. A resolution adopted by the General Assembly of the State of Georgia; to the Committee on Finance.

RESOLUTION

Whereas, the export of agricultural commodities has provided the United States the only positive return on its balance of trade; and

Whereas, the only way to ensure that a positive return on the balance of trade continues is to allow international markets to remain open; and

Whereas, the use of unilateral economic sanctions rarely achieves its goal, but causes substantial harm to the producers of products; and

Whereas, not only do the sanctions imposed by the United States cause great harm to the Georgia farmer, but so do the unfair trade barriers and sanctions imposed on agricultural products by other countries; and

Whereas, economic sanctions hinder the export of agricultural products, exacerbating the transportation of such products and possibly lowering the price received by the Georgia farmer for such agricultural products.

Now, therefore, be it

Resolved by the General Assembly of Georgia, That Congress is urged to remove or restrict the use of trade sanctions as they apply to agricultural products and that Congress ensures that the use of trade sanctions will result in meaningful results and to work for the reduction and elimination of trade barriers and sanctions imposed by other countries against agricultural products.

Be it further resolved, That the Secretary of the Senate is directed to send enrolled copies of this resolution to the President of the United States, the Vice President of the United States, Majority Leader and Minority Leader of the United States Senate, the Speaker, Majority Leader and Minority Leader of the United States House of Representatives, the secretary of the United States Department of State, the secretary of the United States Department of Agriculture and to each member of the Georgia Congressional Delegation.

POM–109. A resolution adopted by the General Assembly of the State of Georgia; to the Committee on Agriculture, Nutrition, and Forestry.

RESOLUTION

Whereas, if the Georgia farmer is to have the opportunity to prosper and grow, the agricultural products produced by the farmer must be able to reach foreign markets; and

Whereas, the export enhancement program is one tool which can expand foreign market opportunities; and

Whereas, the stockpiling of grain is just one example of where the lack of access to foreign markets hurts not only the Georgia farmer but all American farmers and the economy of the United States in general.

Now, therefore, be it resolved by the General Assembly of Georgia, That the Secretary of the United States Department of Agriculture is urged to take greater advantage of the export enhancement program.

Be it further resolved, That the Secretary of the Senate shall forward appropriate copies of this resolution to the President of the United States, the Vice President of the United States, Majority Leader and Minority Leader of the United States Senate, the Speaker, Majority Leader and Minority

Leader of the United States House of Representatives, the Secretary of the United States Department of Agriculture and to each member of the Georgia Congressional Delegation.

POM–110. A resolution adopted by the City Council of Cincinnati, Ohio relative to Round II Urban Federal Empowerment Zones: ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 579: A bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia (Rept. No. 106–45).

H.R. 669: A bill to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes (Rept. No. 106–46).

By Mr. CHAFEE, from the Committee on Environment and Public Works:

Special Report entitled ''Activities of the Committee on Environment and Public Works for the One Hundred Fifth Congress'' (Rept. No. 106–47).

By Mr. HATCH, from the Committee on the Judiciary, with amendments:

S. 625: A bill to amend title 11, United States Code, and for other purposes (Rept. No. 106–49).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. DURBIN, Ms. MIKULSKI, Mr. LEVIN, Mrs. BOXER, Mr. TORRICELLI, Mr. LAUTENBERG, Mr. REED, and Mr. KERRY):

S. 995. A bill to strengthen the firearms and explosives laws of the United States; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 996. A bill to establish a matching grant program to help State and local jurisdictions purchase school safety equipment; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BROWNBACK, Mr. COVERDELL, Mr. DEWINE, Mrs. HUTCHISON, and Mr. MCCAIN):

S. 997. A bill to assist States in providing individuals a credit against State income taxes or a comparable benefit for contributions to charitable organizations working to prevent or reduce poverty and protect and encourage donations to charitable organizations, to prohibit discrimination against nongovernmental organizations and certain individuals on the basis of religion in the distribution of government funds to provide government assistance and the distribution of such assistance, to allow such organizations to accept such funds to provide such assistance without impairing the religious character of such organizations, to provide for tax-free distributions from individual retirement accounts for charitable purposes, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mr. HARKIN, Mr. FEINGOLD, and Mr. KOHL):

S. 998. A bill to amend the Child Nutrition Act of 1966 to prohibit the donation or service without charge of competitive foods of minimal nutritional value in schools participating in Federal meal service programs before the end of the last lunch period of the schools; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH:

S. 999. A bill to amend chapter 18 of title 35, United States Code, to improve the ability of Federal agencies to patent and license federally owned inventions, and for other purposes; to the Committee on the Judiciary.

By Mr. BREAUX (for himself and Mr. NICKLES):

S. 1000. A bill to amend the Internal Revenue Code of 1986 to treat certain dealer derivative financial instruments, hedging transactions, and supplies as ordinary assets; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. BYRD, Mr. BROWNBACK, Mr. CONRAD, Mr. KOHL, Mr. CLELAND, Ms. LANDRIEU, Mr. BRYAN, Mr. REED, and Mrs. MURRAY):

S. 1001. A bill to establish the National Youth Violence Commission, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MACK (for himself and Mr. BREAUX):

S. 1002. A bill to amend title XVIII of the Social Security Act to provide for a prospective payment system for services furnished by psychiatric hospitals under the medicare program; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. HATCH, Mr. CRAPO, and Mr. BRYAN):

S. 1003. A bill to amend the Internal Revenue Code of 1986 to provide increased tax incentives for the purchase of alternative fuel and electric vehicle, and for other purposes; to the Committee on Finance.

By Mr. BURNS (for himself and Mr. INHOFE):

S. 1004. A bill to amend the Communications Act of 1934 to reduce telephone rates, provide advanced telecommunications services to schools, libraries, and certain health care facilities, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1005. A bill to amend title 23, United States Code, to provide for national minimum sentences for individuals convicted of operating motor vehicles under the influence of alcohol; to the Committee on Environment and Public Works.

By Mr. TORRICELLI (for himself, Mrs. BOXER, Mrs. FEINSTEIN, Mr. KERRY, and Mr. LAUTENBERG):

S. 1006. A bill to end the use of conventional steel-jawed leghold traps on animals in the United States; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself and Mrs. BOXER):

S. 1007. A bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes; to the Committee on Foreign Relations.

By Mr. BAUCUS (for himself and Mr. LEVIN):

S. 1008. A bill to modify the standards for responding to import surges under section 201 of the Trade Act of 1974, to establish mechanisms for import monitoring and the prevention of circumvention of United States trade laws, and to strengthen the enforcement of United States trade remedy laws; to the Committee on Finance.

By Mr. SHELBY:

S. 1009. An original bill to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. JEFFORDS (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 1010. A bill to amend the Internal Revenue Code of 1986 to provide for a medical innovation tax credit for clinical testing research expenses attributable to academic medical centers and other qualified hospital research organizations; to the Committee on Finance.

By Mr. FRIST:

S. 1011. A bill to amend the Internal Revenue Code of 1986 to provide that trusts established for the benefit of individuals with disabilities shall be taxed at the same rates as individual taxpayers; to the Committee on Finance.

S. 1012. A bill to amend the Internal Revenue Code of 1986 to use the Consumer Price Index in addition to the national average wage index for purposes of cost-of-living adjustments; to the Committee on Finance.

S. 1013. A bill to amend the Internal Revenue Code of 1986 to promote lifetime savings by allowing people to establish child savings accounts within Roth IRAs and by allowing the savings to be used for education, first time home purchases, and retirement, to expand the availability of Roth IRAs to all Americans and to protect their contributions from inflation, and for other purposes; to the Committee on Finance.

S. 1014. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of the individual income tax and the number of tax brackets; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 99. A resolution designating November 20, 1999, as ''National Survivors for Prevention of Suicide Day''; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 996. A bill to establish a matching grant program to help State and local jurisdictions purchase school safety equipment; to the Committee on the Judiciary.

STUDENTS LEARNING IN SAFE SCHOOLS ACT

Mr. CAMPBELL. Mr. President, today I introduce the Students Learning in Safe Schools Act of 1999.

This legislation would build on the successes of two bills I sponsored in the 105th Congress and that were signed into law, S. 2235, which established the Cops in Schools program and S. 1605, the Bulletproof Vest Partnership Grant Act of 1998.

Juvenile crime prevention, of course, is on all of our minds, particularly since the recent tragedy in Littleton. I think all of us know that violence has

gone up among youngsters and it threatens a safe learning environment for our students at school. As a former teacher, a deputy sheriff, and parent, I developed a special sensitivity long before I came to the Senate.

On April 20, in my home State, 13 innocent victims, 12 students and 1 very heroic teacher, were murdered at Columbine High School. This town is a very nice town. Littleton is a wonderful community. The school of Columbine is a nice school with few problems. I guess people are prone to say if it could happen there, it certainly could happen anywhere.

Clearly, no student should have to go to school where they fear for their lives. Statistics on violence in schools are startling. In fact, recent reports indicated there were 173 violent deaths in U.S. schools between 1994 and 1998 and that 31% of children know someone their age who carries a gun. The National Education Association estimated that 100,000 youngsters carry guns to school and 160,000 children miss class every day because they fear physical harm.

We know that government cannot fix it all. We are being leaned on, of course, to pass more and more laws to correct all these problems, but most of us know there has to be teamwork involving students and parents and families and communities and religious leaders and school administrators.

This teamwork should also include law enforcement officers working closely with schools. Teachers and principals simply do not have the training or equipment or resources to deal with the problem. And they shouldn't have to, they should be focusing on teaching our kids.

That's why I introduced S. 2235 last year, the School Resource Officers Partnership Grant Act of 1998, to help stop school violence. S. 2235, which was signed into law last October, will create thousands of vital partnerships between state and local law enforcement agencies, and the schools, parents and children they serve and protect. Schools that establish these partnerships would be eligible to receive federal funding through the Justice Department to hire School Resource Officers, also known as SROs. SROs are career law enforcement officers, with sworn authority, within the Community Policing program, and will work in and around our schools.

Working in cooperation with youngsters, parents, teachers and principals, these SROs would be able to keep track of potentially dangerous kids and effectively deal with them before things escalate, violence errupts, and youngsters get hurt. These SROs would work in our schools, not as armed guards, but primarially as people who would help resolve conflicts.

There is $60 million in Cops in School grants which will be distributed this year alone. In fact, the Justice Department has just announced the first round of grants with hundreds of schools in 42 states benefiting.

The bill I am introducing today, the Students Learning in Safe Schools Act of 1999, would build on the Cops in Schools program to help improve school safety. The Students Learning in Safe Schools Act would provide federal matching grants to help schools buy metal detectors, metal detecting wands, video cameras, and other equipment needed to help make our schools safer. This bill calls for a matching grant of $40 million for each of the 3 fiscal years from fiscal year 2000 through fiscal year 2002. The grants would be easily accessible to States, local governments, and school districts with a minimum of redtape. This is not a mandate, however. It is an opportunity for school districts to get some additional resources.

This legislation calls for posting this new school safety equipment grant program on the Internet right next to the Cops in Schools program which can now be found on the Justice Department's web sight. This would help provide one stop shopping where people can go for help in getting both the safety personnel and safety equipment they need to help make their schools safer.

I do not expect this legislation, of course, to solve all our problems but certainly it is another tool I hope will go a long way in reducing juvenile violence in schools.

I urge my colleagues to support this legislation.

I ask unanimous consent that the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Students Learning in Safe Schools Act of 1999''.

SEC. 2. MATCHING GRANT PROGRAM FOR SCHOOL SAFETY EQUIPMENT.

(a) IN GENERAL.—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking the part designation and part heading and inserting the following:

''PART Y—MATCHING GRANT PROGRAMS

''Subpart A—Grant Program For Armor Vests'';

(2) by striking ''this part'' each place that term appears and inserting ''this subpart''; and

(3) by adding at the end the following:

''Subpart B—Grant Program For School Safety Equipment

''SEC. 2511. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, Indian tribes, and local educational agencies to purchase school safety equipment for use in and near elementary and secondary schools.

''(b) USES OF FUNDS.—Grants awarded under this section shall be—

''(1) distributed directly to the State, unit of local government, Indian tribe, or local educational agency, as applicable; and

''(2) used for the purchase of school safety equipment for use in elementary and secondary schools in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for school safety equipment, based on the percentage of elementary and secondary schools in the jurisdiction of the applicant that do not have access to such equipment;

''(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

''(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

''(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated .25 percent.

''(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, Indian tribe, or local educational agency may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

''(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

''(g) ALLOCATION OF FUNDS.—Not less than 50 percent of the total amount made available to carry out this subpart in each fiscal year shall be awarded to units of local government with fewer than 100,000 residents.

''SEC. 2512. APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, Indian tribe, or local educational agency shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

''(b) REGULATIONS.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of the Students Learning in Safe Schools Act of 1999, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, Indian tribes, and local educational agencies must meet) in submitting the applications required under this section.

''(2) INTERNET ACCESS.—The regulations promulgated under this subsection shall provide for the availability of applications for,

and other information relating to, assistance under this subpart on the Internet website of the Department of Justice, in a manner that is closely linked to the information on that Internet website concerning the program under part Q.

''(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 104–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of school safety equipment, but did not, or does not expect to use such funds for such purpose.

''SEC. 2513. DEFINITIONS.

''In this subpart—

''(1) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

''(2) the term 'school safety equipment' means metal detectors, metal detecting wands, video cameras, and other equipment designed to detect weapons and otherwise enhance school safety;

''(3) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands; and

''(4) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, school district, or other unit of general government below the State level.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

''(23) There are authorized to be appropriated to carry out part Y—

''(A) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart A of that part; and

''(B) $40,000,000 for each of fiscal years 2000 through 2002 for grants under subpart B of that part.''.

SEC. 3. SENSE OF CONGRESS REGARDING AMERICAN-MADE PRODUCTS AND EQUIPMENT.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available by this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products, unless such equipment or products are not readily available at reasonable costs.

SEC. 4. SENSE OF THE SENATE REGARDING SCHOOL SECURITY.

It is the sense of the Senate that recipients of assistance under subpart B of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by this Act, should, to the maximum extent practicable, seek to achieve a balance between school security needs and the need for an environment that is conducive to learning.

SEC. 5. TECHNOLOGY DEVELOPMENT.

Section 202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended by adding at the end the following:

''(e) SCHOOL SAFETY TECHNOLOGY DEVELOPMENT.—The Institute shall conduct research and otherwise work to develop new weapons detection technologies and safety systems that are appropriate to school settings.''.

Mr. LEAHY. Mr. President, I was happy to yield to the Senator from Colorado. He and I have had discussions of the terrible events that took place in Colorado. The distinguished Senator from Colorado and I wrote legislation on another area of law enforcement, relying on his experience and my experience in law enforcement. That was the bulletproof vests legislation which is now working very, very well.

I mention this while the distinguished Senator from Colorado is still on the floor because we have had many discussions about law enforcement matters—most recently an event at the White House. It has been my experience, time and time again, the Senator from Colorado has given pragmatic and realistic solutions to law enforcement problems at a time when we can all get carried away by philosophical arguments. I found most law enforcement people tell me to save the philosophy for them to read in their retirement years—give them the pragmatic solutions today when they have to uphold the law.

So I thank the Senator from Colorado.

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mr. HARKIN, Mr. FEINGOLD, and Mr. KOHL):

S. 998. A bill to amend the Child Nutrition Act of 1966 to prohibit the donation or service without charge of competitive foods of minimal nutritional value in schools participating in Federal meal service programs before the end of the last lunch period of the schools; to the Committee on Agriculture, Nutrition, and Forestry.

BETTER NUTRITION FOR SCHOOL CHILDREN ACT OF 1999

Mr. LEAHY. Mr. President, I am proud to be joined by Senators JEFFORDS, HARKIN, KOHL, and FEINGOLD, and Representative HINCHEY in the House of Representatives, in introducing the ''Better Nutrition for School Children Act of 1999.'' This bill seals a loophole undermining our children's nutritional health.

One of the most important lessons we can teach our children is good health. Good health includes keeping our children tobacco and drug free, and includes nutrition education for healthy living.

Every day, more than 26 million children participate in the National School Lunch Program. One-quarter of those children—approximately seven million—also participate in the National School Breakfast Program. According to a United States Department of Agriculture study, school children may consume between one-third and one-half of their daily nutrient intake at school. Knowing how important school meal programs are to the nutritional health of children, I am extremely concerned by reports of soft drinks being given to children before or during lunch.

Current law prohibits the sale of soft drinks during lunch. This prohibition has been around for a long time. However, some schools are now getting around this prohibition by giving soda to children for free. This is a loophole—big enough to drive a soda truck through—that hurts our children. The bill which we are introducing today would close this loophole so that soft drinks cannot be distributed—for free or for sale—during mealtime at schools participating in the National School Lunch Program. Also, the bill would prohibit giving away sodas before lunch.

As a parent, I would be outraged to discover that my efforts at teaching my child good nutrition were being undermined by free sugar and caffeine laden soft drinks at school.

Studies based on statistics from the USDA Continuing Surveys of Food Intakes by Individuals have shown that heavy soft drink consumption correlates with a low intake of magnesium, calcium, ascorbic acid, riboflavin and vitamin A. The loss of calcium is particularly alarming for teenage women, as calcium is crucial for building up bone mass to reduce the risk of osteoporosis later in life, and women build 92 percent of their bone mass by age 18.

Many sodas also contain caffeine, which is not only an addictive stimulant, but which also increases the excretion of calcium.

In its Food Guide Pyramid for Young Children, which recommends good dietary habits for children, the United States Department of Agriculture continues to recommend serving children fruits, vegetables, grains, meat and dairy, while limiting children's intake of sweets - including soft drinks.

Statistics regarding children's intake of soft drinks are alarming. For instance, teenage boys consume an average of 2½ soft drinks a day—which equals approximately 15 teaspoons of sugar—every day.

While children's consumption of soft drinks has been on the rise, their consumption of milk has been on the decline. Statistics from the USDA demonstrate that whereas 20 years ago teens drank twice as much milk as soda, today they drink twice as much soda as milk. Unlike milk, soft drinks have minimal nutritional value and they contribute nothing to the health of kids. One need only compare the ingredient and nutrition labels on a Coke can versus a milk carton to see what a child loses when milk is replaced by a soft drink.

The consequence of replacing milk with soda is clear: the declining nutritional health of our children. In her book Jane Brody's Nutritional Book, Jane Brody articulates this point in saying:

Probably the most insidious undermining of good nutrition in the early years comes

from the soft drink industry. Catering to children's innate preferences for a sweet taste, the industry has succeeded in drawing millions of youngsters away from milk and natural fruit juices and hooking them on pop and other artificially flavored drinks that offer nothing of nutritional significance besides calories.

The Vermont State Board of Education's School Nutrition Policy Statement actually touches on this very issue. Among its recommendations to school districts for dietary guidelines and nutrition, the Board of Education advises:

Certain foods which contribute little other than calories should not be sold on school campuses. These foods include carbonated beverages, nonfruit soft drinks, candies in which the major ingredient is sugar, frozen nonfruit ice bars, and chewing gum with sugar.

It was only a few years ago that, as Chairman of the U.S. Senate Committee on Agriculture, Nutrition and Forestry, that I fought the soft drink behemoths—Coca-Cola and Pepsi—over vending machines in schools. I felt that schools should be encouraged to close down vending machines before and during lunch. I was unprepared for the wealth of opposition which ensued.

However, despite the well-financed opposition by soda companies, the Nutrition and Health for Children Act was met with bipartisan support in Congress. Former Senator Bob Dole noted that ''too often a student gives up his half dollar and his appetite en route to the cafeteria'' and criticized the ''so-called plate waste, where young students and other students decide it is better to have a candy bar and a soft drink rather than eat some meal that is subsidized by the Federal Government.''

Just as the Better Nutrition and Health for Children Act passed with bipartisan support in 1994, I am sure that the Better Nutrition for School Children Act of 1999 will pass with bipartisan support this year.

I ask unanimous consent that the text of the Better Nutrition for School Children Act of 1999 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Better Nutrition for School Children Act of 1999''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to close the loophole that allows competitive foods of minimum nutritional value that cannot be sold during meals in schools participating in the school breakfast and lunch programs to instead be donated or served without charge to students during or before breakfast or lunch;

(2) to protect 1 of the major purposes of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and the National School Lunch Act (42 U.S.C. 1751 et seq.), which is to promote better nutrition among school children participating in the school breakfast and lunch programs; and

(3) to promote better nutritional habits among school children and improve the health of school children participating in the school breakfast and lunch programs.

SEC. 3. PROHIBITION ON DONATION OR SERVICE WITHOUT CHARGE OF COMPETITIVE FOODS OF MINIMAL NUTRITIONAL VALUE.

Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(1) by striking ''(b) The'' and inserting the following:

''(b) DONATION OR SERVICE WITHOUT CHARGE OF COMPETITIVE FOODS OF MINIMAL NUTRITIONAL VALUE.—

''(1) SALES.—The''; and

(2) by adding at the end the following:

''(2) DONATIONS OR SERVICE WITHOUT CHARGE.—The regulations shall prohibit the donation or service without charge of competitive foods not approved by the Secretary under paragraph (1) in a school participating in a meal service program authorized under this Act or the National School Lunch Act (42 U.S.C. 1751 et seq.) before the end of the last lunch period of the school.''.

Mr. JEFFORDS. Mr. President, I am pleased to join Senator LEAHY, Senator FEINGOLD, Senator KOHL, and Senator HARKIN as an original cosponsor of the Better Nutrition for School Children Act of 1999. This issue is so important to the health and well being of our nation's school children.

The Better Nutrition for School Children Act of 1999 is about good nutrition—and a little about milk. The Vermont and Wisconsin Senators at times have a hard time agreeing on federal milk policy, but we all agree that good nutrition plays an important role in the health and education of our children.

As chairman of the Health, Education, Labor, and Pensions Committee, I recognize the importance of having a proper and nutritionally balanced diet in our school lunch programs. A well nourished child is a child more healthy, energized, focused and able to learn.

When school children receive a large amount of their daily caloric intake from sugary soft drinks, they are not receiving the fruits, vegetables, vitamins, minerals, and perhaps most importantly—calcium that they need.

Soda and other sugary junk foods squeeze more nutritious foods out of their diet. Since many school children may consume between one-third and one-half of their daily intake at school, it is important that we do not allow them to substitute good nutrition with empty calories.

Mr. President, teens, in particular, should be drinking milk instead of soft drinks. Twenty years ago, teens drank twice as much milk as soda. Today, the average teenager drinks twice as much soda as milk.

The Better Nutrition for School Children Act of 1999 helps close the empty calorie loophole. Soft drinks, sugar candies, cotton candy and the like are already banned from being sold during lunch. This bill would simply ban the free distribution of these ''competitive foods not approved by the Secretary'' before and during lunch at schools participating in the federal school lunch or breakfast programs.

Mr. President, I commend Senator LEAHY for his continued leadership in improving the nutrition of America's school children and will work with him and others to see that this bill becomes law.

● Mr. FEINGOLD. Mr. President, I rise to join Senator LEAHY, Senator KOHL, and Senator JEFFORDS to introduce this important legislation, the Better Nutrition for School Children Act of 1999. The Better Nutrition for School Children Act of 1999 will make our kid's nutrition—not some economic bottom line—the priority when it comes to our nation's school meal program.

Mr. President, some schools in this country, particularly high school, are providing school-aged children with free soda as part of the school lunch program. This trend is troublesome for a number of reasons: One, it is contrary to the intent of the 1946 National School Lunch Act; Two, numerous studies have demonstrated that teenagers, particularly girls, are not consuming enough calcium to prevent osteoporosis in their later years; And, three, as a representative of Wisconsin, ''America's Dairyland,'' I am concerned that the increase in school time soda consumption will inevitably mean that our children drink less milk at school.

Mr. President, in 1946, Congress first made nutrition for school aged children a priority when it passed the National School Lunch Act. This measure was designed to provide school children with high quality nutritious food during the school day. In 1977, because of concerns that our country's nutritional habits had begun to slide, Congress directed USDA to take steps to restrict school children's access to foods of low nutritional value when at school.

The legality regulations USDA promulgates under the 1977 law, with regard to foods of nutritional value was challenged by the National Soft Drink Association. This law banned the sale of soft drink and other ''junk foods'' in school cafeterias during the lunch hour.

Congressional debates on the 1977 law ''convey an unmistakable concern that 'junk foods,' notably various types of candy bars, chewing gum and soft drinks, not be allowed to compete in participating schools.'' The Federal judge observed the ''logic and common sense, as well as several studies in the [rulemaking] record, suggest that irregular eating habits combined with ready access to junk food adversely affect federal nutritional objectives.''

USDA current regulations prohibit the sale of foods of ''minimal nutritional value''—which include sodas, water ices, chewing gum, and certain candies—in the food service area during the lunch period in any school. The current regulations do not mention the distribution of free sodas, because, Mr. President, this idea never entered the

minds of lawmakers during consideration of the measure.

Mr. President, we have found that in schools all over the country, free sodas are being passed out as part of the school lunch program. This practice evades the current Federal ban on the sale of sodas as part of school lunches. It's bad for kids, bad for farmers who are watching milk consumption and prices decline, and bad for teachers and school administrators who are left to deal with unruly and fidgety children during the day. As a matter of fact, Mr. President, giving away free sodas in school doesn't help anybody except soda companies.

Mr. President, in a report published last year by the Center for Science in the Public Interest (CSPI) it was documented that one quarter of teenage boys who drink soda consume more than two 12-ounce cans per day, and that five percent drink five or more cans daily. This report was based on survey data from USDA and also indicated that in average, girls drink about one-third less—but the risks of soda consumption are potentially greater for girls. The report claims that doctors say soda has been pushing milk out of teenage diets and making girls more likely candidates for osteoporosis when they're older.

The data indicated that these doctors are right. Choosing a soft drink instead of milk means that teens will have a lower level of calcium in their diets. Soft drinks provide 0% of a persons recommended daily allowance for calcium, while milk provides 30%. Low calcium intake contributes to osteoporosis, a disease leading to fragile and broken bones. Currently, 10 million Americans have osteoporosis while another 18 million have low bone mass and are at increased risk of osteoporosis. Women are more frequently affected than men. Considering the low calcium intake of today's teenage girls, osteoporosis rates may well rise in the near future.

As I understand it, the risk of osteoporosis depends in part on how much bone mass is built early on in life. The CSPI report states that girls build 92 percent of their bone mass by age 18, but if they don't consume enough calcium in the teenage years, they cannot ''catch up'' later. This explains why experts recommend higher calcium intakes for youths 9 to 18 than for adults 19 to 50. Currently, teenage girls consume only 60 percent of the recommended amount; pop drinkers consuming almost one-fifth less calcium than non-consumers.

The CSPI and a coalition of health advocates reported that 20 years ago, teens drank almost twice as much milk as soda pop; today, they consume twice as much soda as milk.

Since 1973, soft drink consumption has risen dramatically. Americans now drink twice as much soda per person as they did 25 years ago. According to statistics from the Beverage Marketing Corp., annual soda consumption was 22.4 per person in 1970; in 1998, it was 56.1 gallons per person. Unfortunately, milk consumption has been on a steady decline. This trend is likely to continue—however, I do not feel that school administrators should encourage it. This country's dairy farmers have it hard enough. The recently announced Basic Formula Price (BFP) is lower than the cost of production in nearly every region of the country. We in dairy states are very concerned about our struggling producers. How can we stand by and watch as they struggle to locate and enter new markets abroad, while their base market—school meal programs—is being taken away?

And how do the parents feel? Those that limit their children's intake of sodas and sweets at home see their efforts undermined when the school provides these items for free. This is a losing battle for them too!

Mr. President, I'm not here to ban soda for school-age children—only to support a simple, sensible idea that any parent, any nutritionist, and any dairy farmer would favor—and that's giving our kids milk while they are in school. This bill restores common sense back to one aspect of our kids school nutrition programs. I urge my colleagues to support this Better Nutrition for School Children Act of 1999. It is supported by the National Education Association and the University of Wisconsin-Milwaukee School of Education. I ask that their letters of support be inserted into the RECORD.

The material follows:

UNIVERSITY OF WISCONSIN MILWAUKEE, SCHOOL OF EDUCATION
DEPARTMENT OF CURRICULUM AND INSTRUCTION,
May 7, 1999.

Senator Russell Feingold,
Senate Office Building, Washington, DC.

DEAR SENATOR FEINGOLD: I am writing to express my strong support for the ''Better Nutrition for School Children Act of 1999.''

My research shows that children are coming under increasing pressure to consume large quantities of soda while in school. For example, exclusive contracts between schools and bottling firms are now popular. These contracts commonly contain provisions that provide financial incentives to school districts that reward them when consumption goals are met. In other words the more of a bottling company's products are purchased the more money the school gets. This places school districts in the ethically dangerous position of promoting the consumption of products that their own health and nutrition curricula discourage students from consuming in large quantities.

The distribution of free soda as part of a school lunch program, at least in my view, violates the spirit and intent of the Child Nutrition Act of 1996. Such distributions are, no doubt, useful to soda bottlers as means of promoting brand recognition and establishing brand loyalty. And as such they are little different from any number of ''free'' promotions that are a common part of product marketing campaigns. However, none of this has anything to do with promoting children's health.

I believe that schools must do their utmost to promote healthful eating habits among their students. The ''Better Nutrition for School Children Act of 1999'' is a useful and necessary step to insure that school lunches are the healthful, nutritious meals that legislators have always intended that they be.

Sincerely,
ALEX MOLNAR, PH.D.
Director, Center for the Analysis of Commercialism in Education.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, May 7, 1999.

Senator PATRICK LEAHY
Senator RUSSELL FEINGOLD,
U.S. Senate, Washington, DC.

DEAR SENATORS LEAHY AND FEINGOLD: On behalf of the National Education Association's (NEA) 2.4 million members, we would like to express our strong support for the Better Nutrition for School Children Act of 1999, which would bar the distribution of free soda in the School Lunch Program. NEA believes that providing free soda to students contradicts the nutritional goals of the School Program and can impede academic success.

Research clearly demonstrates the link between good nutrition and learning. Children who are hungry or improperly nourished face cognitive limitations which may impair their ability to concentrate and learn. Preserving the nutritional integrity of school meals, therefore, is critical ensuring student achievement. This is particularly true for poor children, who often rely on school lunch for one-third to one-half of their daily nutritional intake.

Providing free soda in the School Lunch Program is clearly at odds with congressional intent to restrict access by school children to foods of low nutritional integrity of the School Lunch Program.

Sincerely,
MARY ELIZABETH TEASLEY,
Director of Government Relations.●

Mr. KOHL. Mr. President, I am pleased to be an original cosponsor of the ''Better Nutrition for School Children Act of 1999.'' This legislation will stop the practice of giving students free sodas at lunch—sugar and caffeine filled drinks that are replacing the healthy milk and juices these kids should be drinking. A soda may keep a child awake through fifth period physics, but it will do nothing to fuel their growth into a healthy adult. We've been talking quite a bit lately about keeping our children safe during the school day. We must not forget we also have an obligation to keep them healthy, growing, and alert—an obligation met in great part with the national school lunch and breakfast programs.

The vast majority of schools in Wisconsin and across the nation are our partners in ensuring that children learn to eat healthy, and they are proud to abide by current laws—and the spirit behind those laws— prohibiting the sale of foods of minimal nutritional value in our schools. But while there is a ban on the sale of these sorts of foods during the school lunch period, there is no ban on giving them away for free. The Center for Science in the Public Interest recently cited several schools that are giving away donated sodas to students. This defies common sense. Kids should be drinking milk, water, and natural fruit juices—not sodas and other artificial drinks—as part of the school lunch program.

Statistics from the Department of Agriculture show that 20 years ago,

teens drank twice as much milk as soft drinks; today, that trend has reversed. Teens are drinking 40 percent less milk than they drank 22 years ago. Soft drinks contain a large amount of caffeine and sugar, and the American Medical Association has found that these sweetened drinks squeeze healthier foods out of childrens diets.

The Better Nutrition for School Children Act will simply prohibit the donation of competitive foods of minimal nutritional value, including sodas, before the end of the last lunch period of school. Let me be clear: we are not banning sodas in schools. Students will still be able to purchase sodas, or receive free ones, once the school lunch period is over. But this bill assures that at least during mealtimes, school children will have access to healthy foods and drinks, like milk.

This bill does not address the exclusive marketing contracts between schools and soft drink companies, but I do have concern over these as well. These contracts specify that a school will sell only a certain brand of sodas, and in return, the soda companies give the schools a share of the proceeds. I realize that school districts' budgets are stretched thin, but there has to be a better way of raising funds.

Mr. President, the Better Nutrition for School Children Act will close the current loophole that allows the donation of sodas in our nation's schools. It will ensure that tax dollars invested in the school lunch program are spent wisely on nutritious foods and drinks that children actually consume—rather than throw away to make room for a free soda. I urge my colleagues to join us in passing this simple, yet vitally important legislation.

By Mr. HATCH:

S. 999. A bill to amend chapter 18 of title 35, United States Code, to improve the ability of Federal agencies to patent and license federally owned inventions, and for other purposes; to the Committee on the Judiciary.

TECHNOLOGY TRANSFER ACT OF 1999

Mr. HATCH. Mr. President, I rise to introduce S. 999, the ''Technology Transfer Act of 1999.''

The purpose of this bill is to help ensure that the fruits of federally conducted and supported research will be translated into new products and jobs that can benefit the American public.

This bill is necessary in order to adopt a uniform policy across the federal government concerning the circumstances in which it is appropriate to grant an exclusive or partially exclusive license to intellectual property owned by the federal government. Essentially, this legislation codifies the most prudent, beneficial, and successful agency licensing policies that have evolved over the last few years.

Each year the federal government makes a substantial investment in research and development. This year the federal government will dedicate about $79 billion toward research and development activities. Of this amount, about half—or $39 billion—is devoted to non-defense research. Much of this civilian R&D funding—over $15 billion in FY 1999—is carried out by universities across our country.

Every American citizen should take pride in this considerable financial commitment because it explains why our country is in the forefront in so many areas of basic science and applied technology.

While there is intrinsic value in research for the sake of advancement of knowledge, another, more tangible, benefit occurs when the mysteries of science are translated into new technologies that protect and promote the public health and welfare and create jobs.

While Utah may be a small state in terms of population, I am proud to say that our universities are carrying out a vigorous program of research. For example, the University of Utah, Brigham Young University, and Utah State University each carry out substantial programs of research and in the aggregate received over $200 million in federal research support in 1998.

Last year the research efforts of these three schools resulted in the issuance of patents on 40 inventions.

No doubt this high level of financial support and creative activity are major reasons why our state has developed a thriving medical products industry over the last two decades.

According to a recent survey of the Utah Life Science Association there are currently 116 firms—employing a total of over 11,000 people—engaged in the discovery and production of biomedical products in the state of Utah. Together, these firms produced revenues of $1.641 billion last year.

Not only does this economic enterprise mean jobs for Utahns but also innovative new products for Americans and our neighbors around the world.

To give just one example, researchers at the University of Utah were co-discoverers of the BRCA 1 gene which is implicated in certain kinds of breast cancer. A start-up Salt Lake City biomedical research firm, Myriad Genetics, was also a partner in this ground breaking research, as were intramural researchers at the National Institutes of Health. Building upon this basic research, academic researchers at the Huntsman Cancer Center at the University of Utah and private sector scientists at Myriad are playing a lead role in developing diagnostic tests and therapeutics which are aimed at combating the devastation of breast cancer.

The success we have achieved in institutions of higher learning in Utah is also occurring across our Nation.

According to the latest data available from the Association of University Technology Managers (AUTM), in 1997, the efforts of U.S. universities, academic health centers, and certain other non-profit research entities resulted in over 11,000 invention disclosures, over 4,200 new patent applications being filed, and over 2,600 issued patents.

Also according to AUTM, in 1997, over 3,300 new licenses were executed and total licensing income reached nearly $700 million. An economic model developed by AUTM estimates that about 250,000 jobs are attributable to commercializing academic research.

Government labs have also contributed to this success story. For example, in FY 1998 the National Institutes of Health (NIH) received nearly $40 million in royalty income. Also in 1998, NIH intramural labs reported 287 invention disclosures; filed 132 patent applications; were granted 171 patents; and, executed 215 licenses and 149 cooperative research and development agreements.

In sharp contrast to the vibrant research and technology commercialization activities that are taking place in Utah and across our country today, the situation twenty years ago was vastly different. According to a 1978 survey, the federal government owned 78,000 patents but only 5 percent were ever licensed.

Research and development is expensive, but it has been estimated that R&D accounts for only about 25% of the cost of bringing a new product to the market. Without adequate protection of intellectual property, it is simply not prudent for the private sector to invest in new technologies.

In response to the problem of federally supported science languishing in the laboratory, the Congress passed a portfolio of legislation in the 1980s.

The purpose of these measures was simple: to provide incentives in the intellectual property laws to help assure that federally-conducted and -supported research would be commercially developed so that the seeds of new ideas will be translated into the fruits of new products that can benefit the American public.

My bill, S. 999, shares this goal and builds upon the previous intellectual property legislation in this area.

The ''Patent and Trademark Act Amendments of 1980'' (Public Law 96–517) is commonly termed the Bayh–Dole Act out of the well-earned respect for its two far-sighted cosponsors, Senator Birch Bayh and Senator Bob Dole.

The Bayh–Dole Act created a uniform patent policy among the many federal agencies that fund research and increased incentives for universities to engage in government-supported research. Under the act, small businesses and nonprofit organizations, including universities, were permitted to retain ownership of patents stemming from federal funds. In turn, patent holders could grant licenses to companies to further develop and commercialize the patented invention.

In 1986, Congress enacted the ''Federal Technology Transfer Act'' (Public Law 99–502). This law established new patenting, licensing and partnering policies for government laboratories. In concert with the philosophy of the

Bayh–Dole Act, the FTTA contemplates an activist role for government laboratories in assisting in the journey from the laboratory to the market place. The FTTA amended the earlier ''Stevenson-Wydler Technology Innovation Act of 1980'' (Public Law 96–480), which proved insufficient to meet its intended charge of making transfer of federal technology a duty of all federal laboratories. In addition to mandating a federal role in the technology transfer arena by strengthening the intellectual property laws in the areas of patenting and licensing, the FTTA created and embraced a unique device—the Cooperative Research and Development Agreement (CRADA)—which encourages a government/private sector partnership in the earliest stages of research.

In devising S. 999, I have worked closely with several colleagues, most prominently Representative CONNIE MORELLA, Chairman of the Subcommittee on Technology of the House Committee on Science. Chairman MORELLA, whose district is the home of the National Institutes of Health, has long been a leader in the area of technology policy. Chairman MORELLA and Representative GEORGE BROWN, the thoughtful ranking member of the full Committee have often worked together in a bipartisan manner in this area and are cosponsors of H.R. 209, the House companion to S. 999.

In this Chamber, Senator ROCKEFELLER has a long and distinguished record in the area of technology policy. Together with Senator FRIST, Senator ROCKEFELLER introduced similar legislation last Congress and once again this year.

I am working with all of these Members, as well as with Senator MCCAIN, Chairman of the Commerce, Science, and Transportation Committee, and the Senate and House leadership to secure passage of this important legislation. Working together, I believe that we have succeeded in building upon as well as correcting some problems identified with the legislative proposals made last Congress, S. 2120 and H.R. 2544.

S. 999 amends the patent code to make explicit when federal agencies should, and should not, grant exclusive licenses to its patented inventions.

The bill permits an exclusive or partially exclusive license only if such a license is reasonable and necessary to attract the necessary private sector investment capital or otherwise promote the invention's utilization. The bill requires the agency to evaluate a potential licensee's development plans and level of capacity and commitment so that only the level of necessary exclusivity is granted. Once a license agreement is executed the bill requires a rigorous periodic evaluation of progress under the agreement and allows the government to terminate a license for non-performance of the terms of the license.

The bill also requires that in granting patent licenses the government take into account possible effects on competition including any potential antitrust concerns. In the case of licensing inventions covered by foreign patents, the government is directed to consider the possible U.S. interest in foreign trade and commerce.

In addition, the bill contains a domestic manufacturing requirement that is designed to keep jobs created through newly patented technologies in the United States. As well, the legislation contains a preference for issuing licenses to small businesses—the sector of the economy where most new jobs are created.

Under the bill, the government would retain a nontransferable, irrevocable, paid-up license to practice the invention on behalf of the United States Government in the unlikely event this need should arise.

Before any exclusive or partially exclusive license may be granted under the authority of the patent code, the agency, except in cases of inventions made under an existing CRADA, must give at least 15 days public notice and consider any comments that are submitted.

The bill treats any confidential commercial information as part of an application or periodic performance report under normal Freedom of Information Act principles.

Mr. President, the ''Technology Transfer Act of 1999'' builds upon earlier legislation in this critical area. I am honored to be following in the footsteps of our former Majority Leader, Senator Dole, and the former Member of the Judiciary Committee, Senator Birch Bayh—father of the new member of the Senate from Indiana.

I am also pleased to follow in the footsteps of my predecessors on the Judiciary Committee, which was the locus of activity for the seminal 1980 legislation that amended the patent code and changed our nation's patent licensing policies.

I urge all of my colleagues to support S. 999.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 999

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Technology Transfer Act of 1999''.

SEC. 2. LICENSING FEDERALLY OWNED OR PATENTED INVENTIONS.

(a) IN GENERAL.—Section 209 of title 35, United States Code, is amended to read as follows:

''§ 209. Licensing federally patented or owned inventions

''(a) AUTHORITY.—A Federal agency may grant an exclusive or partially exclusive license on a federally owned invention under section 207(a)(2) only if—

''(1) granting the license is a reasonable and necessary incentive to—

''(A) call forth the investment capital and expenditures needed to bring the invention to practical application; or

''(B) otherwise promote the invention's utilization by the public;

''(2) the Federal agency finds that the public will be served by the granting of the license, as indicated by the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public, and that the proposed scope of exclusivity is not greater than reasonably necessary to provide the incentive for bringing the invention to practical utilization, as proposed by the applicant, or otherwise to promote the invention's utilization by the public;

''(3) the applicant makes a commitment to achieve practical utilization of the invention within a reasonable time, which time may be extended by the agency upon the applicant's request and the applicant's demonstration that the refusal of such extension would be unreasonable;

''(4) granting the license will not tend to substantially lessen competition or create or maintain a violation of the Federal antitrust laws; and

''(5) in the case of an invention covered by a foreign patent application or patent, the interests of the Federal Government or United States industry in foreign commerce will be enhanced.

''(b) MANUFACTURE IN UNITED STATES.—A Federal agency shall normally grant a license under section 207(a)(2) to use or sell any federally owned invention in the United States only to a licensee who agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

''(c) SMALL BUSINESS.—First preference for the granting of any exclusive or partially exclusive licenses under section 207(a)(2) shall be given to small business firms having equal or greater likelihood as other applicants to bring the invention to practical application within a reasonable time.

''(d) TERMS AND CONDITIONS.—Any licenses granted under section 207(a)(2) shall contain such terms and conditions as the granting agency considers appropriate. Such terms and conditions shall include provisions—

''(1) retaining a nontransferable, irrevocable, paid-up license for any Federal agency to practice the invention or have the invention practiced throughout the world by or on behalf of the Government of the United States;

''(2) requiring periodic reporting on utilization of the invention, and utilization efforts, by the licensee, but only to the extent necessary to enable the Federal agency to determine whether the terms of the license are being complied with; and

''(3) empowering the Federal agency to terminate the license in whole or in part if the agency determines that—

''(A) the licensee is not executing its commitment to achieve practical utilization of the invention, including commitments contained in any plan submitted in support of its request for a license, and the licensee cannot otherwise demonstrate to the satisfaction of the Federal agency that it has taken, or can be expected to take within a reasonable time, effective steps to achieve practical utilization of the invention;

''(B) the licensee is in breach of an agreement described in subsection (b);

''(C) termination is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license, and such requirements are not reasonably satisfied by the licensee; or

''(D) the licensee has been found by a court of competent jurisdiction to have violated the Federal antitrust laws in connection with its performance under the license agreement.

''(e) TREATMENT OF REPORT INFORMATION.—Any report required under subsection (d)(2) shall be treated by the Federal agency as commercial and financial information obtained from a person and is privileged and confidential and not subject to disclosure under section 552 of title 5.

''(f) PUBLIC NOTICE.—No exclusive or partially exclusive license may be granted under section 207(a)(2) unless public notice of the intention to grant an exclusive or partially exclusive license on a federally owned invention has been provided in an appropriate manner at least 15 days before the license is granted, and the Federal agency has considered all comments received before the end of the comment period in response to that public notice. This subsection shall not apply to the licensing of inventions made under a cooperative research and development agreement entered into under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

''(g) PLAN.—No Federal agency shall grant any license under a patent or patent application on a federally owned invention unless the person requesting the license has supplied the agency with a plan for development or marketing of the invention, except that any such plan shall be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5.''.

(b) AMENDMENTS TO CHAPTER 18 OF TITLE 35, UNITED STATES CODE.—Chapter 18 of title 35, United States Code, is amended—

(1) in section 200 by inserting ''without unduly encumbering future research and discovery'' after ''free competition and enterprise;'';

(2) by amending section 202(e) to read as follows:

''(e) In any case when a Federal employee is a coinventor of any invention made with a nonprofit organization, small business firm, or a non-Federal inventor, the Federal agency employing such coinventor may, for the purpose of consolidating rights in the invention and if it finds that it would expedite the development of the invention—

''(1) license or assign whatever rights it may acquire in the subject invention to the nonprofit organization, small business firm, or non-Federal inventor in accordance with sections 200 through 204 (including this section); or

''(2) acquire any rights in the subject invention from the nonprofit organization, small business firm, or non-Federal inventor, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction and no other transaction under this chapter is conditioned on such acquisition.''; and

(3) in section 207(a)—

(A) in paragraph (2), by striking ''patent applications, patents, or other forms of protection obtained'' and inserting ''inventions''; and

(B) in paragraph (3), by inserting '', including acquiring rights for and administering royalties to the Federal Government in any invention, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction, to facilitate the licensing of a federally owned invention'' after ''or through contract''.

(c) CONFORMING AMENDMENT.—The item relating to section 209 in the table of sections for chapter 18 of title 35, United States Code, is amended to read as follows:

''209. Licensing federally patented or owned inventions.''.

By Mr. BREAUX (for himself and Mr. NICKLES):

S. 1000. A bill to amend the Internal Revenue Code of 1986 to treat certain dealer derivative financial instruments, hedging transactions, and supplies as ordinary assets; to the Committee on Finance.

COMMODITY DERIVATIVE DEALERS AND ORDINARY BUSINESS HEDGING TRANSACTIONS

• Mr. BREAUX. Mr. President, I, along with my distinguished colleague Senator DON NICKLES, am introducing legislation today to clarify the tax treatment of commodity derivative dealers and of ordinary business hedging transactions. This legislation, which was proposed by the Administration in its Fiscal Year 2000 budget, is necessary to eliminate the existing tax uncertainties with respect to dealer derivative transactions and hedging transactions.

Specifically, Internal Revenue Code section 1221 would be amended to include business hedging transaction in the list of ordinary assets and clarify that activities that ''manage'' rather than only ''reduce'' risk are hedging activities. In addition, derivative contracts held by derivative dealers would similarly be treated as ordinary assets. Current tax and business practices treat derivative contracts held by commodity derivatives dealers as ordinary property. Nevertheless, such derivative dealers are faced with uncertainties regarding the proper reporting of gains and losses from their dealer activities, unlike dealers in other transactions. Finally, supplies used in the provision of services for the production of ordinary property would be added to the list of ordinary assets in section 1221. Such supplies are so closely related to the taxpayer's business that ordinary character should apply.

The Treasury Department has promulgated numerous regulations that affect derivatives contracts and our bill merely clarifies current law treatment of dealer activities. I urge my colleagues to support this important and much needed legislation.•

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. BYRD, Mr. BROWNBACK, Mr. CONRAD, Mr. KOHL, Mr. CLELAND, Ms. LANDRIEU, Mr. BRYAN, Mr. REED, and Mrs. MURRAY):

S. 1001. A bill to establish the National Youth Violence Commission, and for other purposes; to the Committee on Governmental Affairs.

NATIONAL YOUTH VIOLENCE COMMISSION ACT

Mr. LIEBERMAN. Mr. President, three weeks after the tragic shooting in Littleton, Colorado, we as a national community are still struggling to make sense of this horrific event and the other school massacres that preceded it. We are still searching for reasons why some of our children are slaughtering each other, and why there is generally so much violence surrounding our young people, not just in classrooms and schoolyards but on streetcorners and in homes across the country.

In this discussion, we have heard many factors cited as possible causes, but few definitive conclusions or little consensus on exactly what or who is responsible for this alarming trend. In fact, one of the only things that most Americans seem to agree on is that this is an extremely complicated problem, and that there is not any one answer. They are right.

The search for common ground and common solutions began in earnest yesterday with the summit meeting the President convened at the White House. At that meeting the President opened a much-needed dialogue with the entertainment and gun industries, yielding some important commitments from the gun makers, but little if anything from the entertainment industry. The President also laid out a promising plan for translating this conversation into action, calling for a national campaign to change the pervading culture of violence, to mobilize a sustained response to this threat from every segment of our society, much as we have done in the fight against teen pregnancy.

We are here today to introduce legislation that we believe can make an important contribution to this national campaign, something that will help us better understand as we prepare to act. Our proposal would create a select national commission on youth violence, whose mandate would be to deliberately and dispassionately examine the many possible root causes of this crisis of youth violence, to help us understand why so many kids are turning into killers, and to help us reach consensus on how to curtail this recurring nightmare.

This commission would be composed of a wide array of experts in the fields of law enforcement, school administration, teaching and counseling, parenting and family studies, and child and adolescent psychology, as well as Cabinet members and national religious leaders, to thoroughly study the different dimensions of this problem. After deliberating for a year, the commission would be directed to report its conclusions to the President and Congress and recommend a series of tangible steps we could take to reduce the level of youth violence and prevent other families and communities from feeling the searing pain and grief that has visited the people of Littleton for the last three weeks.

Our proposal is not intended to forestall or preempt a more immediate response to what happened in Littleton. To the contrary, we each believe there are several steps that the Congress and different groups and industries could and should take now that would help us reduce not just the risk of another school massacre, but the daily death toll of youth violence across America. Several of us here, for example, have and will continue to push the entertainment industry to stop glorifying and romanticizing violence, and in particular to stop marketing murder and mayhem directly to kids.

But we also believe that this extraordinary problem is not something that we can solve overnight, or with any single piece of legislation. A commission is no guarantee that we will find all the answers and bridge all the divisions, but we believe it provides as good a hope as any for thoughtfully doing so, and for making this national campaign a success.

In the coming days, we will offer this proposal as an amendment to the juvenile justice bill. We will also be putting forward a companion amendment calling for a Surgeon General's report on the public health aspects of the youth violence epidemic, with a particular focus on the contributing effects of entertainment media violence on children. This proposal, which the President endorsed at Monday's summit, is intended to inform the commission's work and hopefully raise public awareness of the enormous role the entertainment culture plays in shaping the world our sons and daughters inhabit.

I ask unanimous consent that the text of this bill be printed into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Youth Violence Commission Act''.

SEC. 2. NATIONAL YOUTH VIOLENCE COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Youth Violence Commission (hereinafter referred to in this Act as the ''Commission''). The Commission shall—

(1) be composed of 16 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with the provisions of this Act.

(b) MEMBERSHIP.—

(1) PERSONS ELIGIBLE.—Except for those members who hold the offices described under paragraph (2)(A), and those members appointed under paragraph (2) (C)(ii) and (D)(iv), the members of the Commission shall be individuals who have expertise, by both experience and training, in matters to be studied by the Commission under section 3. The members of the Commission shall be well-known and respected among their peers in their respective fields of expertise.

(2) APPOINTMENTS.—The members of the Commission shall be appointed for the life of the Commission as follows:

(A) Four shall be appointed by the President of the United States, including—

(i) the Surgeon General of the United States;

(ii) the Attorney General of the United States;

(iii) the Secretary of the Department of Health and Human Services; and

(iv) the Secretary of the Department of Education.

(B) Four shall be appointed by the Speaker of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies; and

(iv) 1 member who meets the criteria for eligibility in paragraph (1) in the field of child or adolescent psychology.

(C) Two shall be appointed by the Minority Leader of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement; and

(ii) 1 member who is a recognized religious leader.

(D) Four shall be appointed by the Majority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the social sciences; and

(iv) 1 member who is a recognized religious leader.

(E) Two shall be appointed by the Minority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling; and

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies.

(3) COMPLETION OF APPOINTMENTS; VACANCIES.—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (2) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) OPERATION OF THE COMMISSION.—

(A) CHAIRMANSHIP.—The appointing authorities under paragraph (2) shall jointly designate 1 member as the Chairman of the Commission. In the event of a disagreement among the appointing authorities, the Chairman shall be determined by a majority vote of the appointing authorities. The determination of which member shall be Chairman shall be made not later than 15 days after the appointment of the last member of the Commission, but in no case later than 45 days after the date of enactment of this Act.

(B) MEETINGS.—The Commission shall meet at the call of the Chairman. The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(i) the date of the appointment of the last member of the Commission; or

(ii) the date on which appropriated funds are available for the Commission.

(C) QUORUM; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have 1 vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this Act or other applicable law.

SEC. 3. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive factual study of incidents of youth violence to determine the root causes of such violence.

(2) MATTERS TO BE STUDIED.—In determining the root causes of incidents of youth violence, the Commission shall study any matter that the Commission determines relevant to meeting the requirements of paragraph (1), including at a minimum—

(A) the level of involvement and awareness of teachers and school administrators in the lives of their students and any impact of such involvement and awareness on incidents of youth violence;

(B) trends in family relationships, the level of involvement and awareness of parents in the lives of their children, and any impact of such relationships, involvement, and awareness on incidents of youth violence;

(C) the alienation of youth from their schools, families, and peer groups, and any impact of such alienation on incidents of youth violence;

(D) the availability of firearms to youth, including the means by which they acquire such firearms, and any impact of such availability on incidents of youth violence;

(E) the effect upon youth of depictions of violence in the media and any impact of such depictions on incidents of youth violence; and

(F) the availability to youth of information regarding the construction of weapons, including explosive devices, and any impact of such information on incidents of youth violence.

(3) TESTIMONY OF PARENTS AND STUDENTS.—In determining the root causes of incidents of youth violence, the Commission shall, pursuant to section 4(a), take the testimony of parents and students to learn and memorialize their views and experiences regarding incidents of youth violence.

(b) RECOMMENDATIONS.—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress to address the causes of youth violence and reduce incidents of youth violence. If the Surgeon General issues any report on media and violence, the Commission shall consider the findings and conclusions of such report in making recommendations under this subsection.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Commission first meets, the Commission shall submit to the President and Congress a comprehensive report of the Commission's findings and conclusions, together with the recommendations of the Commission.

(2) SUMMARIES.—The report under this subsection shall include a summary of—

(A) the reports submitted to the Commission by any entity under contract for research under section 4(e); and

(B) any other material relied on by the Commission in the preparation of the Commission's report.

SEC. 4. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 3.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(b) SUBPOENAS.—

(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may by majority vote request the Attorney General of the United States to require by subpoena the production of any written or recorded information, document, report, answer, record, account,

paper, computer file, or other data or documentary evidence necessary to carry out the Commission's duties under section 3. The Commission shall transmit to the Attorney General a confidential, written request for the issuance of any such subpoena. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 3. A subpoena under this paragraph may require the production of materials from any place within the United States.

(2) INTERROGATORIES.—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), request the Attorney General to issue a subpoena requiring the person producing such materials to answer, either through a sworn deposition or through written answers provided under oath (at the election of the person upon whom the subpoena is served), to interrogatories from the Commission regarding such information. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 3. A complete recording or transcription shall be made of any deposition made under this paragraph.

(3) CERTIFICATION.—Each person who submits materials or information to the Attorney General pursuant to a subpoena issued under paragraph (1) or (2) shall certify to the Attorney General the authenticity and completeness of all materials or information submitted. The provisions of section 1001 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

(4) TREATMENT OF SUBPOENAS.—Any subpoena issued by the Attorney General under paragraph (1) or (2) shall comply with the requirements for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure.

(5) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued by the Attorney General under paragraph (1) or (2), the Attorney General may apply to a United States district court for an order requiring that person to comply with such subpoena. The application may be made within the judicial district in which that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under section 3. Upon the request of the Commission, the head of such department or agency may furnish such information to the Commission.

(d) INFORMATION TO BE KEPT CONFIDENTIAL.—

(1) IN GENERAL.—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by any individual or entity under contract with the Commission under subsection (e) shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code.

(2) DISCLOSURE.—Information obtained by the Commission or the Attorney General under this Act and shared with the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(A) to Commission employees or employees of any individual or entity under contract to the Commission under subsection (e) for the purpose of receiving, reviewing, or processing such information;

(B) upon court order; or

(C) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(i) the identity of any person or business entity; or

(ii) any information which could not be released under section 1905 of title 18, United States Code.

(e) CONTRACTING FOR RESEARCH.—The Commission may enter into contracts with any entity for research necessary to carry out the Commission's duties under section 3.

SEC. 5. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this Act such sums as may be necessary to carry out the purposes of this Act. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the report under section 3(c).

By Mr. MACK (for himself and Mr. BREAUX):

S. 1002. A bill to amend title XVIII of the Social Security Act to provide for a prospective payment system for services furnished by psychiatric hospitals under the Medicare Program; to the Committee on Finance.

MEDICARE PSYCHIATRIC HOSPITAL PROSPECTIVE PAYMENT SYSTEM ACT OF 1999

Mr. MACK. Mr. President, today I am pleased to join my colleague JOHN BREAUX in sponsoring the Medicare Psychiatric Hospital Prospective payment System Act of 1999.

This legislation will ensure the continuance of available impatient psychiatric care by reforming how Medicare pays for services in free-standing psychiatric hospitals and psychiatric units of general hospitals. It will establish a prospective payment system (PPS) Currently psychiatric hospitals are the only institutional providers of care under Medicare not scheduled to move to a PPS system.

The Balanced Budget Act of 1997 (BBA) made major changes in the way psychiatric hospitals are paid. It reduced incentive payments and imposed a limit on what will be paid. The result of this was that many of these providers were hit by a big cut in the first year with no transition period to adjust to the reductions. It is important that these cuts not be continued because patient care may be put at risk. A recent study found that 84% of psychiatric hospitals had payment reductions due to BBA. The average margin went from minus 3% to negative 8.7%.

This legislation proposes to transition psychiatric inpatient providers to a PPS which will allow these institutions to be able to plan and adjust for the future and insure their ability to provide quality care. The proposal also provides a measure of financial relief by limiting payment reductions to no more than 5% in the next two years. This relief will then be paid back in a few years under PPS. After the third year, PPS will be in effect and per diem rates can be adjusted downward by the Secretary of Health and Human Services to pay back savings temporarily lost through the limitation of initial payment reductions. The goal is for the bill to be budget neutral over five years and fully comply with the BBA.

The most important feature of this legislation is that it moves psychiatric facilities out of a cost based system and into a system where they will be paid prospectively, like most other Medicare Providers, and can manage their finances effectively to provide high quality psychiatric care.

I urge my colleagues to join me in cosponsoring this important piece of legislation.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Psychiatric Hospital Prospective Payment System Act of 1999''.

SEC. 2. MEDICARE PROSPECTIVE PAYMENT SYSTEM FOR PSYCHIATRIC FACILITIES.

(a) ESTABLISHMENT OF PROSPECTIVE PAYMENT SYSTEM.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following:

''(l) PROSPECTIVE PAYMENT SYSTEM FOR INPATIENT PSYCHIATRIC SERVICES.—

''(1) AMOUNT OF PAYMENT.—

''(A) DURING TRANSITION PERIOD.—Notwithstanding section 1814(b), but subject to the provisions of section 1813, the amount of payment with respect to the operating and capital-related costs of inpatient hospital services of a psychiatric facility (as defined in paragraph (7)(C)) for each day of services furnished in a cost reporting period beginning on or after October 1, 2000, and before October 1, 2003, is equal to the sum of—

''(i) the TEFRA percentage (as defined in paragraph (7)(D)) of the facility-specific per diem rate (determined under paragraph (2)); and

''(ii) the PPS percentage (as defined in paragraph (7)(B)) of the applicable Federal per diem rate (determined under paragraph (3)).

''(B) UNDER FULLY IMPLEMENTED SYSTEM.—Notwithstanding section 1814(b), but subject to the provisions of section 1813, the amount of payment with respect to the operating and capital-related costs of inpatient hospital services of a psychiatric facility for each day of services furnished in a cost reporting period beginning on or after October 1, 2003, is equal to the applicable Federal per diem rate determined under paragraph (3) for the facility for the fiscal year in which the day of services occurs.

''(C) NEW FACILITIES.—In the case of a psychiatric facility that does not have a base fiscal year (as defined in paragraph (7)(A)), payment for the operating and capital-related costs of inpatient hospital services shall be made under this subsection using the applicable Federal per diem rate.

''(2) DETERMINATION OF FACILITY-SPECIFIC PER DIEM RATES.—

''(A) BASE YEAR.—The Secretary shall determine, on a per diem basis, the allowable operating and capital-related costs of inpatient hospital services for each psychiatric facility for its cost reporting period (if any) beginning in the base fiscal year (as defined in paragraph (7)(A)), such costs determined as if subsection (b)(8) did not apply.

''(B) UPDATING.—The Secretary shall update the amount determined under subparagraph (A) for each cost reporting period after the cost reporting period beginning in the base fiscal year and before October 1, 2003, by a factor equal to the market basket percentage increase (as defined in subsection (b)(3)(B)(iii)).

''(3) DETERMINATION OF FEDERAL PER DIEM RATE.—

''(A) BASE YEAR.—The Secretary shall determine, on a per diem basis, the allowable operating and capital-related costs of inpatient hospital services for each psychiatric facility for its cost reporting period (if any) beginning in the base fiscal year (as defined in paragraph (7)(A)), such costs determined as if subsection (b)(8) did not apply.

''(B) UPDATING TO FIRST FISCAL YEAR.—The Secretary shall update the amount determined under subparagraph (A) for each cost reporting period up to the first cost reporting period to which this subsection applies by a factor equal to the market basket percentage increase (as defined in subsection (b)(3)(B)(iii)).

''(C) COMPUTATION OF STANDARDIZED PER DIEM RATE.—The Secretary shall standardize the amount determined under subparagraph (B) for each facility by—

''(i) adjusting for variations among facilities by area in the average facility wage level per diem; and

''(ii) adjusting for variations in case mix per diem among facilities (based on the patient classification system established by the Secretary under paragraph (4)).

''(D) COMPUTATION OF WEIGHTED AVERAGE PER DIEM RATES.—

''(i) SEPARATE RATES FOR URBAN AND RURAL AREAS.—Based on the standardized amounts determined under subparagraph (C) for each facility, the Secretary shall compute a separate weighted average per diem rate—

''(I) for all psychiatric facilities located in an urban area (as defined in subsection (d)(2)(D)); and

''(II) for all psychiatric facilities located in a rural area (as defined in subsection (d)(2)(D)).

''(ii) FOR HOSPITALS AND UNITS.—In the areas referred to in clause (i), the Secretary may compute a separate weighted average per diem rate for—

''(I) psychiatric hospitals; and

''(II) psychiatric units described in the matter following clause (v) of subsection (d)(1)(B).

If the Secretary establishes separate average weighted per diem rates under this clause, the Secretary shall also establish separate average per diem rates for psychiatric facilities in such categories that are owned and operated by an agency or instrumentality of Federal, State, or local government and for psychiatric facilities other than such facilities.

''(iii) WEIGHTED AVERAGE.—In computing the weighted averages under clauses (i) and (ii), the standardized per diem amount for each facility shall be weighted for each facility by the number of days of inpatient hospital services furnished during its cost reporting period beginning in the base fiscal year.

''(E) UPDATING.—The weighted average per diem rates determined under subparagraph (D) shall be updated for each fiscal year after the first fiscal year to which this subsection applies by a factor equal to the market basket percentage increase (as defined in subsection (b)(3)(B)(iii)).

''(F) DETERMINATION OF FEDERAL PER DIEM RATE.—

''(i) IN GENERAL.—The Secretary shall compute for each psychiatric facility for each fiscal year (beginning with fiscal year 2001) a Federal per diem rate equal to the applicable weighted average per diem rate determined under subparagraph (E), adjusted for—

''(I) variations among facilities by area in the average facility wage level per diem;

''(II) variations in case mix per diem among facilities (based on the patient classification system established by the Secretary under paragraph (4)); and

''(III) variations among facilities in the proportion of low-income patients served by the facility.

''(ii) OTHER ADJUSTMENTS.—In computing Federal per diem rates under this subparagraph, the Secretary may adjust for outlier cases, the indirect costs of medical education, and such other factors as the Secretary determines to be appropriate.

''(iii) BUDGET NEUTRALITY.—The adjustments specified in clauses (i)(I), (i)(III), and (ii) shall be implemented in a manner that does not result in aggregate payments under this subsection that are greater or less than those aggregate payments that otherwise would have been made if such adjustments did not apply.

''(4) ESTABLISHMENT OF PATIENT CLASSIFICATION SYSTEM.—

''(A) IN GENERAL.—The Secretary shall establish—

''(i) classes of patients of psychiatric facilities (in this paragraph referred to as 'case mix groups'), based on such factors as the Secretary determines to be appropriate; and

''(ii) a method of classifying specific patients in psychiatric facilities within these groups.

''(B) WEIGHTING FACTORS.—For each case mix group, the Secretary shall assign an appropriate weighting factor that reflects the relative facility resources used with respect to patients classified within that group compared to patients classified within other such groups.

''(5) DATA COLLECTION; UTILIZATION MONITORING.—

''(A) DATA COLLECTION.—The Secretary may require psychiatric facilities to submit such data as is necessary to implement the system established under this subsection.

''(B) UTILIZATION MONITORING.—The Secretary shall monitor changes in the utilization of inpatient hospital services furnished by psychiatric facilities under the system established under this subsection and report to the appropriate committees of Congress on such changes, together with recommendations for legislation (if any) that is needed to address unwarranted changes in such utilization.

''(6) SPECIAL ADJUSTMENTS.—Notwithstanding the preceding provisions of this subsection, the Secretary shall reduce aggregate payment amounts that would otherwise be payable under this subsection for inpatient hospital services furnished by a psychiatric facility during cost reporting periods beginning in fiscal years 2001 and 2002 by such uniform percentage as is necessary to assure that payments under this subsection for such cost reporting periods are reduced by an amount that is equal to the sum of—

''(A) the aggregate increase in payments under this title during fiscal years 1999 and 2000, that is attributable to the operation of subsection (b)(8); and

''(B) the aggregate increase in payments under this title during fiscal years 2001 and 2002 that is attributable to the application of the market basket percentage increase under paragraphs (2)(B) and (3)(E) of this subsection in lieu of the provisions of subclauses (VI) and (VII) of subsection (b)(3)(B)(ii). Reductions under this paragraph shall not affect computation of the amounts payable under this subsection for cost reporting periods beginning in fiscal years after fiscal year 2002.

''(7) DEFINITIONS.—For purposes of this subsection:

''(A) The term 'base fiscal year' means, with respect to a hospital, the most recent fiscal year ending before the date of enactment of this subsection for which audited cost report data are available.

''(B) The term 'PPS percentage' means—

''(i) with respect to cost reporting periods beginning on or after October 1, 2000, and before October 1, 2001, 25 percent;

''(ii) with respect to cost reporting periods beginning on or after October 1, 2001, and before October 1, 2002, 50 percent; and

''(iii) with respect to cost reporting periods beginning on or after October 1, 2002, and before October 1, 2003, 75 percent.

''(C) The term 'psychiatric facility' means—

''(i) a psychiatric hospital; and

''(ii) a psychiatric unit described in the matter following clause (v) of subsection (d)(1)(B).

''(D) The term 'TEFRA percentage' means—

''(i) with respect to cost reporting periods beginning on or after October 1, 2000, and before October 1, 2001, 75 percent;

''(ii) with respect to cost reporting periods beginning on or after October 1, 2001, and before October 1, 2002, 50 percent; and

''(iii) with respect to cost reporting periods beginning on or after October 1, 2002, and before October 1, 2003, 25 percent.''.

(b) LIMIT ON REDUCTIONS UNDER BALANCED BUDGET ACT.—Section 1886(b) of the Social Security Act (42 U.S.C. 1395ww(b)) is amended by adding at the end the following:

''(8) Notwithstanding the amendments made by sections 4411, 4414, 4415, and 4416 of the Balanced Budget Act of 1997, in the case of a psychiatric facility (as described in subsection (l)(7(C)(ii)), the amount of payment for the operating costs of inpatient hospital services for cost reporting periods beginning on or after October 1, 1998, and before October 1, 2000, shall not be less than 95 percent of the amount that would have been paid for such costs if such amendments did not apply.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply as if included in the enactment of the Balanced Budget Act of 1997.

By Mr. ROCKEFELLER (for himself, Mr. HATCH, Mr. CRAPO, and Mr. BRYAN):

S. 1003. A bill to amend the Internal Revenue Code of 1986 to provide increased tax incentives for the purchase of alternative fuel and electric vehicles, and for other purposes; to the Committee on Finance.

THE ALTERNATIVE FUELS PROMOTION ACT OF 1999

Mr. ROCKEFELLER. Mr. President, I am proud to introduce today with my colleagues Senators HATCH, CRAPO, and BRYAN the Alternative Fuels Promotion Act. This is an important bipartisan piece of legislation providing tax incentives to help stimulate the still fledgling alternative fuel vehicle industry. It creates a $0.50 per gasoline equivalent gallon tax credit for natural gas, methanol, propane and hydrogen, thus almost leveling the tax treatment for all alternative fuels. The bill also contains provisions for extending the electric vehicle tax credit and augmenting it to encourage advanced technology vehicles. It also expands the existing tax deduction for alternative fuel fueling infrastructure to include the cost of installation. Finally, the bill gives states the authority to allow single occupant alternative fueled vehicles on high occupancy vehicle (HOV) lanes.

I introduce this bill today because I believe that it is time for the next automobile revolution.

I say revolution because as Webster's tells us, the word can mean ''a fundamental change in the way of thinking about something.''

One compelling argument for pursuing fundamental change when it comes to automobiles is the fact that we still need to reduce this nation's dependence on imported oil, for obvious reasons. After all, Saddam Hussein didn't invade Kuwait to increase his supply of sand. We are at an historic high in our dependence on imported oil. Currently, we import approximately one half of the oil consumed in this nation. According to the Energy Information Administration, that level is expected to increase to more than sixty percent within the next decade, unless we do something dramatic to reverse the current trend. Even more foreboding is the fact that most of the oil we import is from the Middle East. It makes no sense for us to stand idly by as this volatile region of the world increases its potential stranglehold over the world's economy.

It is also critical that we reduce the transportation sector's negative impact on air quality. We are in the midst of an alarming increase in reported asthma and other respiratory diseases. This problem is esepcially acute among children and senior citizens. While the automobile industry has made great strides in reducing emissions from cars and trucks, the improvement has been largely offset by the dramatically increasing number of cars, sport utility vehicles and trucks on the road and the increasing number of miles these vehicles are driven each year. Clearly, doing something to cut air pollution and reduce greenhouse gas emissions, for example, requires enormous change in transportation.

The options for bringing about change in the transportation sector are limited. We can pursue punitive new taxes, mandates, or regulations. This approach, I believe, would result in job losses and economic stagnation, situations that are not acceptable to either the American people or the Congress. I believe the best way to bring about the change we need is to provide incentives—to manufacturers to develop and sell clean technology—and to consumers to buy and use that technology.

The domestic automobile manufacturers have been developing a full menu of clean, efficient vehicles for the 21st century. And unlike before, these vehicles are much closer to their gasoline-powered counterparts in terms of performance, safety, comfort, and cost. Just recently, two of our biggest automobile manufacturers unveiled their latest fuel-cell-powered vehicles—the alternative fuel vehicle considered by many to be the car of the 21st century. Much of the technology incorporated into such advanced transportation technologies—hybrids, electric vehicles with advanced batteries, fuel cell vehicles as well as bi-fuel and flex-fuel vehicles—are a direct result of the work government and industry have done together, in full partnership, through programs like the United States Advanced Battery Consortium and the Partnership for a New Generation of Vehicles.

Perhaps most exciting is that some of these ''cars of the future'' are available today. Electric vehicles are being sold, albeit in small numbers, to fleets nationwide, and to select target markets in California and Arizona. Also, most major automakers have alternative fuel vehicles available for either fleet or private purchase.

And there is encouraging news on the infrastructure front as well. Alternative fuel providers and electric utilities throughout the country are putting the infrastructure in place to support alternative fuel and electric vehicles in operation. By the end of 1998, nearly 300 public charging sites with more than 600 chargers, as well as hundreds of home chargers, and a number of fleet installations, were established throughout California and Arizona. We need more of this to happen nationally. There are also more than 110 methanol stations nationwide supporting alternative and flex fuel vehicles. Also, compressed natural gas and other natural gas-based fuels are developing infrastructure as well. For example, in my state of West Virginia alone there are over 40 compressed natural gas fueling stations.

I think this is all evidence that we have indeed initiated an automotive revolution. Unfortunately, the market hasn't developed as quickly as we thought it would when we passed the Energy Policy Act of 1992 with such high hopes. And perhaps we were too optimistic about what would be required by both government and industry to build a sustainable market for the technology.

So, what can we do to speed things up? How can we make sure there are more vehicles available, get more people to buy them, and develop the infrastructure to sustain them?

First, as I mentioned earlier, the alternative fuel and electric vehicle markets started more slowly than I think many of us expected. Therefore, we need to extend the phase-out dates of current tax credits. This would continue to help us ''jumpstart'' the market for electric vehicles, and lay out a longer-term incentive policy. Also, I feel that hard work and progress should be encouraged. Electric vehicles with extended range capability are the result of additional investments in research and technology. This behavior needs to be rewarded.

Second, there needs to be more support for the development of an effective alternative fuel fueling infrastructure. For too long, we been caught in a 'chicken and egg' cycle, with the infrastructure not available to support alternative fuel vehicles, and consumers not interested in the vehicles because there's not support infrastructure. We need to break this cycle by creating better tax incentives to help develop alternative fuel infrastructure. The current tax deductions for capitol equipment is not sufficient since a large portion of the overall cost may be associated with the actual cost of installation.

Finally, we must make alternative fuels, like natural gas, methanol, propane and hydrogen, economically attractive to producers, distributors,

marketers and buyers. If consumers see affordable new fuels available at their local fueling stations, they will be much more likely to actually use an alternative fuel vehicle. Tax incentives have traditionally been very effective in encouraging consumers to try new technology. While changing consumer's behavior is not easy, I am confident that if people begin to see that alternative fuels are available and affordable, they will soon begin to use them. Without the economic drive at every link in the fuel chain any alternative fuel effort will not succeed.

This is why today I along with my colleagues are introducing the Alternative Fuels Promotion Act.

This bill contains provisions for extending the $4,000 tax credit for electric vehicles until 2010. It also grants an additional $5,000 tax credit for electric vehicles that meet a 100 mile range requirement. These provisions will help electric vehicle commercialization and research to move forward at a faster pace, and will mean that more people will be able to buy electric vehicles.

However, few people will buy electric vehicles and other alternatively fueled vehicles if there is nowhere to refuel them. I want to encourage the development of these stations. Therefore, my bill expands the current tax deduction for alternative fuel fueling capital equipment to include the cost of installation. This will allow more infrastructure for electric and alternative fuel vehicles to be installed and used.

The Alternative Fuels Promotion Act also makes clean-burning alternative fuels economically attractive. The bill provides a $0.50 per gasoline equivalent gallon tax credit to the seller of compressed natural gas, liquefied natural gas, methanol, propane or hydrogen. This will allow these non-petroleum fuels to become more economically favorable to the consumer through lower prices at the pump. It also places these fuels on tax parity with other alternatives. By giving the tax credit to the seller of the fuel, it reduces the paperwork burden on the individual consumer, and allows for easier dispersal of the credit throughout the production/delivery/marketing chain so that all parties are interested in increasing the consumption of alternative fuels.

Finally, the Alternative Fuel Promotion Act gives states the ability to decide if they want to allow single occupant alternative fuel and electric vehicles in HOV lanes. This is, I feel, a strong incentive that states should be allowed, but not required, to give to owners of these special vehicles.

We know that when national policy works in support of the energies and potential of the private sector, far more progress can be made at a far faster rate. The private sector is leading the way in developing alternatives fuel vehicle technology. We need to provide consumers with a strong financial incentive to use this technology. Certainly, our continued dependence on foreign oil and the contribution of conventionally powered vehicles to air pollution should drive us to try. In my case, I see exciting prospects for new uses of West Virginia's natural resources and other economic benefits for my state—along with other states. I encourage my colleagues to support this bill and I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Alternative Fuels Promotion Act''.

SEC. 2. FINDINGS.

The Senate finds the following:

(1)(A) Since 1994, the United States has imported over half its oil.

(B) Without efforts to mitigate this dependence on foreign oil, the percentage of oil imported is expected to grow to all-time highs.

(C) This reliance on foreign oil presents a national security risk, which Congress should address through policy changes designed to increase the use of domestically-available alternative transportation fuels.

(2)(A) The importing of a majority of the oil used in the United States contributes negatively to the balance of trade of the United States.

(B) Assuring the Nation's economic security demands the development and promotion of domestically-available alternative transportation fuels.

(3)(A) The reliance on oil as a transportation fuel has numerous negative environmental consequences, including increasing air pollution and greenhouse gas emissions.

(B) Developing alternative transportation fuels will help address these environmental impacts by reducing emissions.

(4) In order to encourage installation of alternative fueling infrastructure, and make alternative fuels economically favorable to the producer, distributor, marketer, and consumer, tax credits provided at the point of distribution into an alternative fuel vehicle are necessary.

(5)(A) In the short-term, United States alternative fuel policy must be made fuel neutral.

(B) Fuel neutrality will foster private innovation and commercialization using the most technologically feasible and economic fuels available.

(C) This will allow market forces to decide the alternative fuel winners and losers.

(6)(A) Tax credits which have been in place have led to increases in the quantity and quality of alternative fuel technology available today.

(B) Extending these credits is an efficient means of promoting alternative fuel vehicles and alternative fueling infrastructures.

(7)(A) The Federal fleet is one of the best customers for alternative fuel vehicles due to its combination of large purchasing power, tight record keeping, geographic diversity, and high fuel usage.

(B) For these reasons, the National Energy Policy Act of 1991 required Federal fleets to purchase certain numbers of alternatively-fueled vehicles.

(C) In most cases, these requirements have not been met.

(D) Efforts must be made to ensure that all Federal agencies comply with Federal fleet purchase requirement laws and executive orders.

TITLE I—TAX INCENTIVES

SEC. 101. CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) INCREASED CREDIT FOR VEHICLES WHICH MEET CERTAIN RANGE REQUIREMENTS.—

(1) IN GENERAL.—Section 30(a) of the Internal Revenue Code of 1986 (relating to allowance of credit) is amended to read as follows:

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(A) 10 percent of the cost of any qualified electric vehicle placed in service by the taxpayer during the taxable year, plus

''(B) in the case of any such vehicle also meeting the requirement described in paragraph (2), $5,000.

''(2) RANGE REQUIREMENT.—The requirement described in this paragraph is a driving range of at least 100 miles—

''(A) on a single charge of the vehicle's rechargeable batteries, fuel cells, or other portable source of electrical current, and

''(B) measured pursuant to the urban dynamometer schedules under appendix I to part 86 of title 40, Code of Federal Regulations.''.

(2) CONFORMING AMENDMENT.—Section 30(b)(1) of the Internal Revenue Code of 1986 is amended by striking ''subsection (a)'' and inserting ''subsection (a)(1)(A)''.

(b) CREDIT EXTENDED THROUGH 2010.—

(1) IN GENERAL.—Section 30(e) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''2004'' and inserting ''2010''.

(2) CONFORMING AMENDMENTS.—Section 30(b)(2) of such Code (relating to phaseout) is amended—

(A) by striking ''2002'' in subparagraph (A) and inserting ''2008'',

(B) by striking ''2003'' in subparagraph (B) and inserting ''2009'', and

(C) by striking ''2004'' in subparagraph (C) and inserting ''2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of enactment of this Act.

SEC. 102. ADDITIONAL DEDUCTION FOR COST OF INSTALLATION OF ALTERNATIVE FUELING STATIONS.

(a) IN GENERAL.—Subparagraph (A) of section 179A(b)(2) of the Internal Revenue Code of 1986 (relating to qualified clean-fuel vehicle refueling property) is amended to read as follows:

''(A) IN GENERAL.—The aggregate cost which may be taken into account under subsection (a)(1)(B) with respect to qualified clean-fuel vehicle refueling property placed in service during the taxable year at a location shall not exceed the sum of—

''(i) with respect to costs not described in clause (ii), the excess (if any) of—

''(I) $100,000, over

''(II) the aggregate amount of such costs taken into account under subsection (a)(1)(B) by the taxpayer (or any related person or predecessor) with respect to property placed in service at such location for all preceding taxable years, plus

''(ii) the lesser of—

''(I) the cost of the installation of such property, or

''(II) $30,000.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of enactment of this Act.

SEC. 103. CREDIT FOR RETAIL SALE OF CLEAN BURNING FUELS AS MOTOR VEHICLE FUEL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by inserting after section 40 the following:

"SEC. 40A. CREDIT FOR RETAIL SALE OF CLEAN BURNING FUELS AS MOTOR VEHICLE FUEL.

''(a) GENERAL RULE.—For purposes of section 38, the clean burning fuel retail sales credit of any taxpayer for any taxable year is 50 cents for each gasoline gallon equivalent of clean burning fuel sold at retail by the taxpayer during such year as a fuel to propel any qualified motor vehicle.

''(b) DEFINITIONS.—For purposes of this section—

''(1) CLEAN BURNING FUEL.—The term 'clean burning fuel' means natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, and any liquid at least 85 percent of which consists of methanol.

''(2) GASOLINE GALLON EQUIVALENT.—The term 'gasoline gallon equivalent' means, with respect to any clean burning fuel, the amount (determined by the Secretary) of such fuel having a Btu content of 114,000.

''(3) QUALIFIED MOTOR VEHICLE.—The term 'qualified motor vehicle' means any motor vehicle (as defined in section 179A(e)) which meets any applicable Federal or State emissions standards with respect to each fuel by which such vehicle is designed to be propelled.

''(4) SOLD AT RETAIL.—

''(A) IN GENERAL.—The term 'sold at retail' means the sale, for a purpose other than resale, after manufacture, production, or importation.

''(B) USE TREATED AS SALE.—If any person uses clean burning fuel as a fuel to propel any qualified motor vehicle (including any use after importation) before such fuel is sold at retail, then such use shall be treated in the same manner as if such fuel were sold at retail as a fuel to propel such a vehicle by such person.

''(c) NO DOUBLE BENEFIT.—The amount of the credit determined under subsection (a) shall be reduced by the amount of any deduction or credit allowable under this chapter for fuel taken into account in computing the amount of such credit.

''(d) TERMINATION.—This section shall not apply to any fuel sold at retail after December 31, 2007.''.

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', plus'', and by adding at the end the following:

''(13) the clean burning fuel retail sales credit determined under section 40A(a).''.

(c) TRANSITIONAL RULE.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules) is amended by adding at the end the following:

''(9) NO CARRYBACK OF SECTION 40A CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the clean burning fuel retail sales credit determined under section 40A(a) may be carried back to a taxable year ending before January 1, 1999.''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 40 the following:

''Sec. 40A. Credit for retail sale of clean burning fuels as motor vehicle fuel.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold at retail after December 31, 1999, in taxable years ending after such date.

TITLE II—PROGRAM EFFICIENCIES

SEC. 201. EXCEPTION TO HOV PASSENGER REQUIREMENTS FOR ALTERNATIVE FUEL VEHICLES.

Section 102(a) of title 23, United States Code, is amended by inserting ''(unless, at the discretion of the State highway department, the vehicle operates on, or is fueled by, an alternative fuel (as defined in section 301 of Public Law 102-486 (42 U.S.C. 13211(2)))'' after ''required''.

Mr. HATCH. Mr. President, I rise today as an original cosponsor of the Alternative Fuels Promotion Act, together with my colleagues, Senators ROCKEFELLER, CRAPO, and BRYAN. The legislation we introduce today will help to solve one of our Nation's most expensive problems—air pollution.

As air pollution was introduced at the beginning of this century, it is fitting that, at century's end, we should find solutions to this vexing problem.

Automobiles are a major source of pollution in our urban areas. Past efforts to address this mobile-source pollution have been fraught with pitfalls; and, as a result, the effort to control automobile emissions has progressed in fits and starts. The Alternative Fuels Promotion Act avoids past mistakes, leaving behind command-and-control mandates from Congress and providing market-based incentives for consumers and for much needed infrastructure development.

Mr. President, as we speak, my State of Utah is engaged in a mammoth road construction project on Interstate 15. This freeway runs right through Salt Lake City and through three counties in Utah that have struggled to meet national clean air standards.

It might suggest that we should not improve or repair highways. Could it be that the availability of convenient and efficient roadways is in part responsible for our emissions problem? I doubt it. While the Eisenhower vision of a vast nation connected by interstate highways may have encouraged more people to commute or vacation by car, the fact is that vehicular traffic is increasing almost everywhere. One-car families have become two-car and three-car families.

I do not believe that more cars crowded onto old and inefficient highways is the answer. In fact, slow-moving traffic is part of the problem.

According to a recent study by Utah's Division of Air Quality, on-road vehicles account for 22 percent of coarse particulate matter in Utah. Particulate matter can be harmful to those already suffering from chronic respiratory or heart disease, influenza, or asthma. Automobiles also account for 34 percent of hydrocarbon and 52 percent of nitrogen oxide emissions in my state. These two pollutants react in sunlight to form ozone, which in turn reduces lung function in humans and hurts our resistance to colds and asthma. Ozone may also lead to premature aging of lung tissue. In Utah, vehicles account for a whopping 87 percent of carbon monoxide emissions. Carbon monoxide can be harmful to persons with heart, respiratory, or circulatory ailments.

Mr. President, while Utah has made important strides in improving air quality, more vehicular miles are driven every year. If we are to have cleaner air, we must encourage low emission alternative fuels or electric power.

The need for alternative fuels will dramatically increase as the Environmental Protection Agency continues to implement its new, stricter clean air standards. With the tighter standards, some of Utah's counties will, once again, face non-attainment. Under the Clean Air Act, the EPA can impose sanctions on a state's highway fund if it determines a state has not adequately implemented plans to attain air quality standards, a sanction which, as I have suggested, may actually be counterproductive.

Nevertheless, non-attainment can be a costly enterprise, whether due to the loss of federal highway money or to the expensive measures taken to reach attainment. And, as I have suggested, may be counterproductive.

By the EPA's own estimates, the annual cost of achieving the new ozone standard in 2010 will be about $9.6 billion. Additionally, the EPA puts the annual cost of achieving the PM 2.5 standard at $37 billion, making for a combined total cost of $47 billion annually. Mr. President, our most recent census count estimated that there are 65 million families in the U.S. So, by the EPA's own account, implementing the new air quality standards will cost about $723 per family every year.

Wouldn't it be wise, Mr. President, to invest some of that money in the development of alternative fuels?

Take natural gas as an example. Natural gas is one of the cleanest burning fuels available. Add to this, methanol, propane has a variety of options that would allow Americans to continue to drive their cars, while dramatically cutting back on air pollution.

Mr. President, research has brought us a number of excellent options to replace our dependency on traditional gasoline powered autos. It appears that our last obstacle remains bringing these alternatives to the marketplace. Past efforts to do so have failed to produce the hoped-for results because they have been too heavy on mandates and too weak on incentives to car buyers and to improve infrastructure.

Clearly, if consumers are to begin buying alternative fuel vehicles, two elements must be in place: first, the price for vehicles and their fuel must be right; second, the consumer must feel confident that the infrastructure is in place with refueling stations widely available.

This is where the Alternative Fuels Promotion Act comes into play. With this legislation, we take important steps forward to meet these goal without mandates. The only requirement in this bill is that federal agencies submit an annual report on their use of alternative fuel vehicles in their fleets.

The Alternative Fuels Promotion Act encourages customers to purchase alternative fuels through a tax credit. Congress has already given ethanol users a tax credit of 54 cents per gallon. When adjusted for its energy capacity, ethanol's gasoline-gallon equivalent credit equals 82 cents. Our legislation levels the playing field by extending a 50-cent gasoline-gallon equivalent tax credit for the other alternative fuels, such as hydrogen, natural gas, propane, methanol, and electricity.

There currently exists a tax credit for the purchase of electric vehicles. Our bill would extend the life of that credit, giving a continued incentive for companies to develop this technology. The current tax credit equals 10 percent of the purchase price of the vehicle, up to $4,000. Our legislation would extend the sunset date for this credit to 2010 and give an additional $5,000 credit toward any electric vehicle with a range over 100 miles.

Mr. President, consumers will never be interested in alternative fuel vehicles until a strong infrastructure is developed. Under current law, there is a $100,000 tax deduction for the capital costs of equipment at alternative fuel stations. This legislation extends that benefit to construction and installation costs at a new filling station. Often constructions costs outweigh capital costs as a barrier to the installation of new alternative fuel stations.

These measures will jump start a movement already under way toward increased use of alternative fuel vehicles. In California and Arizona there are already about 300 public charging sites for electric vehicles. Utah has led the way in natural gas infrastructure. An owner of a natural gas vehicle can crisscross my state from Logan in the north to St. George in the south, and from Salt Lake to the eastern border finding filling stations all along the way. This is progress, but much more needs to be done.

Mr. President, I believe the momentum is building in this nation for a leap forward in the use of alternative fuel vehicles. There is broad agreement that our approach with this legislation is the proper course to help promote this step. In a letter to me, Utah's Clean Cities Coalition signaled its support for this measure. I quote, ''We believe that for the people living in urban Utah now is a good time to take strong action to encourage Utahns to buy alternative, clean-burning vehicles. We ask that you support the 50-cent per gallon tax credit.''

This bill has also gained the support of the Wasatch Clean Air Coalition in Utah. They stated, ''We believe this tax credit would have a strong positive impact on our local air quality by encouraging the use of alternative fuels, and increasing the portion of cars on our roads fueled by alternative fuels.''

Finally, the American Lung Association has told me that, ''Motor vehicles are a major source of pollution along the Wasatch Front. While automobiles do run cleaner these days, and while alternative forms of transportation are being considered, more needs to be done to address the current and future sources of emissions and poor air quality. One reasonable strategy to cut down on the amount of pollutants in the air is to increase the use of clean fuel vehicles. Vehicles that run on natural gas, propane or electric simply are cleaner burning than those fueled by gasoline or diesel. . . . This legislation will encourage an increased number of clean fuel vehicles on the road, and clean air for years to come.''

Mr. President, I think we all know that 50 years down the road, we will not still be using petroleum fueled vehicles to the same extent we do today. This legislation is an attempt to bring the benefits of cleaner air to our citizens sooner, to free our cities from expensive EPA regulations, and to reduce our consumption of foreign oil. This legislation enables us to tackle these problems with incentives, not mandates. I urge my colleagues to join us in this future-minded approach to cleaning our air.

Mr. CRAPO. Mr. President, I rise in support of the Alternative Fuels Promotion Act, which is introduced today by Senators ROCKEFELLER, HATCH, BRYAN, and myself.

There are many reasons for my support of the Alternative Fuels Promotion Act offered today, in the Senate. A number of those reasons may not be immediately evident, given that the merits of alternative fuels are most often spoken in terms of environmental protection. While there are significant environmental benefits that can be gained from this bill, there are also benefits to be obtained in national security, promotion of the domestic oil industry, the encouragement of business development and innovation, and increased options for the consumer.

Over half of the oil consumed in the United States is produced overseas. Internal combustion vehicles, cars, and trucks, are the primary market for this cheap and readily available source of energy. We, as a nation, have become complacent in our assumption that this stream of easily obtainable fuel will flow forever. It is time for this assumption to be challenged. Most of us have viewed this as simply an economic issue: buy what is cheapest and most available. However, this source of fuel is vulnerable to interruption by foreign governments through changing attitudes toward the U.S., foreign policy or military conflict. The United States should take positive and sure steps toward developing domestically available alternative sources of fuel in order that our economy and accustomed way of life cannot be threatened by the whims and troubles of those outside of our borders.

The flood of foreign oil into the U.S. has left the domestic oil industry fighting for its life. Our support for alternative fueled vehicles should not be interpreted as a challenge or competition to the domestic oil industry. In direct contrast, it recognizes the importance of that industry of our national security. Petroleum products and fuels, including gasoline, will be needed far into the future for the transportation requirements of individuals, mass transportation, and conveyance of goods. The development of alternative fuels that are plentiful in this country, in conjunction with support for our domestic oil industry, will provide us a level of economic national security that we have not experienced for most of this century. By our efforts to revive the U.S. oil industry and the development of alternative fuels and vehicles, we will not be held hostage by foreign governments in gas lines again.

The number of innovative alternative fuel technologies is encouraging. This bill supports the further development of vehicles that are powered by electricity, fuel cells, methanol, and various forms of natural gas. Tax incentives are already in place for other technologies such as ethanol. Support for all promising alternative fuels is warranted in order to give consumers options for choosing those vehicles that will best serve their needs; whether a company requires a fleet of natural gas powered buses to transport their employees of work sites, or an individual's preference for an electric vehicle for in-town use to commute to work or run errands.

The enactment of tax incentives for emerging technologies is the logical way to encourage the development of cost effective alternative fueled vehicles, without the federal government mandating a preference. Leveling the tax incentive playing field within the alternative fuel energy sector will encourage partnerships between traditional providers of transportation and fuel products, and new companies with promising innovations. Instead of fighting change, traditional industry providers will participate in it and benefit from it. Increased market demand for alternative fuel vehicle technologies will also provide an opportunity and an incentive for the federal government to place greater emphasis on research and development in this industry sector. The results of which can then be leveraged into the private market.

While the environmental benefits of cleaner burning fuels are often the most talked about and often the most evident; we should not discount the benefits that can be gained by developing our nation's energy independence.

By Mr. BURNS (for himself and Mr. INHOFE):

S. 1004. A bill to amend the Communications Act of 1934 to reduce telephone rates, provide advanced telecommunications services to schools, libraries, and certain health care facilities, and for other purposes; to the Committee on Finance.

SCHOOLS AND LIBRARIES INTERNET ACCESS ACT OF 1999

• Mr. BURNS. Mr. President, I am pleased to be introducing today, along with Senator INHOFE, the Schools and Libraries Internet Access Act of 1999. This bill addresses a timely and critical issue, that of the implementation of the schools and libraries program. Recently, new charges began appearing on people's telephone bills. These are the charges which providers are assessing to pay for the expansion of ''universal service'' in the form of the ''schools and libraries'' program. This bill is especially timely since Chairman Kennard announced last week that he's calling for a $1 billion annual increase in the e-rate program. That's an additional Billion in taxes that would be enacted without any review or commentary in Congress, and, most importantly, without a vote by our citizens' representatives. Congress needs to step to the plate and provide specific funding for this program that we all feel is important for rural and low-income regions.

I don't think anyone in the Senate ever thought that the limited language which we included in the 1996 Act would be used to create a massive new entitlement program through universal service. Universal service has historically meant the provision of telecommunications services to all Americans, regardless of geographical location. The FCC has expanded the definition of universal service to include broad-ranging social programs, which has caused the Commission's progress toward maintaining universal service to be delayed. While such goals as providing Internet access to schools and libraries may be laudable, they were never meant to be part of universal service as it has traditionally been known. Indeed, a huge additional burden has been placed on rural states like Montana in meeting these newfound definitions.

I want to make it clear, however, that I have always supported the goal of connecting all of our schools to the Internet, as well as the provision of advanced telecommunications services to rural health care centers. I just felt that it was wrong to fund these programs on the backs of American consumers. It is with this in mind that I have proposed using an outdated 3 percent excise tax on telephones to fund the schools and libraries and rural health care programs. Currently, none of the money collected by the tax goes to fund telephone service for Americans.

This tax was designed to fund World War I and was instituted in an era where telephones were a luxury. Well, World War I should be paid for by now and phones are certainly no longer a luxury item. The 3 percent tax was kept alive to provide revenue to offset the deficit. In today's climate of budgetary surplus, this justification no longer makes sense. My proposal calls for cutting the excise tax by two-thirds and using the remaining third to fund the schools and libraries program and the rural health care program.

This proposal is a win/win solution. It's a win for consumers, since it would eliminate the need for new charges on telephone service. It's a win for taxpayers, who would see billions of dollars in current taxes eliminated. It's a win for our schools, libraries and rural health care centers, who would see their programs fully funded without threatening universal service. With the support of the other members of Congress and the leadership of the Senate, I believe this proposal can solve the current crisis we face in funding the schools and libraries and rural health care programs.

The Schools and Libraries Internet Access Act of 1999 is an important effort to shape the future of online access. I strongly encourage my colleagues to support the passage of this bill.•

By Mr. LAUTENBERG:

S. 1005. A bill to amend title 23, United States Code, to provide for national minimum sentences for individuals convicted of operating motor vehicles under the influence of alcohol; to the Committee on Environment and Public Works.

DEADLY DRIVER REDUCTION ACT

Mr. LAUTENBERG. Mr. President, today I am announcing new legislation that will go even further in taking drunk drivers off the road. This legislation means three strikes and, then, you lose your license.

This would set nation-wide standards for license revocation for drunk drivers. Currently, states have a patchwork of laws that range from a fifteen day suspension to a ten year revocation for a third offense. This bill would require that all states adopt at least the following for each level of conviction, otherwise they would face a 10 percent cut in their highway funds.

For the first offense, this bill calls for a six-month license revocation, $500 fine, and assessment of alcohol abuse. If a person's blood alcohol content (BAC) is .16 or greater, his or her punishment includes a ceiling of .05 BAC for the next five years, impoundment/immobilization of his car for 30 days, an ignition interlock for 180 days, and 10 days in jail or 60 hours of community service.

For the second offense, the repeat offender receives a one year license revocation, a ceiling of .05 BAC for the next five years, impoundment/immobilization of his or her car for 60 days, ignition interlock for a year, 10 days jail or 60 hours of community service, and an assessment of alcohol abuse.

And, finally, for the third offense, the repeat offender will lose his driver's license permanently.

With a tough license-revocation law, we can save hundreds of lives each year. This is the next logical step in the fight against drunk driving. It will build on what we started in 1984, when Democrats and Republicans joined together to increase the drinking age to 21. Back then, the liquor lobby issued all kinds of dire warnings that the industry would not survive that legislation. But of course, the industry did survive. And more than 10,000 drunk-driving deaths were prevented.

We need this legislation. Remember, drunk-driving deaths are not ''accidents.'' They are the result of somebody's irresponsible and criminally reckless behavior.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Deadly Driver Reduction Act''.

SEC. 2. NATIONAL MINIMUM SENTENCES FOR INDIVIDUALS CONVICTED OF OPERATING MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF ALCOHOL.

(a) IN GENERAL.—Section 164 of title 23, United States Code, is amended to read as follows:

''§ 164. National minimum sentences for individuals convicted of operating motor vehicles while under the influence of alcohol

''(a) DEFINITIONS.—In this section:

''(1) BLOOD ALCOHOL CONCENTRATION.—The term 'blood alcohol concentration' means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

''(2) DRIVING UNDER THE INFLUENCE.—The term 'driving under the influence' means operating a motor vehicle while having a blood alcohol concentration above the limit established by the State in which the motor vehicle is operated.

''(3) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line or a commercial vehicle.

''(4) OPERATE.—The term 'operate', with respect to a motor vehicle, means to drive or be in actual physical control of the motor vehicle.

''(b) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

''(1) FISCAL YEAR 2003.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2002, if the State does not meet the requirements of paragraph (3) on that date.

''(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2003, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

''(3) REQUIREMENTS.—

''(A) IN GENERAL.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law that provides for a minimum sentence consistent with the following and with subparagraph (B):

''(i) Except as provided in clause (ii), in the case of the first conviction of an individual

for driving under the influence, a sentence requiring—

''(I) revocation of the individual's driver's license for 6 months;

''(II) payment of a $500 fine by the individual; and

''(III)(aa) an assessment of the individual's degree of alcohol abuse; and

''(bb) appropriate treatment.

''(ii) In the case of the first conviction of an individual for operating a motor vehicle with a blood alcohol concentration of .16 or greater, a sentence requiring—

''(I) revocation of the individual's driver's license for 6 months, or for 2 years if, at the time of arrest, the individual refused to take a breath test to determine the individual's blood alcohol concentration;

''(II) imposition of a requirement on the individual prohibiting the individual from operating a motor vehicle with a blood alcohol concentration of .05 or greater for 5 years;

''(III) impoundment or immobilization of the individual's motor vehicle for 30 days;

''(IV) imposition of a requirement on the individual requiring the installation of an ignition interlock system on the individual's motor vehicle for 180 days;

''(V) payment of a $750 fine by the individual;

''(VI) 10 days of imprisonment of, or 60 days of community service by, the individual; and

''(VII)(aa) an assessment of the individual's degree of alcohol abuse; and

''(bb) appropriate treatment.

''(iii) Except as provided in clause (iv), in the case of the second conviction of an individual for driving under the influence, a sentence requiring—

''(I) revocation of the individual's driver's license for 1 year, or for 2 years if, at the time of arrest, the individual refused to take a breath test to determine the individual's blood alcohol concentration;

''(II) imposition of a requirement on the individual prohibiting the individual from operating a motor vehicle with a blood alcohol concentration of .05 or greater for 5 years;

''(III) impoundment or immobilization of the individual's motor vehicle for 60 days;

''(IV) imposition of a requirement on the individual requiring the installation of an ignition interlock system on the individual's motor vehicle for 1 year;

''(V) payment of a $1,000 fine by the individual;

''(VI) 10 days of imprisonment of, or 60 days of community service by, the individual; and

''(VII)(aa) an assessment of the individual's degree of alcohol abuse; and

''(bb) appropriate treatment.

''(iv) In the case of the third or subsequent conviction of an individual for driving under the influence, or in the case of a second such conviction if the individual's first such conviction was a conviction described in clause (ii), a sentence requiring permanent revocation of the individual's driver's license.

''(B) REVOCATIONS.—A revocation of a driver's license under subparagraph (A) shall not be subject to any exception or condition, including an exception or condition to avoid hardship to any individual.

''(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

''(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

''(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2004.—Any funds withheld under subsection (b) from apportionment to any State on or before September 30, 2004, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

''(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2004.—No funds withheld under this section from apportionment to any State after September 30, 2004, shall be available for apportionment to the State.

''(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (b) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State meets the requirements of subsection (b)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (b) that remain available for apportionment to the State.

''(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

''(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

''(B) TREATMENT OF CERTAIN FUNDS.—Any funds apportioned under paragraph (2) that are not obligated at the end of the period referred to in subparagraph (A) shall lapse.

''(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (b) from apportionment are available for apportionment to a State under paragraph (1)(A), the State does not meet the requirements of subsection (b)(3), the funds shall lapse.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 164 and inserting the following:

''164. National minimum sentences for individuals convicted of operating motor vehicles while under the influence of alcohol.''.

By Mr. TORRICELLI (for himself, Mrs. BOXER, Mrs. FEINSTEIN, Mr. KERRY, and Mr. LAUTENBERG):

S. 1006. A bill to end the use of conventional steel-jawed leghold traps on animals in the United States; to the Committee on Environment and Public Works.

STEEL-JAWED LEGHOLD TRAP ACT OF 1999

• Mr. TORRICELLI. Mr. President, today, Senators BOXER, FEINSTEIN, KERRY (Ma.), LAUTENBERG and I rise to introduce legislation to end the use of the conventional steel-jawed leghold trap. I rise to draw this country's attention to the many liabilities of this outdated device and ask for my colleagues support in ending its use.

While this bill does not prohibit trapping, it does outlaw a particularly savage method of trapping by prohibiting the import or export of, and the interstate shipment of conventional steel-jawed leghold traps and articles of fur from animals caught in such traps.

The conventional steel-jawed leghold trap is a cruel and antiquated device for which many alternatives exist. The American Veterinary Medical Association and the American Animal Hospital Association have condemned leghold traps as ''inhumane'' and the majority of Americans oppose the use of this class of trap. California became the fourth state in recent years to pass a statewide ballot initiative to ban steel-jawed leghold traps—Arizona, Colorado, and Massachusetts are the other three states to have decided the issue by a direct vote of the people. A number of other states, including Florida, New Jersey, and Rhode Island, have legislative or administrative bans on these devices. In addition, 88 nations have banned their use.

This important and timely issue now takes on added importance as the United States and the European Union (E.U.) recently reached an agreement to implement humane trapping standards. This agreement requires the U.S. to phase out leghold traps. Without this agreement, the E.U. would have prohibited the importation of U.S. fur from thirteen species commonly captured with leghold traps. Adoption of my legislation will fulfill the U.S. obligation to the E.U. and reduce tremendous and unnecessary suffering of animals. By ending the use of the conventional steel-jawed leghold trap within our borders, we will effectively set a humane standard for trapping, as well as protect the U.S. fur industry by keeping Europe's doors open to U.S. fur.

One quarter of all U.S. fur exports, $44 million, go to the European market. Of this $44 million, $21 million would be eliminated by the ban. This would clearly cause considerable economic damage to the U.S. fur industry, an important source of employment for many Americans. Since many Americans rely on trapping for their livelihood, it is imperative to find a solution which prevents the considerable damage that this ban would cause to our fur industry. It is important to note that since the steel-jawed leghold trap has been banned in Europe, alternatives have been provided to protect and maintain the European fur industry.

Our nation would be far better served by ending the use of the archaic and inhumane steel-jawed leghold trap. By doing so, we are not only setting a long-overdue humane standard for trapping, we are ensuring that the European market remains open to all American fur exports.•

By Mr. BAUCUS (for himself and Mr. LEVIN):

S. 1008. A bill to modify the standards for responding to import surges under section 201 of the Trade Act of 1974, to establish mechanisms for import monitoring and the prevention of circumvention of United States trade laws, and to strengthen the enforcement of United States trade remedy laws; to the Committee on Finance.

IMPORT SURGE RELIEF ACT OF 1999

Mr. BAUCUS. I thank the Chair. Again, I thank my good friend from Minnesota, as well as the Presiding Officer from Wyoming, who was very generous in allowing us to proceed at this time.

Mr. President, I rise today to introduce the Import Surge Relief Act of

1999, an important measure that will provide a new and improved way to deal expeditiously with import surges. A sudden increase in imports in any sector, especially when these imports are shipped to us at rock bottom prices, has done grave damage to American business and American agriculture. This has been true in the past. It is true today. And, given the increased volatility that we see in the global trading and financial system, import surges are likely to create even greater havoc in our economy in the future.

The steel industry and its workers have been seriously injured, and we read about these stories almost daily. The agriculture industry and our farmers and ranchers face constant threats from surges in wheat, beef, lamb, pork and more. At a time when our rural and industrial communities are facing an all-time crisis, this damage goes to the very heart of our economy and our society.

The Import Surge Relief Act makes several critical improvements in Section 201 of U.S. trade law. This is the so-called ''safeguard'' provision that is designed to prevent serious disruption of our domestic industry because of imports. The improvements I am proposing include the following:

Easing the standard that must be met to demonstrate that there is a causal link between imports and injury to the U.S. industry, speeding up the process for addressing import surges, an absolutely critical need to prevent an industry from being devastated before action is taken, requiring that the President, in deciding whether to take action, focus more than he has in the past on the beneficial impact of a remedy, rather than on the negative impact on other industries, making provisional relief available on an urgent basis, and correcting the way in which imports are counted to prevent circumvention.

In addition, the bill provides for a system that will give us an early warning about import surges. We simply cannot wait until we see that an America industry is devastated. We must be able to project ahead, understand the threats facing an industry, and then consider quickly what type of action to take, if any.

Finally, the bill requires that there be an investigation about underlying problems in agricultural and steel trade. This investigation would focus on anti-competitive practices overseas, including cartel arrangements beyond the borders of the United States.

Mr. President, the United States will remain the most open market in the world. I am committed to that. At the same time, we must do everything we can to open foreign markets that retain barriers to our manufactured goods, agricultural products, and services. And, we must be sure that our domestic industry is able to adjust and adapt to import surges without experiencing the devastation to our businesses, farms, and communities that we have seen far too often in the past.

Let me discuss the Import Relief Act in more detail.

The bill changes the causation standard that links imports and injury. Instead of the requirement that imports be a ''substantial cause of serious injury, or threat thereof'', this bill requires only that imports cause, or threaten to cause, serious injury. Imports would not have to be the leading, or most important, cause of injury. This change conforms to the WTO Agreement on Safeguards.

The U.S. International Trade Commission practice has been to examine injury over a five year period. This practice ignores the problem of import surges where imports do not build up gradually over years but come into this country full blast in a precipitous way. This bill requires the ITC also to consider whether there has been a substantial increase in imports over a short time period.

The President has discretion to deny relief after the ITC recommends such action, if he believes that the economic and social costs outweigh the benefits. This bill requires that the President grant the relief recommended by the ITC unless it would have an adverse impact on the United States substantially out of proportion to the benefits. This would increase the likelihood that the President will implement the remedy that the ITC recommends.

The time period for provisional relief is reduced from ninety days to sixty days so that relief would come more quickly to the industry and workers.

The bill adds to the factors that ITC must consider in determining whether serious injury is occurring. These new factors are just common sense, such as the level of sales, the level of production, productivity of the industry, capacity utilization, profit and loss, and employment levels. The ITC should focus on current conditions in the industry, not only historical factors. In addition, the bill requires the ITC to consider conditions in foreign industries that indicate further possible increases in exports to the U.S. in the future. Looking at factors such as foreign production capacity, inventories, and demand in third countries will allow ITC to understand the threat to the American industry and its imminence.

Provisional relief is improved in several ways. The ITC must look at whether there is an import surge to determine if provisional relief should be provided. Also, USTR, the Senate Finance Committee, or the House Ways and Means Committee can request provisional relief when they have requested initiation of a Section 201 investigation.

The bill applies to Section 201 those provisions already in U.S. antidumping and countervailing duty law that ensure that the ITC, in its injury analysis, not double-count production by the domestic industry when upstream and/or downstream products are the subject of an investigation.

Domestic industries will be able to request that imports be monitored and data collected.

The bill allows the Office of Management and Budget to release preliminary trade data when there is an import surge. This will improve the ability of the industry to detect a problem quickly.

A new import monitoring and enforcement support program for steel and agricultural products will monitor illegal transshipments and other attempts to circumvent U.S. trade remedy laws.

A suffix to the Harmonized Tariff Schedule for products subject to trade actions will help track imports of those products.

The Commerce Department will continue its current steel import monitoring program.

The ITC will conduct an investigation of anticompetitive activities in international agriculture and steel trade, focusing especially on cartels and other anticompetitive practices. The ITC will report to the Senate Finance and Agriculture Committees, the House Ways and Means and Agriculture Committees, and USTR and must propose steps to address those anticompetitive practices.

I again repeat my praise to the Presiding Officer who has been excessively generous and gracious in the way he has conducted himself as the Presiding Officer allowing us to make these statements.

By Mr. JEFFORDS (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 1010. A bill to amend the Internal Revenue Code of 1986 to provide for a medical innovation tax credit for clinical testing research expenses attributable to academic medical centers and other qualified hospital research organizations; to the Committee on Finance.

MEDICAL INNOVATION TAX CREDIT LEGISLATION

• Mr. JEFFORDS. Mr. President, today I am introducing legislation that I believe will be beneficial to the continued success of our nation's medical schools and teaching hospitals. The bill will provide for a new tax credit, the ''Medical Innovation Tax Credit,'' which will serve as an incentive for private sector firms to invest in clinical research at these important institutions.

Medical schools and teaching hospitals fulfill a unique societal and economic role in the United States today. They are not only the training ground for health care professionals but are also centers for important research and development activities that lead to crucial medical breakthroughs. Because they link together research, medical training and patient care, these institutions are incubators of new life-saving drugs, medical services and surgical techniques.

Due to the changing health care marketplace these institutions have come under increasing cost pressures that threaten their future. In fact, a recent study by the American Association of Medical Colleges (AAMC) noted an alarming 22 percent decline in clinical research conducted at member hospitals. I believe the medical innovation tax credit would help reverse this disturbing trend, and I am pleased that the AAMC endorses this legislation.

The medical innovation tax credit is a targeted, incremental 20 percent credit for qualified medical innovation expenditures on biopharmaceutical research activities, like clinical trials performed at qualified educational institutions. The tax credit would enhance the flow of private-sector funds into medical schools and teaching hospitals by providing an important incentive for companies to perform more clinical trials research at these nonprofit institutions. This credit will encourage pharmaceutical and biotechnology companies to develop research partnerships with medical schools and teaching hospitals. The influx of funds from this research will help counteract some of the financial pressures these institutions have been experiencing. To qualify for the credit, research would have to be performed in the United States, so companies will not have an incentive to utilize lower-cost foreign facilities for research activities.

It is significantly more expensive for companies to perform clinical trials at teaching hospitals than at commercial research organizations. The medical innovation tax credit will reduce this cost differential. By leveraging additional private-sector support for these institutions in the form of clinical trial research, this new credit will also help these hospitals make the adjustment to the reduction in Medicare payments mandated by the Balanced Budget Act of 1997.

This legislation is critically important to institutions like Fletcher Allen Health Care in my home state of Vermont. Linked with the University of Vermont's Division of Health Sciences, Fletcher Allen's hospitals combine teaching and research. They are vital training sites for the next generation of physicians, nurses and other health professionals. In Fletcher Allen's nationally known Clinical Research Center, researchers seek to solve the mysteries of cancer, heart attacks, Alzheimer's disease, chronic obesity, cystic fibrosis and other illnesses. The medical innovation tax credit would help Fletcher Allen and hundreds of other institutions across the United States continue in their role as incubators of vital, innovative medical teaching and research technologies.

Legislation similar to this was introduced last year; the Joint Committee on taxation estimated that the bill would result in lost revenues of approximately one million dollars per year over the next five years. The bill I am introducing today is substantially similar to the bill introduced last year, although there have been technical changes to the definition of ''qualified academic institution'' to clarify that research expenditures at Veterans' Administration hospitals and certain nonprofit research foundations qualify for the credit. As these changes are expected to affect a relatively small number of institutions, I do not expect substantial changes in the cost estimate. I believe this is a small price to pay for the favorable impact this credit will have on research at medical schools and teaching hospitals.●

By Mr. FRIST:

S. 1011. A bill to amend the Internal Revenue Code of 1986 to provide that trusts established for the benefit of individuals with disabilities shall be taxed at the same rates as individual taxpayers; to the Committee on Finance.

TAX FAIRNESS FOR SUPPORT OF THE PERMANENTLY DISABLED ACT

S. 1012. A bill to amend the Internal Revenue Code of 1986 to use the Consumer Price Index in addition to the national average wage index for purposes of cost-of-living adjustments; to the Committee on Finance.

BRACKET CREEP CORRECTION ACT

S. 1013. A bill to amend the Internal Revenue Code of 1986 to promote lifetime savings by allowing people to establish child savings accounts within Roth IRAs and by allowing the savings to be used for education, first time home purchases, and retirement, to expand the availability of Roth IRAs to all Americans and to protect their contributions from inflation, and for other purposes; to the Committee on Finance.

CHILD SAVINGS ACCOUNT ACT

S. 1014. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of the individual income tax and the number of tax brackets; to the Committee on Finance.

10–20–30 ACT

● Mr. FRIST. Mr. President, today is Tax Freedom Day—the day that reflects how many days into the year a taxpayer must work in order to pay taxes. In 1913, when Congress first levied an income tax, Tax Freedom Day was January 30, and only 6 years ago, Tax Freedom Day was April 30—today it is two weeks into May before the taxpayer can stop working for the Federal Government and start working for him or herself.

It is thus fitting that I introduce today the Frist tax package—four tax bills that I believe will go a long way toward pushing Tax Freedom Day back toward January. This tax package is based on a set of core principles:

(1) Taxes are too high.

(2) The tax code is too complex.

(3) The tax code punishes taxpayers for working longer and smarter.

(4) The tax code does not promote savings for people of all ages and incomes.

We all know that taxes are too high. At a time when our tax burden as a percentage of GDP is at a post-World War II high and we are working longer and longer just to pay taxes, I believe that it is time for some tax relief for hard-working Americans. Taxes—federal, state, and local taxes combined—account for nearly 40% of the typical American family's budget—the single largest expense. All of this at a time when the federal budget is beginning to run a surplus. What that means to me is that the federal government is overcharging the taxpayer for the services it is providing.

If the monetary cost of paying taxes isn't high enough, consider that it takes almost 11 hours to correctly fill out the 1040 EZ form. Taxpayers spend almost 5.4 billion hours filling out the forms that they send to the IRS. And those are the taxpayers that do their own taxes—54% of Americans pay someone else to do their taxes for them. In my own State of Tennessee, ever year approximately 1.1 million taxpayers utilize a professional tax preparer in order to file their tax returns.

The tax code is also too complex. Our current tax code and its regulations are 17,000 pages long and contain over 5 and a half million words—seven times more than the Bible. Since 1981, the tax code has been changed 11,410 times. And one paragraph of law can take 250 pages to explain. With tax laws this complicated, it is no wonder that ordinary Americans have a tough time figuring them out.

Unortunately, the trend in Congress is to add further complexity to the tax code—tax credits for one worthwhile cause or tax deductions for another, tax relief for certain segments for the population, but not for others. Because of all of this tinkering, by 2007, 8,000,000 more Americans will be subject to the alternative minimum tax (AMT), a provision that forces taxpayers to calculate their income two ways and then pay the government the higher of the two amounts.

The tax code punishes taxpayers for working harder and smarter. One of the reasons that Congress has been able to balance the federal budget is that revenues have been rising steadily—last year by 11 percent. Part of the reason for that rise is that our strong economy has resulted in Americans making more and more money which, in turn, has propelled them into higher and higher tax brackets. According to economist Steve Moore at the Cato Institute, over the past five years, higher incomes have pushed millions of middle-income families out of the 15 percent marginal tax bracket and into the 28 percent bracket, and out of the 28 percent bracket and into the 31 percent bracket, and so on. While federal tax revenues have risen by 11 percent, income has only risen by 6 percent. The reason for this real income bracket creep is our graduated income tax system.

The tax code does not promote savings for people of all ages and incomes. In fact, in many ways our tax code discourages people from saving. America has one of the world's lowest national savings rates. The personal saving rate in the United States averaged only 4.9 percent during the 1990s compared to 7.4 percent in the 1960s and 8.1 percent in the

1970s. In 1998, we actually had negative savings rates. And it is no wonder—as I mentioned previously, the average family pays close to 40% of their income in taxes. In addition to a high tax burden which often is applied twice to savings, the rules for opening and investing in an IRA account of any kind are complex and restrictive. IRAs are tax-preferred retirement accounts—tax-free for certain purposes like education expenses, first-time home purchases, health care and retirement. But because a person must have earned income to open an IRA, children are not eligible to have them. Additionally, the maximum contribution amounts have not been indexed since 1981—they are still at $2,000 per year. If the maximum contribution had been indexed for inflation it would stand at close to $5,000 today.

Increasing the national savings rate is even more important when coupled with our impending Social Security collapse. As it currently exists, Social Security is not sustainable for the long term unless taxes are significantly raised or the program is reformed. Even so, the return that a taxpayer gets on his or her Social Security investment via the payroll tax has diminished every year since the program's inception. In fact, the predicted rate of return at retirement for those age 24–50 is somewhere between −.34 percent and −1.7 percent. The rate of return on an average IRA investment is between 7 and 11 percent.

The four bills that I am introducing today—on Tax Freedom day—collectively present a program that will lower taxes, simplify the tax code, correct for bracket creep, and provide increased savings opportunities for all Americans regardless of age and income level.

The 10–20–30 tax plan will consolidate the five tax brackets of our current tax code into just three—10, 20 and 30%—both lowering the tax burden and simplifying our tax code at the same time. The bill will also increase the income threshold for the lowest tax bracket—currently just over $25,000 for individuals—to $35,000—all of which will be taxed at a much lower rate—10%. In my own state of Tennessee, nearly 85% of individual taxpayers make $35,000 or less and will now pay at this lower rate. For married couples, the threshold for the lowest bracket is currently $42,000. Under my bill, this amount would increase to $60,000 and be taxed at 10%. Instead of 15 or 28 percent, the majority of taxpayers would pay only 10% under my plan.

I know that this bill will not get passed this year, nor is it likely to get passed anytime in the near future. I introduce this bill, however, as my vision for where I think the tax code should ultimately end up. If we use a plan such as this as our compass and work incrementally to widen the brackets and reduce the tax rates whenever possible, we will be headed in the right direction.

The ''Child Savings Account Act'' would amend the Internal Revenue Code of 1986 to promote lifetime savings by allowing people to establish child savings accounts—or CSA's—within Roth IRAs and by allowing the savings to be used for education, first-time home purchases, and retirement. The bill will also expand the availability of Roth IRAs to all Americans, regardless of income, and will index contribution limits to inflation.

For low-income taxpayers, there are two important provisions which will help families with less disposable income save. First, up to $100 of each $500 child tax credit may be refundable to those qualifying for the Earned Income Credit. This refundable credit must be deposited in a CSA. Second, any person may contribute to a child's CSA. This means that churches and community groups could contribute to young people's CSA accounts as a birthday present or on a special occasion.

These Child Savings Accounts will arm our children for the future and decrease their reliance on the federal government. As a subset of the Roth tax-favored IRAs, Child Savings Accounts are available to new-born children from cradle to grave. In an increasingly complex tax world, CSAs are a sort of ''one-stop IRA shopping'' that allow for certain tax-free withdrawals and tax-free accumulation of retirement income.

If a parent, and then the child himself, contributed the maximum amount for his lifetime, the Child Savings Account would be worth nearly $5 million at age 65 and over $7 million by age 70. And that is using conservative estimates of return. Even if a parent could only contribute less than $10 a month for the first 18 years of a child's life, and the child then gradually increased his or her contribution up to $2000 per year by the time he or she turned 40, the account would be worth $460,000 at age 65 and $672,000 at age 70. Even if the parent or grandparent or church or guardian put only $100 in the account in only one year, the account would still be worth almost $50,000 at retirement age. The power of compound interest is incredible. Giving more Americans—and all of our children—access to this power is imperative.

The Bracket Creep Correction Act would index the tax brackets for real income growth. Tax brackets were not indexed for inflation until 1981 when Ronald Reagan was President. Indexing for real income growth is a logical and necessary next step. None other than Milton Friedman has announced his support for indexing tax brackets for wage growth. In addition to correcting for inflation, the tax code would also adjust for income growth—thus ending the squeeze that many taxpayers have felt as their tax burdens have risen at a faster rate than their incomes.

A fourth bill that I will introduce will address a tax inequity that has existed for some time and was made worse by the large tax increases of 1993. The ''Tax Fairness for Support of the Permanently Disabled Act'' would change the tax rates for the taxable income of a trust fund established solely for the benefit of a person who is permanently and totally disabled. Instead of being taxed at the highest tax rate (39.6%) for amounts over $7,500, the income of this fund would be taxed at the tax rates that would normally apply to regular income of the same amount. In essence, trust fund income would be treated as personal income for a permanently disabled person.

Mr. Nicholas Verbin of Nashville, Tennessee called my office about this problem a year or so ago. The problem was that he had established an irrevocable trust for his son Nicky, who is completely disabled, unable to work, and totally dependent on his dad to provide for him. Mr. Verbin has spent his whole life building up this trust fund so that his son can live off this lifetime of hard work after Mr. Verbin is gone. Mr. Verbin does not want his son to have to go on welfare or become a ward of the state. Instead, he has built up this fund so that his son can be self-sufficient after he dies. Apparently, the federal government would rather have Nicky on its welfare roles than have him take care of himself.

Instead of taxing the interest that Nicky's trust accumulates every year as simple income, which it is since Nicky has no other form of income, the IRS taxes the interest at the highest rate allowable—39.6%. Instead of helping this sum grow into a sort of pension fund for Nicky, the IRS has milked it for all its worth. If Nicky's trust earns more than $7,500 in interest in a year, the federal government takes $2,125 plus 39.5% of the amount above $7,500. Meanwhile, even Bill Gates does not pay 39.6% on the first $275,000 of his income. We are taxing disabled children at a rate that we don't even tax multimillionaires!

I believe that we should not punish Mr. Verbin for his foresight, nor should we punish Nicky for his disability. While a case could be made that Congress should eliminate the tax on this type of trust altogether, I have simply proposed that the interest income be treated like normal income for those disabled boys and girls, men and women who cannot work for themselves and depend on this interest as their only source of income.

Mr. President, the Budget Resolution that we recently passed calls for a reconciliation bill this year of $778 over 2000–2009 (and $142 billion 2000–2004) in tax relief. Even with the military operations in Kosovo and other emergency appropriations, a tax cut is not only possible but necessary to keep our economy growing.

While many tax credits and deductions are attractive, they further complicate our already complicated tax code, subject additional tax payers to the alternative minimum tax, and pit one group of taxpayers against another. I believe that Congress should enact across the board tax relief—like what I have outlined in my 10–20–30 bill—as the on-budget surplus allows. We must work toward lowering the tax rates on every bracket, widening the amounts subject to each bracket and correcting for bracket creep in order to make the tax code fairer, flatter and less complex.

We must also build more wealth in this country and encourage Americans to save. The Child Savings Account bill is a great savings vehicle for both rich and poor and has enormous potential

for increasing retirement savings. Instead of being dependent on Social Security, sock some money away in an IRA and get set for life.●

ADDITIONAL COSPONSORS

S. 101

At the request of Mr. LUGAR, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 101, a bill to promote trade in United States agricultural commodities, livestock, and value-added products, and to prepare for future bilateral and multilateral trade negotiations.

S. 279

At the request of Mr. MCCAIN, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 279, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 329

At the request of Mr. ROBB, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 329, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 443

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 443, a bill to regulate the sale of firearms at gun shows.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 484

At the request of Mr. CAMPBELL, the names of the Senator from New Hampshire [Mr. SMITH] and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 512

At the request of Mr. GORTON, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 514

At the request of Mr. COCHRAN, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 514, a bill to improve the National Writing Project.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 566

At the request of Mr. LUGAR, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Montana [Mr. BAUCUS], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 636

At the request of Mr. REED, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 636, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans.

S. 637

At the request of Mr. SCHUMER, the names of the Senator from Illinois [Mr. DURBIN], the Senator from California [Mrs. FEINSTEIN], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 637, a bill to amend title 18, United States Code, to regulate the transfer of firearms over the Internet, and for other purposes.

S. 717

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 717, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,2000, adjusted for inflation.

S. 725

At the request of Ms. SNOWE, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 725, a bill to preserve and protect coral reefs, and for other purposes.

S. 729

At the request of Mr. CRAIG, the names of the Senator from Arizona [Mr. KYL] and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 729, a bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

S. 792

At the request of Mr. MOYNIHAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 792, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women, children, and blind or disabled medically needy individuals to be eligible for medical assistance under the Medicaid Program, and for other purposes.

S. 817

At the request of Mrs. BOXER, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 817, a bill to improve academic and social outcomes for students and reduce both juvenile crime and the rist that youth will become victims of crime by providing productive activities during after school hours.

S. 818

At the request of Mr. DEWINE, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of Medicare patients related to the provision of anesthesia services.

S. 836

At the request of Mr. SPECTER, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 836, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group health plans and health insurance issuers provide women with adequate access to providers of obstetric and gynecological services.

S. 880

At the request of Mr. INHOFE, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 880, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program

S. 891

At the request of Mr. SCHUMER, the name of the Senator from Michigan

[Mr. LEVIN] was added as a cosponsor of S. 891, a bill to amend section 922(x) of title 18, United States Code, to prohibit the transfer to and possession of handguns, semiautomatic assault weapons, and large capacity ammunition feeding devices by individuals who are less than 21 years of age, and for other purposes.

S. 897

At the request of Mr. BAUCUS, the names of the Senator from South Dakota [Mr. JOHNSON] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 897, a bill to provide matching grants for the construction, renovation and repair of school facilities in areas affected by Federal activities, and for other purposes.

S. 918

At the request of Mr. KERRY, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

SENATE CONCURRENT RESOLUTION 9

At the request of Ms. SNOWE, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Hawaii [Mr. INOUYE], the Senator from New York [Mr. MOYNIHAN], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Concurrent Resolution 9, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as ''National Literacy Day.''

SENATE RESOLUTION 99—DESIGNATING NOVEMBER 20, 1999, AS ''NATIONAL SURVIVORS FOR PREVENTION OF SUICIDE DAY''

Mr. REID submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 99

Whereas the 105th Congress, in Senate Resolution 84 and House Resolution 212, recognized suicide as a national problem and suicide prevention as a national priority;

Whereas the Surgeon General has publicly recognized suicide as a public health problem;

Whereas the resolutions of the 105th Congress called for a collaboration between public and private organizations and individuals concerned with suicide;

Whereas in the United States, more than 30,000 people take their own lives each year;

Whereas suicide is the 8th leading cause of death in the United States and the 3rd major cause of death among young people aged 15 through 19;

Whereas the suicide rate among young people has more than tripled in the last 4 decades, a fact that is a tragedy in itself and a source of devastation to millions of family members and loved ones;

Whereas every year in the United States, 200,000 people become suicide survivors (people that have lost a loved one to suicide), and there are approximately 8,000,000 suicide survivors in the United States today;

Whereas society still needlessly stigmatizes both the people that take their own lives and suicide survivors;

Whereas there is a need for greater outreach to suicide survivors because, all too often, they are left alone to grieve;

Whereas suicide survivors are often helped to rebuild their lives through a network of support with fellow survivors;

Whereas suicide survivors play an essential role in educating communities about the risks of suicide and the need to develop suicide prevention strategies; and

Whereas suicide survivors contribute to suicide prevention research by providing essential information about the environmental and genetic backgrounds of the deceased: Now, therefore, be it

Resolved,That the Senate—

(1)(A) designates November 20, 1999, as ''National Survivors for Prevention of Suicide Day''; and

(B) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs, ceremonies, and activities;

(2) encourages the involvement of suicide survivors in healing activities and prevention programs;

(3) acknowledges that suicide survivors face distinct obstacles in their grieving;

(4) recognizes that suicide survivors can be a source of support and strength to each other;

(5) recognizes that suicide survivors have played a leading role in organizations dedicated to reducing suicide through research, education, and treatment programs; and

(6) acknowledges the efforts of suicide survivors in their prevention, education, and advocacy activities to eliminate stigma and to reduce the incidence of suicide.

Mr. REID. Mr. President, I rise today to submit a Senate resolution which would designate November 20, 1999 as ''National Survivors for Prevention of Suicide Day.'' Let me begin by defining the term survivor. This refers to anyone who has lost a loved one to suicide. As such, having lost my father to suicide in 1972, I am viewed as a survivor in the suicide prevention community. Nationally, more than 30,000 people take their own lives each year in our nation. Suicide is the eighth leading cause of death in the United States and the third major cause of death among people aged 15–19.

The suicide rate among young people has more than tripled in the last four decades. Every year 200,000 people become survivors due to this tragic loss of life. We arrive at this number by concluding that for each suicide, seven other lives are changed forever because of the death. As you can imagine, this is a conservative estimate by all accounts. Today in our country, nearly 8,000,000 suicide survivors go on with their lives, many of them grieving in a very private way. This is because there still remains in our nation a stigma towards those who take their own life as well as those who are left behind to cope with the suicide of a loved one. I can't begin to tell you how many survivors have written me expressing the shame and guilt they feel about their loved ones' suicide, many of whom are still unable to deal honestly with the tragic conditions which ultimately led to someone they love taking their own life.

In the 105th Congress, both the House and Senate took very courageous steps to address the public health challenge of suicide by passing Senate Resolution 84 and House Resolution 212. Essentially, these resolutions recognized suicide as a national problem warranting a national solution. The resolutions also called for the development of a national strategy to address and reduce the incidence of outside.

I am proud to have been the sponsor of Senate Resolution 84 and proud of my colleagues for having lent their support to ensure its passage. I also commend Representative JOHN LEWIS for his leadership in the House and to all the members who provided their support to ensure its passage in the closing days of the last session. We cannot however, stop here. We must continue to show our compassion and assert leadership to take the necessary steps to mobilize our national response for suicide prevention.

Recently, there has been a fervor of activity and collaboration in both the federal and private sectors around suicide prevention. On the federal level, our Surgeon General, Dr. David Satcher has included the topic of suicide prevention on his public health agenda. In addition to Dr. Satcher's efforts, staff at the Centers for Disease Control and Prevention, the National Institute of Mental Health and the Substance Abuse and Mental Health Services Administration have focussed increased effort on the issue of suicide prevention. In the private sector, groups such as the American Foundation for Suicide Prevention, the American Association of Suicidology and the Suicide Prevention Advocacy Network have worked together to increase national awareness as well. There are countless others who, on a daily basis, make their commitment to assist in finding solutions to this national dilemma. The self-help groups, clinicians, researchers, and grass roots advocates are all making a vital difference.

In the near future, I hope to see the national strategy that has been developed by many who stepped to the plate, as called for in Senate Resolution 84 and House Resolution 212, to chart a course for our national effort. I hope to see hearings in the Senate soon on this issue and hope we will look at the recommendations seriously and lend our support to making this report one that does more than collect dust on a shelf, but instead a report that charts the course we must pursue to reduce the incidence of suicide in America and to convey our national resolve.

This year we will witness two events which deserve our recognition and support. On June 7, 1999 the White House will hold a White House Conference on Mental Health and later this year the Surgeon General will issue his report on mental health. The time has come when we must recognize that mental disorders are illnesses that can be treated effectively. We know that 90 percent of suicide victims have suffered from a mental disorder. Therefore, we must send a clear and unmistakable message that those who suffer should be encouraged to seek assistance and restore themselves to a healthy state of being. The Mental Health Parity legislation introduced by my good friends Senator PETE DOMENICI and Senator PAUL WELLSTONE is a step in the right direction. Their leadership on this issue has my full support and respect. There should be no barrier for individuals to obtaining help for whatever illness, including mental illness, if there is effective treatment available to assist them. We must remove the stigma and have the courage to show acceptance.

As you can see Mr. President, there is much that has been done but still much we in Congress can do to advance this agenda. Today, it is my intent to recognize the 8,000,000 survivors who all are at various stages of healing in addressing the loss of their loved one to suicide. I ask you to support me in turning their grief into hope, a hope that with acceptance and understanding, can lead our nation effectively addressing this very preventable public health challenge.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FOUNDATION FOR SUICIDE PREVENTION,
May 5, 1999.

Senator HARRY REID,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR REID: The American Foundation for Suicide Prevention supports the proposed Senate Resolution calling for a National Survivors for Prevention of Suicide Day. We believe this resolution will build on the momentum started by the 105th Congress in Senate Resolution 84 and House Resolution 212, and will further the suicide prevention goals articulated in these earlier resolutions.

Specifically, the proposed Survivors for Prevention Resolution will be instrumental in recognizing the involvement of people who have lost a loved one to suicide in prevention activities. It will also encourage them to come forward, break the silence and join with other survivors as a way to promote their healing.

As you know, our Foundation is dedicated to seeing that conferences for family members and friends who have lost someone to suicide are held in many more communities. Working together with other private organizations and public agencies, we will use this resolution to help develop local survivor conferences in cities across the country.

Please know AFSP deeply appreciates the leadership you are providing in Congress on this major public health problem and is grateful for your sponsorship of Senate Resolution 84 in the 105th Congress. We are equally grateful for your willingness to sponsor this Survivors for Prevention Resolution.

On behalf of millions of survivors who want to prevent others from experiencing a similar loss, as well as people throughout our country concerned about the risk of suicide, thank you.

Sincerely,

ROBERT GEBBIA,
Executive Director.

AAS, AMERICAN ASSOCIATION OF SUICIDOLOGY,
May 6, 1999.

Senator HARRY REID,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR REID: With great enthusiasm the American Association of Suicidology (AAS) supports the proposed Senate Resolution designating November 20, 1999 as ''National Survivors for Prevention of Suicide Day.'' We, furthermore, applaud your continuing commitment to both suicide prevention and the needs of survivors.

Your proposal extends the success initiated by you in passage of Senate Resolution 84 in making suicide prevention a national priority. The subsequent passage of HR 212 and the Surgeon Generals' affirmation of suicide prevention as a public health goal are direct sequelae of your earlier efforts; and the consequence of these efforts will, undoubtedly promote the welfare of all our citizens.

The AAS has embraced suicide prevention as part of our mission and survivors as integral to accomplishing that mission. Our annual Healing After Suicide Conference has provided opportunities for thousands of survivors to learn from and assuage each other's often unbearable pain, to educate care givers to better understand the suicidal person, and to create new models to help the healing process. Our Directory of Survivors of Suicide Support Groups has been accessed by thousands of new survivors needing to find help. Our Survivor Division and newsletter Surviving Suicide continue to network and service the needs of survivors.

With the advocacy of our survivor members and your continued leadership, we are increasingly hopeful that we can significantly impact the incidence of suicide in this country and ensure the health of generations to come.

Sincerely,

LANNY BERMAN, PH.D.,
Executive Director.
KAREN DUNE-MAXIM, M.S., R.N.,
President.

SUICIDE PREVENTION ADVOCACY NETWORK,
May 10, 1999.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: SPAN supports the Senate Resolution designating November 20, 1999 as ''National Survivors for Prevention of Suicide Day'' that you have prepared. Further, SPAN salutes you for this contribution to the well being, growth and involvement of survivors of suicide in the national effort to reduce the incidence of suicide!

It is just over two years since you introduced to the Senate of the 105th Congress, Senate Resolution 84 that recognized suicide as a national problem and suicide prevention as a national priority. The Proposed Senate Resolution is therefore particularly timely now as it brings before the Senate a reminder of their past action. It spotlights the need for continuing Senate support and identifies a powerful and potentially huge national resource for the collaborative effort to reduce the incidence of suicide.

The last paragraph of the resolution will be most helpful to all survivors of suicide. It identifies the part that each individual survivor can play in the national effort to reduce the incidence of suicide and confirms that, together we can make a big difference.

Thanks Senator Reid for your ongoing national leadership for efforts to develop, implement and evaluate a proven, effective national suicide prevention strategy. The proposed resolution is another example of your dedication to this effort. Thank you!

Sincerely,

GERALD H. (JERRY) WEYRAUCH.

NAMI,
May 11, 1999.

Hon. HARRY REID,
U.S. Senate,
Hart Office Building, Washington, DC

DEAR SENATOR REID: On behalf of the 208,000 members and 1,200 affiliates of the National Alliance for the Mentally Ill (NAMI), I am writing to express NAMI's strong support for your resolution to designate November 20, 1999 as ''National Survivors for Prevention of Suicide Day'', and to thank you for recognizing suicide as a national problem and suicide prevention as a national priority. More than 30,000 Americans commit suicide annually, and while we do not always understand why some choose suicide, we do know that it is all too often associated with severe mental illnesses, particularly major depression. Death by suicide is unfortunately one of the most dire risks of untreated mental illness.

Sadly, more than 10 percent of individuals with schizophrenia and more than 15 percent of those with major mood disorders kill themselves. These are preventable and senseless deaths that could have been avoided with the right medical intervention and prevention programs. Your resolution would recognize suicide survivors as playing a key role as advocates and educators in prevention efforts, as well as their place in eliminating stigma and reducing the incidence of suicide.

NAMI commends your past and present leadership and advocacy in suicide prevention and education. Your continued commitment and support has been vital in bringing national recognition to the high incidence of suicide in our country. NAMI strongly supports your resolution to designate November 20, 1999 as ''National Survivors for Prevention of Suicide Day'', in recognition of the contributions suicide survivors can make in suicide prevention strategies.

Sincerely,

LAURIE FLYNN,
Executive Director.

AMENDMENTS SUBMITTED

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

BOXER AMENDMENT NO. 319

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill (S. 254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ____. AFTER SCHOOL EDUCATION AND ANTI-CRIME ACT.

SECTION 1. SHORT TITLE.

This title may be cited as the ''After School Education and Anti-Crime Act of 1999''.

SEC. 2. PURPOSE.

The purpose of this Act is to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Today's youth face far greater social risks than did their parents and grandparents.

(2) Students spend more of their waking hours alone, without supervision, companionship, or activity, than the students spend in school.

(3) Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3 p.m. and 6 p.m.

(4) The consequences of academic failure are more dire in 1999 than ever before.

(5) After school programs have been shown in many States to help address social problems facing our Nation's youth, such as drugs, alcohol, tobacco, and gang involvement.

(6) Many of our Nation's governors endorse increasing the number of after school programs through a Federal/State partnership.

(7) Over 450 of the Nation's leading police chiefs, sheriffs, and prosecutors, along with presidents of the Fraternal Order of Police and the International Union of Police Associations, which together represent 360,000 police officers, have called upon public officials to provide after school programs that offer recreation, academic support, and community service experience, for school-age children and teens in the United States.

(8) One of the most important investments that we can make in our children is to ensure that they have safe and positive learning environments in the after school hours.

SEC. 4. GOALS.

The goals of this Act are as follows:

(1) To increase the academic success of students.

(2) To promote safe and productive environments for students in the after school hours.

(3) To provide alternatives to drug, alcohol, tobacco, and gang activity.

(4) To reduce juvenile crime and the risk that youth will become victims of crime during after school hours.

SEC. 5. PROGRAM AUTHORIZATION.

Section 10903 of the 21st Century Community Learning Centers Act (20 U.S.C. 8243) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting ''TO LOCAL EDUCATIONAL AGENCIES FOR SCHOOLS'' after ''SECRETARY''; and

(B) by striking ''rural and inner-city public'' and all that follows through ''or to'' and inserting ''local educational agencies for the support of public elementary schools or secondary schools, including middle schools, that serve communities with substantial needs for expanded learning opportunities for children and youth in the communities, to enable the schools to establish or''; and

(C) by striking ''a rural or inner-city community'' and inserting ''the communities'';

(2) in subsection (b)—

(A) by striking ''States, among'' and inserting ''States and among''; and

(B) by striking ''United States,'' and all that follows through ''a State'' and inserting ''United States''; and

(3) in subsection (c), by striking ''3'' and inserting ''5''.

SEC. 6. APPLICATIONS.

Section 10904 of the 21st Century Community Learning Centers Act (20 U.S.C. 8244) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence, by striking ''an elementary or secondary school or consortium'' and inserting ''a local educational agency''; and

(ii) in the second sentence, by striking ''Each such'' and inserting the following:

''(b) CONTENTS.—Each such''; and

(3) in subsection (b) (as so redesignated)—

(A) in paragraph (1), by striking ''or consortium'';

(B) in paragraph (2), by striking ''and'' after the semicolon; and

(C) in paragraph (3)—

(i) in subparagraph (B), by inserting '', including programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)'' after ''maximized'';

(ii) in subparagraph (C), by inserting ''students, parents, teachers, school administrators, local government, including law enforcement organizations such as Police Athletic and Activity Leagues,'' after ''agencies,'';

(iii) in subparagraph (D), by striking ''or consortium''; and

(iv) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking ''or consortium''; and

(II) in clause (ii), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

''(4) information demonstrating that the local educational agency will—

''(A) provide not less than 35 percent of the annual cost of the activities assisted under the project from sources other than funds provided under this part, which contribution may be provided in cash or in kind, fairly evaluated; and

''(B) provide not more than 25 percent of the annual cost of the activities assisted under the project from funds provided by the Secretary under other Federal programs that permit the use of those other funds for activities assisted under the project; and

''(5) an assurance that the local educational agency, in each year of the project, will maintain the agency's fiscal effort, from non-Federal sources, from the preceding fiscal year for the activities the local educational agency provides with funds provided under this part.''.

SEC. 7. USES OF FUNDS.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended—

(1) by striking the matter preceding paragraph (1) and inserting:

''(a) IN GENERAL.—Grants awarded under this part may be used to establish or expand community learning centers. The centers may provide 1 or more of the following activities:'';

(2) in subsection (a)(11) (as redesignated by paragraph (1)), by inserting '', and job skills preparation'' after ''placement''; and

(3) by adding at the end the following:

''(14) After school programs, that—

''(A) shall include at least 2 of the following—

''(i) mentoring programs;

''(ii) academic assistance;

''(iii) recreational activities; or

''(iv) technology training; and

''(B) may include—

''(i) drug, alcohol, and gang prevention activities;

''(ii) health and nutrition counseling; and

''(iii) job skills preparation activities.

''(b) LIMITATION.—Not less than ⅔ of the amount appropriated under section 10907 for each fiscal year shall be used for after school programs, as described in paragraph (14). Such programs may also include activities described in paragraphs (1) through (13) that offer expanded opportunities for children or youth.''.

SEC. 8. ADMINISTRATION.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended by adding at the end the following:

''(c) ADMINISTRATION.—In carrying out the activities described in subsection (a), a local educational agency or school shall, to the greatest extent practicable—

''(1) request volunteers from business and academic communities, and law enforcement organizations, such as Police Athletic and Activity Leagues, to serve as mentors or to assist in other ways;

''(2) ensure that youth in the local community participate in designing the after school activities;

''(3) develop creative methods of conducting outreach to youth in the community;

''(4) request donations of computer equipment and other materials and equipment; and

''(5) work with State and local park and recreation agencies so that activities carried out by the agencies prior to the date of enactment of this subsection are not duplicated by activities assisted under this part.

SEC. 9. COMMUNITY LEARNING CENTER DEFINED.

Section 10906 of the 21st Century Community Learning Centers Act (20 U.S.C. 8246) is amended in paragraph (2) by inserting '', including law enforcement organizations such as the Police Athletic and Activity League'' after ''governmental agencies''.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 10907 of the 21st Century Community Learning Centers Act (20 U.S.C. 8247) is amended by striking ''$20,000,000 for fiscal year 1995'' and all that follows and inserting ''$600,000,000 for each of fiscal years 2000 through 2004, to carry out this part.''.

SEC. 11. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect on October 1, 1999.

MCCAIN AMENDMENTS NOS. 320–321

(Ordered to lie on the table.)

Mr. MCCAIN submitted two amendments intended to be proposed by him to the bill, S. 254, supra; as follows:

AMENDMENT NO. 320

At the end, add the following:

TITLE ____. GENERAL FIREARM PROVISIONS

SEC. ____01. STRAW PURCHASE PENALTIES.

(a) STRAW PURCHASE PENALTIES.—Section 924(a) of title 18, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) a person who knowingly—

''(A) violates subsection (d), (g), (h), (i), (j) or (o) of section 922 shall be fined under this title, imprisoned not more than 10 years, or both; or

''(B) violates section 922(a)(6)—

''(i) shall be fined under this title, imprisoned not more than 10 years, or both; or

''(ii) if the person violates subsection (a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm knowing or

having reasonable cause to know that or with the intent that another person will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a violent felony (as defined in subsection (e)(2)(B))—

''(I) shall be fined under this title, imprisoned not more than 15 years, or both; or

''(II) if the procurement is for a juvenile (as defined in section 922(x)), shall be fined under this title, imprisoned not more than 20 years.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect 180 days after the date of enactment of this Act.

AMENDMENT NO. 321

On page 265, after line 20, add the following:

SEC. 4___. PENALTIES FOR FIREARM VIOLATIONS INVOLVING JUVENILES.

(a) PENALTIES FOR FIREARM VIOLATIONS BY JUVENILES.—Section 924(a) of title 18 United States Code, is amended—

(1) in paragraph (4), by striking ''Whoever'' and inserting ''Except as provided in paragraph (6), whoever''; and

(2) by striking paragraph (6) and inserting the following:

''(6) TRANSFER TO OR POSSESSION BY A JUVENILE.—

''(A) DEFINITION OF VIOLENT FELONY.—In this paragraph, the term 'violent felony' has the meaning given the term in subsection (e)(2)(B).

''(B) POSSESSION BY A JUVENILE.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), a juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both.

''(ii) PROBATION.—Unless clause (iii) applies and unless a juvenile fails to comply with a condition of probation, the juvenile shall be sentenced to probation on appropriate conditions and shall not be incarcerated if—

''(I) the offense with which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(x)(2); and

''(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

''(iii) SCHOOL ZONES.—A juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

''(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(x)(2); and

''(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a violent felony.

''(C) TRANSFER TO A JUVENILE.—A person other than a juvenile who knowingly violates section 922(x)—

''(i) shall be fined under this title, imprisoned not more than 1 year, or both; or

''(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a violent felony, shall be fined under this title, imprisoned not more than 20 years, or both.

''(D) CASES IN UNITED STATES DISTRICT COURT.—Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under subparagraph (B)(iii), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult.

''(E) NO RELEASE AT AGE 18.—No juvenile sentenced to a term of imprisonment shall be released from custody solely for the reason that the juvenile has reached the age of 18 years.''.

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922 of title 18, United States Code, is amended by striking subsection (x) and inserting the following:

''(x) JUVENILES.—

''(1) DEFINITION OF JUVENILE.—In this subsection, the term 'juvenile' means a person who is less than 18 years of age.

''(2) TRANSFER TO JUVENILES.—It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

''(A) a handgun; or

''(B) ammunition that is suitable for use only in a handgun.

''(3) POSSESSION BY A JUVENILE.—It shall be unlawful for any person who is a juvenile to knowingly possess—

''(A) a handgun; or

''(B) ammunition that is suitable for use only in a handgun.

''(4) APPLICABILITY.—

''(A) IN GENERAL.—This subsection does not apply to—

''(i) if the conditions stated in subparagraph (B) are met, a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun or ammunition is possessed and used by the juvenile—

''(I) in the course of employment;

''(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch);

''(III) for target practice;

''(IV) for hunting; or

''(V) for a course of instruction in the safe and lawful use of a handgun;

''(ii) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun or ammunition in the line of duty;

''(iii) a transfer by inheritance of title (but not possession) of handgun or ammunition to a juvenile; or

''(iv) the possession of a handgun or ammunition taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

''(B) TEMPORARY TRANSFERS.—Clause (i) shall apply if—

''(i) the juvenile's possession and use of a handgun or ammunition under this paragraph are in accordance with State and local law; and

''(ii)(I)(aa) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile, at all times when a handgun or ammunition is in the possession of the juvenile, has in the juvenile's possession the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

''(bb) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in item (aa) is to take place, the handgun is unloaded and in a locked container or case, and during the transportation by the juvenile of the firearm, directly from the place at which such an activity took place to the transferor, the handgun is unloaded and in a locked container or case; or

''(II) with respect to ranching or farming activities as described in subparagraph (A)(i)(II)—

''(aa) a juvenile possesses and uses a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian;

''(bb) the approval is on file with an adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

''(cc) the adult is directing the ranching or farming activities of the juvenile.

''(5) INNOCENT TRANSFERORS.—A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation under this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when the handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

''(6) ATTENDANCE BY PARENT OR LEGAL GUARDIAN AS CRIMINAL PROCEEDINGS.—In a prosecution of a violation of this subsection, the court—

''(A) shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings;

''(B) may use the contempt power to enforce subparagraph (A); and

''(C) may excuse attendance of a parent or legal guardian of a juvenile defendant for good cause.''.

(c) EFFECTIVE DATE.—The amendment made by this section takes effect 180 days after the date of enactment of this Act.

HATCH (AND OTHERS) AMENDMENT NO. 322

Mr. HATCH (for himself, Mr. BIDEN, Mr. SESSIONS, Mr. DEWINE, Mr. ALLARD, and Mrs. FEINSTEIN) proposed and amendment to the bill, S. 254, supra; as follows:

On page 54, after line 16, add the following:

SEC. 207. AUTHORITY TO MAKE GRANTS TO PROSECUTORS' OFFICES TO COMBAT GANG CRIME AND YOUTH VIOLENCE.

(a) IN GENERAL.—Section 31702 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) to allow the hiring of additional prosecutors, so that more cases can be prosecuted and backlogs reduced;

''(6) to provide funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

''(7) to provide funding to assist prosecutors with funding for technology, equipment, and training to assist prosecutors in reducing the incidence of, and increase the successful identification and speed of prosecution of young violent offenders; and

''(8) to provide funding to assist prosecutors in their efforts to engage in community prosecution, problem solving, and conflict resolution techniques through collaborative

efforts with police, school officials, probation officers, social service agencies, and community organizations.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subtitle, $50,000,000 for 2000 through 2004.''.

On page 225, line 3, strike ''juvenile prosecutors,''.

On page 225, line 7, insert ''and violence'' after ''crime''.

On page 227, line 11, strike ''and''.

On page 227, line 19, strike the period and insert a semicolon.

On page 227, between lines 19 and 20, insert the following:

''(12) for juvenile prevention programs (including curfews, youth organizations, anti-drug, and anti-alcohol programs, anti-gang programs, and after school programs and activities);

''(13) for juvenile drug and alcohol treatment programs; and

''(14) for school counseling and other school-base prevention programs.

On page 229, line 11, strike ''paragraph (1) not less'' and insert the following: ''paragraph (1)—

''(A) not less''.

On page 229, line 13, strike ''(A)'' and insert ''(i)''.

On page 230, line 4, strike ''(B)'' and insert ''(ii)''.

On page 230, line 8, strike the period and insert ''; and''.

On page 230, between lines 8 and 9, insert the following:

''(B) not less than 25 percent shall be used for the purposes set forth in paragraph (12), (13), or (14) of subsection (b).

On page 234, line 25, strike ''amounts'' and insert ''the total amount''.

On page 235, line 1, strike ''government,'' and insert ''government for a fiscal year, not less than 25 percent shall be used for the purposes set forth in paragraph (12), (13), or (14) of subsection (b), and''.

On page 251, strike line 17 and all that follows through page 252, line 2, and insert the following:

SEC. 324. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) IN GENERAL.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) for fiscal year 2001, $6,025,000,000;

''(2) for fiscal year 2002, $6,169,000,000;

''(3) for fiscal year 2003, $6,316,000,000;

''(4) for fiscal year 2004, $6,458,000,000; and

''(5) for fiscal year 2005, $6,616,000,000.''.

(b) DISCRETIONARY LIMITS.—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

''SEC. 310002. DISCRETIONARY LIMITS.

''(a) DISCRETIONARY LIMITS.—For the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term 'discretionary spending limit' means—

''(1) with respect to fiscal year 2001—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,025,000,000 in new budget authority and $5,718,000,000 in outlays;

''(2) with respect to fiscal year 2002—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,169,000,000 in new budget authority and $6,020,000,000 in outlays; and

''(3) with respect to fiscal year 2003—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,316,000,000 in new budget authority and $6,161,000,000 in outlays;

''(4) with respect to fiscal year 2004—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,458,000 in new budget authority and $6,303,000,000 in outlays; and

''(5) with respect to fiscal year 2005—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

''(B) for the violent crime reduction category: $6,616,000 in new budget authority and $6,452,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.

''(b) POINT OF ORDER IN THE SENATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

''(A) any concurrent resolution on the budget for any of the fiscal years 2001 through 2005 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

''(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for any of the fiscal years 2001 through 2005 that would cause any of the limits in this section (or suballocations of the discretionary limits made under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b))) to be exceeded.

''(2) EXCEPTION.—This section shall not apply if a declaration of war by Congress is in effect or if a joint resolution under section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907a) has been enacted.

''(c) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the members of the Senate, duly chosen and sworn.

''(d) APPEALS.—

''(1) TIME.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be.

''(2) VOTE TO SUSTAIN APPEAL.—An affirmative vote of three-fifths of the members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

''(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.''.

ROBB (AND KENNEDY) AMENDMENT NO. 323

Mr. LEAHY (for Mr. ROBB for himself and Mr. KENNEDY) proposed an amendment to amendment No. 322 proposed by Mr. HATCH to the bill, S. 254, supra; as follows:

At the end, add the following:

TITLE ___. RESOURCES AND SERVICES FOR COMMUNITIES TO PREVENT YOUTH VIOLENCE

SEC. ___01. SHORT TITLE.

This title may be cited as the ''National Resource Center for School Safety and Youth Violence Prevention Act of 1999''.

SEC. ___02. FINDINGS.

Congress makes the following findings:

(1) While our Nation's schools are still relatively safe, it is imperative that schools be provided with adequate resources to prevent incidents of violence.

(2) Approximately 10 percent of all public schools reported at least 1 serious violent crime to a law enforcement agency over the course of the 1996-1997 school year.

(3) In 1996, approximately 225,000 students between the ages of 12 and 18 were victims of nonfatal violent crime in schools in the United States.

(4) From 1992 through 1994, 76 students and 29 non-students were victims of murders or suicides that were committed in schools in the United States.

(5) The school violence incidents in several States across the Nation in 1998 and 1999 caused enormous damage to schools, families, and whole communities.

(6) The children of the United States are increasingly afraid that they will be attacked or harmed at school.

(7) A report issued by the Department of Education in August, 1998, entitled ''Early Warning, Early Response'' concluded that the reduction and prevention of school violence is best achieved through safety plans which involve the entire community, policies which emphasize both prevention and intervention, training school personnel, parents, students, and community members to recognize the early warning signs of potentially violent behavior and to share their concerns or observations with trained personnel, establishing procedures which allow rapid response and intervention when early warning signs of violent behavior are identified, and providing adequate support and access to services for troubled students.

SEC. ___03. NATIONAL RESOURCE CENTER FOR SCHOOL SAFETY AND YOUTH VIOLENCE PREVENTION.

(a) ESTABLISHMENT.—The Secretary of Education and the Attorney General shall jointly award a grant for the support of a National Resource Center for School Safety and Youth Violence Prevention (in this section referred to as the ''Center''). The Secretary of Education, the Secretary of Health and Human Services, and the Attorney General may award a grant for the support of the Center at an existing facility, if the facility has a history of performing any of the duties described in subsection (b). The Secretary of Education, the Secretary of Health and

Human Services, and the Attorney General shall jointly appoint a Director of the Center to oversee the operation of the Center.

(b) DUTIES.—The Center shall develop and carry out emergency response, anonymous student hotline tipline, training and technical assistance, research and evaluation, and consultation, activities with respect to elementary and secondary school safety, as follows:

(1) EMERGENCY RESPONSE.—The Center shall provide support to the School Emergency Response to Violence Fund (SERV)—

(A) to provide rapid response and emergency assistance to schools affected by violent shootings or other violent episodes; and

(B) to help communities meet urgent needs such as emergency mental health crisis counseling, additional school security personnel, and long term counseling for students, faculty, and families.

(2) ANONYMOUS STUDENT HOTLINE TIPLINE.—The Center shall establish a toll-free telephone number for students and others to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, or other warning signs of potentially violent behavior. The Center shall relay the reports, without attribution, to local law enforcement or appropriate school hotlines. The Director of the Center shall work with the Attorney General to establish guidelines for Center staff to work with law enforcement around the Nation to relay information reported through the hotline.

(3) TRAINING AND TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The Center shall support training and technical assistance for all local educational agencies developing a school safety plan that includes—

(i) pairing regional training sessions with hands-on technical assistance to assist sites in implementing effective programs and strategies;

(ii) support for effective use of tiplines by schools and others;

(iii) threat assessment;

(iv) information sharing between schools, police, and agencies serving troubled and delinquent youth;

(v) police, school, parent, and social service partnerships;

(vi) media and police protocols to better manage live broadcast of emergency situations;

(vii) surveillance of school property;

(viii) early recognition of the signs of danger in the most troubled children and youth by schools, police, and service agencies;

(ix) development of a community case management process to deal with troubled youth;

(x) establishing mentoring, conflict resolution, family life education, and substance abuse prevention programs; or

(xi) developing effective school counseling services, including services for elementary schools.

(B) EARLY WARNING.—The Center shall support a joint training program that involves the Department of Education, the Department of Justice, and the Department of Health and Human Services, and uses the document entitled ''Early Warning: Timely Response, A Guide to Safe Schools'' as a guide for the program. The program shall provide training to teachers and school officials to enable the teachers and school officials to learn to identify youth experiencing mental health problems. The training shall consist of—

(i) immediate field training to be initiated on a regional or State-by-State basis; and

(ii) a teacher curriculum program that modifies graduate and undergraduate teacher curriculum programs to incorporate training on the early warning signs of mental health problems in youth.

(4) RESEARCH AND EVALUATION; NATIONAL CLEARINGHOUSE.—

(A) IN GENERAL.—The Center shall compile information about the best practices in school violence prevention, intervention, and crisis management, and shall serve as a clearinghouse for model school safety program information. The information shall be available for use by the public through the Internet, printed materials, and conferences. The staff of the Center shall work to ensure local governments, school officials, parents, students, and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime. The staff of the Center shall give special attention to providing outreach to rural and impoverished communities.

(B) STUDY.—The Center shall conduct a comprehensive factual study of the incidence of youth violence to determine the root cause of youth violence, and shall make recommendations to the President and Congress regarding such violence.

(C) RESEARCH AND EVALUATION.—The Center shall support research and evaluation activities to measure effective school safety strategies and programs, and shall disseminate the results of such research and evaluation, including the development of research and evaluation activities regarding strategies for creating smaller learning communities, for elementary school counseling programs, and for mentoring programs.

(5) CONSULTATION.—The Center shall establish a toll-free number for the public and school administrators to contact staff of the Center for consultation and reporting regarding school safety. The Director of the Center shall hire administrative staff and individuals with expertise in enhancing school safety, including individuals with backgrounds in counseling and psychology, education, law enforcement and criminal justice, and community development, to assist in the consultation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004.

TITLE ____—SAFE COMMUNITIES, SAFE SCHOOLS, AND HEALTHY STUDENTS

SEC. ___01. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Secretary of Education, the Attorney General, and the Secretary of Health and Human Services are authorized to carry out a jointly administered program under which support is provided to local educational agencies working in partnership with mental health and law enforcement agencies to enable the local educational agencies to carry out the following activities:

(1) SCHOOL SAFETY.—Establishing a safe school environment, redesigning school facilities, and enhancing school security measures.

(2) EDUCATIONAL REFORM.—Educational reform, including high standards for all students, reductions in class size, use of technology in the classroom, talented, trained and dedicated teachers, expanded after school learning opportunities, character education, mentoring programs, and alternative disciplinary intervention.

(3) CONFLICT RESOLUTION TRAINING AND PEER MEDIATION.—Conflict resolution training and peer mediation.

(4) SAFE SCHOOL POLICIES.—Safe school policies.

(5) SCHOOL RESOURCE OFFICERS.—Providing for school resource officers who—

(A) provide schools with on-site security and a direct link to local law enforcement agencies; and

(B) perform a variety of functions aimed at combating school violence, including teaching crime prevention and substance abuse classes, monitoring troubled students, and building respect for law enforcement among students.

(b) DEFINITION OF LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $460,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004. Funds appropriated under this subsection shall remain available until expended.

TITLE ____—PROVISIONS RELATING TO SERVICES FOR CHILDREN AND ADOLESCENTS

SEC. ___01. CHILDREN AND VIOLENCE.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

''PART G—PROJECTS FOR CHILDREN AND VIOLENCE

''SEC. 581. CHILDREN AND VIOLENCE.

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Education and the Attorney General, shall carry out directly or through grants, contracts or cooperative agreements with public entities a program to assist local communities in developing ways to assist children in dealing with violence.

''(b) ACTIVITIES.—Under the program under subsection (a), the Secretary may—

''(1) provide financial support to enable local communities to implement programs to foster the health and development of children;

''(2) provide technical assistance to local communities with respect to the development of programs described in paragraph (1);

''(3) provide assistance to local communities in the development of policies to address violence when and if it occurs; and

''(4) assist in the creation of community partnerships among law enforcement, education systems, community-based youth programs, and mental health and substance abuse service systems.

''(c) REQUIREMENTS.—An application for a grant, contract or cooperative agreement under subsection (a) shall demonstrate that—

''(1) the applicant will use amounts received to create a partnership described in subsection (b)(4) to address issues of youth violence;

''(2) the activities carried out by the applicant will provide a comprehensive method for addressing violence, that will include—

''(A) security;

''(B) educational reform;

''(C) the review and updating of school policies;

''(D) alcohol and drug abuse prevention and early intervention services;

''(E) mental health prevention and treatment services, including additional counselors, elementary school counselors, psychologists, and nurses in schools; and

''(F) early childhood development and psychosocial services; and

''(3) the applicant will use amounts received only for the services described in subparagraphs (D), (E), and (F) of paragraph (2).

''(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) will be distributed equitably among the

regions of the country and among urban and rural areas.

''(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years.

''(f) EVALUATION.—The Secretary shall conduct an evaluation of each project carried out under this section and shall disseminate the results of such evaluations to appropriate public and private entities.

''(g) INFORMATION AND EDUCATION.—The Secretary shall establish comprehensive information and education programs to disseminate the findings of the knowledge development and application under this section to the general public and to health care professionals.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $100,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.''.

SEC. ___02. MENTAL HEALTH SERVICES FOR VIOLENCE RELATED STRESS.

Part G of title V of the Public Health Service Act (as added by section ___01) is amended by adding at the end the following:

''SEC. 582. GRANTS TO ADDRESS THE PROBLEMS OF VIOLENCE RELATED STRESS.

''(a) IN GENERAL.—The Secretary shall award grants, contracts or cooperative agreements to public and non-profit private entities, as well as to Indian tribes and tribal organizations, for the purpose of establishing a national and regional centers of excellence on psychological trauma response and for developing knowledge with regard to best practices for treating psychiatric disorders resulting from witnessing or experiencing such stress.

''(b) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the development of knowledge on best practices for treating disorders associated with psychological trauma, the Secretary shall give priority to programs that work with children, adolescents, adults, and families who are survivors and witnesses of child abuse, domestic, school and community violence, disasters and terrorism.

''(c) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

''(d) EVALUATION.—The Secretary, as part of the application process, shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

''(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not be less than 3 years nor more than 5 years. Such grants, contracts or agreements may be renewed.

''(f) REPORT.—Not later than 1 year after the date of enactment of this section, the General Accounting Office shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives a report concerning whether individuals are covered for post-traumatic stress disorders under public and private health plans, and the course of treatment, if any, that is covered.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.''.

SEC. ___03. TREATMENT FOR YOUTH.

(a) WRAP AROUND GRANT PROGRAM FOR DETAINED OR INCARCERATED YOUTH.—

(1) FINDINGS.—Congress makes the following findings:

(A) Four million underage youth are arrested in the United States every year and 30 percent of those arrested are likely to relapse and commit a crime within 1 year of the arrest.

(B) According to a Federal study, 60 percent of youth offenders in the juvenile justice system who are in detention programs have behavioral, mental, or emotional problems.

(C) Academic studies repeatedly find that there is a higher percentage of youth offenders in the juvenile justice system who have mental disorders than in the youth population at large.

(D) Less than 13 percent of youth offenders in the juvenile justice system who have been identified as in need of treatment receive such treatment.

(2) WRAP AROUND GRANTS FOR YOUTH.—Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.) is amended by adding at the end the following:

''SEC. 520C. WRAP AROUND GRANTS FOR YOUTH.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, and in consultation with the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Director of the Special Education Programs of the Department of Education, shall award grants on a competitive basis to State or local juvenile justice agencies to enable such agencies to provide aftercare services for youth offenders who have been discharged from the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances.

''(b) PURPOSE.—The purposes of this section are—

''(1) to address the needs of youth offenders who have been discharged from the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances;

''(2) to provide a community-based system of care for such youth offenders to prevent the youth from committing additional or more serious criminal offenses;

''(3) to provide services for youth offenders after such youth have had contact with the juvenile or criminal justice system in order to decrease the likelihood that the individuals will reoffend;

''(4) to enable State and local agencies that provide services for youth to work together with juvenile justice agencies to establish an individual treatment plan and a case management plan for each youth offender to reduce the likelihood of recidivism; and

''(5) to encourage involvement of the youth offender's family members, significant persons in the youth offender's life, and community agencies in the process of helping youth offenders resist criminal activity and remain in the community.

''(c) USE OF FUNDS.—A State or local juvenile justice agency receiving a grant under subsection (a) shall use the amounts provided under the grant—

''(1) to develop a plan describing the manner in which the agency will provide services for each youth offender who has a serious emotional disturbance and has come in contact with the juvenile or criminal justice system;

''(2) to provide a network of core services or access to such services for each youth offender, including diagnostic and evaluation services, substance abuse treatment services, outpatient mental health care services, medication management services, intensive home-based therapy, intensive day treatment services, respite care, and therapeutic foster care;

''(3) to establish a program that coordinates with other State and local agencies providing recreational, social, educational, vocational, or operational services for youth, to enable the agency receiving a grant under this section to provide community-based system of care services for each youth offender that addresses the special needs of the youth and helps the youth access all of the aforementioned services; and

''(4) using not more than 20 percent of funds received, to provide planning and transition services as described in paragraph (3) for youth offenders while such youth are incarcerated or detained.

''(d) APPLICATION.—A State or local juvenile justice agency that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(e) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a State or local juvenile justice agency receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

''(f) DEFINITIONS.—In this section:

''(1) SERIOUS EMOTIONAL DISTURBANCE.—The term 'serious emotional disturbance' with respect to a youth offender means an offender who currently, or at any time within the 1-year period ending on the day on which services are sought under this section, has a diagnosable mental, behavioral, or emotional disorder that functionally impairs the offender's life by substantially limiting the offender's role in family, school, or community activities, and interfering with the offender's ability to achieve or maintain 1 or more developmentally-appropriate social, behavior, cognitive, communicative, or adaptive skills.

''(2) COMMUNITY-BASED SYSTEM OF CARE.—The term 'community-based system of care' means the provision of services for the youth offender by various State or local agencies that in an interagency fashion or operating as a network addresses the recreational, social, educational, vocational, and operational needs of the youth offender.

''(3) YOUTH OFFENDER.—The term 'youth offender' means an individual who is 21 years of age or younger who has been discharged from a State or local juvenile or criminal justice system, except that if the individual is between the ages of 18 and 21 years, such individual has had contact with the State or local juvenile or criminal justice system prior to attaining 18 years of age and is under the jurisdiction of such a system at the time services are sought.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $40,000,000 for each of the fiscal years 2000 through 2004.''.

(b) COMPETITIVE GRANT PROGRAMS FOR YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section ___01, is further amended by adding at the end the following:

"PART H—COMPETITIVE GRANT PROGRAMS FOR YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT

"SEC. 591. GRANTS TO CONSORTIA.

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible consortia to enable such consortia to establish the programs described in subsection (c).

''(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from eligible consortia that provide services in rural areas or for Native Americans.

''(c) USE OF FUNDS.—An eligible consortium receiving amounts under subsection (a) shall use such amounts to establish school-based substance abuse prevention and student assistance programs for youth, including after school programs and elementary school counselor programs, to provide services that address youth substance abuse, including services that—

''(1) identify youth at risk for substance abuse;

''(2) refer any youth at risk for substance abuse for substance abuse treatment;

''(3) provide effective primary prevention programing;

''(4) target underserved areas, such as rural areas; and

''(5) target populations, such as Native Americans, that are underserved.

''(d) APPLICATION.—An eligible consortium that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, an eligible consortium receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

''(f) DEFINITIONS.—In this section:

''(1) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means an entity composed of a local educational agency and community-based substance abuse prevention providers and student assistance providers in which the agency and providers maintain equal responsibility in providing the services described in subsection (c).

''(2) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2000 through 2004.

"SEC. 592. GRANTS TO TREATMENT FACILITIES.

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to inpatient and outpatient treatment facilities that provide the substance abuse treatment services described in subsection (d).

''(b) ELIGIBLE APPLICANT.—To be eligible to receive a grant under subsection (a), a treatment facility must provide or propose to provide alcohol or drug treatment services for individuals under the age of 22 years.

''(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from treatment facilities that provide treatment services in rural areas, for Native Americans, or for underserved populations.

''(d) USE OF FUNDS.—A treatment facility receiving amounts under subsection (a) shall use such amounts to provide substance abuse treatment services for youth, including community-based aftercare services that provide treatment for the period of time following an individual's discharge from a drug treatment center.

''(e) APPLICATION.—A treatment facility that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment facility receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 2000 through 2004.

"SEC. 593. GRANTS TO SUBSTANCE ABUSE PREVENTION AND TREATMENT PROVIDERS.

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to State and local substance abuse prevention and treatment providers to enable such providers to offer training to provide prevention and treatment services for youth.

''(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from areas in which—

''(1) there is a demonstrated high rate of substance abuse by youth; and

''(2) the population is identified as underserved or the prevention and treatment providers in the area use distance learning.

''(c) APPLICATION.—A treatment provider that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment provider receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,000,000 for each of the fiscal years 2000 through 2004.''.

(c) GRANT PROGRAM FOR YOUTH PREVENTION AND TREATMENT.—

SEC. ___04. GRANTS TO PRIVATE ENTITIES.

Part G of title V of the Public Health Service Act (as amended by section ___02) is further amended by adding at the end the following:

"SEC. 583. GRANTS TO PRIVATE ENTITIES.

''(a) IN GENERAL.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, public and private nonprofit entities for the purpose of providing substance abuse treatment services for youth.

''(b) USE OF FUNDS.—Amounts provided under a grant, contract, or cooperative agreement under this section shall be used to promote the development of knowledge of youth substance abuse through projects that will—

''(1) provide a continuum of integrated treatment services, including case management, for young individuals who have substance abuse problems and their family members;

''(2) offer individualized treatment services for young individuals who have substance abuse problems that take into account that individual's particular problems and his or her chronological and developmental age;

''(3) address the relationship between youth substance abuse and anti-social, aggressive, and violent behavior in youth;

''(4) address the relationship between youth substance abuse and psychiatric disorders, including depression, attention deficit disorder, attention deficit hyperactivity disorder, affective disorder, and conduct disorder;

''(5) promote projects that incorporate transitional support services for families of young substance abusers who have come in contact with the juvenile justice system;

''(6) address the barriers involved in providing substance abuse treatment, retention, and followup care;

''(7) address the special needs of young individuals who have substance abuse problems and who have been involved with juvenile justice or the child welfare system, have physical or cognitive disabilities, live in displaced conditions, or have parents who have substance abuse problems; and

''(8) apply the most successful, research-based and cost-effective methods for the treatment of substance abuse by youth.

''(c) PRIORITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall, to the extent practicable, distribute amounts in each major geographic region in the United States, in both urban and rural areas, and give priority to applications that propose to—

''(1) coordinate services with other social agencies in the community, including educational, juvenile justice, child welfare, and mental health; and

''(2) provide individualized treatment, taking the gender and culture of the individual seeking treatment into account.

''(d) DURATION OF GRANTS.—The Secretary shall not award grants, contracts, or cooperative agreements to an entity for a period of more than 5 fiscal years.

''(e) APPLICATION.—A public or private nonprofit entity that desires a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a statement detailing the manner in which the entity will evaluate projects assisted under this section; and

''(2) a statement ensuring that the entity will submit an annual report described in subsection (f).

''(f) ANNUAL REPORT.—A public or private nonprofit entity that receives a grant, contract, or cooperative agreement under subsection (a) shall prepare and submit an annual report to the Secretary that describes the projects carried out pursuant to this section.

''(g) MATCHING REQUIREMENT.—The Secretary may not award a grant, contract, or cooperative agreement to an entity under this section unless such entity agrees that, with respect to the costs to be incurred by the entity in carrying out the services for which the grant, contract, or cooperative agreement was awarded, the entity will make available non-Federal contributions toward such costs in an amount equal to—

''(1) for the first and second fiscal years for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $3 of Federal funds so provided;

''(2) for the third fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $2 of Federal funds so provided;

''(3) for the fourth fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $1 of Federal funds so provided; and

''(4) for the fifth fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less

than $2 for each $1 of Federal funds so provided.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002.''.

GREGG (AND OTHERS) AMENDMENT NO. 324

Mr. HATCH (for Mr. GREGG for himself, Mrs. BOXER, Mr. LEAHY, Mr. ALLARD, and Mr. ROBB) proposed an amendment to amendment No. 322 proposed by Mr. HATCH to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SAFE STUDENTS.

(a) SHORT TITLE.—This section may be cited as the ''Safe Students Act.''

(b) PURPOSE.—It is the purpose of this section to maximize local flexibility in responding to the threat of juvenile violence through the implementation of effective school violence prevention and safety programs.

(c) PROGRAM AUTHORIZED.—The Attorney General shall, subject to the availability of appropriations, award grants to local education agencies and to law enforcement agencies to assist in the planning, establishing, operating, coordinating and evaluating of school violence prevention and school safety programs.

(d) APPLICATION REQUIREMENTS.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (c), an entity shall—

(A) be a local education agency or a law enforcement agency; and

(B) prepare and submit to the Attorney General an application at such time, in such manner and containing such information as the Attorney General may require, including—

(i) a detailed explanation of the intended uses of funds provided under the grant; and

(ii) a written assurance that the schools to be served under the grant will have a zero tolerance policy in effect for drugs, alcohol, weapons, truancy and juvenile crime on school campuses.

(2) PRIORITY.—The Attorney General shall give priority in awarding grants under this section to applications that have been submitted jointly by a local education agency and a law enforcement agency.

(e) ALLOWABLE USES OF FUNDS.—Amounts received under a grant under this section shall be used for innovative, local responses, consistent with the purposes of this Act, which may include—

(1) training, including in-service training, for school personnel, custodians and bus drivers in—

(A) the identification of potential threats (such as illegal weapons and explosive devices);

(B) crisis preparedness and intervention procedures; and

(C) emergency response;

(2) training of interested parents, teachers and other school and law enforcement personnel in the identification and responses to early warning signs of troubled and violent youth;

(3) innovative research-based delinquency and violence prevention programs, including mentoring programs;

(4) comprehensive school security assessments;

(5) the purchase of school security equipment and technologies such as metal detectors, electronic locks, surveillance cameras;

(6) collaborative efforts with law enforcement agencies, community-based organizations (including faith-based organizations) that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school age children;

(7) providing assistance to families in need for the purpose of purchasing required school uniforms;

(8) school resource officers, including community police officers; and

(9) community policing in and around schools.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $200,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2004.

(g) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Attorney General shall prepare and submit to the appropriate committees of Congress a report concerning the manner in which grantees have used amounts received under a grant under this section.

ROBB (AND OTHERS) AMENDMENT NO. 325

Mr. LEAHY (for Mr. ROBB for himself, Mr. KENNEDY, and Mr. BINGAMAN) proposed an amendment to amendment No. 322 proposed by him to the bill, S. 254, supra; as follows:

At the end, add the following:

TITLE ___—RESOURCES AND SERVICES FOR COMMUNITIES TO PREVENT YOUTH VIOLENCE

SEC. ___01. SHORT TITLE.

This title may be cited as the ''National Resource Center for School Safety and Youth Violence Prevention Act of 1999''.

SEC. ___02. FINDINGS.

Congress makes the following findings:

(1) While our Nation's schools are still relatively safe, it is imperative that schools be provided with adequate resources to prevent incidents of violence.

(2) Approximately 10 percent of all public schools reported at least 1 serious violent crime to a law enforcement agency over the course of the 1996-1997 school year.

(3) In 1996, approximately 225,000 students between the ages of 12 and 18 were victims of nonfatal violent crime in schools in the United States.

(4) From 1992 through 1994, 76 students and 29 non-students were victims of murders or suicides that were committed in schools in the United States.

(5) The school violence incidents in several States across the Nation in 1998 and 1999 caused enormous damage to schools, families, and whole communities.

(6) The children of the United States are increasingly afraid that they will be attacked or harmed at school.

(7) A report issued by the Department of Education in August, 1998, entitled ''Early Warning, Early Response'' concluded that the reduction and prevention of school violence is best achieved through safety plans which involve the entire community, policies which emphasize both prevention and intervention, training school personnel, parents, students, and community members to recognize the early warning signs of potentially violent behavior and to share their concerns or observations with trained personnel, establishing procedures which allow rapid response and intervention when early warning signs of violent behavior are identified, and providing adequate support and access to services for troubled students.

SEC. ___03. NATIONAL RESOURCE CENTER FOR SCHOOL SAFETY AND YOUTH VIOLENCE PREVENTION.

(a) ESTABLISHMENT.—The Secretary of Education and the Attorney General shall jointly award a grant for the support of a National Resource Center for School Safety and Youth Violence Prevention (in this section referred to as the ''Center''). The Secretary of Education, the Secretary of Health and Human Services, and the Attorney General may award a grant for the support of the Center at an existing facility, if the facility has a history of performing any of the duties described in subsection (b). The Secretary of Education, the Secretary of Health and Human Services, and the Attorney General shall jointly appoint a Director of the Center to oversee the operation of the Center.

(b) DUTIES.—The Center shall develop and carry out emergency response, anonymous student hotline tipline, training and technical assistance, research and evaluation, and consultation, activities with respect to elementary and secondary school safety, as follows:

(1) EMERGENCY RESPONSE.—The Center shall provide support to the School Emergency Response to Violence Fund (SERV)—

(A) to provide rapid response and emergency assistance to schools affected by violent shootings or other violent episodes; and

(B) to help communities meet urgent needs such as emergency mental health crisis counseling, additional school security personnel, and long term counseling for students, faculty, and families.

(2) ANONYMOUS STUDENT HOTLINE TIPLINE.—The Center shall establish a toll-free telephone number for students and others to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, or other warning signs of potentially violent behavior. The Center shall relay the reports, without attribution, to local law enforcement or appropriate school hotlines. The Director of the Center shall work with the Attorney General to establish guidelines for Center staff to work with law enforcement around the Nation to relay information reported through the hotline.

(3) TRAINING AND TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The Center shall support training and technical assistance for all local educational agencies developing a school safety plan that includes—

(i) pairing regional training sessions with hands-on technical assistance to assist sites in implementing effective programs and strategies;

(ii) support for effective use of tiplines by schools and others;

(iii) threat assessment;

(iv) information sharing between schools, police, and agencies serving troubled and delinquent youth;

(v) police, school, parent, and social service partnerships;

(vi) media and police protocols to better manage live broadcast of emergency situations;

(vii) surveillance of school property;

(viii) early recognition of the signs of danger in the most troubled children and youth by schools, police, and service agencies;

(ix) development of a community case management process to deal with troubled youth;

(x) establishing mentoring, conflict resolution, family life education, and substance abuse prevention programs; or

(xi) developing effective school counseling services, including services for elementary schools.

(B) EARLY WARNING.—The Center shall support a joint training program that involves the Department of Education, the Department of Justice, and the Department of

Health and Human Services, and uses the document entitled ''Early Warning: Timely Response, A Guide to Safe Schools'' as a guide for the program. The program shall provide training to teachers and school officials to enable the teachers and school officials to learn to identify youth experiencing mental health problems. The training shall consist of—

(i) immediate field training to be initiated on a regional or State-by-State basis; and

(ii) a teacher curriculum program that modifies graduate and undergraduate teacher curriculum programs to incorporate training on the early warning signs of mental health problems in youth.

(4) RESEARCH AND EVALUATION; NATIONAL CLEARINGHOUSE.—

(A) IN GENERAL.—The Center shall compile information about the best practices in school violence prevention, intervention, and crisis management, and shall serve as a clearinghouse for model school safety program information. The information shall be available for use by the public through the Internet, printed materials, and conferences. The staff of the Center shall work to ensure local governments, school officials, parents, students, and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime. The staff of the Center shall give special attention to providing outreach to rural and impoverished communities.

(B) STUDY.—The Center shall conduct a comprehensive factual study of the incidence of youth violence to determine the root cause of youth violence, and shall make recommendations to the President and Congress regarding such violence.

(C) RESEARCH AND EVALUATION.—The Center shall support research and evaluation activities to measure effective school safety strategies and programs, and shall disseminate the results of such research and evaluation, including the development of research and evaluation activities regarding strategies for creating smaller learning communities, for elementary school counseling programs, and for mentoring programs.

(5) CONSULTATION.—The Center shall establish a toll-free number for the public and school administrators to contact staff of the Center for consultation and reporting regarding school safety. The Director of the Center shall hire administrative staff and individuals with expertise in enhancing school safety, including individuals with backgrounds in counseling and psychology, education, law enforcement and criminal justice, and community development, to assist in the consultation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004.

TITLE ____—SAFE COMMUNITIES, SAFE SCHOOLS, AND HEALTHY STUDENTS

SEC. ___01. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Secretary of Education, the Attorney General, and the Secretary of Health and Human Services are authorized to carry out a jointly administered program under which support is provided to local educational agencies working in partnership with mental health and law enforcement agencies to enable the local educational agencies to carry out the following activities:

(1) SCHOOL SAFETY.—Establishing a safe school environment, redesigning school facilities, and enhancing school security measures.

(2) EDUCATIONAL REFORM.—Educational reform, including high standards for all students, reductions in class size, use of technology in the classroom, talented, trained and dedicated teachers, expanded after school learning opportunities, character education, mentoring programs, and alternative disciplinary intervention.

(3) CONFLICT RESOLUTION TRAINING AND PEER MEDIATION.—Conflict resolution training and peer mediation.

(4) SAFE SCHOOL POLICIES.—Safe school policies.

(5) SCHOOL RESOURCE OFFICERS.—Providing for school resource officers who—

(A) provide schools with on-site security and a direct link to local law enforcement agencies; and

(B) perform a variety of functions aimed at combating school violence, including teaching crime prevention and substance abuse classes, monitoring troubled students, and building respect for law enforcement among students.

(b) DEFINITION OF LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $460,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004. Funds appropriated under this subsection shall remain available until expended.

TITLE ____—PROVISIONS RELATING TO SERVICES FOR CHILDREN AND ADOLESCENTS

SEC. ___01. CHILDREN AND VIOLENCE.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

''PART G—PROJECTS FOR CHILDREN AND VIOLENCE

''SEC. 581. CHILDREN AND VIOLENCE.

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Education and the Attorney General, shall carry out directly or through grants, contracts or cooperative agreements with public entities a program to assist local communities in developing ways to assist children in dealing with violence.

''(b) ACTIVITIES.—Under the program under subsection (a), the Secretary may—

''(1) provide financial support to enable local communities to implement programs to foster the health and development of children;

''(2) provide technical assistance to local communities with respect to the development of programs described in paragraph (1);

''(3) provide assistance to local communities in the development of policies to address violence when and if it occurs; and

''(4) assist in the creation of community partnerships among law enforcement, education systems, community-based youth programs, and mental health and substance abuse service systems.

''(c) REQUIREMENTS.—An application for a grant, contract or cooperative agreement under subsection (a) shall demonstrate that—

''(1) the applicant will use amounts received to create a partnership described in subsection (b)(4) to address issues of youth violence;

''(2) the activities carried out by the applicant will provide a comprehensive method for addressing violence, that will include—

''(A) security;

''(B) educational reform;

''(C) the review and updating of school policies;

''(D) alcohol and drug abuse prevention and early intervention services;

''(E) mental health prevention and treatment services, including additional counselors, elementary school counselors, psychologists, and nurses in schools; and

''(F) early childhood development and psychosocial services; and

''(3) the applicant will use amounts received only for the services described in subparagraphs (D), (E), and (F) of paragraph (2).

''(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) will be distributed equitably among the regions of the country and among urban and rural areas.

''(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years.

''(f) EVALUATION.—The Secretary shall conduct an evaluation of each project carried out under this section and shall disseminate the results of such evaluations to appropriate public and private entities.

''(g) INFORMATION AND EDUCATION.—The Secretary shall establish comprehensive information and education programs to disseminate the findings of the knowledge development and application under this section to the general public and to health care professionals.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $100,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.''.

SEC. ___02. MENTAL HEALTH SERVICES FOR VIOLENCE RELATED STRESS.

Part G of title V of the Public Health Service Act (as added by section ___01) is amended by adding at the end the following:

''SEC. 582. GRANTS TO ADDRESS THE PROBLEMS OF VIOLENCE RELATED STRESS.

''(a) IN GENERAL.—The Secretary shall award grants, contracts or cooperative agreements to public and non-profit private entities, as well as to Indian tribes and tribal organizations, for the purpose of establishing a national and regional centers of excellence on psychological trauma response and for developing knowledge with regard to best practices for treating psychiatric disorders resulting from witnessing or experiencing such stress.

''(b) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the development of knowledge on best practices for treating disorders associated with psychological trauma, the Secretary shall give priority to programs that work with children, adolescents, adults, and families who are survivors and witnesses of child abuse, domestic, school and community violence, disasters and terrorism.

''(c) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

''(d) EVALUATION.—The Secretary, as part of the application process, shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

''(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be

made to the recipient may not be less than 3 years nor more than 5 years. Such grants, contracts or agreements may be renewed.

''(f) REPORT.—Not later than 1 year after the date of enactment of this section, the General Accounting Office shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives a report concerning whether individuals are covered for post-traumatic stress disorders under public and private health plans, and the course of treatment, if any, that is covered.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.''.

SEC. ___03. TREATMENT FOR YOUTH.

(a) WRAP AROUND GRANT PROGRAM FOR DETAINED OR INCARCERATED YOUTH.—

(1) FINDINGS.—Congress makes the following findings:

(A) Four million underage youth are arrested in the United States every year and 30 percent of those arrested are likely to relapse and commit a crime within 1 year of the arrest.

(B) According to a Federal study, 60 percent of youth offenders in the juvenile justice system who are in detention programs have behavioral, mental, or emotional problems.

(C) Academic studies repeatedly find that there is a higher percentage of youth offenders in the juvenile justice system who have mental disorders than in the youth population at large.

(D) Less than 13 percent of youth offenders in the juvenile justice system who have been identified as in need of treatment receive such treatment.

(2) WRAP AROUND GRANTS FOR YOUTH.—Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.) is amended by adding at the end the following:

''SEC. 520C. WRAP AROUND GRANTS FOR YOUTH.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, and in consultation with the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Director of the Special Education Programs of the Department of Education, shall award grants on a competitive basis to State or local juvenile justice agencies to enable such agencies to provide aftercare services for youth offenders who have been discharged from the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances.

''(b) PURPOSE.—The purposes of this section are—

''(1) to address the needs of youth offenders who have been discharged from the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances;

''(2) to provide a community-based system of care for such youth offenders to prevent the youth from committing additional or more serious criminal offenses;

''(3) to provide services for youth offenders after such youth have had contact with the juvenile or criminal justice system in order to decrease the likelihood that the individuals will reoffend;

''(4) to enable State and local agencies that provide services for youth to work together with juvenile justice agencies to establish an individual treatment plan and a case management plan for each youth offender to reduce the likelihood of recidivism; and

''(5) to encourage involvement of the youth offender's family members, significant persons in the youth offender's life, and community agencies in the process of helping youth offenders resist criminal activity and remain in the community.

''(c) USE OF FUNDS.—A State or local juvenile justice agency receiving a grant under subsection (a) shall use the amounts provided under the grant—

''(1) to develop a plan describing the manner in which the agency will provide services for each youth offender who has a serious emotional disturbance and has come in contact with the juvenile or criminal justice system;

''(2) to provide a network of core services or access to such services for each youth offender, including diagnostic and evaluation services, substance abuse treatment services, outpatient mental health care services, medication management services, intensive home-based therapy, intensive day treatment services, respite care, and therapeutic foster care;

''(3) to establish a program that coordinates with other State and local agencies providing recreational, social, educational, vocational, or operational services for youth, to enable the agency receiving a grant under this section to provide community-based system of care services for each youth offender that addresses the special needs of the youth and helps the youth access all of the aforementioned services; and

''(4) using not more than 20 percent of funds received, to provide planning and transition services as described in paragraph (3) for youth offenders while such youth are incarcerated or detained.

''(d) APPLICATION.—A State or local juvenile justice agency that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(e) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a State or local juvenile justice agency receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

''(f) DEFINITIONS.—In this section:

''(1) SERIOUS EMOTIONAL DISTURBANCE.—The term 'serious emotional disturbance' with respect to a youth offender means an offender who currently, or at any time within the 1-year period ending on the day on which services are sought under this section, has a diagnosable mental, behavioral, or emotional disorder that functionally impairs the offender's life by substantially limiting the offender's role in family, school, or community activities, and interfering with the offender's ability to achieve or maintain 1 or more developmentally-appropriate social, behavior, cognitive, communicative, or adaptive skills.

''(2) COMMUNITY-BASED SYSTEM OF CARE.—The term 'community-based system of care' means the provision of services for the youth offender by various State or local agencies that in an interagency fashion or operating as a network addresses the recreational, social, educational, vocational, and operational needs of the youth offender.

''(3) YOUTH OFFENDER.—The term 'youth offender' means an individual who is 21 years of age or younger who has been discharged from a State or local juvenile or criminal justice system, except that if the individual is between the ages of 18 and 21 years, such individual has had contact with the State or local juvenile or criminal justice system prior to attaining 18 years of age and is under the jurisdiction of such a system at the time services are sought.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $40,000,000 for each of the fiscal years 2000 through 2004.''.

(b) COMPETITIVE GRANT PROGRAMS FOR YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section ___01, is further amended by adding at the end the following:

''PART H—COMPETITIVE GRANT PROGRAMS FOR YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT

''SEC. 591. GRANTS TO CONSORTIA.

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible consortia to enable such consortia to establish the programs described in subsection (c).

''(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from eligible consortia that provide services in rural areas or for Native Americans.

''(c) USE OF FUNDS.—An eligible consortium receiving amounts under subsection (a) shall use such amounts to establish school-based substance abuse prevention and student assistance programs for youth, including after school programs and elementary school counselor programs, to provide services that address youth substance abuse, including services that—

''(1) identify youth at risk for substance abuse;

''(2) refer any youth at risk for substance abuse for substance abuse treatment;

''(3) provide effective primary prevention programing;

''(4) target underserved areas, such as rural areas; and

''(5) target populations, such as Native Americans, that are underserved.

''(d) APPLICATION.—An eligible consortium that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, an eligible consortium receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

''(f) DEFINITIONS.—In this section:

''(1) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means an entity composed of a local educational agency and community-based substance abuse prevention providers and student assistance providers in which the agency and providers maintain equal responsibility in providing the services described in subsection (c).

''(2) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2000 through 2004.

''SEC. 592. GRANTS TO TREATMENT FACILITIES.

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to inpatient and outpatient treatment facilities that provide the substance abuse treatment services described in subsection (d).

''(b) ELIGIBLE APPLICANT.—To be eligible to receive a grant under subsection (a), a treatment facility must provide or propose to provide alcohol or drug treatment services for individuals under the age of 22 years.

''(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from treatment facilities that provide treatment services in rural

areas, for Native Americans, or for underserved populations.

''(d) USE OF FUNDS.—A treatment facility receiving amounts under subsection (a) shall use such amounts to provide substance abuse treatment services for youth, including community-based aftercare services that provide treatment for the period of time following an individual's discharge from a drug treatment center.

''(e) APPLICATION.—A treatment facility that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment facility receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 2000 through 2004.

''SEC. 593. GRANTS TO SUBSTANCE ABUSE PREVENTION AND TREATMENT PROVIDERS.

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to State and local substance abuse prevention and treatment providers to enable such providers to offer training to provide prevention and treatment services for youth.

''(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from areas in which—

''(1) there is a demonstrated high rate of substance abuse by youth; and

''(2) the population is identified as underserved or the prevention and treatment providers in the area use distance learning.

''(c) APPLICATION.—A treatment provider that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment provider receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,000,000 for each of the fiscal years 2000 through 2004.''.

(c) GRANT PROGRAM FOR YOUTH PREVENTION AND TREATMENT.—

SEC. ___04. GRANTS TO PRIVATE ENTITIES.

Part G of title V of the Public Health Service Act (as amended by section ___02) is further amended by adding at the end the following:

''SEC. 583. GRANTS TO PRIVATE ENTITIES.

''(a) IN GENERAL.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, public and private nonprofit entities for the purpose of providing substance abuse treatment services for youth.

''(b) USE OF FUNDS.—Amounts provided under a grant, contract, or cooperative agreement under this section shall be used to promote the development of knowledge of youth substance abuse through projects that will—

''(1) provide a continuum of integrated treatment services, including case management, for young individuals who have substance abuse problems and their family members;

''(2) offer individualized treatment services for young individuals who have substance abuse problems that take into account that individual's particular problems and his or her chronological and developmental age;

''(3) address the relationship between youth substance abuse and anti-social, aggressive, and violent behavior in youth;

''(4) address the relationship between youth substance abuse and psychiatric disorders, including depression, attention deficit disorder, attention deficit hyperactivity disorder, affective disorder, and conduct disorder;

''(5) promote projects that incorporate transitional support services for families of young substance abusers who have come in contact with the juvenile justice system;

''(6) address the barriers involved in providing substance abuse treatment, retention, and followup care;

''(7) address the special needs of young individuals who have substance abuse problems and who have been involved with juvenile justice or the child welfare system, have physical or cognitive disabilities, live in displaced conditions, or have parents who have substance abuse problems; and

''(8) apply the most successful, research-based and cost-effective methods for the treatment of substance abuse by youth.

''(c) PRIORITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall, to the extent practicable, distribute amounts in each major geographic region in the United States, in both urban and rural areas, and give priority to applications that propose to—

''(1) coordinate services with other social agencies in the community, including educational, juvenile justice, child welfare, and mental health; and

''(2) provide individualized treatment, taking the gender and culture of the individual seeking treatment into account.

''(d) DURATION OF GRANTS.—The Secretary shall not award grants, contracts, or cooperative agreements to an entity for a period of more than 5 fiscal years.

''(e) APPLICATION.—A public or private nonprofit entity that desires a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a statement detailing the manner in which the entity will evaluate projects assisted under this section; and

''(2) a statement ensuring that the entity will submit an annual report described in subsection (f).

''(f) ANNUAL REPORT.—A public or private nonprofit entity that receives a grant, contract, or cooperative agreement under subsection (a) shall prepare and submit an annual report to the Secretary that describes the projects carried out pursuant to this section.

''(g) MATCHING REQUIREMENT.—The Secretary may not award a grant, contract, or cooperative agreement to an entity under this section unless such entity agrees that, with respect to the costs to be incurred by the entity in carrying out the services for which the grant, contract, or cooperative agreement was awarded, the entity will make available non-Federal contributions toward such costs in an amount equal to—

''(1) for the first and second fiscal years for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $3 of Federal funds so provided;

''(2) for the third fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $2 of Federal funds so provided;

''(3) for the fourth fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $1 of Federal funds so provided; and

''(4) for the fifth fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $2 for each $1 of Federal funds so provided.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002.''.

TITLE ____—PROVISIONS RELATING TO SERVICES FOR CHILDREN AND ADOLESCENTS

SEC. ___01. CHILDREN AND VIOLENCE.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

''PART G—PROJECTS FOR CHILDREN AND VIOLENCE

''SEC. 581. CHILDREN AND VIOLENCE.

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Education and the Attorney General, shall carry out directly or through grants, contracts or cooperative agreements with public entities a program to assist local communities in developing ways to assist children in dealing with violence.

''(b) ACTIVITIES.—Under the program under subsection (a), the Secretary may—

''(1) provide financial support to enable local communities to implement programs to foster the health and development of children;

''(2) provide technical assistance to local communities with respect to the development of programs described in paragraph (1);

''(3) provide assistance to local communities in the development of policies to address violence when and if it occurs; and

''(4) assist in the creation of community partnerships among law enforcement, education systems, community-based youth programs, and mental health and substance abuse service systems.

''(c) REQUIREMENTS.—An application for a grant, contract or cooperative agreement under subsection (a) shall demonstrate that—

''(1) the applicant will use amounts received to create a partnership described in subsection (b)(4) to address issues of youth violence;

''(2) the activities carried out by the applicant will provide a comprehensive method for addressing violence, that will include—

''(A) security;

''(B) educational reform;

''(C) the review and updating of school policies;

''(D) alcohol and drug abuse prevention and early intervention services;

''(E) mental health prevention and treatment services, including additional counselors, elementary school counselors, psychologists, and nurses in schools; and

''(F) early childhood development and psychosocial services; and

''(3) the applicant will use amounts received only for the services described in subparagraphs (D), (E), and (F) of paragraph (2).

''(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) will be distributed equitably among the regions of the country and among urban and rural areas.

''(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be

made to the recipient may not exceed 5 years.

''(f) EVALUATION.—The Secretary shall conduct an evaluation of each project carried out under this section and shall disseminate the results of such evaluations to appropriate public and private entities.

''(g) INFORMATION AND EDUCATION.—The Secretary shall establish comprehensive information and education programs to disseminate the findings of the knowledge development and application under this section to the general public and to health care professionals.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $100,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.''.

SEC. ___02. MENTAL HEALTH SERVICES FOR VIOLENCE RELATED STRESS.

Part G of title V of the Public Health Service Act (as added by section ___01) is amended by adding at the end the following:

''SEC. 582. GRANTS TO ADDRESS THE PROBLEMS OF VIOLENCE RELATED STRESS.

''(a) IN GENERAL.—The Secretary shall award grants, contracts or cooperative agreements to public and non-profit private entities, as well as to Indian tribes and tribal organizations, for the purpose of establishing a national and regional centers of excellence on psychological trauma response and for developing knowledge with regard to best practices for treating psychiatric disorders resulting from witnessing or experiencing such stress.

''(b) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the development of knowledge on best practices for treating disorders associated with psychological trauma, the Secretary shall give priority to programs that work with children, adolescents, adults, and families who are survivors and witnesses of child abuse, domestic, school and community violence, disasters and terrorism.

''(c) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

''(d) EVALUATION.—The Secretary, as part of the application process, shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

''(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not be less than 3 years nor more than 5 years. Such grants, contracts or agreements may be renewed.

''(f) REPORT.—Not later than 1 year after the date of enactment of this section, the General Accounting Office shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives a report concerning whether individuals are covered for post-traumatic stress disorders under public and private health plans, and the course of treatment, if any, that is covered.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.''.

SEC. ___03. TREATMENT FOR YOUTH.

(a) WRAP AROUND GRANT PROGRAM FOR DETAINED OR INCARCERATED YOUTH.—

(1) FINDINGS.—Congress makes the following findings:

(A) Four million underage youth are arrested in the United States every year and 30 percent of those arrested are likely to relapse and commit a crime within 1 year of the arrest.

(B) According to a Federal study, 60 percent of youth offenders in the juvenile justice system who are in detention programs have behavioral, mental, or emotional problems.

(C) Academic studies repeatedly find that there is a higher percentage of youth offenders in the juvenile justice system who have mental disorders than in the youth population at large.

(D) Less than 13 percent of youth offenders in the juvenile justice system who have been identified as in need of treatment receive such treatment.

(2) WRAP AROUND GRANTS FOR YOUTH.—Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.) is amended by adding at the end the following:

''SEC. 520C. WRAP AROUND GRANTS FOR YOUTH.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, and in consultation with the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Director of the Special Education Programs of the Department of Education, shall award grants on a competitive basis to State or local juvenile justice agencies to enable such agencies to provide aftercare services for youth offenders who have been discharged from the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances.

''(b) PURPOSE.—The purposes of this section are—

''(1) to address the needs of youth offenders who have been discharged from the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances;

''(2) to provide a community-based system of care for such youth offenders to prevent the youth from committing additional or more serious criminal offenses;

''(3) to provide services for youth offenders after such youth have had contact with the juvenile or criminal justice system in order to decrease the likelihood that the individuals will reoffend;

''(4) to enable State and local agencies that provide services for youth to work together with juvenile justice agencies to establish an individual treatment plan and a case management plan for each youth offender to reduce the likelihood of recidivism; and

''(5) to encourage involvement of the youth offender's family members, significant persons in the youth offender's life, and community agencies in the process of helping youth offenders resist criminal activity and remain in the community.

''(c) USE OF FUNDS.—A State or local juvenile justice agency receiving a grant under subsection (a) shall use the amounts provided under the grant—

''(1) to develop a plan describing the manner in which the agency will provide services for each youth offender who has a serious emotional disturbance and has come in contact with the juvenile or criminal justice system;

''(2) to provide a network of core services or access to such services for each youth offender, including diagnostic and evaluation services, substance abuse treatment services, outpatient mental health care services, medication management services, intensive home-based therapy, intensive day treatment services, respite care, and therapeutic foster care;

''(3) to establish a program that coordinates with other State and local agencies providing recreational, social, educational, vocational, or operational services for youth, to enable the agency receiving a grant under this section to provide community-based system of care services for each youth offender that addresses the special needs of the youth and helps the youth access all of the aforementioned services; and

''(4) using not more than 20 percent of funds received, to provide planning and transition services as described in paragraph (3) for youth offenders while such youth are incarcerated or detained.

''(d) APPLICATION.—A State or local juvenile justice agency that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(e) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a State or local juvenile justice agency receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

''(f) DEFINITIONS.—In this section:

''(1) SERIOUS EMOTIONAL DISTURBANCE.—The term 'serious emotional disturbance' with respect to a youth offender means an offender who currently, or at any time within the 1-year period ending on the day on which services are sought under this section, has a diagnosable mental, behavioral, or emotional disorder that functionally impairs the offender's life by substantially limiting the offender's role in family, school, or community activities, and interfering with the offender's ability to achieve or maintain 1 or more developmentally-appropriate social, behavior, cognitive, communicative, or adaptive skills.

''(2) COMMUNITY-BASED SYSTEM OF CARE.—The term 'community-based system of care' means the provision of services for the youth offender by various State or local agencies that in an interagency fashion or operating as a network addresses the recreational, social, educational, vocational, and operational needs of the youth offender.

''(3) YOUTH OFFENDER.—The term 'youth offender' means an individual who is 21 years of age or younger who has been discharged from a State or local juvenile or criminal justice system, except that if the individual is between the ages of 18 and 21 years, such individual has had contact with the State or local juvenile or criminal justice system prior to attaining 18 years of age and is under the jurisdiction of such a system at the time services are sought.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $40,000,000 for each of the fiscal years 2000 through 2004.''.

(b) COMPETITIVE GRANT PROGRAMS FOR YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section ___01, is further amended by adding at the end the following:

''PART H—COMPETITIVE GRANT PROGRAMS FOR YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT

''SEC. 591. GRANTS TO CONSORTIA.

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible consortia to enable such consortia to establish the programs described in subsection (c).

''(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from eligible consortia that provide services in rural areas or for Native Americans.

''(c) USE OF FUNDS.—An eligible consortium receiving amounts under subsection (a) shall use such amounts to establish school-based substance abuse prevention and student assistance programs for youth, including after school programs and elementary school counselor programs, to provide services that address youth substance abuse, including services that—

''(1) identify youth at risk for substance abuse;

''(2) refer any youth at risk for substance abuse for substance abuse treatment;

''(3) provide effective primary prevention programing;

''(4) target underserved areas, such as rural areas; and

''(5) target populations, such as Native Americans, that are underserved.

''(d) APPLICATION.—An eligible consortium that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, an eligible consortium receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

''(f) DEFINITIONS.—In this section:

''(1) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means an entity composed of a local educational agency and community-based substance abuse prevention providers and student assistance providers in which the agency and providers maintain equal responsibility in providing the services described in subsection (c).

''(2) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2000 through 2004.''.

''SEC. 592. GRANTS TO TREATMENT FACILITIES.

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to inpatient and outpatient treatment facilities that provide the substance abuse treatment services described in subsection (d).

''(b) ELIGIBLE APPLICANT.—To be eligible to receive a grant under subsection (a), a treatment facility must provide or propose to provide alcohol or drug treatment services for individuals under the age of 22 years.

''(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from treatment facilities that provide treatment services in rural areas, for Native Americans, or for underserved populations.

''(d) USE OF FUNDS.—A treatment facility receiving amounts under subsection (a) shall use such amounts to provide substance abuse treatment services for youth, including community-based aftercare services that provide treatment for the period of time following an individual's discharge from a drug treatment center.

''(e) APPLICATION.—A treatment facility that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment facility receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 2000 through 2004.

''SEC. 593. GRANTS TO SUBSTANCE ABUSE PREVENTION AND TREATMENT PROVIDERS.

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to State and local substance abuse prevention and treatment providers to enable such providers to offer training to provide prevention and treatment services for youth.

''(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from areas in which—

''(1) there is a demonstrated high rate of substance abuse by youth; and

''(2) the population is identified as underserved or the prevention and treatment providers in the area use distance learning.

''(c) APPLICATION.—A treatment provider that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment provider receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,000,000 for each of the fiscal years 2000 through 2004.

(c) GRANT PROGRAM FOR YOUTH PREVENTION AND TREATMENT.—

SEC. ___04. GRANTS TO PRIVATE ENTITIES.

Part G of title V of the Public Health Service Act (as amended by section ___02) is further amended by adding at the end the following:

''SEC. 583. GRANTS TO PRIVATE ENTITIES.

''(a) IN GENERAL.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, public and private nonprofit entities for the purpose of providing substance abuse treatment services for youth.

''(b) USE OF FUNDS.—Amounts provided under a grant, contract, or cooperative agreement under this section shall be used to promote the development of knowledge of youth substance abuse through projects that will—

''(1) provide a continuum of integrated treatment services, including case management, for young individuals who have substance abuse problems and their family members;

''(2) offer individualized treatment services for young individuals who have substance abuse problems that take into account that individual's particular problems and his or her chronological and developmental age;

''(3) address the relationship between youth substance abuse and anti-social, aggressive, and violent behavior in youth;

''(4) address the relationship between youth substance abuse and psychiatric disorders, including depression, attention deficit disorder, attention deficit hyperactivity disorder, affective disorder, and conduct disorder;

''(5) promote projects that incorporate transitional support services for families of young substance abusers who have come in contact with the juvenile justice system;

''(6) address the barriers involved in providing substance abuse treatment, retention, and followup care;

''(7) address the special needs of young individuals who have substance abuse problems and who have been involved with juvenile justice or the child welfare system, have physical or cognitive disabilities, live in displaced conditions, or have parents who have substance abuse problems; and

''(8) apply the most successful, research-based and cost-effective methods for the treatment of substance abuse by youth.

''(c) PRIORITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall, to the extent practicable, distribute amounts in each major geographic region in the United States, in both urban and rural areas, and give priority to applications that propose to—

''(1) coordinate services with other social agencies in the community, including educational, juvenile justice, child welfare, and mental health; and

''(2) provide individualized treatment, taking the gender and culture of the individual seeking treatment into account.

''(d) DURATION OF GRANTS.—The Secretary shall not award grants, contracts, or cooperative agreements to an entity for a period of more than 5 fiscal years.

''(e) APPLICATION.—A public or private nonprofit entity that desires a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a statement detailing the manner in which the entity will evaluate projects assisted under this section; and

''(2) a statement ensuring that the entity will submit an annual report described in subsection (f).

''(f) ANNUAL REPORT.—A public or private nonprofit entity that receives a grant, contract, or cooperative agreement under subsection (a) shall prepare and submit an annual report to the Secretary that describes the projects carried out pursuant to this section.

''(g) MATCHING REQUIREMENT.—The Secretary may not award a grant, contract, or cooperative agreement to an entity under this section unless such entity agrees that, with respect to the costs to be incurred by the entity in carrying out the services for which the grant, contract, or cooperative agreement was awarded, the entity will make available non-Federal contributions toward such costs in an amount equal to—

''(1) for the first and second fiscal years for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $3 of Federal funds so provided;

''(2) for the third fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $2 of Federal funds so provided;

''(3) for the fourth fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $1 of Federal funds so provided; and

''(4) for the fifth fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $2 for each $1 of Federal funds so provided.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002.''.

LEAHY (AND OTHERS) AMENDMENT NO. 327

Mr. LEAHY (for himself, Mr. DASCHLE, and Mr. ROBB) proposed an amendment to the bill, S. 254, supra; as follows:

Strike all after subsection (a) of section 1, and insert the following:

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—MORE POLICE OFFICERS ON THE BEAT

Subtitle A—Expansion of COPS Program

SEC. 111. MORE POLICE OFFICERS IN SCHOOLS.

Section 1001(a)(11)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)(A)) is amended—

(1) in clause (v), by striking ''and'' at the end;

(2) in clause (vi), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(vii) $100,000,000 for fiscal year 2001; and

''(viii) $100,000,000 for fiscal year 2002.''.

SEC. 112. WAIVER FOR LOCAL MATCH REQUIREMENT FOR COPS IN SCHOOLS.

Section 1701(i) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(i)) is amended by adding at the end of the first sentence the following: ''The Attorney General shall waive the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity that hires law enforcement officers for placement in public schools.''.

SEC. 113. TECHNICAL AMENDMENT.

Section 1001(a)(11)(B) of the Omnibus Crime Control and Safe Streets Act of 1968

(42 U.S.C. 3793(a)(11)(B)) is amended by striking ''150,000'' each place it appears and inserting ''100,000''.

Subtitle B—Assistance to Local Law Enforcement

SEC. 121. EXTENSION OF LAW ENFORCEMENT FAMILY SUPPORT FUNDING.

Section 1001(a)(21) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(21)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(2) in subparagraph (D), as redesignated, by striking ''and'' at the end;

(3) in subparagraph (E), as redesignated, by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(F) $7,500,000 for fiscal year 2001; and

''(G) $7,500,000 for fiscal year 2002.''.

SEC. 122. EXTENSION OF RURAL DRUG ENFORCEMENT AND TRAINING FUNDING.

(a) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 1001(a)(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(9)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(F) $66,000,000 for fiscal year 2001; and

''(G) $66,000,000 for fiscal year 2002.''.

(b) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Section 18103(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14082(b)) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) $1,000,000 for fiscal year 2001; and

''(7) $1,000,000 for fiscal year 2002.''.

SEC. 123. EXTENSION OF BYRNE GRANT FUNDING.

Section 210101 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2061) is amended—

(1) by striking ''through 2000'' and inserting ''through 2002'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(7) $500,000,000 for fiscal year 2001; and

''(8) $500,000,000 for fiscal year 2002.''.

SEC. 124. EXTENSION OF GRANTS FOR STATE COURT PROSECUTORS.

Section 21602 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14161) is amended—

(1) in subsection (a)—

(A) by striking ''other criminal justice participants'' and inserting ''other criminal justice participants, in both the adult and juvenile systems,'';

(B) by striking ''this Act'' and all that follows before the period at the end of the section and inserting ''this Act, Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, and amendments thereto'';

(2) by redesignating subsection (d) as subsection (e);

(3) by inserting after subsection (c) the following:

''(d) Not less than 20 percent of the total amount appropriated to carry out this subtitle in each of fiscal years 2001 and 2002 shall be made available for providing increased resources to State juvenile courts systems, juvenile prosecutors, juvenile public defenders, and other juvenile court system participants.'';

(4) in subsection (e)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the comma at the end and inserting a semicolon; and

(C) by inserting immediately after paragraph (5) the following:

''(6) $100,000,000 for fiscal year 2001; and

''(7) $100,000,000 for fiscal year 2002,''.

Subtitle C—Extension of Violent Crime Reduction Trust Fund

SEC. 131. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(b)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(7) for fiscal year 2001, $6,500,000,000; and

''(8) for fiscal year 2002, $6,500,000,000.''.

(b) REDUCTION IN DISCRETIONARY SPENDING LIMITS.—Beginning on the date of enactment of this Act, the discretionary spending limits set forth in section 601(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) (as adjusted in conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and in the Senate, with section 301 of House Concurrent Resolution 178 (104th Congress)) for fiscal years 2001 through 2002 are reduced as follows:

(1) For fiscal year 2001, for the discretionary category: $6,500,000,000 in new budget authority and $6,225,000,000 in outlays.

(2) For fiscal year 2002, for the discretionary category: $6,500,000,000 in new budget authority and $6,225,000,000 in outlays.

TITLE II—PROTECTING CHILDREN FROM DANGEROUS DRUGS

Subtitle A—Targeting Serious Drug Crimes

SEC. 211. INCREASED PENALTIES FOR USING MINORS TO DISTRIBUTE DRUGS.

Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b), by striking ''one year'' and inserting ''three years'';

(2) in subsection (c), by striking ''one year'' and inserting ''five years''; and

(3) by striking subsection (e) and inserting the following:

''(e) PROBATION PROHIBITED.—In the case of any sentence imposed under this section, probation shall not be granted.''.

SEC. 212. INCREASED PENALTIES FOR DISTRIBUTING DRUGS TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a), by striking ''one year'' and inserting ''three years'';

(2) in subsection (b), by striking ''one year'' and inserting ''five years''; and

(3) in subsections (a) and (b), by striking ''under twenty-one'' each place it appears and inserting ''under eighteen''.

SEC. 213. INCREASED PENALTY FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (b), by striking ''three years'' each place it appears and inserting ''5 years''.

SEC. 214. INCREASED PENALTIES FOR USING FEDERAL PROPERTY TO GROW OR MANUFACTURE CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Section 401(b)(5) of the Controlled Substances Act (21 U.S.C. 841(b)(5)) is amended to read as follows:

''(5) Any person who violates subsection (a) of this section by cultivating or manufacturing a controlled substance on any property in whole or in part owned by or leased to the United States or any department or agency thereof shall be subject to twice the maximum punishment otherwise authorized for the offense.''.

(b) SENTENCING ENHANCEMENT.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement for any offense under section 401(b)(5) of the Controlled Substances Act (21 U.S.C. 841(b)(5)) that occurs on Federal property.

(2) CONSISTENCY.—In carrying out this section, the United States Sentencing Commission shall—

(A) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(B) avoid duplicative punishment for substantially the same offense.

SEC. 215. CLARIFICATION OF LENGTH OF SUPERVISED RELEASE TERMS IN CONTROLLED SUBSTANCE CASES.

Subparagraphs (A) through (D) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) are each amended by striking ''Any sentence'' and inserting ''Notwithstanding section 3583 of title 18, any sentence''.

SEC. 216. SUPERVISED RELEASE PERIOD AFTER CONVICTION FOR CONTINUING CRIMINAL ENTERPRISE.

Section 848(a) of title 21, United States Code, is amended by adding to the end of the following: ''Any sentence under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of not less than 10 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of not less than 15 years in addition to such term of imprisonment.''

Subtitle B—Drug Treatment For Juveniles

SEC. 221. DRUG TREATMENT FOR JUVENILES.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

''PART G—RESIDENTIAL TREATMENT PROGRAMS FOR JUVENILES

''SEC. 575. RESIDENTIAL TREATMENT PROGRAMS FOR JUVENILES.

''(a) IN GENERAL.—The Director of the Center for Substance Abuse Treatment shall award grants to, or enter into cooperative agreements or contracts, with public and nonprofit private entities for the purpose of providing treatment to juveniles for substance abuse through programs in which, during the course of receiving such treatment the juveniles reside in facilities made available by the programs.

''(b) AVAILABILITY OF SERVICES FOR EACH PARTICIPANT.—A funding agreement for an award under subsection (a) for an applicant is that, in the program operated pursuant to such subsection—

''(1) treatment services will be available through the applicant, either directly or through agreements with other public or nonprofit private entities; and

''(2) the services will be made available to each person admitted to the program.

''(c) INDIVIDUALIZED PLAN OF SERVICES.—A funding agreement for an award under subsection (a) for an applicant is that—

''(1) in providing authorized services for an eligible person pursuant to such subsection, the applicant will, in consultation with the juvenile and, if appropriate the parent or guardian of the juvenile, prepare an individualized plan for the provision to the juvenile or young adult of the services; and

''(2) treatment services under the plan will include—

''(A) individual, group, and family counseling, as appropriate, regarding substance abuse; and

''(B) followup services to assist the juvenile or young adult in preventing a relapse into such abuse.

''(d) ELIGIBLE SUPPLEMENTAL SERVICES.—Grants under subsection (a) may be used to provide an eligible juvenile, the following services:

''(1) HOSPITAL REFERRALS.—Referrals for necessary hospital services.

''(2) HIV AND AIDS COUNSELING.—Counseling on the human immunodeficiency virus and on acquired immune deficiency syndrome.

''(3) DOMESTIC VIOLENCE AND SEXUAL ABUSE COUNSELING.—Counseling on domestic violence and sexual abuse.

''(4) PREPARATION FOR REENTRY INTO SOCIETY.—Planning for and counseling to assist reentry into society, both before and after discharge, including referrals to any public or nonprofit private entities in the community involved that provide services appropriate for the juvenile.

''(e) MINIMUM QUALIFICATIONS FOR RECEIPT OF AWARD.—

''(1) CERTIFICATION BY RELEVANT STATE AGENCY.—With respect to the principal agency of a State or Indian tribe that administers programs relating to substance abuse, the Director may award a grant to, or enter into a cooperative agreement or contract with, an applicant only if the agency or Indian tribe has certified to the Director that—

''(A) the applicant has the capacity to carry out a program described in subsection (a);

''(B) the plans of the applicant for such a program are consistent with the policies of such agency regarding the treatment of substance abuse; and

''(C) the applicant, or any entity through which the applicant will provide authorized services, meets all applicable State licensure or certification requirements regarding the provision of the services involved.

''(2) STATUS AS MEDICAID PROVIDER.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Director may make a grant, or enter into a cooperative agreement or contract, under subsection (a) only if, in the case of any authorized service that is available pursuant to the State plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for the State involved—

''(i) the applicant for the grant, cooperative agreement, or contract will provide the service directly, and the applicant has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

''(ii) the applicant will enter into an agreement with a public or nonprofit private entity under which the entity will provide the service, and the entity has entered into such a participation agreement plan and is qualified to receive such payments.

''(B) SERVICES.—

''(i) IN GENERAL.—In the case of an entity making an agreement pursuant to subparagraph (A)(ii) regarding the provision of services, the requirement established in such subparagraph regarding a participation agreement shall be waived by the Director if the entity does not, in providing health care services, impose a charge or accept reimbursement available from any third party payor, including reimbursement under any insurance policy or under any Federal or State health benefits plan.

''(ii) VOLUNTARY DONATIONS.—A determination by the Director of whether an entity referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the entity accepts voluntary donations regarding the provision of services to the public.

''(C) MENTAL DISEASES.—

''(i) IN GENERAL.—With respect to any authorized service that is available pursuant to the State plan described in subparagraph (A), the requirements established in such subparagraph shall not apply to the provision of any such service by an institution for mental diseases to an individual who has attained 21 years of age and who has not attained 65 years of age.

''(ii) DEFINITION OF INSTITUTION FOR MENTAL DISEASES.—In this subparagraph, the term 'institution for mental diseases' has the same meaning as in section 1905(i) of the Social Security Act (42 U.S.C. 1396d(i)).

''(f) REQUIREMENTS FOR MATCHING FUNDS.—

''(1) IN GENERAL.—With respect to the costs of the program to be carried out by an applicant pursuant to subsection (a), a funding agreement for an award under such subsection is that the applicant will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that—

''(A) for the first fiscal year for which the applicant receives payments under an award under such subsection, is not less than $1 for each $9 of Federal funds provided in the award;

''(B) for any second such fiscal year, is not less than $1 for each $9 of Federal funds provided in the award; and

''(C) for any subsequent such fiscal year, is not less than $1 for each $3 of Federal funds provided in the award.

''(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(g) OUTREACH.—A funding agreement for an award under subsection (a) for an applicant is that the applicant will provide outreach services in the community involved to identify juveniles who are engaging in substance abuse and to encourage the juveniles to undergo treatment for such abuse.

''(h) ACCESSIBILITY OF PROGRAM.—A funding agreement for an award under subsection (a) for an applicant is that the program operated pursuant to such subsection will be operated at a location that is accessible to low income juveniles.

''(i) CONTINUING EDUCATION.—A funding agreement for an award under subsection (a) is that the applicant involved will provide for continuing education in treatment services for the individuals who will provide treatment in the program to be operated by the applicant pursuant to such subsection.

''(j) IMPOSITION OF CHARGES.—A funding agreement for an award under subsection (a) for an applicant is that, if a charge is imposed for the provision of authorized services to or on behalf of an eligible juvenile, such charge—

''(1) will be made according to a schedule of charges that is made available to the public;

''(2) will be adjusted to reflect the economic condition of the juvenile involved; and

''(3) will not be imposed on any such juvenile whose family has an income of less than 185 percent of the official poverty line, as established by the Director of the Office for Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)).

''(k) REPORTS TO DIRECTOR.—A funding agreement for an award under subsection (a) is that the applicant involved will submit to the Director a report—

''(1) describing the utilization and costs of services provided under the award;

''(2) specifying the number of juveniles served, and the type and costs of services provided; and

''(3) providing such other information as the Director determines to be appropriate.

''(*l*) REQUIREMENT OF APPLICATION.—The Director may make an award under subsection (a) only if an application for the award is submitted to the Director containing such agreements, and the application is in such form, is made in such manner, and contains such other agreements and such assurances and information as the Director determines to be necessary to carry out this section.

''(m) EQUITABLE ALLOCATION OF AWARDS.—In making awards under subsection (a), the Director shall ensure that the awards are equitably allocated among the principal geographic regions of the United States, as well as among Indian tribes, subject to the availability of qualified applicants for the awards.

''(n) DURATION OF AWARD.—

''(1) IN GENERAL.—The period during which payments are made to an entity from an award under this section may not exceed 5 years.

''(2) APPROVAL OF DIRECTOR.—The provision of payments described in paragraph (1) shall be subject to—

''(A) annual approval by the Director of the payments; and

''(B) the availability of appropriations for the fiscal year at issue to make the payments.

''(3) NO LIMITATION.—This subsection may not be construed to establish a limitation on the number of awards that may be made to an entity under this section.

''(o) EVALUATIONS; DISSEMINATION OF FINDINGS.—The Director shall, directly or through contract, provide for the conduct of evaluations of programs carried out pursuant to subsection (a). The Director shall disseminate to the States the findings made as a result of the evaluations.

''(p) REPORTS TO CONGRESS.—

''(1) INITIAL REPORT.—Not later than October 1, 2000, the Director shall submit to the Committee on the Judiciary of the House of Representatives, and to the Committee on the Judiciary of the Senate, a report describing programs carried out pursuant to this section.

''(2) PERIODIC REPORTS.—

''(A) IN GENERAL.—Not less than biennially after the date described in paragraph (1), the Director shall prepare a report describing programs carried out pursuant to this section during the preceding 2-year period, and shall submit the report to the Administrator for inclusion in the biennial report under section 501(k).

''(B) SUMMARY.—Each report under this subsection shall include a summary of any evaluations conducted under subsection (m) during the period with respect to which the report is prepared.

''(q) DEFINITIONS.—In this section:

''(1) AUTHORIZED SERVICES.—The term 'authorized services' means treatment services and supplemental services.

''(2) JUVENILE.—The term 'juvenile' means anyone 18 years of age or younger at the

time that of admission to a program operated pursuant to subsection (a).

''(3) ELIGIBLE JUVENILE.—The term 'eligible juvenile' means a juvenile who has been admitted to a program operated pursuant to subsection (a).

''(4) FUNDING AGREEMENT UNDER SUBSECTION (A).—The term 'funding agreement under subsection (a)', with respect to an award under subsection (a), means that the Director may make the award only if the applicant makes the agreement involved.

''(5) TREATMENT SERVICES.—The term 'treatment services' means treatment for substance abuse, including the counseling and services described in subsection (c)(2).

''(6) SUPPLEMENTAL SERVICES.—The term 'supplemental services' means the services described in subsection (d).

''(r) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section and section 576 there is authorized to be appropriated from the Violent Crime Reduction Trust Fund—

''(A) $100,000 for fiscal year 2000; $200,000 for fiscal year 2001; and

''(B) such sums as may be necessary for fiscal year 2002.

''(2) TRANSFER.—For the purpose described in paragraph (1), in addition to the amounts authorized in such paragraph to be appropriated for a fiscal year, there is authorized to be appropriated for the fiscal year from the special forfeiture fund of the Director of the Office of National Drug Control Policy such sums as may be necessary.

''(3) RULE OF CONSTRUCTION.—The amounts authorized in this subsection to be appropriated are in addition to any other amounts that are authorized to be appropriated and are available for the purpose described in paragraph (1).

''SEC. 576. OUTPATIENT TREATMENT PROGRAMS FOR JUVENILES.

''(a) GRANTS.—The Secretary of Health and Human Services, acting through the Director of the Center for Substance Abuse Treatment, shall make grants to establish projects for the outpatient treatment of substance abuse among juveniles.

''(b) PREVENTION.—Entities receiving grants under this section shall engage in activities to prevent substance abuse among juveniles.

''(c) EVALUATION.—The Secretary of Health and Human Services shall evaluate projects carried out under subsection (a) and shall disseminate to appropriate public and private entities information on effective projects.''.

Subtitle C—Drug Courts

SEC. 231. REAUTHORIZATION OF DRUG COURTS PROGRAM.

(a) Section 114(b)(1)(A) of title I of Public Law 104–134 is repealed.

(b) Section 1001(a)(20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(20)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(G) $200,000,000 for fiscal year 2001; and

''(H) $200,000,000 for fiscal year 2002.''.

SEC. 232. JUVENILE DRUG COURTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part Z as part AA;

(2) by redesignating section 2601 as 2701; and

(3) by inserting after part Y the following:

''PART Z—JUVENILE DRUG COURTS

''SEC. 2601. GRANT AUTHORITY.

''(a) APPROPRIATE DRUG COURT PROGRAMS.—The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribes to establish programs that—

''(1) involve continuous early judicial supervision over juvenile offenders, other than violent juvenile offenders with substance abuse, or substance abuse-related problems; and

''(2) integrate administration of other sanctions and services, including—

''(A) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

''(B) substance abuse treatment for each participant;

''(C) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress;

''(D) programmatic, offender management, and aftercare services such as relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support service for each participant who requires such services;

''(E) payment by the offender of treatment costs, to the extent practicable, such as costs for urinalysis or counseling; or

''(F) payment by the offender of restitution, to the extent practicable, to either a victim of the offense at issue or to a restitution or similar victim support fund.

''(b) CONTINUED AVAILABILITY OF GRANT FUNDS.—Amounts made available under this part shall remain available until expended.

''SEC. 2602. PROHIBITION OF PARTICIPATION BY VIOLENT OFFENDERS.

''The Attorney General shall issue regulations and guidelines to ensure that the programs authorized in this part do not permit participation by violent offenders.

''SEC. 2603. DEFINITION.

''In this part, the term 'violent offender' means an individual charged with an offense during the course of which—

''(1) the individual carried, possessed, or used a firearm or dangerous weapon;

''(2) the death of or serious bodily injury of another person occurred as a direct result of the commission of such offense; or

''(3) the individual used force against the person of another.

''SEC. 2604. ADMINISTRATION.

''(a) REGULATORY AUTHORITY.—The Attorney General shall issue any regulations and guidelines necessary to carry out this part.

''(b) APPLICATIONS.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall—

''(1) include a long term strategy and detailed implementation plan;

''(2) explain the inability of the applicant to fund the program adequately without Federal assistance;

''(3) certify that the Federal support provided will be used to supplement, and not supplant, State, tribal, or local sources of funding that would otherwise be available;

''(4) identify related governmental or community initiatives that complement or will be coordinated with the proposal;

''(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

''(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the drug court program;

''(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

''(8) describe the methodology that will be used in evaluating the program.

''SEC. 2605. APPLICATIONS.

''To request funds under this part, the chief executive or the chief justice of a State, or the chief executive or chief judge of a unit of local government or Indian tribe shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

''SEC. 2606. FEDERAL SHARE.

''(a) IN GENERAL.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2605 for the fiscal year for which the program receives assistance under this part.

''(b) WAIVER.—The Attorney General may waive, in whole or in part, the requirement of a matching contribution under subsection (a).

''(c) IN-KIND CONTRIBUTIONS.—In-kind contributions may constitute a portion of the non-Federal share of a grant under this part.

''SEC. 2607. DISTRIBUTION OF FUNDS.

''(a) GEOGRAPHICAL DISTRIBUTION.—The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made.

''(b) INDIAN TRIBES.—The Attorney General shall allocate 0.75 percent of amounts made available under this subtitle for grants to Indian tribes.

''SEC. 2608. REPORT.

''A State, Indian tribe, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General, in March of the year following receipt of a grant under this part, a report regarding the effectiveness of programs established pursuant to this part.

''SEC. 2609. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

''(a) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.

''(b) EVALUATIONS.—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.

''(c) ADMINISTRATION.—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.

''SEC. 2610. UNAWARDED FUNDS.

''The Attorney General may reallocate any grant funds that are not awarded for juvenile drug courts under this part for use for other juvenile delinquency and crime prevention initiatives.

''SEC. 2611. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part from the Violent Crime Reduction Trust Fund—

''(1) $50,000,000 for fiscal year 2000; and

''(2) such sums as may be necessary for of fiscal years 2001 and 2002.''.

Subtitle D—Improving Effectiveness of Youth Crime and Drug Prevention Efforts

SEC. 241. COMPREHENSIVE STUDY BY NATIONAL ACADEMY OF SCIENCES.

(a) IN GENERAL.—The Attorney General shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies—

(1) to evaluate the effectiveness of federally funded programs for preventing youth violence and youth substance abuse;

(2) to evaluate the effectiveness of federally funded grant programs for preventing criminal victimization of juveniles;

(3) to identify specific Federal programs and programs that receive Federal funds that contribute to reductions in youth violence, youth substance abuse, and risk factors among youth that lead to violent behavior and substance abuse;

(4) to identify specific programs that have not achieved their intended results; and

(5) to make specific recommendations on programs that—

(A) should receive continued or increased funding because of their proven success; or

(B) should have their funding terminated or reduced because of their lack of effectiveness.

(b) NATIONAL ACADEMY OF SCIENCES.—The Attorney General shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study or studies described in subsection (a). If the Academy declines to conduct the study, the Attorney General shall carry out such subsection through other public or nonprofit private entities.

(c) ASSISTANCE.—In conducting the study under subsection (a) the contracting party may obtain analytic assistance, data, and other relevant materials from the Department of Justice and any other appropriate Federal agency.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than January 1, 2000, the Attorney General shall submit a report describing the findings made as a result of the study required by subsection (a) to the Committee on the Judiciary and the Committee on Economic and Educational Opportunity of the House of Representatives and the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate.

(2) CONTENTS.—The report required by this subsection shall contain specific recommendations concerning funding levels for the programs evaluated. Reports on the effectiveness of such programs and recommendations on funding shall be provided to the appropriate subcommittees of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(e) FUNDING.—There are authorized to be appropriated to carry out the study under subsection (a) $1,000,000.

SEC. 242. EVALUATION OF CRIME PREVENTION PROGRAMS.

The Attorney General, with respect to the programs in this title shall provide, directly or through grants and contracts, for the comprehensive and thorough evaluation of the effectiveness of each program established by this Act and the amendments made by this Act.

SEC. 243. EVALUATION AND RESEARCH CRITERIA.

(a) INDEPENDENT EVALUATIONS AND RESEARCH.—Evaluations and research studies conducted pursuant to this subtitle shall be independent in nature, and shall employ rigorous and scientifically recognized standards and methodologies.

(b) CONTENT OF EVALUATIONS.—Evaluations conducted pursuant to this title may include comparison between youth participating in the programs and the community at large of rates of—

(1) delinquency, youth crime, youth gang activity, youth substance abuse, and other high risk factors;

(2) risk factors in young people that contribute to juvenile violence, including academic failure, excessive school absenteeism, and dropping out of school;

(3) risk factors in the community, schools, and family environments that contribute to youth violence; and

(4) criminal victimizations of youth.

SEC. 244. COMPLIANCE WITH EVALUATION MANDATE.

The Attorney General may require the recipients of Federal assistance for programs under this Act to collect, maintain, and report information considered to be relevant to any evaluation conducted pursuant to section 242, and to conduct and participate in specified evaluation and assessment activities and functions.

SEC. 245. RESERVATION OF AMOUNTS FOR EVALUATION AND RESEARCH.

(a) IN GENERAL.—The Attorney General, with respect to this title shall reserve not less than 2 percent, and not more than 4 percent, of the amounts made available pursuant to such titles and the amendments made by such titles in each fiscal year to carry out the evaluation and research required by this title.

(b) ASSISTANCE TO GRANTEES AND EVALUATED PROGRAMS.—To facilitate the conduct and defray the costs of crime prevention program evaluation and research, the Attorney General shall use amounts reserved under this section to provide compliance assistance to grantees under this Act who are selected to participate in evaluations pursuant to section 242.

SEC. 246. SENSE OF SENATE REGARDING FUNDING FOR PROGRAMS DETERMINED TO BE INEFFECTIVE.

It is the sense of the Senate that programs identified in the study performed pursuant to section 241 as being ineffective in addressing juvenile crime and substance abuse should not receive Federal funding in any fiscal year following the issuance of such study.

TITLE III—PROTECTING CHILDREN FROM GUNS

Subtitle A—Gun Offenses

SEC. 311. PROHIBITION ON TRANSFER TO AND POSSESSION BY JUVENILES OF SEMIAUTOMATIC ASSAULT WEAPONS AND LARGE CAPACITY AMMUNITION FEEDING DEVICES AND ENHANCED CRIMINAL PENALTIES FOR TRANSFERS OF HANDGUNS, AMMUNITION, SEMIAUTOMATIC ASSAULT WEAPONS, AND LARGE CAPACITY AMMUNITION FEEDING DEVICES TO JUVENILES.

(a) PROHIBITION.—Section 922(x) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(C) a semiautomatic assault weapon; or

''(D) a large capacity ammunition feeding device.''; and

(3) in paragraph (3)—

(A) in subparagraph (B), by inserting '', semiautomatic assault weapon, or large capacity ammunition feeding device'' after ''handgun''; and

(B) in subparagraph (D), by striking ''or ammunition'' and inserting '', ammunition, semiautomatic assault weapon, or large capacity ammunition feeding device''.

(b) ENHANCED PENALTIES.—Section 924(a)(6)(B)(i) of title 18, United States Code, is amended by striking ''1 year'' and inserting ''5 years''.

SEC. 312. JUVENILE HANDGUN SAFETY.

(a) JUVENILE HANDGUN SAFETY.—Section 924(a)(6) of title 18, United States Code, is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (A); and

(3) in subparagraph (A), as redesignated—

(A) by striking ''A person other than a juvenile who knowingly'' and inserting ''A person who knowingly''; and

(B) in clause (i), by striking ''not more than 1 year'' and inserting ''not more than 5 years''.

SEC. 313. SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL PREDICATES.

Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by adding ''or'' at the end; and

(3) by adding at the end the following:

''(iii) any act of juvenile delinquency that, if committed by an adult, would be an offense described in this paragraph;''.

SEC. 314. INCREASED PENALTY FOR TRANSFERRING A FIREARM TO A MINOR FOR USE IN CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.

Section 924(h) of title 18, United States Code, is amended by striking ''10 years, fined in accordance with this title, or both'' and inserting ''10 years, and if the transferee is a person who is under 18 years of age, imprisoned for a term of not more than 15 years, fined in accordance with this title, or both''.

SEC. 315. INCREASED PENALTY FOR FIREARMS CONSPIRACY.

Section 924 of title 18, United States Code, is amended by adding at the end the following:

''(p) Except as otherwise provided in this section, a person who conspires to commit an offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which is the object of the conspiracy.''.

Subtitle B—Local Gun Violence Prevention Programs

SEC. 321. COMPETITIVE GRANTS FOR CHILDREN'S FIREARM SAFETY EDUCATION.

(a) PURPOSES.—The purposes of this section are—

(1) to award grants to assist local educational agencies, in consultation with community groups and law enforcement agencies, to educate children about preventing gun violence; and

(2) to assist communities in developing partnerships between public schools, community organizations, law enforcement, and parents in educating children about preventing gun violence.

(b) DEFINITIONS.—In this section:

(1) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the same meaning given such term in section 14101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8701).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(3) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

(c) ALLOCATION OF COMPETITIVE GRANTS.—

(1) GRANTS BY THE SECRETARY.—For any fiscal year in which the amount appropriated to carry out this section does not equal or exceed $50,000,000, the Secretary of Education may award competitive grants described under subsection (d).

(2) GRANTS BY THE STATES.—For any fiscal year in which the amount appropriated to carry out this section exceeds $50,000,000, the Secretary shall make allotments to State educational agencies pursuant to paragraph (3) to award competitive grants described in subsection (d).

(3) FORMULA.—Except as provided in paragraph (4), funds appropriated to carry out this section shall be allocated among the States as follows:

(A) 75 percent of such amount shall be allocated proportionately based upon the population that is less than 18 years of age in the State.

(B) 25 percent of such amount shall be allocated proportionately based upon the population that is less than 18 years of age in the State that is incarcerated.

(4) MINIMUM ALLOTMENT.—Of the amounts appropriated to carry out this section, 0.50 percent shall be allocated to each State.

(d) AUTHORIZATION OF COMPETITIVE GRANTS.—The Secretary or the State educational agency, as the case may be, may award grants to eligible local educational agencies for the purposes of educating children about preventing gun violence, in accordance with the following:

(1) ASSURANCES.—

(A) The Secretary or the State educational agency, as the case may be, shall ensure that not less than 90 percent of the funds allotted under this section are distributed to local educational agencies.

(B) In awarding the grants, the Secretary or the State educational agency, as the case may be, shall ensure, to the maximum extent practicable—

(i) an equitable geographic distribution of grant awards;

(ii) an equitable distribution of grant awards among programs that serve public elementary school students, public secondary school students, and a combination of both; and

(iii) that urban, rural and suburban areas are represented within the grants that are awarded.

(2) PRIORITY.—In awarding grants under this section, the Secretary or the State educational agency, as the case may be, shall give priority to a local educational agency that—

(A) coordinates with other Federal, State, and local programs that educate children about personal health, safety, and responsibility, including programs carried out under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.);

(B) serves a population with a high incidence of students found in possession of a weapon on school property or students suspended or expelled for bringing a weapon onto school grounds or engaging in violent behavior on school grounds; and

(C) forms a partnership that includes not less than 1 local educational agency working in consultation with not less than 1 public or private nonprofit agency or organization with experience in violence prevention or 1 local law enforcement agency.

(3) PEER REVIEW; CONSULTATION.—

(A) IN GENERAL.—

(i) PEER REVIEW BY PANEL.—Before grants are awarded, the Secretary shall submit grant applications to a peer review panel for evaluation.

(ii) COMPOSITION OF PANEL.—The panel shall be composed of not less than 1 representative from a local educational agency, State educational agency, a local law enforcement agency, and a public or private nonprofit organization with experience in violence prevention.

(B) CONSULTATION.—The Secretary shall submit grant applications to the Attorney General for consultation.

(e) ELIGIBLE GRANT RECIPIENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), an eligible grant recipient is a local educational agency that may work in partnership with 1 or more of the following:

(A) A public or private nonprofit agency or organization with experience in violence prevention.

(B) A local law enforcement agency.

(C) An institution of higher education.

(2) EXCEPTION.—A State educational agency may, with the approval of a local educational agency, submit an application on behalf of such local educational agency or a consortium of such agencies.

(f) LOCAL APPLICATIONS; REPORTS.—

(1) APPLICATIONS.—Each local educational agency that wishes to receive a grant under this section shall submit an application to the Secretary and the State educational agency that includes—

(A) a description of the proposed activities to be funded by the grant and how each activity will further the goal of educating children about preventing gun violence;

(B) how the program will be coordinated with other programs that educate children about personal health, safety, and responsibility, including programs carried out under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.); and

(C) the age and number of children that the programs will serve.

(2) REPORTS.—Each local educational agency that receives a grant under this section shall submit a report to the Secretary and to the State educational agency not later than 18 months after the grant is awarded and submit an additional report to the Secretary and to the State not later than 36 months after the grant is awarded. Each report shall include information regarding—

(A) the activities conducted to educate children about gun violence;

(B) how the program will continue to educate children about gun violence in the future; and

(C) how the grant is being coordinated with other Federal, State, and local programs that educate children about personal health, safety, and responsibility, including programs carried out under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.).

(g) AUTHORIZED ACTIVITIES.—

(1) REQUIRED ACTIVITIES.—Grants authorized under subsection (d) shall be used for the following activities:

(A) Supporting existing programs that educate children about personal health, safety, and responsibility, including programs carried out under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.).

(B) Educating children about the effects of gun violence.

(C) Educating children to identify dangerous situations in which guns are involved and how to avoid and prevent such situations.

(D) Educating children how to identify threats and other indications that their peers are in possession of a gun and may use a gun, and what steps they can take in such situations.

(E) Developing programs to give children access to adults to whom they can report, in a confidential manner, any problems relating to guns.

(2) PERMISSIBLE ACTIVITIES.—Grants authorized under subsection (d) may be used for the following:

(A) Encouraging schoolwide programs and partnerships that involve teachers, students, parents, administrators, other staff, and members of the community in reducing gun incidents in public elementary and secondary schools.

(B) Establishing programs that assist parents in helping educate their children about firearm safety and the prevention of gun violence.

(C) Providing ongoing professional development for public school staff and administrators to identify the causes and effects of gun violence and risk factors and student behavior that may result in gun violence, including training sessions to review and update school crisis response plans and school policies for preventing the presence of guns on school grounds and facilities.

(D) Providing technical assistance for school psychologists and counselors to provide timely counseling and evaluations, in accordance with State and local laws, of students who possess a weapon on school grounds.

(E) Improving security on public elementary and secondary school campuses to prevent outside persons from entering school grounds with firearms.

(F) Assisting public schools and communities in developing crisis response plans when firearms are found on school campuses and when gun-related incidents occur.

(h) STATE APPLICATIONS; ACTIVITIES AND REPORTS.—

(1) STATE APPLICATIONS.—

(A) Each State desiring to receive funds under this section shall, through its State educational agency, submit an application to the Secretary of Education at such time and in such manner as the Secretary shall require. Such application shall describe—

(i) the manner in which funds under this section for State activities and competitive grants will be used to fulfill the purposes of this section;

(ii) the manner in which the activities and projects supported by this section will be coordinated with other State and Federal education, law enforcement, and juvenile justice programs, including the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.);

(iii) the manner in which States will ensure an equitable geographic distribution of grant awards; and

(iv) the criteria which will be used to determine the impact and effectiveness of the funds used pursuant to this section.

(B) A State educational agency may submit an application to receive a grant under this section under paragraph (1) or as an amendment to the application the State educational agency submits under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.).

(2) STATE ACTIVITIES.—Of appropriated amounts allocated to the States under subsection (c)(2), the State educational agency may reserve not more than 10 percent for activities to further the goals of this section, including—

(A) providing technical assistance to eligible grant recipients in the State;

(B) performing ongoing research into the causes of gun violence among children and methods to prevent gun violence among children; and

(C) providing ongoing professional development for public school staff and administrators to identify the causes and indications of gun violence.

(3) STATE REPORTS.—Each State receiving an allotment under this section shall submit

a report to the Secretary and to the Committees on Labor and Human Resources and the Judiciary of the Senate and the Committees on Education and the Workforce and the Judiciary of the House of Representatives, not later than 12 months after receipt of the grant award and shall submit an additional report to those committees not later than 36 months after receipt of the grant award. Each report shall include information regarding—

(A) the progress of local educational agencies that received a grant award under this section in the State in educating children about firearms;

(B) the progress of State activities under paragraph (1) to advance the goals of this section; and

(C) how the State is coordinating funds allocated under this section with other State and Federal education, law enforcement, and juvenile justice programs, including the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.).

(i) SUPPLEMENT NOT SUPPLANT.—A State or local educational agency shall use funds received under this section only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for reducing gun violence among children and educating children about firearms, and not to supplant such funds.

(j) DISPLACEMENT.—A local educational agency that receives a grant award under this section shall ensure that persons hired to carry out the activities under this section do not displace persons already employed.

(k) HOME SCHOOLS.—Nothing in this section shall be construed to affect home schools.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) such sums as may be necessary for each of fiscal years 2000 and 2001; and

(2) $60,000,000 for fiscal year 2002.

SEC. 322. DISSEMINATION OF BEST PRACTICES VIA THE INTERNET.

(a) MODEL DISSEMINATION.—The Secretary of Education shall include on the Internet site of the Department of Education a description of programs that receive grants under section 1421.

(b) GRANT PROGRAM NOTIFICATION.—The Secretary shall publicize the competitive grant program through its Internet site, publications, and public service announcements.

SEC. 323. YOUTH CRIME GUN INTERDICTION INITIATIVE (YCGII).

(a) IN GENERAL.—The Secretary of the Treasury shall expand—

(1) the number of city and county law enforcement agencies that through the Youth Crime Gun Interdiction Initiative (referred to in this section as ''YGCII'') submit identifying information relating to all firearms recovered during law enforcement investigations, including from individuals under age 25, to the Secretary of the Treasury to identify the types and origins of such firearms to 75 cities or counties by October 1, 2000, to 150 cities or counties by October 1, 2002, and to 250 cities or counties by October 1, 2003; and

(2) the resources devoted to law enforcement investigations of illegal youth possessors and users and of illegal firearms traffickers identified through YCGII, including through the hiring of additional agents, inspectors, intelligence analysts and support personnel.

(b) SELECTION OF PARTICIPANTS.—The Secretary of the Treasury, in consultation with Federal, State, and local law enforcement officials, shall select cities and counties for participation in the program established under this section.

(c) ESTABLISHMENT OF SYSTEM.—The Secretary of the Treasury shall establish a system through which State and local law enforcement agencies, through on-line computer technology, can promptly provide firearms-related information to the Secretary of the Treasury and access information derived through YCGII as soon as such capability is available. Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to the Chairman and Ranking Member of the Committees on Appropriations of the House of Representatives and the Senate, a report explaining the capacity to provide such on-line access and the future technical and, if necessary, legal changes required to make such capability available, including cost estimates.

(d) REPORT.—Not later than one year after the date of enactment of this section, and annually thereafter, the Secretary of the Treasury shall submit to the Chairman and Ranking Member of the Committees on Appropriations of the House of Representatives and the Senate a report regarding the types and sources of firearms recovered from individuals, including those under the age of 25, regional, State and national firearms trafficking trends, and the number of investigations and arrests resulting from YCGII.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Treasury to carry out this section $50,000,000 for each of fiscal years 2001 through 2002.

SEC. 324. GRANT PRIORITY FOR TRACING OF GUNS USED IN CRIMES BY JUVENILES.

Section 517 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3763) is amended by adding at the end the following:

''(c) PRIORITY.—In awarding discretionary grants under section 511 to public agencies to undertake law enforcement initiatives relating to gangs, or relating to juveniles who are involved or at risk of involvement in gangs, the Director shall give priority to a public agency that includes in its application a description of strategies or programs of that public agency (either in effect or proposed) that provide cooperation between Federal, State, and local law enforcement authorities, through the use of firearms and ballistics identification systems, to disrupt illegal sale or transfer of firearms to or between juveniles through tracing the sources of guns used in crime that were provided to juveniles.''.

Subtitle C—Juvenile Gun Courts

SEC. 331. DEFINITIONS.

In this subtitle:

(1) FIREARM.—The term ''firearm'' has the same meaning as in section 921 of title 18, United States Code.

(2) FIREARM OFFENDER.—The term ''firearm offender'' means any individual charged with an offense involving the illegal possession, use, transfer, or threatened use of a firearm.

(3) JUVENILE GUN COURT.—The term ''juvenile gun court'' means a specialized division within a State or local juvenile court system, or a specialized docket within a State or local court that considers exclusively cases involving juvenile firearm offenders.

(4) LOCAL COURT.—The term ''local court'' means any section or division of a State or municipal juvenile court system.

SEC. 332. GRANT PROGRAM.

The Attorney General may make grants in accordance with this subtitle to States, State courts, local courts, units of local government, and Indian tribes for court-based juvenile justice programs that target juvenile firearm offenders through the establishment of juvenile gun courts.

SEC. 333. APPLICATIONS.

(a) ELIGIBILITY.—In order to be eligible to receive a grant under this subtitle, the chief executive of a State, unit of local government, or Indian tribe, or the chief judge of a local court, shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(b) REQUIREMENTS.—Each application submitted in accordance with subsection (a) shall include—

(1) a request for a grant to be used for the purposes described in this subtitle;

(2) a description of the communities to be served by the grant, including the extent of juvenile crime, juvenile violence, and juvenile firearm use and possession in such communities;

(3) written assurances that Federal funds received under this subtitle will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection;

(4) a comprehensive plan described in subsection (c) (referred to in this subtitle as the ''comprehensive plan''); and

(5) any additional information in such form and containing such information as the Attorney General may reasonably require.

(c) COMPREHENSIVE PLAN.—For purposes of subsection (b), a comprehensive plan as described in this subsection includes—

(1) a description of the juvenile crime and violence problems in the jurisdiction of the applicant, including gang crime and juvenile firearm use and possession;

(2) an action plan outlining the manner in which the applicant would use the grant amounts in accordance with this subtitle;

(3) a description of any resources available in the jurisdiction of the applicant to implement the action plan described in paragraph (2); and

(4) a description of the plan of the applicant for evaluating the performance of the juvenile gun court.

SEC. 334. GRANT AWARDS.

(a) CONSIDERATIONS.—In awarding grants under this subtitle, the Attorney General shall consider—

(1) the ability of the applicant to provide the stated services;

(2) the level of juvenile crime, violence, and drug use in the community; and

(3) to the extent practicable, achievement of an equitable geographic distribution of the grant awards.

(b) DIVERSITY.—The Attorney General shall allot not less than 0.75 percent of the total amount made available each fiscal year to carry out this subtitle to applicants in each State from which applicants have applied for grants under this subtitle.

(c) INDIAN TRIBES.—The Attorney General shall allocate 0.75 percent of amounts made available under this subtitle for grants to Indian tribes.

SEC. 335. USE OF GRANT AMOUNTS.

Each grant made under this subtitle shall be used to—

(1) establish juvenile gun courts for adjudication of juvenile firearm offenders;

(2) grant prosecutorial discretion to try, in a gun court, cases involving the illegal possession, use, transfer, or threatened use of a firearm by a juvenile;

(3) require prosecutors to transfer such cases to the gun court calendar not later than 30 days after arraignment;

(4) require that gun court trials commence not later than 60 days after transfer to the gun court;

(5) facilitate innovative and individualized sentencing (such as incarceration, house arrest, victim impact classes, electronic monitoring, restitution, and gang prevention programs);

(6) provide services in furtherance of paragraph (5);

(7) limit grounds for continuances and grant continuances only for the shortest practicable time;

(8) ensure that any term of probation or supervised release imposed on a firearm offender in a juvenile gun court, in addition to, or in lieu of, a term of incarceration, shall include a prohibition on firearm possession during such probation or supervised release and that violation of that prohibition shall result in, to the maximum extent permitted under State law, a term of incarceration; and

(9) allow transfer of a case or an offender out of the gun court by agreement of the parties, subject to court approval.

SEC. 336. GRANT LIMITATIONS.

Not more than 5 percent of the amounts made available to the Attorney General or a grant recipient under this subtitle may be used for administrative purposes.

SEC. 337. FEDERAL SHARE.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Federal share of a grant made under this subtitle may not exceed 90 percent of the total cost of the program or programs of the grant recipient that are funded by that grant for the fiscal year for which the program receives assistance under this subtitle.

(b) WAIVER.—The Attorney General may waive, in whole or in part, the requirements of subsection (a).

(c) IN-KIND CONTRIBUTIONS.—For purposes of subsection (a), in-kind contributions may constitute any portion of the non-Federal share of a grant under this subtitle.

(d) CONTINUED AVAILABILITY OF GRANT AMOUNTS.—Any amount provided to a grant recipient under this subtitle shall remain available until expended.

SEC. 338. REPORT AND EVALUATION.

(a) REPORT TO THE ATTORNEY GENERAL.—Not later than March 1, 2000, and March 1 of each year thereafter, each grant recipient under this subtitle shall submit to the Attorney General a report that describes, for the year to which the report relates, any progress achieved in carrying out the comprehensive plan of the grant recipient.

(b) EVALUATION AND REPORT TO CONGRESS.—Not later than October 1, 2000 and October 1 of each year thereafter, the Attorney General shall submit to Congress an evaluation and report that contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by grant recipients under this subtitle, and an evaluation of programs established by grant recipients under this subtitle.

(c) CRITERIA.—In assessing the effectiveness of the programs established and operated by grant recipients pursuant to this subtitle, the Attorney General shall consider—

(1) the number of juveniles tried in gun court sessions in the jurisdiction of the grant recipient;

(2) a comparison of the amount of time between the filing of charges and ultimate disposition in gun court and nongun court cases;

(3) the recidivism rates of juvenile offenders tried in gun court sessions in the jurisdiction of the grant recipient in comparison to those tried outside of drug courts;

(4) changes in the amount of gun-related and gang-related crime in the jurisdiction of the grant recipient; and

(5) the quantity of firearms and ammunition recovered in gun court cases in the jurisdiction of the grant recipient.

(d) DOCUMENTS AND INFORMATION.—Each grant recipient under this subtitle shall provide the Attorney General with all documents and information that the Attorney General determines to be necessary to conduct an evaluation of the effectiveness of programs funded under this subtitle.

SEC. 339. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle from the Violent Crime Reduction Trust Fund—

(1) $50,000,000for each of fiscal years 2000 and 2001; and

(2) such sums as may be necessary for fiscal year 2002.

Subtitle D—Youth Violence Courts

SEC. 341. CREATION OF YOUTH VIOLENCE COURTS.

Section 210602 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14161) is amended—

(1) by redesignating subsections (a), (b), (c), and (d) as paragraphs (1), (2), (3), and (4), respectively;

(2) by redesignating paragraphs (1), (2), (3), (4), and (5) as subparagraphs (A), (B), (C), (D), and (E), respectively;

(3) by inserting before paragraph (1), as so designated, the following:

''(a) STATE AND LOCAL COURT ASSISTANCE.—''; and

(4) by adding after subsection (a), as so designated, the following:

''(b) YOUTH VIOLENCE COURTS.—

''(1) AUTHORITY TO MAKE GRANTS AND ENTER INTO CONTRACTS.—

''(A) IN GENERAL.—The Attorney General may award grants and enter into cooperative agreements and contracts with States, State courts, local courts, units of local government, Indian tribes, and tribal courts to plan, develop, implement, and administer programs to adjudicate and better manage juvenile and youthful violent offenders within State, tribal, and local court systems.

''(B) INITIATIVES.—Initiatives funded under this paragraph may include—

''(i) the establishment of court based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

''(ii) the establishment of drug court programs for juveniles so as to provide continuing judicial supervision over juvenile offenders with substance abuse problems and to provide the integrated administration of other sanctions and services as enumerated under the provisions of section 50001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 3796ii), as in effect on the day before the date of enactment of Public Law 104–134;

''(iii) the establishment of courts of specialized or joint jurisdiction as deemed appropriate by a jurisdiction's chief judicial officer; and

''(iv) the establishment of programs aimed at the enhanced and improved adjudication of juvenile offenders, including innovative programs involving the courts, prosecutors, public defenders, probation offices, and corrections agencies.

''(2) APPLICATION.—The Attorney General shall establish guidelines governing the administration of this program. Such guidelines shall include the manner and content of applications for funding under this program, as well as procedures and methods for the distribution of funds distributed under this program.

''(3) FEDERAL SHARE.—The Federal share of any individual grant made under this program may not exceed 75 percent. Further, in-kind contributions, pursuant to the discretion of the Attorney General may constitute a portion, or all, of the non-Federal share of a grant made under this program. With regard to grants to Indian tribes, the Attorney General may allow other Federal funds to constitute all or a portion of the non-Federal share.

''(4) GEOGRAPHIC DISTRIBUTION.—The Attorney General shall ensure that, to the extent reasonable and practicable, an equitable geographic distribution of grant awards is made.

''(5) TRAINING AND TECHNICAL ASSISTANCE.—Two percent of all funds appropriated for this subtitle shall be set aside for use by the Attorney General for training and technical assistance consistent with this program.''.

TITLE IV—IMPROVING THE JUVENILE JUSTICE SYSTEM

Subtitle A—Reform of Federal Juvenile System

SEC. 411. DELINQUENCY PROCEEDINGS OR CRIMINAL PROSECUTIONS IN DISTRICT COURTS.

(a) IN GENERAL.—Section 5032 of title 18, United States Code, is amended to read as follows:

''§ 5032. Delinquency proceedings or criminal prosecutions in district courts

''(a) JUVENILE DELINQUENCY PROCEEDINGS.—

''(1) IN GENERAL.—A juvenile alleged to have committed an offense against the United States or an act of juvenile delinquency may be—

''(A) surrendered to State authorities;

''(B) proceeded against as a juvenile under this subsection; or

''(C) tried as an adult in the circumstances described in subsections (b) and (c).

''(2) SURRENDER TO STATE ABSENT CERTIFICATION.—

''(A) IN GENERAL.—A juvenile referred to in paragraph (1) may be proceeded against as a juvenile in a court of the United States under this subsection—

''(i) for offenses committed within the special maritime and territorial jurisdiction of the United States for which the maximum authorized term of imprisonment does not exceed 6 months; or

''(ii) if the Attorney General, after investigation, certifies to the appropriate United States district court that—

''(I)(aa) the juvenile court or other appropriate court of a State does not have jurisdiction or declines to assume jurisdiction over the juvenile with respect to such act of alleged juvenile delinquency; or

''(bb) the offense charged is described in subsection (b) (2) or (3) or subsection (e); and

''(II) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

''(B) SURRENDER TO LEGAL AUTHORITIES.—If, where required, the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

''(3) PUBLIC PROCEEDINGS; ATTENDANCE BY VICTIMS.—

''(A) IN GENERAL.—If a juvenile alleged to have committed an act of juvenile delinquency is not surrendered to the authorities of a State pursuant to this section, any proceedings against the juvenile shall be in an appropriate district court of the United States.

''(B) CONVENING OF COURT.—For the purposes specified in subparagraph (A), the court—

''(i) may be convened at any time and place within the district; and

''(ii) shall be open to the public, except that the court may exclude all or some members of the public from the proceedings if—

''(I) required by the interests of justice; or

''(II) other good cause is shown.

''(C) COURT OPEN TO VICTIMS AND RELATIVES.—Even if all or some of the members of the public are excluded from the proceedings, the proceedings shall be open to victims of the alleged offense and their relatives and legal guardians unless—

''(i) required by the interests of justice; or

''(ii) otherwise good cause is shown.

''(D) PROCEDURAL REQUIREMENTS.—The Attorney General shall proceed by information or as authorized by section 3401(g) of this title, and no criminal prosecution shall be instituted except as provided in this chapter.

''(b) JUVENILES 16 YEARS AND OLDER PROSECUTED AS ADULTS.—A juvenile alleged to have committed an act on or after the day the juvenile attains the age of 16 years may be prosecuted as an adult—

''(1) if the juvenile has requested in writing upon advice of counsel to be prosecuted as an adult;

''(2) if the act committed by an adult would be a serious violent felony or a serious drug offense as described in section 3559(c) (2) and (3) or a conspiracy or attempt under section 406 of the Controlled Substances Act (21 U.S.C. 846) or under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963) to commit an offense described in section 3559(c)(2); or

''(3) if the act the juvenile is alleged to have committed is not described in paragraph (2), and if committed by an adult would be—

''(A) a crime of violence (as defined in section 3156(a)(4)) that is a felony;

''(B) an offense described in section 844 (d), (k), or (l), or paragraph (a)(6) or subsection (b), (g), (h), (j), (k), or (l), of section 924;

''(C) a violation of section 922(o) that is an offense under section 924(a)(2);

''(D) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of the Internal Revenue Code of 1986;

''(E) a conspiracy to commit an offense described in any of subparagraphs (A) through (D); or

''(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), an offense described in section 1002, 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 955, or 959) or a conspiracy or attempt to commit that offense which is punishable under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

''(c) JUVENILES UNDER 16 YEARS PROSECUTED AS ADULTS.—

''(1) IN GENERAL.—A juvenile, alleged to have committed an act on or after the day on which the juvenile has attained the age of 13 years but before the juvenile has attained the age of 16 years, may be prosecuted as an adult if the act, if committed by an adult, would be an offense described in paragraph (2) or (3) of subsection (b), upon approval of the Attorney General or the designee of the Attorney General, who shall not be at a level lower than a Deputy Assistant Attorney General.

''(2) LIMITATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), approval shall not be granted under paragraph (1), with respect to a juvenile described in that paragraph who is subject to the criminal jurisdiction of an Indian tribal government and who is alleged to have committed an act over which, if committed by an adult, there would be Federal jurisdiction based solely on the commission of that act in Indian country (as defined in section 1151).

''(B) EXCEPTION.—Subparagraph (A) shall not apply if, before that alleged act was committed, the governing body of the Indian tribe having jurisdiction over the place in which the alleged act was committed notified the Attorney General in writing of its election that prosecution may take place under this subsection.

''(d) LIMITATIONS ON JUDICIAL REVIEW.—

''(1) IN GENERAL.—Except as provided in this subsection, a determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (b) or (c) shall not be reviewable in any court.

''(2) DETERMINATION BY COURT.—In any prosecution of a juvenile under subsection (b)(3) or (c)(1), upon motion of the defendant and after a hearing, the court in which criminal charges have been filed shall determine whether to issue an order to provide for the transfer of the defendant to juvenile status for the purposes of proceeding against the defendant under subsection (a).

''(3) TIME REQUIREMENTS.—A motion by a defendant under paragraph (2) shall not be considered unless that motion is filed not later than 20 days after the date on which the defendant—

''(A) initially appears through counsel; or

''(B) expressly waives the right to counsel and elects to proceed pro se.

''(4) PROHIBITION.—The court shall not order the transfer of a defendant to juvenile status under this paragraph unless the defendant establishes by clear and convincing evidence or information that removal to juvenile status would be in the interest of justice. In making a determination under paragraph (2), the court shall consider—

''(A) the nature of the alleged offense, including the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities, involving the use or distribution of controlled substances or firearms;

''(B) whether prosecution of the juvenile as an adult is necessary to protect public safety;

''(C) the age and social background of the juvenile;

''(D) the extent and nature of the prior delinquency record of the juvenile;

''(E) the intellectual development and psychological maturity of the juvenile;

''(F) the nature of any treatment efforts and the response of the juvenile to those efforts; and

''(G) the availability of programs designed to treat the behavioral problems of the juvenile.

''(5) STATUS OF ORDERS.—

''(A) IN GENERAL.—An order of the court made in ruling on a motion by a defendant to transfer a defendant to juvenile status under this subsection shall not be a final order for the purpose of enabling an appeal, except that an appeal by the United States shall lie to a court of appeals pursuant to section 3731 from an order of a district court removing a defendant to juvenile status.

''(B) APPEALS.—Upon receipt of a notice of appeal of an order under this paragraph, a court of appeals shall hear and determine the appeal on an expedited basis.

''(6) INADMISSIBILITY OF EVIDENCE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no statement made by a defendant during or in connection with a hearing under this subsection shall be admissible against the defendant in any criminal prosecution.

''(B) EXCEPTIONS.—The prohibition under subparagraph (A) shall not apply, except—

''(i) for impeachment purposes; or

''(ii) in a prosecution for perjury or giving a false statement.

''(7) RULES.—The rules concerning the receipt and admissibility of evidence shall be the same as prescribed in subsection 3142(f) of this title.

''(e) JOINDER; LESSER INCLUDED OFFENSES.—In a prosecution under subsection (b) or (c) the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted of a lesser included offense.''.

SEC. 412. APPLICABILITY OF STATUTORY MINIMUMS TO JUVENILES 16 YEARS AND OLDER AND LIMITATION AS TO YOUNGER JUVENILES.

Section 3553 of title 18, United States Code, is amended by adding at the end the following:

''(g) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS UNDER THE AGE OF 16.—Notwithstanding any other provision of law, in the case of a juvenile alleged to have committed an act on or after the day on which the juvenile has attained the age of 13 years but before the juvenile has attained the age of 16 years, which if committed by an adult would be an offense described in section 5032 (b)(3) or (e), the court shall impose a sentence pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28 without regard to any statutory minimum sentence, if the court finds at sentencing, after the Government has been afforded the opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for or convicted of an offense described in section 5032(b)(2).''.

SEC. 413. CONFORMING AMENDMENT TO DEFINITIONS SECTION.

Section 5031 of title 18, United States Code, is amended by adding at the end the following: ''As used in this chapter, the term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, a federally recognized Indian tribe.''.

SEC. 414. CUSTODY PRIOR TO APPEARANCE BEFORE JUDICIAL OFFICER.

Section 5033 of title 18, United States Code, is amended to read as follows:

''§ 5033. Custody prior to appearance before judicial officer

''(a) IN GENERAL.—Whenever a juvenile is taken into custody, the arresting officer shall immediately advise such juvenile of the juvenile's rights, in language comprehensible to a juvenile. The arresting officer shall promptly take reasonable steps to notify the juvenile's parents, guardian, or custodian of such custody, of the rights of the juvenile, and of the nature of the alleged offense.

''(b) TIMELY ACTION.—The juvenile shall be taken before a judicial officer without unreasonable delay.''.

SEC. 415. TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 5034.

Section 5034 of title 18, United States Code, is amended—

(1) by striking ''The'' each place it appears at the beginning of a paragraph and inserting ''the'';

(2) by striking ''If'' at the beginning of the third paragraph and inserting ''if'';

(3) by designating the 3 paragraphs as paragraphs (1), (2), and (3), respectively; and

(4) by inserting at the beginning of such section before those paragraphs the following: ''In a proceeding under section 5032(a)—''.

SEC. 416. SPEEDY TRIAL FOR DETAINED JUVENILES PENDING DELINQUENCY PROCEEDINGS; REINSTITUTING DISMISSED CASES.

Section 5036 of title 18, United States Code, is amended—

(1) by striking ''If an alleged delinquent'' and inserting ''If a juvenile proceeded against under section 5032(a)'';

(2) by striking ''thirty'' and inserting ''45''; and

(3) by striking ''the court,'' and all that follows through the end of the section and inserting ''the court. In determining whether an information should be dismissed with or without prejudice, the court shall consider the seriousness of the offense, the facts and circumstances of the case that led to the dismissal, and the impact of a reprosecution on the administration of justice. The periods of exclusion under section 3161(h) of this title shall apply to this section.''.

SEC. 417. DISPOSITION; AVAILABILITY OF INCREASED DETENTION, FINES, AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

Section 5037 of title 18, United States Code, is amended to read as follows:

''§ 5037. Disposition

''(a) IN GENERAL.—

''(1) HEARING.—In a proceeding under section 5032(a), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile not later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e).

''(2) REPORT.—A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government.

''(3) VICTIM IMPACT INFORMATION.—Victim impact information shall be included in the report, and victims, or in appropriate cases, their official representatives, shall be provided the opportunity to make a statement to the court in person or present any information in relation to the disposition.

''(4) ORDER OF RESTITUTION.—After the dispositional hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to section 994 of title 28, the court shall enter an order of restitution pursuant to section 3556 of this title, and place the juvenile on probation, commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult.

''(5) RELEASE OR DETENTION.—With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

''(b) TERM OF PROBATION.—The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

''(c) TERM OF OFFICIAL DETENTION.—

''(1) MAXIMUM TERM.—The term for which official detention (other than supervised release) may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

''(A) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

''(B) 10 years; or

''(C) the date on which the juvenile attains the age of 26 years.

''(2) APPLICABILITY OF OTHER PROVISIONS.—Section 3624 of this title shall apply to an order placing a juvenile in detention.

''(d) TERM OF SUPERVISED RELEASE.—The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 shall apply to an order placing a juvenile on supervised release.

''(e) CUSTODY OF THE ATTORNEY GENERAL.—

''(1) IN GENERAL.—If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, the court may commit the juvenile, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency or entity.

''(2) OUTPATIENT BASIS.—Any observation and study pursuant to a commission under paragraph (1) shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information, except in the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and the juvenile's attorney.

''(3) CONTENTS OF STUDY.—The agency or entity conducting an observation or study under this subsection shall make a complete study of the alleged or adjudicated delinquent to ascertain the juvenile's personal traits, capabilities, background, previous delinquency or criminal experience, mental or physical defect, and any other relevant factors pertaining to the juvenile.

''(4) SUBMISSION OF RESULTS.—The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study not later than 30 days after the commitment of the juvenile, unless the court grants additional time. If the juvenile has not been committed for the study, the probation office shall obtain the report under sections 3154 and 3672 and submit the results of the study in like manner and within the same time period.

''(5) EXCLUSION OF TIME.—Time spent in custody under this subsection shall be excluded for purposes of section 5036.

''(f) CONVICTION AS ADULT OF JUVENILES 13, 14, AND 15 YEARS OLD.—With respect to any juvenile prosecuted and convicted as an adult under section 5032(c), the court may, pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28, determine to treat the conviction as an adjudication of delinquency and impose any disposition authorized under this section. The United States Sentencing Commission shall promulgate such guidelines as soon as practicable and not later than 1 year after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.''.

SEC. 418. ACCESS TO JUVENILE RECORDS.

Section 5038 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking the matter preceding the colon and inserting the following: ''Throughout and upon completion of the juvenile delinquency proceeding, the court records of the original proceeding shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances''; and

(B) by striking paragraph (6) and inserting the following:

''(6) inquiries from any victim of such juvenile delinquency, or in appropriate cases with the official representative of the victim, or, if the victim is deceased, from the immediate family of such victim in order to—

''(A) apprise such victim or representative of the status or disposition of the proceeding;

''(B) effectuate any other provision of law; or

''(C) assist in a victim's or the victim's official representative's, allocution at disposition;'';

(2) by striking subsections (d) and (f) and redesignating subsection (e) as subsection (d); and

(3) by adding at the end the following:

''(e) RECORDS AND INFORMATION.—

''(1) JUVENILE DELINQUENCY RECORDS.—If a juvenile has been adjudicated delinquent for an act that, if committed by an adult, would be a felony or for a violation of section 922(x)—

''(A) the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation;

''(B) the court shall transmit to the Federal Bureau of Investigation the information concerning the adjudication, including the name, date of adjudication, court, offenses, and sentence of the juvenile, along with the notation that the matter was a juvenile adjudication; and

''(C) access to the fingerprints, photograph, and other records and information relating to a juvenile described in this subsection, shall be restricted as prescribed by subsection (a).

''(2) JUVENILES TRIED AS ADULTS.—Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult defendants.

''(f) ADDITIONAL AUTHORIZATION.—In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section in any case in which the same circumstances exist.''.

SEC. 419. TECHNICAL AMENDMENTS OF SECTION 5034.

Section 5034 of title 18, United States Code, is amended—

(1) by striking ''his'' each place it appears and inserting ''the juvenile's''; and

(2) by striking ''magistrate'' each place it appears and inserting ''judicial officer''.

SEC. 420. DEFINITIONS.

Section 5031 of title 18, United States Code, is amended to read as follows:

''§ 5031. Definitions

''In this chapter:

''(1) ADULT JAIL OR CORRECTIONAL FACILITY.—The term 'adult jail or correctional facility' means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

''(A) pending the filing of a charge of violating a criminal law;

''(B) awaiting trial on a criminal charge; or

''(C) convicted of violating a criminal law.

''(2) COMMUNITY-BASED FACILITY, PROGRAM, OR SERVICE.—The term 'community-based facility, program, or service' means, with respect to a juvenile, a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service that maintain community and consumer participation in the planning, operation, and evaluation of those programs (which may include medical, educational, vocational, social and psychological guidance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services).

''(3) INDIAN TRIBE.—The term 'Indian tribe' means an Indian or Alaskan native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to

section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

''(4) INDIAN TRIBAL GOVERNMENT.—The term 'Indian tribal government' means the legally recognized leadership of an Indian tribe, band, nation, pueblo, village, or community.

''(5) JUVENILE.—The term 'juvenile' means—

''(A) a person who has not attained his or her 18th birthday; or

''(B) for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his or her 21st birthday.

''(6) JUVENILE DELINQUENCY.—The term 'juvenile delinquency' means the violation of a law of the United States committed by a person prior to the 18th birthday of that person, if the violation—

''(A) would have been a crime if committed by an adult; or

''(B) is a violation of section 922(x).

''(7) PROHIBITED PHYSICAL CONTACT.—

''(A) IN GENERAL.—The term 'prohibited physical contact' means—

''(i) any physical contact between a juvenile and an adult inmate; and

''(ii) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate.

''(B) EXCLUSION.—The term does not include supervised proximity between a juvenile and an adult inmate that is brief and incidental or accidental.

''(8) SUSTAINED ORAL COMMUNICATION.—

''(A) IN GENERAL.—The term 'sustained oral communication' means the imparting or interchange of speech by or between an adult inmate and a juvenile.

''(B) EXCEPTION.—The term does not include—

''(i) communication that is accidental or incidental; or

''(ii) sounds or noises that cannot reasonably be considered to be speech.

''(9) STATE.—The term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 4506(e))).

''(10) VIOLENT JUVENILE.—The term 'violent juvenile' means any juvenile who is alleged to have committed, has been adjudicated delinquent for, or has been convicted of an offense that, if committed by an adult, would be a crime of violence (as that term is defined in section 16).''.

Subtitle B—Incarceration of Juveniles in the Federal System

SEC. 421. DETENTION OF JUVENILES PRIOR TO DISPOSITION OR SENTENCING.

Section 5035 of title 18, United States Code, is amended to read as follows:

''§ 5035. Detention prior to disposition or sentencing

''(a) IN GENERAL.—

''(1) JUVENILES 16 YEARS OF AGE OR OLDER.—

''(A) A juvenile 16 years of age or older prosecuted pursuant to paragraph (2) or (3) of section 5032(b), if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility as the Attorney General may designate. Preference shall be given to a place located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

''(B)(i) A juvenile 16 years of age or older prosecuted pursuant to section 5032(a), if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

''(ii) If a facility described in clause (i) is not available, such a juvenile may be detained in any other suitable juvenile facility that the Attorney General may designate. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.

''(2) JUVENILES LESS THAN 16 YEARS OF AGE.—

''(A) IN GENERAL.—A juvenile less than 16 years of age prosecuted pursuant to this section, if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

''(B) UNAVAILABILITY OF CERTAIN FACILITIES.—If a facility described in subparagraph (A) is not available, such a juvenile may be detained in any other suitable juvenile facility that the Attorney General may designate. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.

''(b) PROHIBITION.—A juvenile less than 16 years of age prosecuted pursuant to this section shall not be detained prior to disposition or sentencing in any facility in which the juvenile has prohibited physical contact or sustained oral communication with adult persons convicted of a crime or awaiting trial on criminal charges.

''(c) PROVISION OF SAFETY, SECURITY, AND OTHER AMENITIES.—Every juvenile who is detained prior to disposition or sentencing shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.''.

SEC. 422. RULES GOVERNING THE COMMITMENT OF JUVENILES.

Section 5039 of title 18, United States Code, is amended to read as follows:

''§ 5039. Commitment

''(a) IN GENERAL.—

''(1) PROHIBITION.—The Attorney General shall not cause any person less than 18 years of age adjudicated delinquent under section 5032(a), or any person less than 16 years of age convicted of an offense to be placed or retained in an adult jail or correctional facility in which the person has prohibited physical contact or sustained oral communication with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

''(2) FACILITIES NEAR HOME.—Whenever possible, the Attorney General shall commit a juvenile described in paragraph (1) to a foster home or community-based facility located in or near the home community of that juvenile. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.

''(b) PROVISION OF AMENITIES.—Each juvenile who has been committed under subsection (a) shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.''.

Subtitle C—Assistance to States For Prosecuting and Punishing Juvenile Offenders and Reducing Juvenile Crime

SEC. 431. JUVENILE AND VIOLENT OFFENDER INCARCERATION GRANTS.

(a) GRANTS FOR VIOLENT AND CHRONIC JUVENILE FACILITIES.—

(1) DEFINITIONS.—In this subsection:

(A) COLOCATED FACILITY.—The term ''colocated facility'' means the location of adult and juvenile facilities on the same property in a manner consistent with regulations issued by the Attorney General to ensure that adults and juveniles are substantially segregated.

(B) SUBSTANTIALLY SEGREGATED.—The term ''substantially segregated'' means—

(i) complete sight and sound separation in residential confinement;

(ii) use of shared direct care and management staff, properly trained and certified by the State to interact with juvenile offenders, if the staff does not interact with adult and juvenile offenders during the same shift; and

(iii) incidental contact during transportation to court proceedings and other activities in accordance with regulations issued by the Attorney General to ensure reasonable efforts are made to segregate adults and juveniles.

(C) VIOLENT JUVENILE OFFENDER.—The term ''violent juvenile offender'' means a person under the age of majority pursuant to State law that has been adjudicated delinquent or convicted in adult court of a violent felony as defined in section 924(e)(2)(B) of title 18, United States Code.

(D) QUALIFYING STATE.—The term ''qualifying State'' means a State that has submitted, or a State in which an eligible unit of local government has submitted, a grant application that meets the requirements of paragraphs (3) and (5).

(2) AUTHORITY.—

(A) IN GENERAL.—The Attorney General may make grants in accordance with this subsection to States, units of local government, or any combination thereof, to assist them in planning, establishing, and operating secure facilities, staff-secure facilities, detention centers, and other correctional programs for violent juvenile offenders.

(B) USE OF AMOUNTS.—Grants under this subsection may be used—

(i) for colocated facilities for adult prisoners and violent juvenile offenders; and

(ii) only for the construction or operation of facilities in which violent juvenile offenders are substantially segregated from nonviolent juvenile offenders.

(3) APPLICATIONS.—

(A) IN GENERAL.—The chief executive officer of a State or unit of local government that seeks to receive a grant under this subsection shall submit to the Attorney General an application, in such form and in such manner as the Attorney General may prescribe.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall provide written assurances that each facility or program funded with a grant under this subsection—

(i) will provide appropriate educational and vocational training, appropriate mental health services, a program of substance abuse testing, and substance abuse treatment for appropriate juvenile offenders; and

(ii) will afford juvenile offenders intensive post-release supervision and services.

(4) MINIMUM AMOUNT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each qualifying State, together with units of local government within the State, shall be allocated for each fiscal year not less than 1.0 percent of the total amount made available in each fiscal year for grants under this subsection.

(B) EXCEPTION.—The United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.2 percent of the total amount made available in each fiscal year for grants under this subsection.

(5) PERFORMANCE EVALUATION.—

(A) EVALUATION COMPONENTS.—

(i) IN GENERAL.—Each facility or program funded under this subsection shall contain

an evaluation component developed pursuant to guidelines established by the Attorney General.

(ii) OUTCOME MEASURES.—The evaluations required by this subsection shall include outcome measures that can be used to determine the effectiveness of the funded programs, including the effectiveness of such programs in comparison with other correctional programs or dispositions in reducing the incidence of recidivism, and other outcome measures.

(B) PERIODIC REVIEW AND REPORTS.—

(i) REVIEW.—The Attorney General shall review the performance of each grant recipient under this subsection.

(ii) REPORTS.—The Attorney General may require a grant recipient to submit to the Office of Justice Programs, Corrections Programs Office the results of the evaluations required under subparagraph (A) and such other data and information as are reasonably necessary to carry out the responsibilities of the Attorney General under this subsection.

(6) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General shall provide technical assistance and training to grant recipients under this subsection to achieve the purposes of this subsection.

(b) JUVENILE FACILITIES ON TRIBAL LANDS.—

(1) RESERVATION OF FUNDS.—Of amounts made available to carry out this section under section 20108(a)(2)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13708(a)(2)(A)), the Attorney General shall reserve, to carry out this subsection, 0.75 percent for each of fiscal years 2000 through 2003.

(2) GRANTS TO INDIAN TRIBES.—Of amounts reserved under paragraph (1), the Attorney General may make grants to Indian tribes or to regional groups of Indian tribes for the purpose of constructing secure facilities, staff-secure facilities, detention centers, and other correctional programs for incarceration of juvenile offenders subject to tribal jurisdiction.

(3) APPLICATIONS.—To be eligible to receive a grant under this section, an Indian tribe shall submit to the Attorney General an application in such form and containing such information as the Attorney General may by regulation require.

(4) REGIONAL GROUPS.—Individual Indian tribes from a geographic region may apply for grants under paragraph (2) jointly for the purpose of building regional facilities.

(c) REPORT ON ACCOUNTABILITY AND PERFORMANCE MEASURES IN JUVENILE CORRECTIONS PROGRAMS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall, after consultation with the National Institute of Justice and other appropriate governmental and nongovernmental organizations, submit to Congress a report regarding the possible use of performance-based criteria in evaluating and improving the effectiveness of juvenile corrections facilities and programs.

(2) CONTENTS.—The report required under this subsection shall include an analysis of—

(A) the range of performance-based measures that might be utilized as evaluation criteria, including measures of recidivism among juveniles who have been incarcerated in facilities or have participated in correctional programs;

(B) the feasibility of linking Federal juvenile corrections funding to the satisfaction of performance-based criteria by grantees (including the use of a Federal matching mechanism under which the share of Federal funding would vary in relation to the performance of a program or facility);

(C) whether, and to what extent, the data necessary for the Attorney General to utilize performance-based criteria in the Attorney General's administration of juvenile corrections programs are collected and reported nationally; and

(D) the estimated cost and feasibility of establishing minimal, uniform data collection and reporting standards nationwide that would allow for the use of performance-based criteria in evaluating juvenile corrections programs and facilities and administering Federal juvenile corrections funds.

SEC. 432. CERTAIN PUNISHMENT AND GRADUATED SANCTIONS FOR YOUTH OFFENDERS.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) youth violence constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent youth violence;

(B) the behavior of youth who become violent offenders often follow a progression, beginning with aggressive behavior in school, truancy, and vandalism, leading to property crimes and then serious violent offenses;

(C) the juvenile justice systems in most States are ill-equipped to provide meaningful sanctions to minor, nonviolent offenders because most of their resources are dedicated to dealing with more serious offenders;

(D) in most States, some youth commit multiple, nonviolent offenses without facing any significant criminal sanction;

(E) the failure to provide meaningful criminal sanctions for first time, nonviolent offenders sends the false message to youth that they can engage in antisocial behavior without suffering any negative consequences and that society is unwilling or unable to restrain that behavior;

(F) studies demonstrate that interventions during the early stages of a criminal career can halt the progression to more serious, violent behavior; and

(G) juvenile courts need access to a range of sentencing options so that at least some level of sanction is imposed on all youth offenders, including status offenders, and the severity of the sanctions increase along with the seriousness of the offense.

(2) PURPOSES.—The purposes of this section are to provide—

(A) assistance to State and local juvenile courts to expand the range of sentencing options for first time, nonviolent offenders; and

(B) a selection of graduated sanctions for more serious offenses.

(b) DEFINITIONS.—In this section:

(1) FIRST TIME OFFENDER.—The term ''first time offender'' means a juvenile against whom formal charges have not previously been filed in any Federal or State judicial proceeding.

(2) NONVIOLENT OFFENDER.—The term ''nonviolent offender'' means a juvenile who is charged with an offense that does not involve the use of force against the person of another.

(3) STATUS OFFENDER.—The term ''status offender'' means a juvenile who is charged with an offense that would not be criminal if committed by an adult (other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18, United States Code (or similar State law)).

(c) GRANT AUTHORIZATION.—The Attorney General may make grants in accordance with this section to States, State courts, local courts, units of local government, and Indian tribes, for the purposes of—

(1) providing juvenile courts with a range of sentencing options such that first time juvenile offenders, including status offenders such as truants, vandals, and juveniles in violation of State or local curfew laws, face at least some level of punishment as a result of their initial contact with the juvenile justice system; and

(2) increasing the sentencing options available to juvenile court judges so that juvenile offenders receive increasingly severe sanctions—

(A) as the seriousness of their unlawful conduct increases; and

(B) for each additional offense.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, the chief executive of a State, unit of local government, or Indian tribe, or the chief judge of a local court, shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(2) REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a grant to be used for the purposes described in this section;

(B) a description of the communities to be served by the grant, including the extent of youth crime and violence in those communities;

(C) written assurances that Federal funds received under this subtitle will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection;

(D) a comprehensive plan described in paragraph (3) (in this section referred to as the ''comprehensive plan''); and

(E) any additional information in such form and containing such information as the Attorney General may reasonably require.

(3) IMPLEMENTATION PLAN.—For purposes of paragraph (2), a comprehensive plan shall include—

(A) an action plan outlining the manner in which the applicant will achieve the purposes described in subsection (c)(1);

(B) a description of any resources available in the jurisdiction of the applicant to implement the action plan described in subparagraph (A);

(C) an estimate of the costs of full implementation of the plan; and

(D) a plan for evaluating the impact of the grant on the jurisdiction's juvenile justice system.

(e) GRANT AWARDS.—

(1) CONSIDERATIONS.—In awarding grants under this section, the Attorney General shall consider—

(A) the ability of the applicant to provide the stated services;

(B) the level of youth crime, violence, and drug use in the community; and

(C) to the extent practicable, achievement of an equitable geographic distribution of the grant awards.

(2) ALLOCATIONS.—

(A) IN GENERAL.—The Attorney General shall allot not less than 0.75 percent of the total amount made available to carry out this section in each fiscal year to applicants in each State from which applicants have applied for grants under this section.

(B) INDIAN TRIBES.—The Attorney General shall allocate not less than 0.75 percent of the total amount made available to carry out this section in each fiscal year to Indian tribes.

(f) USE OF GRANT AMOUNTS.—

(1) IN GENERAL.—Each grant made under this section shall be used to establish programs that—

(A) expand the number of judges, prosecutors, and public defenders for the purpose of imposing sanctions on first time juvenile offenders and status offenders and for establishing restorative justice boards involving members of the community;

(B) provide expanded sentencing options, such as restitution, community service, drug

testing and treatment, mandatory job training, curfews, house arrest, mandatory work projects, and boot camps, for status offenders and nonviolent offenders;

(C) increase staffing for probation officers to supervise status offenders and nonviolent offenders to ensure that sanctions are enforced;

(D) provide aftercare and supervision for status and nonviolent offenders, such as drug education and drug treatment, vocational training, job placement, and family counseling;

(E) encourage private sector employees to provide training and work opportunities for status offenders and nonviolent offenders; and

(F) provide services and interventions for status and nonviolent offenders designed, in tandem with criminal sanctions, to reduce the likelihood of further criminal behavior.

(2) PROHIBITION ON USE OF AMOUNTS.—

(A) DEFINITIONS.—In this paragraph:

(i) ALIEN.—The term ''alien'' has the same meaning as in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(ii) SECURE DETENTION FACILITY; SECURE CORRECTIONAL FACILITY.—The terms ''secure detention facility'' and ''secure correctional facility'' have the same meanings as in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603).

(B) PROHIBITION.—No amounts made available under this subtitle may be used for any program that permits the placement of status offenders, alien juveniles in custody, or nonoffender juveniles (such as dependent, abused, or neglected children) in secure detention facilities or secure correctional facilities.

(g) GRANT LIMITATIONS.—Not more than 3 percent of the amounts made available to the Attorney General or a grant recipient under this section may be used for administrative purposes.

(h) FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Federal share of a grant made under this section may not exceed 90 percent of the total estimated costs of the program described in the comprehensive plan submitted under subsection (d)(3) for the fiscal year for which the program receives assistance under this section.

(2) WAIVER.—The Attorney General may waive, in whole or in part, the requirements of paragraph (1).

(3) IN-KIND CONTRIBUTIONS.—For purposes of paragraph (1), in-kind contributions may constitute any portion of the non-Federal share of a grant under this section.

(i) REPORT AND EVALUATION.—

(1) REPORT TO THE ATTORNEY GENERAL.—Not later than October 1, 1999, and October 1 of each year thereafter, each grant recipient under this section shall submit to the Attorney General a report that describes, for the year to which the report relates, any progress achieved in carrying out the comprehensive plan of the grant recipient.

(2) EVALUATION AND REPORT TO CONGRESS.—Not later than March 1, 2000, and March 1 of each year thereafter, the Attorney General shall submit to Congress an evaluation and report that contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by grant recipients under this section, and an evaluation of programs established by grant recipients under this section.

(3) CRITERIA.—In assessing the effectiveness of the programs established and operated by grant recipients pursuant to this section, the Attorney General shall consider—

(A) a comparison between the number of first time offenders who received a sanction for criminal behavior in the jurisdiction of the grant recipient before and after initiation of the program;

(B) changes in the recidivism rate for first time offenders in the jurisdiction of the grant recipient;

(C) a comparison of the recidivism rates and the seriousness of future offenses of first time offenders in the jurisdiction of the grant recipient that receive a sanction and those who do not;

(D) changes in truancy rates of the public schools in the jurisdiction of the grant recipient; and

(E) changes in the arrest rates for vandalism and other property crimes in the jurisdiction of the grant recipient.

(4) DOCUMENTS AND INFORMATION.—Each grant recipient under this section shall provide the Attorney General with all documents and information that the Attorney General determines to be necessary to conduct an evaluation of the effectiveness of programs funded under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section from the Violent Crime Reduction Trust Fund—

(1) $150,000,000 for fiscal year 2000; and

(2) such sums as may be necessary for each of fiscal years 2000 and 2001.

(2) $175,000,000 for fiscal year 2002.

SEC. 433. PILOT PROGRAM TO PROMOTE REPLICATION OF RECENT SUCCESSFUL JUVENILE CRIME REDUCTION STRATEGIES.

(a) PILOT PROGRAM TO PROMOTE REPLICATION OF RECENT SUCCESSFUL JUVENILE CRIME REDUCTION STRATEGIES.—

(1) ESTABLISHMENT.—The Attorney General (or a designee of the Attorney General), in conjunction with the Secretary of the Treasury (or the designee of the Secretary), shall establish a pilot program (in this section referred to as the ''program'') to encourage and support communities that adopt a comprehensive approach to suppressing and preventing violent juvenile crime patterned after successful State juvenile crime reduction strategies.

(2) PROGRAM.—In carrying out the program, the Attorney General shall—

(A) make and track grants to grant recipients (in this section referred to as ''coalitions'');

(B) in conjunction with the Secretary of the Treasury, provide for technical assistance and training, data collection, and dissemination of relevant information; and

(C) provide for the general administration of the program.

(3) ADMINISTRATION.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall appoint an Administrator (in this section referred to as the ''Administrator'') to carry out the program.

(4) PROGRAM AUTHORIZATION.—To be eligible to receive an initial grant or a renewal grant under this section, a coalition shall meet each of the following criteria:

(A) COMPOSITION.—The coalition shall consist of 1 or more representatives of—

(i) the local police department or sheriff's department;

(ii) the local prosecutors' office;

(iii) the United States Attorney's office;

(iv) the Federal Bureau of Investigation;

(v) the Bureau of Alcohol, Tobacco and Firearms;

(vi) State or local probation officers;

(vii) religious affiliated or fraternal organizations involved in crime prevention;

(viii) schools;

(ix) parents or local grass roots organizations such as neighborhood watch groups; and

(x) social service agencies involved in crime prevention.

(B) OTHER PARTICIPANTS.—If possible, in addition to the representatives from the categories listed in subparagraph (A), the coalition shall include—

(i) representatives from the business community; and

(ii) researchers who have studied criminal justice and can offer technical or other assistance.

(C) COORDINATED STRATEGY.—A coalition shall submit to the Attorney General, or the Attorney General's designee, a comprehensive plan for reducing violent juvenile crime. To be eligible for consideration, a plan shall—

(i) ensure close collaboration among all members of the coalition in suppressing and preventing juvenile crime;

(ii) place heavy emphasis on coordinated enforcement initiatives, such as Federal and State programs that coordinate local police departments, prosecutors, and local community leaders to focus on the suppression of violent juvenile crime involving gangs;

(iii) ensure that there is close collaboration between police and probation officers in the supervision of juvenile offenders, such as initiatives that coordinate the efforts of parents, school officials, and police and probation officers to patrol the streets and make home visits to ensure that offenders comply with the terms of their probation;

(iv) ensure that a program is in place to trace all firearms seized from crime scenes or offenders in an effort to identify illegal gun traffickers; and

(v) ensure that effective crime prevention programs are in place, such as programs that provide after-school safe havens and other opportunities for at-risk youth to escape or avoid gang or other criminal activity, and to reduce recidivism.

(D) ACCOUNTABILITY.—A coalition shall—

(i) establish a system to measure and report outcomes consistent with common indicators and evaluation protocols established by the Administrator and which receives the approval of the Administrator; and

(ii) devise a detailed model for measuring and evaluating the success of the plan of the coalition in reducing violent juvenile crime, and provide assurances that the plan will be evaluated on a regular basis to assess progress in reducing violent juvenile crime.

(5) GRANT AMOUNTS.—

(A) IN GENERAL.—The Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

(B) NONSUPPLANTING REQUIREMENT.—A coalition seeking funds shall provide reasonable assurances that funds made available under this program to States or units of local government shall be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for programs described in this section, and shall in no event replace such State, local, or other non-Federal funds.

(C) SUSPENSION OF GRANTS.—If a coalition fails to continue to meet the criteria set forth in this section, the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

(D) RENEWAL GRANTS.—Subject to subparagraph (D), the Administrator may award a renewal grant to grant recipient under this subparagraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions,

for that fiscal year, during the 4-year period following the period of the initial grant.

(E) LIMITATION.—The amount of a grant award under this section may not exceed $300,000 for a fiscal year.

(6) PERMITTED USE OF FUNDS.—A coalition receiving funds under this section may expend such Federal funds on any use or program that is contained in the plan submitted to the Administrator.

(7) CONGRESSIONAL CONSULTATION.—Two years after the date of implementation of the program established in this section, the General Accounting Office shall submit a report to Congress reviewing the effectiveness of the program in suppressing and reducing violent juvenile crime in the participating communities. The report shall contain an analysis of each community participating in the program, along with information regarding the plan undertaken in the community, and the effectiveness of the plan in reducing violent juvenile crime. The report shall contain recommendations regarding the efficacy of continuing the program.

(b) INFORMATION COLLECTION AND DISSEMINATION WITH RESPECT TO COALITIONS.—

(1) COALITION INFORMATION.—For the purpose of audit and examination, the Administrator—

(A) shall have access to any books, documents, papers, and records that are pertinent to any grant or grant renewal request under this section; and

(B) may periodically request information from a coalition to ensure that the coalition meets the applicable criteria.

(2) REPORTING.—The Administrator shall, to the maximum extent practicable and in a manner consistent with applicable law, minimize reporting requirements by a coalition and expedite any application for a renewal grant made under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund to carry out this section—

(1) $3,000,000 for fiscal years 2000 and 2001; and

(2) such sums as may be necessary for fiscal year 2002.

TITLE V—PREVENTING JUVENILE CRIME

Subtitle A—Grants To Youth Organizations

SEC. 511. GRANT PROGRAM.

The Attorney General may make grants to States, Indian tribes, and national or statewide nonprofit organizations in crime prone areas, such as Boys and Girls Clubs, Police Athletic Leagues, 4–H Clubs, YMCA Big Brothers and Big Sisters, and Kids 'N Kops programs, for the purpose of—

(1) providing constructive activities to youth during after school hours, weekends, and school vacations;

(2) providing supervised activities in safe environments to youth in crime prone areas;

(3) providing antidrug education to prevent drug abuse among youth;

(4) supporting police officer training and salaries and educational materials to expand D.A.R.E. America's middle school campaign; or

(5) providing constructive activities to youth in a safe environment through parks and other public recreation areas.

SEC. 512. GRANTS TO NATIONAL ORGANIZATIONS.

(a) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, the chief operating officer of a national or statewide community-based organization shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a grant to be used for the purposes described in this subtitle;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this subtitle will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this subtitle;

(D) written assurances that all activities will be supervised by an appropriate number of responsible adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs; and

(F) any additional statistical or financial information that the Attorney General may reasonably require.

(b) GRANT AWARDS.—In awarding grants under this section, the Attorney General shall consider—

(1) the ability of the applicant to provide the stated services;

(2) the history and establishment of the applicant in providing youth activities on a national or statewide basis; and

(3) the extent to which the organizations shall achieve an equitable geographic distribution of the grant awards.

SEC. 513. GRANTS TO STATES.

(a) APPLICATIONS.—

(1) IN GENERAL.—The Attorney General may make grants under this section to States for distribution to units of local government and community-based organizations for the purposes set forth in section 511.

(2) GRANTS.—To request a grant under this section, the chief executive of a State shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(3) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (2) shall include—

(A) a request for a grant to be used for the purposes described in this subtitle;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the community;

(C) written assurances that Federal funds received under this subtitle will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this subtitle;

(D) written assurances that all activities will be supervised by an appropriate number of responsible adults; and

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs.

(b) GRANT AWARDS.—In awarding grants under this section, the State shall consider—

(1) the ability of the applicant to provide the stated services;

(2) the history and establishment of the applicant in the community to be served;

(3) the level of juvenile crime, violence, and drug use in the community;

(4) the extent to which structured extracurricular activities for youth are otherwise unavailable in the community;

(5) the need in the community for secure environments for youth to avoid criminal victimization and exposure to crime and illegal drugs;

(6) to the extent practicable, achievement of an equitable geographic distribution of the grant awards; and

(7) whether the applicant has an established record of providing extracurricular activities that are generally not otherwise available to youth in the community.

(c) ALLOCATION.—

(1) STATE ALLOCATIONS.—The Attorney General shall allot not less than 0.75 percent of the total amount made available each fiscal year to carry out this section to each State that has applied for a grant under this section.

(2) INDIAN TRIBES.—The Attorney General shall allot not less than 0.75 percent of the total amount made available each fiscal year to carry out this section to Indian tribes, in accordance with the criteria set forth in subsections (a) and (b).

(3) REMAINING AMOUNTS.—Of the amount remaining after the allocations under paragraphs (1) and (2), the Attorney General shall allocate to each State an amount that bears the same ratio to the total amount of remaining funds as the population of the State bears to the total population of all States.

SEC. 514. ALLOCATION; GRANT LIMITATION.

(a) ALLOCATION.—Of amounts made available to carry out this subtitle—

(1) 20 percent shall be for grants to national or statewide organizations under section 512; and

(2) 80 percent shall be for grants to States under section 513.

(b) GRANT LIMITATION.—Not more than 3 percent of the funds made available to the Attorney General or a grant recipient under this subtitle may be used for administrative purposes.

SEC. 515. REPORT AND EVALUATION.

(a) REPORT TO THE ATTORNEY GENERAL.—Not later than October 1, 2000 and October 1 of each year thereafter, each grant recipient under this subtitle shall submit to the Attorney General a report that describes, for the year to which the report relates—

(1) the activities provided;

(2) the number of youth participating;

(3) the extent to which the grant enabled the provision of activities to youth that would not otherwise be available; and

(4) any other information that the Attorney General requires for evaluating the effectiveness of the program.

(b) EVALUATION AND REPORT TO CONGRESS.—Not later than March 1, 2001, and March 1 of each year thereafter, the Attorney General shall submit to Congress an evaluation and report that contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by grant recipients under this subtitle, and an evaluation of programs established by grant recipients under this subtitle.

(c) CRITERIA.—In assessing the effectiveness of the programs established and operated by grant recipients pursuant to this subtitle, the Attorney General shall consider—

(1) the number of youth served by the grant recipient;

(2) the percentage of youth participating in the program charged with acts of delinquency or crime compared to youth in the community at large;

(3) the percentage of youth participating in the program that uses drugs compared to youth in the community at large;

(4) the percentage of youth participating in the program that are victimized by acts of crime or delinquency compared to youth in the community at large; and

(5) the truancy rates of youth participating in the program compared to youth in the community at large.

(d) DOCUMENTS AND INFORMATION.—Each grant recipient under this subtitle shall provide the Attorney General with all documents and information that the Attorney General determines to be necessary to conduct an evaluation of the effectiveness of programs funded under this subtitle.

SEC. 516. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle from the Violent Crime Reduction Trust Fund—

(1) $125,000,000 for each of fiscal years 2000 and 2001; and

(2) such sums as may be necessary for fiscal year 2002.

(b) CONTINUED AVAILABILITY.—Amounts made available under this subtitle shall remain available until expended.

SEC. 517. GRANTS TO PUBLIC AND PRIVATE AGENCIES.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking the first part designated as part I;

(2) by redesignating the second part designated as part I as part M; and

(3) by inserting after part H the following:

"PART I—AFTER SCHOOL CRIME PREVENTION

"SEC. 291. GRANTS TO PUBLIC AND PRIVATE AGENCIES FOR EFFECTIVE AFTER SCHOOL CRIME PREVENTION PROGRAMS.

''(a) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make grants in accordance with this section to public and private agencies to fund effective after school juvenile crime prevention programs.

''(b) MATCHING REQUIREMENT.—The Administrator may not make a grant to a public or private agency under this section unless that agency agrees that, with respect to the costs to be incurred by the agency in carrying out the program for which the grant is to be awarded, the agency will make available non-Federal contributions in an amount that is not less than a specific percentage of Federal funds provided under the grant, as determined by the Administrator.

''(c) PRIORITY.—In making grants under this section, the Administrator shall give priority to funding programs that—

''(1) are targeted to high crime neighborhoods or at-risk juveniles;

''(2) operate during the period immediately following normal school hours;

''(3) provide educational or recreational activities designed to encourage law-abiding conduct, reduce the incidence of criminal activity, and teach juveniles alternatives to crime; and

''(4) coordinate with State or local juvenile crime control and juvenile offender accountability programs.

''(d) FUNDING.—There are authorized to be appropriated for grants under this section—

''(1) $200,000,000 for each of fiscal years 2000 and 2001; and

''(2) such sums as may be necessary for fiscal year 2002.''.

Subtitle B—"Say No to Drugs" Community Centers

SEC. 521. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This subtitle may be cited as the ''Say No to Drugs Community Centers Act of 1999''.

(b) DEFINITIONS.—In this subtitle—

(1) COMMUNITY-BASED ORGANIZATION.—The term ''community-based organization'' means a private, locally initiated organization that—

(A) is a nonprofit organization, as that term is defined in section 103(23) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(23)); and

(B) involves the participation, as appropriate, of members of the community and community institutions, including—

(i) business and civic leaders actively involved in providing employment and business development opportunities in the community;

(ii) educators;

(iii) religious organizations (which shall not provide any sectarian instruction or sectarian worship in connection with program activities funded under this subtitle);

(iv) law enforcement agencies; and

(v) other interested parties.

(2) ELIGIBLE COMMUNITY.—The term ''eligible community'' means a community—

(A) identified by an eligible recipient for assistance under this subtitle; and

(B) an area that meets such criteria as the Attorney General may, by regulation, establish, including criteria relating to poverty, juvenile delinquency, and crime.

(3) ELIGIBLE RECIPIENT.—The term ''eligible recipient'' means a community-based organization or public school that has—

(A) been approved for eligibility by the Attorney General, upon application submitted to the Attorney General in accordance with section 412(b); and

(B) demonstrated that the projects and activities it seeks to support in an eligible community involve the participation, when feasible and appropriate, of—

(i) parents, family members, and other members of the eligible community;

(ii) civic and religious organizations serving the eligible community;

(iii) school officials and teachers employed at schools located in the eligible community;

(iv) public housing resident organizations in the eligible community; and

(v) public and private nonprofit organizations and organizations serving youth that provide education, child protective services, or other human services to low income, at-risk youth and their families.

(4) POVERTY LINE.—The term ''poverty line'' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(5) PUBLIC SCHOOL.—The term ''public school'' means a public elementary school, as defined in section 1201(i) of the Higher Education Act of 1965 (20 U.S.C. 1141(i)), and a public secondary school, as defined in section 1201(d) of that Act (42 U.S.C. 1141(d)).

SEC. 522. GRANT REQUIREMENTS.

(a) IN GENERAL.—The Attorney General may make grants to eligible recipients, which grants may be used to provide to youth living in eligible communities during after school hours or summer vacations, the following services:

(1) Rigorous drug prevention education.

(2) Drug counseling and treatment.

(3) Academic tutoring and mentoring.

(4) Activities promoting interaction between youth and law enforcement officials.

(5) Vaccinations and other basic preventive health care.

(6) Sexual abstinence education.

(7) Other activities and instruction to reduce youth violence and substance abuse.

(b) LOCATION AND USE OF AMOUNTS.—An eligible recipient that receives a grant under this subtitle—

(1) shall ensure that the stated program is carried out—

(A) when appropriate, in the facilities of a public school during nonschool hours; or

(B) in another appropriate local facility that is—

(i) in a location easily accessible to youth in the community; and

(ii) in compliance with all applicable State and local ordinances;

(2) shall use the grant amounts to provide to youth in the eligible community services and activities that include extracurricular and academic programs that are offered—

(A) after school and on weekends and holidays, during the school year; and

(B) as daily full day programs (to the extent available resources permit) or as part day programs, during the summer months;

(3) shall use not more than 5 percent of the amounts to pay for the administrative costs of the program;

(4) shall not use such amounts to provide sectarian worship or sectarian instruction; and

(5) may not use the amounts for the general operating costs of public schools.

(c) APPLICATIONS.—

(1) IN GENERAL.—Each application to become an eligible recipient shall be submitted to the Attorney General at such time, in such manner, and accompanied by such information, as the Attorney General may reasonably require.

(2) CONTENTS OF APPLICATION.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities and services to be provided through the program for which the grant is sought;

(B) contain a comprehensive plan for the program that is designed to achieve identifiable goals for youth in the eligible community;

(C) describe in detail the drug education and drug prevention programs that will be implemented;

(D) specify measurable goals and outcomes for the program that will include—

(i) reducing the percentage of youth in the eligible community that enter the juvenile justice system or become addicted to drugs;

(ii) increasing the graduation rates, school attendance, and academic success of youth in the eligible community; and

(iii) improving the skills of program participants;

(E) contain an assurance that the applicant will use grant amounts received under this subtitle to provide youth in the eligible community with activities and services consistent with subsection (g);

(F) demonstrate the manner in which the applicant will make use of the resources, expertise, and commitment of private entities in carrying out the program for which the grant is sought;

(G) include an estimate of the number of youth in the eligible community expected to be served under the program;

(H) include a description of charitable private resources, and all other resources, that will be made available to achieve the goals of the program;

(I) contain an assurance that the applicant will comply with any evaluation under section 522, any research effort authorized under Federal law, and any investigation by the Attorney General;

(J) contain an assurance that the applicant will prepare and submit to the Attorney General an annual report regarding any program conducted under this subtitle;

(K) contain an assurance that the program for which the grant is sought will, to the maximum extent practicable, incorporate services that are provided solely through non-Federal private or nonprofit sources; and

(L) contain an assurance that the applicant will maintain separate accounting records for the program for which the grant is sought.

(3) PRIORITY.—In determining eligibility under this section, the Attorney General shall give priority to applicants that submit applications that demonstrate the greatest local support for the programs they seek to support.

(d) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Attorney General shall, subject to the availability of appropriations, provide to each eligible recipient

the Federal share of the costs of developing and carrying out programs described in this section.

(2) FEDERAL SHARE.—The Federal share of the cost of a program under this subtitle shall be not more than—

(A) 75 percent of the total cost of the program for each of the first 2 years of the duration of a grant;

(B) 70 percent of the total cost of the program for the third year of the duration of a grant; and

(C) 60 percent of the total cost of the program for each year thereafter.

(3) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of the cost of a program under this subtitle may be in cash or in kind, fairly evaluated, including plant, equipment, and services. Federal funds made available for the activity of any agency of an Indian tribal government or the Bureau of Indian Affairs on any Indian lands may be used to provide the non-Federal share of the costs of programs or projects funded under this subtitle.

(B) SPECIAL RULE.—Not less than 15 percent of the non-Federal share of the costs of a program under this subtitle shall be provided from private or nonprofit sources.

(e) PROGRAM AUTHORITY.—

(1) IN GENERAL.—

(A) ALLOCATIONS FOR STATES AND INDIAN TRIBES.—

(i) IN GENERAL.—In any fiscal year in which the total amount made available to carry out this subtitle is equal to or greater than $20,000,000, from the amount made available to carry out this subtitle, the Attorney General shall allocate not less than 0.75 percent for grants under subparagraph (B) to eligible recipients in each State.

(ii) INDIAN TRIBES.—The Attorney General shall allocate 0.75 percent of amounts made available under this subtitle for grants to Indian tribes.

(B) GRANTS TO COMMUNITY-BASED ORGANIZATIONS AND PUBLIC SCHOOLS FROM ALLOCATIONS.—For each fiscal year described in subparagraph (A), the Attorney General may award grants from the appropriate State or Indian tribe allocation determined under subparagraph (A) on a competitive basis to eligible recipients to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this subtitle.

(C) REALLOCATION.—If, at the end of a fiscal year described in subparagraph (A), the Attorney General determines that amounts allocated for a particular State or Indian tribe under subparagraph (B) remain unobligated, the Attorney General shall use such amounts to award grants to eligible recipients in another State or Indian tribe to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this subtitle. In awarding such grants, the Attorney General shall consider the need to maintain geographic diversity among eligible recipients.

(D) AVAILABILITY OF AMOUNTS.—Amounts made available under this paragraph shall remain available until expended.

(2) OTHER FISCAL YEARS.—In any fiscal year in which the amount made available to carry out this subtitle is equal to or less than $20,000,000, the Attorney General may award grants on a competitive basis to eligible recipients to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this subtitle.

(3) ADMINISTRATIVE COSTS.—The Attorney General may use not more than 3 percent of the amounts made available to carry out this subtitle in any fiscal year for administrative costs, including training and technical assistance.

SEC. 523. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle from the Violent Crime Reduction Trust Fund

(1) $100,000,000 for fiscal year 2000: and

(2) such sums as may be necessary for each of fiscal years 2001 and 2002.

Subtitle C—Reauthorization of Incentive Grants For Local Delinquency Prevention Programs

SEC. 531. INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.

Section 506 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5785) is amended to read as follows:

"SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 2000, 2001, and 2002.''.

SEC. 532. RESEARCH, EVALUATION, AND TRAINING.

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.) is amended by adding at the end the following:

"SEC. 507. RESEARCH, EVALUATION, AND TRAINING.

''Of the amounts made available by appropriations pursuant to section 506—

''(1) 2 percent shall be used by the Administrator for providing training and technical assistance under this title; and

''(2) 10 percent shall be used by the Administrator for research, statistics, and evaluation activities carried out in conjunction with the grant programs under this title.''.

Subtitle D—Authorization of Anti-Drug Abuse Programs

SEC. 541. DRUG EDUCATION AND PREVENTION RELATING TO YOUTH GANGS.

Section 3505 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11805) is amended to read as follows:

"SEC. 3505. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this chapter such sums as may be necessary for each of fiscal years 2000, 2001, and 2002.''.

SEC. 542. DRUG EDUCATION AND PREVENTION PROGRAM FOR RUNAWAY AND HOMELESS YOUTH.

Section 3513 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11823) is amended to read as follows:

"SEC. 3513. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this chapter such sums as may be necessary for each of fiscal years 2000, 2001, and 2002.''.

Subtitle E—JUMP Ahead

SEC. 551. SHORT TITLE.

This subtitle may be cited as the ''JUMP Ahead Act of 1999''.

SEC. 552. FINDINGS.

Congress finds that—

(1) millions of young people in America live in areas in which drug use and violent and property crimes are pervasive;

(2) unfortunately, many of these same young people come from single parent homes, or from environments in which there is no responsible, caring adult supervision;

(3) all children and adolescents need caring adults in their lives, and mentoring is an effective way to fill this special need for at-risk children;

(4) the special bond of commitment fostered by the mutual respect inherent in effective mentoring can be the tie that binds a young person to a better future;

(5) through a mentoring relationship, adult volunteers and participating youth make a significant commitment of time and energy to develop relationships devoted to personal, academic, or career development and social, artistic, or athletic growth;

(6) rigorous independent studies have confirmed that effective mentoring programs can significantly reduce and prevent the use of alcohol and drugs by young people, improve school attendance and performance, improve peer and family and peer relationships, and reduce violent behavior;

(7) since the inception of the Federal JUMP program, dozens of innovative, effective mentoring programs have received funding grants;

(8) unfortunately, despite the recent growth in public and private mentoring initiatives, it is reported that between 5,000,000 and 15,000,000 additional children in the United States could benefit from being matched with a mentor; and

(9) although great strides have been made in reaching at-risk youth since the inception of the JUMP program, millions of vulnerable American children are not being reached, and without an increased commitment to connect these young people to responsible adult role models, our country risks losing an entire generation to drugs, crime, and unproductive lives.

SEC. 553. JUVENILE MENTORING GRANTS.

(a) IN GENERAL.—Section 288B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Administrator shall'';

(2) by striking paragraph (2) and inserting the following:

''(2) are intended to achieve 1 or more of the following goals:

''(A) Discourage at-risk youth from—

''(i) using illegal drugs and alcohol;

''(ii) engaging in violence;

''(iii) using guns and other dangerous weapons;

''(iv) engaging in other criminal and antisocial behavior; and

''(v) becoming involved in gangs.

''(B) Promote personal and social responsibility among at-risk youth.

''(C) Increase at-risk youth's participation in, and enhance the ability of those youth to benefit from, elementary and secondary education.

''(D) Encourage at-risk youth participation in community service and community activities.

''(E) Provide general guidance to at-risk youth.''; and

(3) by adding at the end the following:

''(b) AMOUNT AND DURATION.—Each grant under this part shall be awarded in an amount not to exceed a total of $200,000 over a period of not more than 3 years.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this part—

''(1) $50,000,000 for fiscal year 2000; and

''(2) such sums as may be necessary for each of fiscal years 2001 and 2002.''.

SEC. 554. IMPLEMENTATION AND EVALUATION GRANTS.

(a) IN GENERAL.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice may make grants to national organizations or agencies serving youth, in order to enable those organizations or agencies—

(1) to conduct a multisite demonstration project, involving between 5 and 10 project sites, that—

(A) provides an opportunity to compare various mentoring models for the purpose of evaluating the effectiveness and efficiency of those models;

(B) allows for innovative programs designed under the oversight of a national organization or agency serving youth, which programs may include—

(i) technical assistance;

(ii) training; and

(iii) research and evaluation; and

(C) disseminates the results of such demonstration project to allow for the determination of the best practices for various mentoring programs;

(2) to develop and evaluate screening standards for mentoring programs; and

(3) to develop and evaluate volunteer recruitment techniques and activities for mentoring programs.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) such sums as may be necessary for each of fiscal years 2000 and 2001; and

(2) $5,000,000 for fiscal year 2002.

SEC. 555. EVALUATIONS; REPORTS.

(a) EVALUATIONS.—

(1) IN GENERAL.—The Attorney General shall enter into a contract with an evaluating organization that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the programs and activities assisted under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this title).

(2) CRITERIA.—The Attorney General shall establish a minimum criteria for evaluating the programs and activities assisted under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this title), which shall provide for a description of the implementation of the program or activity, and the effect of the program or activity on participants, schools, communities, and youth served by the program or activity.

(3) MENTORING PROGRAM OF THE YEAR.—The Attorney General shall, on an annual basis, based on the most recent evaluation under this subsection and such other criteria as the Attorney General shall establish by regulation—

(A) designate 1 program or activity assisted under this Act as the ''Juvenile Mentoring Program of the Year''; and

(B) publish notice of such designation in the Federal Register.

(b) REPORTS.—

(1) GRANT RECIPIENTS.—Each entity receiving a grant under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this title) shall submit to the evaluating organization entering into the contract under subsection (a)(1), an annual report regarding any program or activity assisted under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this title). Each report under this paragraph shall be submitted at such time, in such a manner, and shall be accompanied by such information, as the evaluating organization may reasonably require.

(2) COMPTROLLER GENERAL.—Not later than 4 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report evaluating the effectiveness of grants awarded under this Act and under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this title), in—

(A) reducing juvenile delinquency and gang participation;

(B) reducing the school dropout rate; and

(C) improving academic performance of juveniles.

Subtitle F—Reauthorization of Juvenile Crime Control and Delinquency Prevention Programs

SEC. 561. SHORT TITLE.

This subtitle may be cited as the ''Juvenile Crime Control and Delinquency Prevention Act of 1999''.

SEC. 562. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

''SEC. 101. FINDINGS.

''(a) Congress finds that the juvenile crime problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

''(1) quality prevention programs that—

''(A) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether juveniles have ever been the victims of family violence (including child abuse and neglect); and

''(B) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

''(2) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

''(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts.''.

SEC. 563. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

''SEC. 102. PURPOSES.

''The purposes of this title are—

''(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

''(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

''(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.''.

SEC. 564. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3), by striking ''to help prevent juvenile delinquency'' and inserting ''designed to reduce known risk factors for juvenile delinquent behavior, provide activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior'',

(2) in paragraph (4), by inserting ''title I of'' before ''the Omnibus'' each place it appears,

(3) in paragraph (7), by striking ''the Trust Territory of the Pacific Islands,'',

(4) in paragraph (9), by striking ''justice'' and inserting ''crime control'',

(5) in paragraph (12)(B), by striking '', of any nonoffender,'',

(6) in paragraph (13)(B), by striking '', any nonoffender,'',

(7) in paragraph (14), by inserting ''drug trafficking,'' after ''assault,'',

(8) in paragraph (16)—

(A) in subparagraph (A), by adding ''and'' at the end, and

(B) by striking subparagraph (C),

(9) by striking paragraph (17),

(10) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking ''and'' at the end,

(11) in paragraph (23), by striking the period at the end and inserting a semicolon,

(12) by redesignating paragraphs (18), (19), (20), (21), (22), and (23) as paragraphs (17) through (22), respectively, and

(13) by adding at the end the following:

''(23) the term 'boot camp' means a residential facility (excluding a private residence) at which there are provided—

''(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training.

''(B) regular, remedial, special, and vocational education; and

''(C) counseling and treatment for substance abuse and other health and mental health problems;

''(24) the term 'graduated sanctions' means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

''(25) the term 'violent crime' means—

''(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

''(B) aggravated assault committed with the use of a firearm;

''(26) the term 'co-located facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

''(27) the term 'related complex of buildings' means 2 or more buildings that share—

''(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

''(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.''.

SEC. 565. NAME OF OFFICE.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) in part A, by striking the part heading and inserting the following:

''PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION'';

(2) in section 201(a), by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention''; and

(3) in section 299A(c)(2) by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention''.

SEC. 566. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1), by striking the last sentence;

(2) in subsection (b)—

(A) in paragraph (3), by striking ''and of the prospective'' and all that follows through ''administered'';

(B) by striking paragraph (5); and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively;

(3) in subsection (c), by striking ''and reports'' and all that follows through ''this part'', and inserting ''as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency'';

(4) by striking subsection (i); and

(5) by redesignating subsection (h) as subsection (f).

SEC. 567. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''amount, up to $400,000,'' and inserting ''amount up to $400,000'';

(II) by inserting a comma after ''1992'' the first place it appears;

(III) by striking ''the Trust Territory of the Pacific Islands,''; and

(IV) by striking ''amount, up to $100,000,'' and inserting ''amount up to $100,000'';

(ii) in subparagraph (B)—

(I) by striking ''(other than part D)'';

(II) by striking ''or such greater amount, up to $600,000'' and all that follows through ''section 299(a) (1) and (3)'';

(III) by striking ''the Trust Territory of the Pacific Islands,'';

(IV) by striking ''amount, up to $100,000,'' and inserting ''amount up to $100,000''; and

(V) by inserting a comma after ''1992'';

(B) in paragraph (3) by striking ''allot'' and inserting ''allocate''; and

(2) in subsection (b) by striking ''the Trust Territory of the Pacific Islands,''.

SEC. 568. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the second sentence, by striking ''challenge'' and all that follows through ''part E'', and inserting '', projects, and activities'';

(B) in paragraph (3)—

(i) by striking '', which—'' and inserting ''that—'';

(ii) in subparagraph (A)—

(I) by striking ''not less'' and all that follows through ''33'', and inserting ''the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and'';

(II) by inserting '', in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws'' after ''State'';

(III) in clause (i), by striking ''or the administration of juvenile justice'' and inserting '', the administration of juvenile justice, or the reduction of juvenile delinquency'';

(IV) in clause (ii), by striking ''include—'' and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

''represent a multidisciplinary approach to addressing juvenile delinquency and may include—

''(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

''(II) such other individuals as the chief executive officer considers to be appropriate; and''; and

(V) by striking clauses (iv) and (v);

(iii) in subparagraph (C), by striking ''justice'' and inserting ''crime control'';

(iv) in subparagraph (D)—

(I) in clause (i), by inserting ''and'' at the end; and

(II) in clause (ii), by striking ''paragraphs'' and all that follows through ''part E'', and inserting ''paragraphs (11), (12), and (13)''; and

(v) in subparagraph (E), by striking ''title—'' and all that follows through ''(ii)'' and inserting ''title,'';

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking '', other than'' and inserting ''reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding'' after ''section 222''; and

(ii) in subparagraph (C), by striking ''paragraphs (12)(A), (13), and (14)'' and inserting ''paragraphs (11), (12), and (13)'';

(D) by striking paragraph (6);

(E) in paragraph (7), by inserting '', including in rural areas'' before the semicolon at the end;

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking ''for (i)'' and all that follows through ''relevant jurisdiction'', and inserting ''for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State'';

(II) by striking ''justice'' the second place it appears and inserting ''crime control''; and

(III) by striking ''of the jurisdiction; (ii)'' and all that follows through the semicolon at the end, and inserting ''of the State; and'';

(ii) by striking subparagraph (B) and inserting the following:

''(B) contain—

''(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

''(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

''(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system;''; and

(iii) by striking subparagraphs (C) and (D);

(G) by striking paragraph (9) and inserting the following:

''(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;'';

(H) in paragraph (10)—

(i) in subparagraph (A), by striking '', specifically'' and inserting ''including''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) programs that assist in holding juveniles accountable for their actions, including the use of graduated sanctions and of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage caused by their delinquent behavior;'';

(iii) in subparagraph (C), by striking ''juvenile justice'' and inserting ''juvenile crime control'';

(iv) by striking subparagraph (D) and inserting the following:

''(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;'';

(v) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii); and

(II) by striking ''juveniles, provided'' and all that follows through ''provides; and'', and inserting the following:

''juveniles—

''(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

''(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and'';

(vi) by striking subparagraph (F) and inserting the following:

''(F) expanding the use of probation officers—

''(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(ii) to ensure that juveniles follow the terms of their probation;'';

(vii) by striking subparagraph (G) and inserting the following:

''(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;'';

(viii) in subparagraph (H) by striking ''handicapped youth'' and inserting ''juveniles with disabilities'';

(ix) by striking subparagraph (K) and inserting the following:

''(K) boot camps for juvenile offenders;'';

(x) by striking subparagraph (L) and inserting the following:

''(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;'';

(xi) by striking subparagraph (M) and inserting the following:

''(M) other activities (such as court-appointed advocates) that the State determines will hold juveniles accountable for their acts and decrease juvenile involvement in delinquent activities;'';

(xii) in subparagraph (O)—

(I) in striking ''cultural'' and inserting ''other''; and

(II) by striking the period at the end and inserting a semicolon; and

(xiii) by adding at the end the following:

''(P) programs that utilize multidisciplinary interagency case management and information sharing, that enable the juvenile justice and law enforcement agencies, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent or serious delinquent acts; and

''(Q) programs designed to prevent and reduce hate crimes committed by juveniles.'';

(I) by striking paragraph (12) and inserting the following:

''(12) shall, in accordance with rules issued by the Administrator, provide that—

''(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

''(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

''(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

''(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles, as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

''(B) juveniles—

''(i) who are not charged with any offense; and

''(ii) who are—

''(I) aliens; or

''(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;'';

(J) by striking paragraph (13) and inserting the following:

''(13) provide that—

''(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have prohibited physical contact or sustained oral communication (as defined in subparagraphs (D) and (E)) with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges;

''(B) to the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles;

''(C) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in colocated facilities have been trained and certified to work with juveniles;

''(D) the term 'prohibited physical contact'—

''(i) means—

''(I) any physical contact between a juvenile and an adult inmate; and

''(II) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate; and

''(ii) does not include supervised proximity between a juvenile and an adult inmate that is brief and incidental or accidental; and

''(E) the term 'sustained oral communication' means the imparting or interchange of speech by or between an adult inmate and a juvenile; and

''(ii) does not include—

''(I) communication that is accidental or incidental; or

''(II) sounds or noises that cannot reasonably be considered to be speech;'';

(K) by striking paragraph (14) and inserting the following:

''(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

''(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

''(i) for processing or release;

''(ii) while awaiting transfer to a juvenile facility; or

''(iii) in which period such juveniles make a court appearance;

''(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained or confined in a jail or lockup—

''(i) in which—

''(I) such juveniles do not have prohibited physical contact or sustained oral communication (as defined in subparagraphs (D) and (E) of paragraph (13)) with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges;

''(II) to the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles; and

''(III) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

''(ii) that—

''(I) is located outside a metropolitan statistical area (as defined by the Director of the Office of Management and Budget) and has no existing acceptable alternative placement available; or

''(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

''(IV) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;'';

(L) in paragraph (15)—

(i) by striking ''paragraph (12)(A), paragraph (13), and paragraph (14)'' and inserting ''paragraphs (11), (12), and (13)''; and

(ii) by striking ''paragraph (12)(A) and paragraph (13)'' and inserting ''paragraphs (11) and (12)'';

(M) in paragraph (16) by striking ''mentally, emotionally, or physically handicapping conditions'' and inserting ''disability'';

(N) by striking paragraph (19) and inserting the following:

''(19) provide assurances that—

''(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

''(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

''(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;'';

(O) by striking paragraph (23) and inserting the following:

''(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;'';

(P) by striking paragraph (24) and inserting the following:

''(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

''(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

''(B) not later than 24 hours after the juvenile is taken into custody and during which the juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

''(C) not later than 48 hours after the juvenile is taken into custody and during which the juvenile is so held—

''(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

''(ii) such court shall conduct a hearing to determine—

''(I) whether there is reasonable cause to believe that such juvenile violated such order; and

''(II) the appropriate placement of such juvenile pending disposition of the violation alleged;'';

(Q) in paragraph (25) by striking the period at the end and inserting a semicolon;

(R) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively; and

(S) by adding at the end the following:

''(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the state advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units.''; and

(2) by striking subsection (c) and inserting the following:

''(c) If a State fails to comply with any applicable requirement of paragraph (11), (12), (13), or (22) of subsection (a) in any fiscal year beginning after September 30, 1999, then the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

''(1) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

''(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.''; and

(3) in subsection (d)—

(A) by striking ''allotment'' and inserting ''allocation''; and

(B) by striking ''subsection (a) (12)(A), (13), (14) and (23)'' each place it appears and inserting ''paragraphs (11), (12), (13), and (22) of subsection (a)''.

SEC. 569. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part I the following:

''PART J—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

''SEC. 292. AUTHORITY TO MAKE GRANTS.

''The Administrator may make grants to eligible States, from funds allocated under section 292A, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

''(1) projects that assist in holding juveniles accountable for their actions, including the use of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts;

''(2) projects that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

''(3) educational projects or supportive services for delinquent or other juveniles—

''(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

''(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

''(C) to assist in identifying learning difficulties (including learning disabilities);

''(D) to prevent unwarranted and arbitrary suspensions and expulsions;

''(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

''(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other disabled juveniles; or

''(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies;

''(4) projects which expand the use of probation officers—

''(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

''(B) to ensure that juveniles follow the terms of their probation;

''(5) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

''(6) community-based projects and services (including literacy and social service programs) which work with juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

''(7) projects designed to provide for the treatment of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

''(8) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

''(9) projects which provide for an initial intake screening of each juvenile taken into custody—

''(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

''(B) to provide appropriate interventions, including mental health services and substance abuse treatment, to prevent such juvenile from committing subsequent offenses;

''(10) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

''(11) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering services to juveniles;

''(12) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

''(13) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

''(14) family strengthening activities, such as mutual support groups for parents and their children;

''(15) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

''(16) programs that focus on the needs of young girls at-risk of delinquency or status offenses; and

''(17) other activities that are likely to prevent juvenile delinquency.

''SEC. 292A. ALLOCATION.

''Funds appropriated to carry out this part shall be allocated among eligible States as follows:

''(1) 0.75 percent shall be allocated to each State.

''(2) Of the total amount remaining after the allocation under paragraph (1), there shall be allocated to each State as follows:

''(A) 50 percent of such amount shall be allocated proportionately based on the population that is less than 18 years of age in the eligible States.

''(B) 50 percent of such amount shall be allocated proportionately based on the annual average number of arrests for serious crimes committed in the eligible States by juveniles during the then most recently completed period of 3 consecutive calendar years for which sufficient information is available to the Administrator.

''SEC. 292B. ELIGIBILITY OF STATES.

''(a) APPLICATION.—To be eligible to receive a grant under section 292, a State shall submit to the Administrator an application that contains the following:

''(1) An assurance that the State will use—

''(A) not more than 5 percent of such grant, in the aggregate, for—

''(i) the costs incurred by the State to carry out this part; and

''(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

''(B) the remainder of such grant to make grants under section 292C.

''(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

''(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

''(4) An assurance that each eligible entity described in section 292C(a) that receives an initial grant under section 292 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 292 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

''(5) Such other information and assurances as the Administrator may reasonably require by rule.

''(b) APPROVAL OF APPLICATIONS.—

''(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

''(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

''(A)(i) the State submitted a plan under section 223 for such fiscal year; and

''(ii) such plan is approved by the Administrator for such fiscal year; or

''(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

''SEC. 292C. GRANTS FOR LOCAL PROJECTS.

''(a) SELECTION FROM AMONG APPLICATIONS.—

''(1) IN GENERAL.—Using a grant received under section 292, a State may make grants to eligible entities whose applications are received by the State in accordance with subsection (b) to carry out projects and activities described in section 292.

''(2) For purposes of making grants under this section, the State shall give special consideration to eligible entities that—

''(A) propose to carry out such projects in geographical areas in which there is—

''(i) a disproportionately high level of serious crime committed by juveniles; or

''(ii) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

''(B)(i) agreed to carry out such projects or activities that are multidisciplinary and involve 2 or more eligible entities; or

''(ii) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

''(C) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

''(b) RECEIPT OF APPLICATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), a unit of general local government shall submit to the State simultaneously all applications that are—

''(A) timely received by such unit from eligible entities; and

''(B) determined by such unit to be consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

''(2) DIRECT SUBMISSION TO STATE.—If an application submitted to such unit by an eligible entity satisfies the requirements specified in subparagraphs (A) and (B) of paragraph (1), such entity may submit such application directly to the State.

''SEC. 292D. ELIGIBILITY OF ENTITIES.

''(a) ELIGIBILITY.—Subject to subsections (b) and except as provided in subsection (c), to be eligible to receive a grant under section 292C, a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education authority (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 and including a school within such authority), nonprofit private organization, unit of general

local government, or social service provider, and or other entity with a demonstrated history of involvement in the prevention of juvenile delinquency, shall submit to a unit of general local government an application that contains the following:

''(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in 1 or more of paragraphs (1) through (14) of section 292 as specified in, such application.

''(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

''(3) A statement identifying the research (if any) such entity relied on in preparing such application.

''(b) REVIEW AND SUBMISSION OF APPLICATIONS.—Except as provided in subsection (c), an entity shall not be eligible to receive a grant under section 292C unless—

''(1) such entity submits to a unit of general local government an application that—

''(A) satisfies the requirements specified in subsection (a); and

''(B) describes a project or activity to be carried out in the geographical area under the jurisdiction of such unit; and

''(2) such unit determines that such project or activity is consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

''(c) LIMITATION.—If an entity that receives a grant under section 292C to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.''.

SEC. 570. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part J the following:

''PART K—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

''SEC. 293. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION.

''(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

''(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

''(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

''(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

''(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

''(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

''(iv) successful efforts to prevent recidivism;

''(v) the juvenile justice system;

''(vi) juvenile violence; and

''(vii) other purposes consistent with the purposes of this title and title I.

''(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

''(b) STATISTICAL ANALYSES.—The Administrator may—

''(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

''(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consistent with the purposes of this title and title I.

''(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

''(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

''(e) INFORMATION DISSEMINATION.—The Administrator may—

''(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

''(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

''(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

''SEC. 293A. TRAINING AND TECHNICAL ASSISTANCE.

''(a) TRAINING.—The Administrator may—

''(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

''(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

''(b) TECHNICAL ASSISTANCE.—The Administrator may—

''(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

''(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.''.

SEC. 571. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part K the following:

''PART L—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

''SEC. 294. GRANTS AND PROJECTS.

''(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

''(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

''SEC. 294A. GRANTS FOR TECHNICAL ASSISTANCE.

''The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

''SEC. 294B. ELIGIBILITY.

''To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonable require by rule.

''SEC. 294C. REPORTS.

''Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which such grants are made.''.

SEC. 572. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e); and

(2) by striking subsections (a) and (b), and inserting the following:

''(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 2000, 2001, and 2002.

''(2) ALLOCATION.—Of the amount made available for each fiscal year to carry out this title not more than 5 percent shall be available to carry out part A.

SEC. 573. ADMINISTRATIVE AUTHORITY.

Section 299A(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended by striking ''as are consistent with the purpose of this Act'' and inserting ''only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance''.

SEC. 574. USE OF FUNDS.

Section 299C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674) is amended—

(1) in subsection (a)—

(A) by striking ''may be used for'';

(B) in paragraph (1), by inserting ''may be used for'' after ''(1)''; and

(C) by striking paragraph (2) and inserting the following:

''(2) may not be used for the cost of construction of any short- or long-term facilities for adult or juvenile offenders, except not more than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.'';

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

SEC. 575. LIMITATION ON USE OF FUNDS.

Part M of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.) is amended by adding at the end the following:

''SEC. 299F. LIMITATION ON USE OF FUNDS.

''None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.''.

SEC. 576. RULES OF CONSTRUCTION.

Part M of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.) is amended by adding at the end the following:

''SEC. 299G. RULES OF CONSTRUCTION.

''Nothing in this title or title I may be construed—

''(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

''(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.''.

SEC. 577. LEASING SURPLUS FEDERAL PROPERTY.

Part M of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.) is amended by adding at the end the following:

''SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

''The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.''.

SEC. 578. ISSUANCE OF RULES.

Part M of title II or the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.) is amended by adding at the end the following:

''SEC. 299I. ISSUANCE OF RULES.

''The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.''.

SEC. 579. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b), by striking ''prescribed for GS–18 of the General Schedule by section 5332'' and inserting ''payable under section 5376'';

(2) in section 221(b)(2), by striking the last sentence; and

(3) in section 299D, by striking subsection (d).

(b) CONFORMING AMENDMENTS.—

(1) TITLE 5.—Section 5315 of title 5, United States Code, is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(2) TITLE 18.—Section 4351(b) of title 18, United States Code, is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(3) TITLE 39.—Subsections (a)(1) and (c) of section 3220 of title 39, United States Code, is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(4) SOCIAL SECURITY ACT.—Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(5) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are each amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(6) VICTIMS OF CHILD ABUSE ACT OF 1990.—The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b)(1), by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'';

(B) in section 214A(c)(1), by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'';

(C) in sections 217 and 222, by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''; and

(D) in section 223(c), by striking ''section 262, 293, and 296'' and inserting ''sections 262, 299B, and 299E''.

(7) MISSING CHILDREN'S ASSISTANCE.—The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2), by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention''; and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404, by striking ''section 313'' and inserting ''section 331''.

(8) CRIME CONTROL ACT OF 1990.—The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1), by striking ''sections 262, 293, and 296 of subpart II of title II'' and inserting ''sections 299B and 299E''; and

(B) in section 223(c), by striking ''section 262, 293, and 296 of title II'' and inserting ''sections 299B and 299E''.

SEC. 580. REFERENCES.

In any Federal law (excluding this Act and the Acts amended by this Act), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document—

(1) a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention, and

(2) a reference to the National Institute for Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to Office of Juvenile Crime Control and Delinquency Prevention.

SEC. 581. RAPID RESPONSE PLAN FOR KIDS WHO BRING A GUN TO SCHOOL.

Section 505 of the Incentive Grants for Local Delinquency Prevention Programs Act (42 U.S.C. 5784) is amended—

(1) in subsection (a)

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting '', and''; and

(C) by adding at the end the following:

''(8) court supervised initiatives that address the illegal possession of firearms by juveniles.''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''demonstrate ability in'';

(B) in paragraph (1), by inserting ''have in effect'' after ''(1)'';

(C) in paragraph (2)—

(i) by inserting ''have developed'' after ''(2)''; and

(ii) by striking ''and'' at the end;

(D) in paragraph (3)—

(i) by inserting ''are actively'' after ''(3)''; and

(ii) by striking the period at the end and inserting''; and'', and

(E) by adding at the end the following:

''(4) have in effect a policy or practice that requires State and local law enforcement agencies to detain in an appropriate juvenile facility or secure community-based placement for not less than 24 hours any juvenile who unlawfully possesses a firearm in a school, upon a finding by a judicial officer that the juvenile may be a danger to himself or herself, or to the community.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, May 11, 1999, in executive session, to mark up the fiscal year 2000 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting to consider pending business Thursday, May 11, 9:00 a.m., Hearing Room (SD–406).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 11, 1999 at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 11, 1999 at 10:00 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: ''Combating Hate Crimes: Promoting a Responsive and Responsible Role for the Federal Government.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet at 5:00 p.m. on Tuesday, May 11, 1999, in executive session, to mark up the FY 2000 Defense Authorization Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet at 11:00 a.m. on Tuesday, May 11, 1999, in executive session, to mark up the FY 2000 Defense Authorization Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. HATCH. Mr. President, I ask unanimous consent that the Governmental Affairs Committee Subcommittee on Oversight of Government Management, Restructuring and District of Columbia be permitted to meet on Tuesday, May 11, 1999, at 10:30 a.m. for a hearing on Multiple Program Coordination in Early Childhood Education: The Agency Perspective.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 9:45 a.m. on Tuesday, May 11, 1999, in executive session, to mark up the FY 2000 Defense Authorization Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 4:00 p.m. on Tuesday, May 11, 1999, in executive session, to mark up the FY 2000 Defense Authorization Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IN HONOR OF SEN. BIDEN ON HIS 10,000TH VOTE

● Mr. HAGEL. Mr. President, I join my colleagues in recognizing Senator BIDEN for his 10,000th vote in the United States Senate.

I am proud to serve with Senator BIDEN on the Foreign Relations Committee, where he is the ranking Democrat Member. Senator BIDEN has set many records in the Senate. I would like to squelch the rumor, however, that he sets a record every time he speaks.

I am just in my third year as a United States Senator. Senator BIDEN is in his 27th year in the Senate. But in the time Senator BIDEN and I have served together on the Foreign Relations Committee, I have gained great respect for his wisdom and deep understanding of international issues. Senator BIDEN understands that there is no such thing as a Republican foreign policy or a Democrat foreign policy. There is only an American foreign policy. He has worked closely with Presidents in both parties. And he reaches out across the aisle to work as well with our Chairman, Senator HELMS, as he does with his junior colleagues.

Last year, Senator BIDEN was a leader in the historic expansion of NATO to include three former Warsaw Pact nations. This Congress he joined with Senator MCCAIN in sponsoring a resolution authorizing the use of all necessary force to win the war in Kosovo. Through his leadership, Senator BIDEN displays the kind of courage that earns him respect from all of his colleagues, even when they disagree.

I am proud to call JOE BIDEN my friend and colleague. America is proud to call him a United States Senator.●

TRIBUTE TO ''MANUEL'' KATSUMI OISHI

● Mr. INOUYE. Mr. President, I am honored to rise in tribute to Mr. ''Manuel'' Katsumi Oishi who has faithfully served the Territorial Government of Hawaii and the State of Hawaii, Maui County, for 37 years. He unselfishly dedicated his time to improve his community. Born in 1926 and raised in McGerrow Camp, Puunene, Maui, Mr. Oishi is being recognized today at the McGerrow Camp Reunion for the honor that he brings his birthplace.

Mr. Oishi's career began with the Territorial government in 1949. In 1951, he started working for Maui County as a Clerk in the Building Department. He was promoted to Clerk for the Transportation Control Committee, then later served as Secretary. Transferred to the Civil Defense Department in 1958, he held the positions of Secretary, then Coordinator, and, in 1961, he became the Civil Defense Administrator. In 1973, while Deputy County Clerk and later as County Clerk, Mr. Oishi ensured that the county operated efficiently and unselfishly gave of his time to assist Maui residents navigate the sometimes bureaucratic maze of government.

Because of his love of sports and the youth of Maui, Mr. Oishi pursued a simultaneous career as The Honolulu Advertiser's sports reporter for 38 years. He diligently covered all of Maui's interscholastic sports in the evenings and on weekends. His positive stories encouraged young Maui athletes to take pride in themselves and their sports.

The incredibly energetic Mr. Oishi has devoted countless volunteer hours to make life a little easier and better for the residents he so dearly loves. Since graduation from Baldwin High School in 1944, Mr. Oishi has headed the planning of every class reunion. During the last 20 years, he has chaired all of the McGerrow Camp reunions on Maui, which have amassed an attendance of 250 to 300 people. Mr. Oishi's relentless efforts have resulted in former McGerrow Camp residents having a great time and experiencing a deep feeling of friendship and ohana (family). When the Selective Service System went though some trying times, Mr. Oishi volunteered for five years to help push the paperwork through and to answer those pressing questions from anxious young men and their parents.

His commitment to the youth of Maui is also evident in his volunteer work with the AJA Baseball League in which he held several positions on the board. In 1991, he received the Tadaichi Fukunaga Dana Award for his ''unselfish services and contributions to (his) temple and to the growth of Buddhism.'' Since 1976, he has been Editor of ''Friends of the Dharma,'' the monthly newspaper for his church, Wailuku Hongwanji Mission.

Although Mr. Oishi is retired from government service and The Honolulu Advertiser, he continues his invaluable service to his church and the Maui County Credit Union of which he serves as the Secretary-Treasurer.

Mr. Oishi's unfaltering commitment to government service and his sincere devotion to his community and its citizens bring pride and honor to McGerrow Camp. He certainly has earned the love and admiration of the residents of McGerrow Camp, the County of Maui, and the State of Hawaii.

Mr. President, I ask my colleagues in the Senate to join me in recognizing ''Manuel'' Katsumi Oishi for his outstanding contributions to Maui County and to the State of Hawaii and send my heartiest aloha to those celebrating the McGerrow Camp reunion.●

TRIBUTE TO BRUNO STACHOWSKE & NUTFIELD COUNTRY STORE OF LONDONDERRY, NEW HAMPSHIRE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Bruno Stachowske, a hard-working New Hampshire entrepreneur. His thriving small business, Nutfield Country Store, was named the ''1999 Retail Business of the Year'' by the Londonderry Business Council. I commend his hard work and this outstanding achievement.

Nutfield Country Store is well known in Londonderry and across the state for its friendly and courteous service to its patrons. As a small business, Nutfield continuously demonstrates exemplary community spirit through its involvement in many local and national causes.

Bruno's commitment to community involvement has led Nutfield Country Store to support many volunteer organizations, youth sports teams, and the annual Thanksgiving food drives. Bruno is also well known for his fund raising efforts on behalf of cystic fibrosis. Every year, he participates in cystic fibrosis fund raising efforts by riding his bicycle for donations.

As a former small business owner, I recognize the importance and value of community involvement by hard-working entrepreneurs. They help shape our economy and our society as a whole. I wish to congratulate Bruno Stachowske on the success of Nutfield Country Store and for receiving this distinguished award. It is an honor to represent him in the United States Senate.•

CHILDREN'S MENTAL HEALTH WEEK

• Mr. ASHCROFT. Mr. President, I am pleased to recognize today the 8th annual Missouri Children's Mental Health Week, which was celebrated May 2–8. This year's theme is ''In a child's life, everyone is accountable.'' The Missouri Department of Mental Health and MO–SPAN, the Missouri Statewide Parent Advisory Network, teamed up to cosponsor the week.

Some estimates indicate that 12 percent of all children and youth in the United States have an emotional, behavioral or mental disorder. While many of these children and their families need services ranging from therapeutic to educational and social services, only about one-third of these children and youth receive assistance.

Recognizing Children's Mental Health Week is one way to bring attention to the seriousness of mental health disorders in our children and spread the message of support for them. The week's events were begun with MO–SPAN's Second Annual Clayton Huey Memorial Benefit Walk-A-Thon and a kickoff event at the Missouri Capitol and continued throughout the week.

It is a privilege for me to be able to recognize the diligent work of families with children who have emotional, behavioral and mental disorders. Likewise, it is also important to celebrate the workers, volunteers, and organizations—like MO–SPAN—who provide vital support, services, information, and advocacy for these families.•

A CELEBRATION OF WOMEN

• Mr. TORRICELLI. Mr. President, I rise today to recognize the Young Women's Christian Association of Trenton, New Jersey, and their Tenth Annual ''Celebration of Women'' luncheon which will honor and recognize six award recipients for their outstanding contributions to the community.

The YWCA of Trenton was established in 1904 with its primary mission to provide a residence and recreational activities for women in the work force during the industrial revolution. Since this beginning, the Board of Directors and staff have developed the YWCA into community based organization committed to the empowerment of women and girls and to erase racism through diverse activities and programs. The YWCA provides leadership training, public advocacy, education, support services, health promotions and recreation within the city of Trenton and the surrounding communities.

The awards given have become a distinguished tradition in the New Jersey capital region since they were first introduced years ago as the Tribute to Women in Industry, or TWIN, awards. The recipients of this year's award embody the mission of the YWCA.

Eileen Thorton will receive the Woman of Achievement Award given to a woman who has achieved distinction in her field while using her power to encourage opportunity. J. Dolores Baker is this year's recipient of the Woman of Inspiration Award presented to a woman who has overcome insurmountable odds. Molly Merlino will receive the Meta Griffith Community Service Award, named after the prominent civic leader. This award is given to a woman who has effectively recognized and addressed community needs through exemplary volunteer service. Gwendolyn I. Long will be the recipient of the Ethel Downing Johnson Memorial Award, named in honor of a YWCA board member who died in 1992. The woman who receives this award has demonstrated an earnest and sincere commitment to mission and purpose of the YWCA. Cotempo Press is the recipient of the Organizational Commitment Award, presented to an organization or corporation which has provided innovative corporate policies and company attitudes enabling women to excel in the workplace. The Artist of the Year award will be given to Carl McClease whose piece, titled ''Trio Sublime,'' will become a permanent exhibit at the YWCA.

Each of these individuals have distinguished themselves this year in their chosen fields. They have made the city of Trenton and the State of New Jersey. I am pleased to recognize the YWCA of Trenton and the six award recipients for their continuing commitment to the people of New Jersey.•

141ST ANNIVERSARY OF THE ADMISSION OF THE STATE OF MINNESOTA INTO THE UNITED STATES OF AMERICA

• Mr. GRAMS. Mr. President, I proudly rise today to honor and celebrate my home State of Minnesota's 141st year of statehood. On this date in 1858, Congress admitted Minnesota into the Union as the thirty-second State.

Let me begin by saying that the name ''Minnesota'' comes from two Sioux Indian words meaning sky-tinted waters. Now Mr. President, if you have ever been to Minnesota you will agree that my State was properly named. These ''sky-tinted waters'' are representative of Minnesota's many lakes (in excess of 12,000) and the numerous rivers and streams which run throughout the State. In fact, Minnesota has more shoreline than California, Florida and Hawaii combined!

Several million Minnesotans and out-of-state visitors take advantage of these waters every year to swim, water ski, boat, canoe, or fish. This Saturday, May 15, represents one of my home State's most treasured yearly experiences, the fishing opener. I have always been impressed with the spirit the opener brings out and the way it joins our State and visitors in a common interest. Out on the lake, people aren't too concerned with the difficulties of everyday life. Once a fishing rod is nestled tightly in hand, Minnesotans tend to forget the phone, the fax, or the other annoyances that consume so much of our lives today. The experience re-connects us to a much simpler time.

In addition to Minnesota's water resources, one-third of the State is covered with forests. Aspen, balsam fir, pine, spruce, and white birch grow in the northern part of the State, whereas groves of ash, black walnut, elm, maple and oak grow in the south. These forests form the centerpiece of 66 State parks, 55 State forests, one national park, and two national forests, all of which provide outdoor enthusiasts with scenic hiking, camping, and other outdoor activities on a year-round basis.

Mr. President, in addition to our beautiful lakes, streams, forests, and parks, Minnesota has much more to offer. My State produces 75 percent of the nation's iron ore which covers a section of northern Minnesota rightly known as the ''Iron Range.'' There are also large deposits of granite found near St. Cloud and along the upper Mississippi River. I am proud to say that over 6,000 tons of Minnesota granite was used to make the walls and floor for the Franklin Delano Roosevelt memorial here in Washington, D.C.

The fertile soil has been key to Minnesota's overall economy, providing

suitable farmland that covers a little more than half the State. Agriculture is Minnesota's largest industry, generating over $22 billion in goods and services per year. One of every four Minnesota jobs is tied in some way to agriculture, and 25 percent of our overall economy is dependent upon farmers and agri-business. Today Minnesota has approximately 87,000 family farms. Even though times are difficult for many of these family farmers, Minnesota depends upon their successful recovery.

Furthermore, Minnesota is home to some of the world's leading job providers—including 3M, Pillsbury, Honeywell, and Cargill, to name a few. Minnesota is also known for its achievements in the area of health care. It is a leader in the medical device industry and home to one of the world's premier health care facilities, the Mayo Clinic in Rochester.

Minnesota is also the birthplace of many great innovations which have become part of our American culture, such as Cellophane Transparent Tape, Post-it Notes, and the world's first enclosed mall located at Southdale Shopping Center in Edina. Today we have the Mall of America in Bloomington which is one of the world's largest enclosed malls and most popular tourist destinations. Among other notable Minnesota facts, we are the source of the Mississippi River, home to the busiest freshwater port in North America (which also happens to be the farthest inland ocean port in the United States), and Minnesota reaches the furthest north of the 48-continental States.

Mr. President, I hope I have managed to convey the pride I have for my state and its people, and in doing so, have perhaps encouraged others to visit. As a U.S. Senator from Minnesota, I wanted to express the honor I feel in representing the people of my State, which I believe is one of the premier States in the greatest country on Earth.●

TRIBUTE TO BARBARA MULLEN, RECIPIENT OF THE JEFFREY MAY MEMORIAL AWARD

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Barbara Mullen for being awarded the Jeffrey May Memorial Award from the Londonderry Business Council. It is a pleasure to recognize her contributions to her community and the Granite State.

In 1980, Barbara established the Londonderry Dance Academy and has been teaching children to dance ever since. Her community involvement has helped shape the lives of many young people in Londonderry and across the state. Barbara nurtures the aspirations of the town's youth by sharing her love and expertise of dance.

As a faculty member of the Department of Dance at the University of New Hampshire, Barbara also instructs dance students at the college level. In addition, during the holiday season, Barbara and her students perform the ''Nutcracker'' at local schools and in other communities, in an effort to spread a greater appreciation for the arts.

Barbara's dedication to dance, children and the community is exemplary and an example for others to follow.

Mr. President, I wish to commend Barbara Mullen on her achievements and congratulate her on receiving this prestigious award. It is an honor to her in the United States Senate.●

MAINE SOUTH HIGH SCHOOL AND THE ''WE THE PEOPLE'' COMPETITION

● Mr. FITZGERALD. Mr. President, last week, high school students from across the United States came to Washington, D.C. to compete in the national finals of the ''We the People . . . The Citizen and the Constitution'' program. These young scholars worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy. I am proud to announce that the class from Maine South High School from Park Ridge, Illinois won the competition.

The ''We the People . . . The Citizen and the Constitution'' program is designed to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentations by high school students before a panel of expert judges. The students testify as constitutional experts before a ''congressional committee,'' that is, a panel of judges representing various regions in the country and a cross-section of professional fields. The student testimony is followed by a period of questioning during which the judges quiz students for their depth of understanding and their ability to apply their constitutional knowledge.

I congratulate all the student teams who made it to the national finals. Each of those young people took the time to truly learn about our Constitution and Bill of Rights. In return, they got the opportunity to come to Washington and to meet other students from around the country. I applaud their efforts and initiative.

I am particularly proud that the winning team is from Maine South High School in Park Ridge, Illinois. Led by their teacher, Patton Feichter, the students won the three day competition to become national champions. At a time when so much of our attention is focused on youth violence, it is particularly refreshing to congratulate an outstanding group of young people who worked very hard to achieve their goals. I congratulate the students, parents, and Maine South faculty members on all their hard work to win the competition.●

TRIBUTE TO KENNETH WINTERS

● Mr. MCCONNELL. Mr. President, I rise today to honor Dr. Kenneth Winters on the occasion of his retirement as president of Campbellsville University. Ken is a good personal friend and an admired leader in Taylor County.

Ken served as Campbellsville's president for the past 11 years, and accomplished much during his tenure. Under Ken's leadership, the school gained university status after having been known as Campbellsville College since its inception in 1909. The added prestige that comes with university status, coupled with Ken's hard work to make the school an academic success, helped increase Campbellsville enrollment by stunning 150 percent. The university also has been duly recognized by publications such as U.S. News & World Report, Money and Newsweek for its outstanding academic reputation. Ken's presidency brought a strong, guiding presence to Campbellsville, leaving a legacy of growth and progress.

As importantly, Ken showed unswerving commitment to the students and faculty at CU, and was well-liked and respected by all. Ken's colleagues describe him as a man with great strength of character—a man who demonstrated honesty and integrity, and who served as a campus role-model.

I am certain that the legacy of excellence that Ken Winters has left will continue on, and will encourage and inspire others toward that same goal. Ken, best wishes on your future endeavors, and know that your efforts to better Christian higher education will be felt for years to come. On behalf of myself and my colleagues, thank you for your contribution to Taylor County, the State of Kentucky, and to our great Nation.●

TRIBUTE TO CONSTANCE ROSS, THE 1999 LONDONDERRY EDUCATOR OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to recognize and congratulate Constance Ross for being named the ''1999 Educator of the Year'' by the Londonderry Business Council.

From teacher to administer, Constance has built a reputation for excellence and achievement in many areas of education. In addition to serving the community as the Assistant Principal of South Londonderry School, she has become known throughout the State of New Hampshire for her tireless efforts to promote literacy among children. Constance's expertise in the teaching and advocacy of reading have propelled her to the position of co-chair of the ''Governor's Best Schools Initiative,'' as well as president of the New England Reading Association.

Active inside and outside of classrooms and schools, Constance has demonstrated wisdom, compassion, and

sensitivity with children, parents, and co-workers. These qualities are at the heart of what makes a good teacher special.

The mark of a great teacher is one who cares, unconditionally, about the success and well-being of students. Mr. President, as a former teacher and school board member, I understand the challenges, responsibilities and dedication involved with teaching. I admire and respect Constance for establishing herself as a devoted teacher and administrator in the Londonderry school district. Most importantly, she is helping to shape the lives of the young students who are the future of New Hampshire and the country.

I am proud to recognize Constance's achievements and it is an honor to represent her in the United States Senate.●

IN RECOGNITION OF MACOMB COUNTY'S TRIBUTE TO PRIVATE FIRST CLASS WALTER C. WETZEL

● Mr. LEVIN. Mr. President, I rise today to recognize Macomb County, Michigan for its tribute to a brave World War II soldier, Private First Class Walter C. Wetzel. With the dedication of a bust of Private Wetzel at the new county administration building, Macomb County will recognize the selfless actions of an American war hero.

Walter C. Wetzel entered the United States Army in Roseville, Michigan and served in European theater. Private Wetzel was an acting squad leader with the Antitank Company of the 13th Infantry in Birken, Germany, during the early morning hours of April 3, 1945, when he detected strong enemy forces moving in to attack. Private Wetzel alerted his comrades and immediately began defending their post against heavy automatic weapons fire. Under cover of darkness, the Germans eventually forced their way close to the American position, hurling two grenades into the room where Private Wetzel and others had taken up firing positions. Shouting a warning to his fellow soldiers, Private Wetzel threw himself on the grenades and absorbed their entire blast, suffering wounds from which he died. The supreme gallantry of Private Wetzel saved his comrades from death or serious injury and made it possible for them to continue the defense of their post. His unhesitating sacrifice of his life was in keeping with the highest traditions of bravery and heroism. Because of his actions, Private Wetzel was posthumously awarded the Congressional Medal of Honor.

Private Wetzel and his courageous deeds have considerable meaning to his family, and to the residents of Macomb County and the State of Michigan. Private Wetzel is the only person from Macomb County to receive the Congressional Medal of Honor. His life has been honored by the Michigan State Legislature and an important street in Macomb County was named Pfc. Walter Wetzel Drive.

Mr. President, Private Wetzel is an example of the selfless and courageous commitment our soldiers display every day. I know my colleagues will join me in saluting Macomb County for its recognition of Private First Class Walter C. Wetzel and the sacrifice of the men and women of our Armed Services.●

ST. JOHN'S HOSPITAL, SPRINGFIELD

● Mr. DURBIN. Mr. President, I rise today to commend St. John's Hospital in Springfield. This is National Hospital Week, when communities across the country celebrate the people that make hospitals the special places they are. This year's theme sums it up nicely: ''People Care. Miracles Happen.'' It recognizes the health care workers, volunteers, and other health professionals who are there 24 hours a day, 365 days a year, curing and caring for their neighbors who need them.

An example of this dedication is the Parent Help Line of St. John's Hospital in Springfield, Illinois. The program won the American Hospital Association's prestigious Hospital Award for Volunteer Excellence, which highlights special contributions of hospital volunteers.

The Parent Help Line provides parents and agencies with easily accessible, low-cost parenting information and support to help strengthen families and prevent child abuse. Trained volunteers give parenting tips, support and referrals to about 100 callers a month. Volunteers also visit parents of newborns and offer information about infant growth and development and about the Parent Help Line services, and a volunteer nurse makes a follow-up call to each family one month after discharge. Volunteers taking part in an intervention program regularly call parents identified as high risk. Parenting classes, program and support groups are made available to parents, and a television show on parenting issues airs weekly on a local public access channel. A monthly newsletter is mailed to more than 1,500 individuals and agencies in central Illinois.

Mr. President, I want to congratulate St. John's Hospital for this award-winning program.●

TRIBUTE TO MAUREEN HEGG, THE 1999 LONDONDERRY CIVIC VOLUNTEER OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Maureen Hegg on being named the ''1999 Civic Volunteer of the Year'' by the Londonderry Business Council. I commend her outstanding accomplishments and I wish to congratulate her for receiving this distinguished award.

As President of the Londonderry Cares Organization, Maureen has worked diligently toward making a difference in the lives of Londonderry's youth. Under Maureen's guidance, the organization affords the town's young people a place to go in the evening for planned activities.

Along with a group of dedicated individuals, Maureen has been working to open a YMCA in the Town of Londonderry. As such, Maureen is the chairperson of the Nutfield YMCA Kickoff Fundraising Dinner, an event established to assist in attracting a YMCA.

There is no greater gift to a community than one's time, talent, and energy. Volunteerism is truly special and is at the heart of what makes this community and this nation a great place to live.

Mr. President, Maureen Hegg has demonstrated a deep commitment to the Town of Londonderry and its citizens. Her tireless efforts to improve the quality of life in the town and provide the youth of Londonderry with recreational programs is outstanding. I congratulate Maureen on being named ''Civic Volunteer of the Year,'' and it is an honor to represent her in the United States Senate.●

MOUNT CARMEL MEDICAL CENTER IN PITTSBURG, KANSAS

● Mr. ROBERTS. Mr. President, I rise today to celebrate National Hospital Week. During this week when we pay tribute to our nation's hospitals and health systems. I would like to recognize one particular facility in Kansas that has gone above and beyond the call of duty in order to meet the needs of the community—the Mount Carmel Medical Center in Pittsburg, Kansas.

Mount Carmel Medical Center is located in the southeast corner of Kansas. The community has 20,000 residents. About 25 percent of the town's children are from families who live at or below the federal poverty level. More than half of the families in Pittsburg are headed by single parents who often work two jobs.

As one of the largest employers in the community, Mount Carmel Medical Center recognized that the entire community was suffering from the lack of quality child care. Teachers noticed that children were unready to learn, they needed immunizations and hearing tests. After a confirmation by the hospital's employee assistance program and a staff-initiated community health assessment, Mount Carmel decided to take action. They formed a partnership with the Pittsburg schools and Pittsburg State University to establish the Family Resource Center to meet many of the community's needs. The Family Resource Center now provides child care to more than 200 children and offers a wide range of social services. It also serves as the site of a free clinic staffed with local physicians for those without health insurance coverage.

The Mount Carmel Medical Center has been nationally recognized for its achievements. The American Hospital

Association recently awarded the Mount Carmel Medical Center the 1999 NOVA award. NOVA awards recognize innovative community partnerships that address communities' needs.

The collaborative outreach efforts of Mount Carmel Medical Center demonstrates true dedication to the community. I am pleased and proud to recognize Mount Carmel Medical Center for its leadership, vision, and achievements. Mount Carmel is an excellent example of a hospital that has made a difference.●

NATIONAL HOSPITAL WEEK

WASHINGTON REGIONAL MEDICAL CENTER

● Mr. HUTCHINSON. Mr. President, I would like to take this opportunity to recognize National Hospital Week, when we pay tribute to our Nation's hospitals, and the millions of workers, health care professionals, and volunteers who have dedicated themselves to caring for those who are sick and in need.

I would like to give special recognition to Washington Regional Medical Center, located in Fayetteville, Arkansas, and a 1999 recipient of the American Hospital Association's NOVA award. This award highlights innovative community partnerships that respond to a particular community's needs.

Washington Regional Medical Center is a 1999 NOVA award winner for its outstanding commitment to the children in Washington County. Chronic disease and disability, which can lead to death, are often attributed to poor health habits that are formed during childhood. The Washington Regional Medical Center is working to reverse this trend through its Kids For Health program. By partnering with the Washington County school system, the medical center has been able to teach more than 8,000 children about the importance of general health, nutrition, fitness, hygiene, safety, environmental health, and self-esteem.

A sign of the program's success, Kids For Health is the recipient of a five-year grant from the Harvey and Beatrice Jones Charitable Foundation. Kids For Health is a stellar example of how a hospital can make a difference in its community, and I commend Washington Regional Medical Center and all those who have made this program possible for their excellent achievements.●

YAKIMA VALLEY MEMORIAL HOSPITAL

● Mr. GORTON. Mr. President, this week hospitals and communities across America are celebrating National Hospital Week. This week is set aside to celebrate the caring and commitment of our nation's hospitals and health systems and the workers, volunteers and other health professionals who are there 24 hours a day, 365 days a year for their neighbors who need them.

An example of this dedication is Yakima Valley Memorial Hospital in Yakima, Washington. I want to commend Yakima Valley Memorial Hospital for receiving the American Hospital Association's 1999 NOVA award. These awards spotlight innovative community partnerships that respond to local needs.

Yakima Valley Memorial was chosen as a NOVA award winner for creating the Children's Village for children with special health care needs. The entire building has the feel of an old western town. It features logs on the outside, stone floors, a covered wagon for a reception desk and an elevator disguised as a mineshaft stocked with treasure.

More important than the architecture is the integrated services of fourteen area health, education and service providers that work together at the Children's Village. Children that used to travel two hours or more for care now have access to specialty care in their local community. Parents can schedule a single appointment for their child that combines several treatments and therapies. The village also offers specialty clinics for fetal alcohol syndrome, cardiology, neurology, and cleft lip and palate.

I am proud to recognize Yakima Valley Memorial Hospital for its achievements. It is an outstanding example of a hospital that makes a difference in its community.●

TRIBUTE TO AMY LYMBURNER, THE 1999 LONDONDERRY YOUTH OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Amy Lymburner on being named the ''1999 Youth of the Year'' by the Londonderry Business Council. I commend her outstanding accomplishments and congratulate her on receiving this distinguished honor.

Active in both her school and community, Amy has set high standards of community involvement that is an example for others to follow. As a student at Londonderry High School, Amy is recognized by her teachers and peers as a role model for others. In addition to striving for academic excellence, Amy is a member of the National Honor Society, Student Council, Drama Club, and the Math League.

Attempting to make a difference in her town and state, Amy is President of Crossroads, a Christian youth group. Community leaders have commended Amy for her leadership abilities, integrity, spirit, and service to her school, church, and peers.

Mr. President, young people are our nation's greatest asset, and it is heartwarming to see people such as Amy taking an active role in the betterment of the community. I am proud to call her one of New Hampshire's own. I wish to congratulate Amy on her accomplishments, and it is an honor to represent her in the United States Senate.●

SPECTRUM HEALTH'S UNIVERSAL INFANT HEARING SCREENING PROGRAM

● Mr. LEVIN. Mr. President, this is National Hospital Week, and one of Michigan's hospitals, Spectrum Health in Grand Rapids, Michigan, is being honored by the American Hospital Association (AHA). National Hospital Week gives health care workers, volunteers, and other health professionals the recognition that they deserve for all the care they provide.

Spectrum Health has been singled out by the AHA for its Universal Infant Hearing Screening program, located at Spectrum's Downtown Campus in Grand Rapids. This program is the recipient of the AHA's prestigious Hospital Award for Volunteer Excellence, an award which highlights special contributions of hospital volunteers.

Spectrum's Universal Infant Hearing Screening program identifies potential hearing loss in all babies born at or transferred to the Spectrum Health Downtown Campus. It is well known that such early identification and intervention can prevent a hearing problem from becoming a handicap.

Universal Infant Hearing Screening volunteers must undergo extensive training to prepare for this program. After the volunteers administer the screening, audiologists review the test results to identify infants with potential problems. Those infants with abnormal results are referred for re-screening or diagnostic testing. Without the work of the volunteers, it would be impossible to provide this vital service to the thousands of babies born at Spectrum Health every year.

Mr. President, I would like to congratulate Spectrum Health for its award winning program.●

NATIONAL COMMUNITY ACTION MONTH

● Mr. SARBANES. Mr. President, I rise today to commemorate a group of individuals and agencies whose cause represents the ideal of public service—the improvement of the lives of those who are less fortunate. The Maryland Association of Community Action Agencies (MACAA), which begins its annual conference Monday in Ocean City, is a group of seventeen Community Action Agencies (CAA) which combat poverty in cities, towns and rural communities throughout our State, and provide services to countless low-income families and individuals.

This year's MACAA conference is made even more significant as 1999 marks the 35th anniversary of the creation of Community Action Agencies. CAA's were developed as part of the Economic Opportunity Act of 1964 which was the centerpiece of President Johnson's War on Poverty. This Act also began other critical social service programs including the Head Start preschool program and the Job Corps Training Center program.

Currently, the MACAA serves individuals and families in Baltimore City and 23 counties throughout Maryland. Working with 1000 agencies nationwide, CAA's serve 98% of our Nation's cities and counties and are a primary source of support for the more than 38 million Americans living in poverty in rural and urban areas. Services provided by CAA's and their dedicated volunteers include employment training, adult and child educational services, senior assistance, income management, housing and rental assistance, emergency services and food and nutritional relief. Whether it is through the exchange of information on poverty issues, the provision of services and assistance, the development of funding resources, or the effort to influence public policy, the ultimate mission of these agencies and volunteers is to assist low-income citizens to achieve a higher level of self-sufficiency.

Mr. President, for more than 30 years, MACAA has sponsored this annual conference which brings together hundreds of individuals involved in the effort to eliminate poverty. Appropriately, this May has been designated National Community Action Month, and May 4–10 has been designated National Community Action week to publicize the achievements of CAA's and to emphasize their continuing importance in our communities. This is a most fitting occasion to celebrate a coalition such as MACAA, which is so integral to the health and well being of citizens throughout Maryland. I am pleased to congratulate the MACAA for thirty years of invaluable service, and for their efforts to, to borrow the CAA credo, provide a ''hand up, not a hand out.''●

TRIBUTE TO RITCHIE BERNARD, THE 1999 LONDONDERRY BUSINESS PERSON OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Ritchie Bernard of Londonderry, New Hampshire, for being named the ''1999 Business Person of the Year'' by the Londonderry Business Council. I congratulate him for his record of excellence in business and community development.

Ritchie owns the House of Samurai in Londonderry, New Hampshire. Dedicated to educating the youth of Londonderry in the martial arts, the House of Samurai is currently celebrating its 25th anniversary.

As a devoted contributor to the Londonderry business community, Ritchie has served on the Board of Directors of the Londonderry Rotary Club, the Londonderry Chamber of Commerce, and the Greater Derry Boys and Girls Club. His activism extends far beyond the business realm and is evident by his participation in various community organizations and causes. Ritchie is highly regarded in the Londonderry community and across the state for his karate school programs, his support of town programs, and his involvement in many volunteer organizations.

Small business is the backbone of our economy in the United States. I am proud to honor Ritchie for preserving and establishing a thriving business in New Hampshire. He has devoted himself to working toward the betterment of the community through his activism and his desire to educate the youth of New Hampshire in the martial arts.

Mr. President, as a former small business owner myself, I understand the demands of running a business. I commend Ritchie for his diligent work in his business as well as the devotion he has shown to the community. I wish to congratulate Ritchie on receiving this distinguished award, and it is an honor to represent him in the United States Senate.●

HONORING SENATOR JOE BIDEN ON THE OCCASION OF HIS 10,000TH VOTE

● Mr. REID. Mr. President, two American soldiers have died in Kosovo, the first American casualties of a war to stop a genocide.

The contrast between what is unfolding in the Balkans, and what is happening here in Congress, could not be more clear.

A dictatorship, like the government of Slobodan Milosevic, imposes its will through force.

A democracy expresses its will through the act of voting.

Every vote that we cast in this body is an affirmation of the power of a democracy to solve its problems peacefully.

Today, my colleague and good friend JOE BIDEN cast his 10,000 vote in this body. That number reflects a record of public service matched by very few even in an institution like this one, through which so many great men and women have passed.

As Senators, we are all Members of a very exclusive club. We have been sent here on behalf of the good people of our respective States, to do their business.

With his 10,000th vote, JOE BIDEN has joined an even more exclusive club.

Over the history of this republic, thousands of men and women have served as Senators. But only a very few can say that they did such a good job—and kept doing a good job over such a long period of time—that they lasted long enough to vote as many times, on as many different issues, as JOE BIDEN.

But the thing that impresses me the most about JOE BIDEN's 27 years in the Senate isn't what he has done on the floor, or the number of votes he has cast—although his leadership, courage and dedication are well-known to those of us who are privileged to serve with him every day.

Instead, what impresses me most is his role as a husband to his wife Jill, and father to his sons Beau and Hunter and his daughter Ashley.

JOE BIDEN still lives in Delaware with his family and commutes every day between Delaware and Washington on the train.

Those 10,000 votes represent thousands of hours spent alone on the train to Delaware so that JOE BIDEN could spend a few precious hours with his family each night before returning to Washington on the train the next morning.

I also want to talk about the courage that my friend JOE BIDEN has shown during his long tenure as a Senator. I want to do this so that people know just what that number—10,000 votes—really means.

Only one month after first being elected to the Senate in 1972, JOE's first wife Neilia died tragically in an automobile accident along with his one-year old daughter.

In 1988, JOE was almost killed by a brain aneurysm. He under went two risky operations and returned to the Senate after only a few months.

Mr. President, I speak of these tragedies today because I know that it has not been easy for JOE. But he has never complained—just done his work. Senator BIDEN is a great orator, but an even Better father, husband and friend.

When you see what he has had to overcome, that gives a whole new meaning to that number 10,000.

Those of us who work with JOE BIDEN have long known of his dedication to the ideals of this body, and his devotion to his family.

With the attention that his 10,000th vote should bring, I hope that more people are able to see the qualities that we are privileged to see every day.●

RECOGNIZING NEVADAN JERRY CRUM

● Mr. BRYAN. Mr. President, I rise today to recognize an outstanding Nevadan for his exemplary volunteer service to the disabled community both in Northern Nevada and across the United States. Jerry Crum has become a recognized leader through his advocacy on behalf of people afflicted with Chronic Fatigue Immune Dysfunction Syndrome, CFIDS. Since being diagnosed with CFIDS himself in the mid 1980's, Jerry has worked to increase awareness of this often misunderstood disease, and to improve the lives of those who suffer from it.

Jerry was incapacitated through much of the 1980's. After several years in and out of hospitals, however, he made a strong, though not complete recovery. As his strength increased, so did his efforts to help others with this debilitating condition. At the same time, he also saw that people with other disabilities and chronic illnesses had encountered many of the obstacles he had. He then sought to share his story with others, and to teach others with disabilities how to be effective advocates for themselves.

In 1990, Jerry became a charter member of the CFIDS lobbying organization called CACTUS. In 1992, he helped start the CFIDS Association of America's

Public Policy Action Committee, and later founded ''Lobby Day,'' an opportunity for people with CFIDS to travel to Washington, DC to meet with their federal representatives and advance funding and policy needs of CFIDS. Since then, he has testified at a Senate hearing examining the affects of this illness.

Although Jerry has always spoken on behalf of all people with disabilities, he specifically expanded his focus in 1998 to include people with lymphoma when he was diagnosed with this rare form of cancer himself. He became active in the Carson Advocates for Cancer and was the Nevada co-chair of the 1998 National Cancer March. He came to Washington again, and marched along-side cancer survivors such as Norman Schwarzkoph as they crusaded to encourage research to find a cure for this terrible disease.

Jerry has been a catalyst in bringing advocates together to achieve victories for the disabled. I thank him for his service to Nevada and to all who suffer from chronic, disabling conditions such as CFIDS. He has made Nevada proud.●

TRIBUTE TO RE/MAX 1ST CHOICE OF LONDONDERRY, NEW HAMPSHIRE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to RE/MAX 1st Choice of Londonderry, New Hampshire, for being named ''Company of the Year'' by the Londonderry Business Council. It is indeed a prestigious honor.

RE/MAX 1st Choice is a fast growing real estate business that has recently opened in Londonderry. Under the direction of Arlene Hajjar, RE/MAX 1st Choice has worked hard to establish itself within the real estate market of Londonderry.

RE/MAX 1st Choice has worked hard for the community. It has sponsored a number of activities to benefit both charities and the community as a whole. Admirable business practices, community involvement, and charitable donations and sponsorships have made the company a rising force in the Londonderry business community. Its dedication to the town has been admirable and gracious.

Arlene has been one of the main reasons behind RE/MAX 1st Choices' success. She is a member of the Londonderry Business Council and works diligently to represent the business community. She has helped shape not only her company, but also the community through her activism with the town.

As a former real estate business owner, I understand the demands and the trials associated with owning and operating a real estate business. I commend Arlene Hajjar and the staff of RE/MAX 1st Choice on their success. I wish them the best of luck and congratulate them once again for receiving this award. It is an honor to represent them in the United States Senate.●

CONGRATULATING VALLEY HIGH SCHOOL

● Mr. HARKIN. Mr. President, I ask my colleagues to join me in congratulating the students and teachers from Valley High School in West Des Moines, IA for achieving the top score in the 1999 National GRAMMY Signature School Competition.

It took hard work and dedication to achieve this honor, and I congratulate the students, teachers, and others who make it happen. Valley High School enrolls over 2,200 students, and fully 600 students, nearly a third of the student body, participates in one or more music programs. On February 4, 1999 the GRAMMY Signature School designated Valley High School the best music program among 250 public schools from around the country. They were judged by a panel of top musical educators and professionals and were selected based on their high level of commitment to music education.

In light of this announcement, U.S Secretary of Education Richard W. Riley, said, ''At a time when creativity and communication skills are at a premium, schools likes those being recognized at this program are using arts for their rich potential to captivate and engage students in the process of learning. The arts help children learn to solve problems, think creatively, and develop mental discipline, which are valuable skills for any academic endeavor.''

Mr. President, year after year underfunded public schools continue to slash funding for all forms of arts and humanities education, thereby weakening the strong cultural heritage the United States has always enjoyed. We should therefore commend the students and teachers of the Valley High School music program for their commitment to a quality music education, and the benefits their efforts reap upon the cultural landscape of the state of Iowa. It is a true honor to serve as their Senator, and I believe they are examples of what all Americans should strive to be.●

GIRL SCOUTS FROM KETCHIKAN

● Mr. MURKOWSKI. Mr. President, I rise today to recognize the work of three Girl Scouts from Ketchikan, Alaska. Angela Pfeifer, Chelsea Pfeifer and Tennille Walker are each working towards the Girl Scout Gold Award. As a part of their service, they are attempting to enhance the visibility, respect and care of the American flag in Ketchikan.

The following is an excerpt from a letter in which Chelsea explains the pride and respect she has for our nation's flag.

This Spring Break I went down to Florida to visit my grandparents. My Grandfather served in World War II. At 87, he still put up the U.S. flag every morning, and takes it down every night. It makes my think of the number of people who died serving this country, so that we could have the freedoms that we enjoy today. The flag serves as a symbol of the respect and honor that should be given to those who fought. I observed that many of the retired people display the Flag proudly on a daily basis outside their homes. It would be my goal to see that my generation carry out this tradition and be proud to be an American.

In their efforts to instill this same sense of pride and respect. Chelsea, Angela and Tennille have conducted school assemblies at Ketchikan area elementary schools, have placed flags in every classroom at Ketchikan High School and have spoken to local governments officials about erecting a new flag pole in Ketchikan City Park.

Currently, there is no flag flying in Ketchikan City Park. Angela, Chelsea and Tennille have addressed this with Ketchikan—Gateway Borough Mayor Jack Shay. As a result, the Mayor and Borough Assembly agreed to install a flag pole in City Park.

It is my honor to present these three outstanding Alaskans with an American flag flown over the United States Capitol. The flag will be presented to the City of Ketchikan on June 14, 1999, Flag Day, and will be the first flag to fly in City Park.

I commend the work of Angela, Chelsea and Tennille and the Girl Scouts of Ketchikan. They have shown their ability to make a difference and have made a lasting impression on their community.●

75TH ANNIVERSARY OF THE VERMONT STATE PARK SYSTEM

● Mr. JEFFORDS. Mr. President, I rise today to recognize the 75th anniversary of the Vermont State Park System.

In 1924 Frances Humphreys donated the peak of Mt. Philo and surrounding lands to the State of Vermont as the first State Park. Mt. Philo was the perfect location for the first park; looking east from the summit one views Lake Champlain, North America's most beautiful lake stretching as far as the eye can see to the north and south; looking west one views the Green Mountain range rolling across Vermont to the Connecticut River. There are limitless recreational opportunities within and surrounding our first park.

After 75 years, Vermont now has 50 State Parks, from Alburg Dunes on Lake Champlain, to Wilgus on the Connecticut River; from Mount Mansfield, Vermont's highest peak to Quechee, our deepest gorge.

Vermont's State Parks are rich in history. Many of the nation's first ski trails were carved out in Vermont State Parks by the Civilian Conservation Corps, creating the New England ski industry. Under the direction Perry Merrill, who oversaw the State Parks for 37 years, more than 40,000 ''CCC Boys'' created a parks infrastructure that is intact, and unparalleled even today.

Recognition should also go to the many Vermonters who, over the years, have followed the example of Frances

Humphreys in donating land to become state parks, including one of our newest parks, Sentinel Rock, which was recently donated by Windsor and Florence Wright.

Mr. President, it is with great pleasure that I recognize 75 years of visionary conservation and recreation development by the State of Vermont, and by those who have conceived and built the State Park System.●

TRIBUTE TO THE TOWN OF PLAISTOW, NEW HAMPSHIRE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the town of Plaistow, New Hampshire on its two hundred and fiftieth anniversary. The town's residents will celebrate this historic occasion on June 27, 1999 with a number of festivities including a grand reception. I was proud to be invited to participate in this meaningful event.

Plaistow's history first dates back to the year 1642 when families first settled in the Plaistow area. It was then that the Plaistow area was purchased. In 1749, Plaistow was incorporated. At that time, it was separated from Haverhill, Massachusetts. Then Governor Benning Wentworth, along with King George II signed the town's first charter.

The town has had a rich and fruitful history. The First Baptist Church was built in 1837, and subsequently remodeled in 1906. The first Catholic Church, Holy Angels, was built in 1893, then redone in 1964. The first high school was built in 1966. Prior to that, the students traveled outside the town for schooling.

Plaistow has steadily grown throughout the years. In 1854, there were 800 people. In 1949, the town had grown to 1800 people. Today, over 7000 people are residents of Plaistow.

Through the years, Plaistow residents have courageously served their country. They have served in the Colonial War, Revolutionary War, Civil War, World War I, World War II, the Korean War and the Vietnam War.

The most well known benefactor of the town was Arthur Pollard. Pollard donated the bell for the First Baptist Church, the land for Pollard School and the town hall, and the Civil War statue and cannons on the town green.

I congratulate the town of Plaistow, and all of the dedicated and patriotic citizens there. I am proud to be their Senator.●

HONORING THE LIVINGSTONS ON THEIR 50TH WEDDING ANNIVERSARY

● Mr. ASHCROFT. Mr. President, families are the cornerstone of America. Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of ''till death us do part'' seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Robert and Nellie Livingston, who on June 4th, 1999, will celebrate their 50th wedding anniversary. Many things have changed in the 50 years they have been married, but the values, principles, and commitment this marriage demonstrates are timeless. As Mr. and Mrs. Livingston celebrate their 50th year together with family and friends, it will be apparent that the lasting legacy of this marriage will be the time, energy, and resources invested in their children, friends, and community. My wife, Janet, and I look forward to the day we can celebrate a similar milestone.

The Livingstons' commitment to the principles and values of their marriage deserve to be saluted and recognized.●

RECOGNIZING THE WASHINGTON REGIONAL MEDICAL CENTER

● Mrs. LINCOLN. Mr. President, I take this opportunity to recognize the Washington Regional Medical Center in Fayetteville, AR, for being awarded the American Hospital Association's prestigious 1999 NOVA award. This award is given to acknowledge hospitals that create and implement new and innovative community partnerships. Only nine hospitals nationwide were honored by this distinction.

The Washington Regional Medical Center is a leader in its commitment to the health and well-being of Washington County's children. The Washington Regional Medical Center works to reverse the trend of chronic disease, disability, and even death through its ''Kids For Health Program.'' In collaboration with the Washington County school system, more than 8,000 children have been educated about self-esteem, general health, nutrition, fitness, hygiene, safety, and environmental health. Good health habits learned at a young age often parlay into better health in adult life. The ''Kids For Health Program'' proves that communities which educate their children in healthy habits reap vast benefits by becoming healthier communities overall.

On behalf of all the children in Arkansas, I thank the Washington Regional Medical Center for its impressive achievement in children's health and its contribution to stronger communities.●

NATIONAL PEACE OFFICERS MEMORIAL DAY

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to our nation's law enforcement officers who have lost their lives in the line of duty. I am proud to be a cosponsor of S. Res. 22, a resolution passed earlier this year by the Senate to commemorate and acknowledge the dedication and sacrifice made by these men and women. The resolution declared this Saturday, May 15th, as National Peace Officers Memorial Day.

Currently, there are more than 700,000 men and women who serve this nation as the guardians of law and order. The duties of a law enforcement officer are both vitally important and extremely dangerous. Officers place themselves between our communities and the criminals who would do us harm. Every year, approximately 1 in 9 officers is assaulted, 1 in 25 officers is injured, and 1 in 4,400 officers is killed in the line of duty. In 1998, 156 federal, state and local law enforcement officers lost their lives in the line of duty.

My home state of Vermont is familiar with the sacrifices made by law enforcement officer. Since 1965, the nine Vermont law enforcement officers listed below have lost their lives in the line of duty.

July 9, 1965, Chief Alexander Pontecha, Lyndonville Police Department.

December 12, 1972, Chief Dana L. Thompson, Manchester Police Department.

January 17, 1978, Deputy Sheriff Bernard J. Demag, Chitternden County Sheriff's Department.

April 27, 1978, Game Warden Arnold J. Magoon, Vermont Fish and Wildlife Department.

October 1, 1982, Deputy Sheriff George J. Bent, Chittenden County Sheriff's Department.

May 13, 1983, Lieutenant Arthur L. Yeaw, Vermont Department of Public Safety.

June 14, 1987, Detective Sergeant William J. Chenard, Vermont Department of Public Safety.

June 25, 1989, Investigator Eugene N. Gaiotti, Vermont Department of Liquor Control.

May 12, 1992, Sergeant Gary Gaboury, Vermont Department of Pubic Safety.

It is my hope that the National Peace Officers Memorial Day will remind Vermonters and Americans everywhere of the sacrifices made by law enforcement officers, and of the vital duties they perform every day. Whether by apprehending dangerous felons, assisting stranded motorists on the side of the road, or improving the lives of our young people, law enforcement officers make our towns, cities, states, and Nation safer places to live and work. We owe a tremendous debt of gratitude to those officers, and their families, who have given so much to improve all of our lives.●

TRIBUTE TO ARTHUR PSALEDAS, THE 1999 LONDONDERRY CITIZEN OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Arthur Psaledas of Londonderry, New Hampshire, for being named the ''1999 Citizen of the Year'' by the Londonderry Business Council. I commend

his outstanding community involvement, and congratulate him on this well-deserved honor.

For the past 20 years, Arthur has continuously exhibited his selfless dedication to the youth of Londonderry. As an avid supporter of education, Arthur has served the community as a member of the Londonderry School Board, seeking to strengthen both teaching and learning in the town. He has also shown his true dedication to children through his work as President of the Londonderry Athletic and Field Association and Director of the Londonderry Recreation program.

Many know Arthur as always willing to take responsibility and for displaying leadership within the town. He is a teacher, coach and an active member of the YMCA advisory committee. Arthur's participation in each organization and cause makes a real difference in the Londonderry community. He is an inspiring leader whose actions and beliefs have become a catalyst for significant change and increased community involvement resulting in profound achievements.

Mr. President, Arthur Psaledas has dedicated his time and his heart to serving the Town of Londonderry and the people of New Hampshire. It is people like Arthur that make New Hampshire a special place to live, and it is an honor to represent him in the United States Senate.●

TIMKEN COMPANY'S 100TH ANNIVERSARY

● Mr. VOINOVICH. Mr. President, on behalf of Senator MIKE DEWINE, Representative RALPH REGULA, and myself, I wish to honor a distinguished Ohio company celebrating its 100th anniversary this year. I ask that the following statement recognizing the achievements of this fine Ohio company be printed into the RECORD.

The statement follows:

IN RECOGNITION OF THE TIMKEN COMPANY ON THE CELEBRATION OF 100 YEARS OF MANUFACTURING IN 1999

Expressing the sense of Congress congratulating The Timken Company, headquartered in Canton, Ohio, on the celebration of 100 years of manufacturing in 1999.

Whereas The Timken Company's life spans 100 years of manufacturing anti-friction bearings and more than 80 years of producing specialty alloy steel;

Whereas it has ranked among the 250 largest U.S. industrial corporations since the 1920's;

Whereas the company is the world's largest manufacturer of tapped roller bearings and mechanical seamless steel tubing with more than 50 plants and 100 sales, design and distribution centers in 25 countries with over 21,000 associates;

Whereas Timken has invested millions of dollars to protect the earth's air, water and land; in Canada the company recycles 30 million gallons of water daily; its steel plants recycle the equivalent of 5,600 cars every operating day;

Whereas the official company policy, and company practice, is that all Timken associates are expected to work consistently to the highest standards of ethical conduct;

Whereas the distinctiveness and the strength of the company's character has been derived from the sustained role of its founding family which has provided leadership over four generations to this day;

Whereas the corporate culture of The Timken Company is a fast-paced, team-oriented organization where decisions are made by people closest to the issues and its comprehensive strategic plan is structured to build on emerging trends and respond quickly to major fluctuations in today's marketplace;

We, the undersigned, are resolved that we

(1) extend our appreciation and recognition to The Timken Company for its significant contributions to the technological and institutional developments that have shaped our age;

(2) offer our congratulations for the significant achievement of attaining 100 years of continuous operations and growth since its founding as The Timken Roller Bearing Axle Company in 1899 in St. Louis, Missouri;

(3) acknowledge that the Timken name is not just as a trademark, but is a focus of pride for the company's associates around the world and a synonym for quality within the bearing and steel industries; and

(4) state our intent and desire that The Timken Company continues its successes as it moves into its second century, providing leadership to U.S. manufacturers and our nation for another 100 years.

Mike DeWine, United States Senator, Ohio.

George V. Voinovich, United States Senator, Ohio.

Ralph Regula, United States Representative, Ohio, 16th District.●

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the Senator from Arkansas (Mr. HUTCHINSON) to the Commission on Security and Cooperation in Europe (Helsinki).

The Chair, on behalf of the Majority Leader, pursuant to the provisions of Public Law 105–186, appoints the Senator from Oregon (Mr. SMITH) to the Presidential Advisory Commission on Holocaust Assets in the United States, to fill a vacancy thereon.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar, No. 53. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, that any statements relating to the nomination be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Ronald T. Kadish, 0000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, MAY 12, 1999

Mr. DEWINE. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, May 12. I further ask consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted, the time for the two leaders be reserved for their use later in the day, and that the Senate immediately resume consideration of the juvenile justice crime bill, S. 254. I further ask consent that at 9:30 a.m. there be 1 hour of debate on the Leahy amendment, equally divided in the usual form, prior to a motion to table, with no amendments to the amendment in order prior to the vote. I ask consent that following the vote, Senator BROWNBACK be recognized to offer a code of conduct amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DEWINE. For the information of all Senators, the Senate will convene on Wednesday, May 12 at 9:30 a.m. and immediately resume consideration of the Leahy amendment, with a vote to take place at approximately 10:30 a.m. Following the disposition of the Leahy amendment, Senator BROWNBACK will be recognized to offer an amendment. Senators can expect votes throughout Wednesday's session of the Senate, with the possibility of votes into the evening. I appreciate the cooperation of my colleagues.

ORDER FOR ADJOURNMENT

Mr. DEWINE. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of Senator GRAMS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

TAX FREEDOM FOR WORKING AMERICANS

Mr. GRAMS. Mr. President, as we wrap up this work day here in the Senate, I want to take a little time to talk about a subject that is near and dear to everybody's heart, and, of course, that is taxes.

Most Americans believe they pay too much in taxes. And you know, they are right.

One of the biggest and best indicators of how exhausting the tax burden has become is the annual arrival of what we call Tax Freedom Day, and that is the day on which Americans stop working just to pay their State, Federal, and local taxes and actually begin working and keeping their earnings for themselves and their families.

This year, Americans had to wait until today, May 11, before Tax Freedom Day actually arrived. At least 132 days into the year, this is the latest arrival of Tax Freedom Day ever.

As a sign of just how far and fast taxes have come, in 1950, Americans marked Tax Freedom Day on April 3.

For residents in my home State of Minnesota, the situation is even more troubling because this year's Tax Freedom Day has been pushed forward to May 21, nearly 2 weeks later than the rest of the country.

That ranks Minnesota third in the Nation; only in New York and Connecticut do taxpayers have to wait even longer to begin keeping their own money.

Tax Freedom Day, as calculated by the nonpartisan Tax Foundation, reveals an ever-increasing tax burden over the past 25 years. And the single most potent explanation for America's late Tax Freedom Day is our seriously flawed tax system.

Our tax system is unfair, it is complicated, and it is designed to squeeze more money out of the wallets of working Americans to expand Government.

Since 1993, for instance, Federal taxes have increased by 54 percent. Can you imagine that? Since 1993, Federal taxes have increased 54 percent, which for the average taxpayer translates into a $2,000 per year increase in the amount of taxes they pay to the Federal Government. That is $2,000 a year more today than just 6 years ago was paid to the Federal Government by the average taxpayer. As a result, Americans today have the largest tax burden ever in history, including World War II, and it is still growing.

Federal taxes now consume on average about 21 percent of our national income, compared to just over 18 percent in 1992. So again, 3 percent more of this country's GDP goes to taxes than it did just 6 years ago. On average, every American—each and every American—is paying $10,298 this year in Federal, State and local taxes. On average, each American is paying $10,298 this year to support Government.

A typical family now pays more of its income in total taxes than it spends on food, clothing, transportation, and housing combined. More and more middle income families are being pushed into higher tax brackets every year.

Here is an example of the devastating ''middle class tax squeeze.'' There are more than 20 million American workers today with annual earnings between $30,000 and $50,000. Before 1993, they paid income taxes at the 15 percent tax rate. But most of them have now been pushed into the 28 percent tax bracket, and that is due to inflation and economic growth. Worse still, they have to pay the 28 percent federal income tax rate on top of a 15.3 percent payroll tax.

This adds up, for average Americans making between $30,000 and $50,000, to a tax rate of 43 percent to the Federal Government, and that is without counting State, local, and other taxes. So for many Americans, making between $30,000 and $50,000 a year, they are paying about 50 percent of their income to support Government. So any gains the taxpayers might have made in wages have been snatched away by Washington in the form of a bigger tax bite. This is the most important reason for the late arrival of Tax Freedom Day.

People today work hard and then are penalized for their work. With punitive taxes, Washington makes the American dream of working hard for a better life more difficult, and even for some, it makes it impossible.

The only way we can effectively stop this and push back Tax Freedom Day is to terminate the Tax Code and replace it with one that promotes freedom and economic opportunity. We must repeal the 16th amendment and abolish the IRS.

We must create a new tax system that is fair, simple, and friendly to the taxpayers—when they no longer need to file a tax return with the IRS, and when their families' finances aren't revealed to Government bureaucrats, and when they are no longer penalized for getting or staying married—or for dying, for that matter—when everyone pays the same tax rate without any loopholes for any special interest groups, and when hidden taxes are eliminated and everyone can easily understand the tax laws. And finally, there will be no more IRS audits and abuse—because, again, we need to pull out the IRS by the roots to abolish the IRS entirely.

Pending fundamental tax reforms, Congress must provide meaningful tax relief to help alleviate the tax burden on working Americans.

That is why the recently-passed budget resolution reserves nearly $800 billion of the non-Social Security surplus over the next 10 years earmarking it for tax relief.

This proves that this Congress is committed to providing meaningful tax relief in 1999, while protecting Social Security and Medicare, reducing the national debt, and funding important national priorities.

This year's budget also includes my amendment calling on the Congress to place a priority on middle income tax relief by returning tax overpayments to those from whom it was taken.

It includes options for tax relief, such as a broad-based tax cut, marriage penalty relief, retirement savings incentives, death tax relief, health care-related tax relief, and education-related tax relief. If enacted, this will be the largest tax relief since the Reagan tax cuts of the 1980s.

Americans are frustrated by the late arrival of Tax Freedom Day. They are worried about their future economic security. And they also want the opportunity to put their dollars to work supporting their families, not supporting the Government.

We owe it to the American taxpayer to work together to fix the system through fundamental tax reform. We can do this through turning Tax Freedom Day from a day of disappointment into a day finally worth celebrating.

I thank the Chair, and I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7 p.m., adjourned until Wednesday, May 12, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 11, 1999:

STATE JUSTICE INSTITUTE

FLORENCE K. MURRAY, OF RHODE ISLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2001. (REAPPOINTMENT)

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

STUART E. WEISBERG, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2005. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JAY M. BERGMAN, OF VIRGINIA
ROBERT STEPHEN BRENT, OF FLORIDA
MARY ALICE KLEINJAN, OF THE DISTRICT OF COLUMBIA
PAUL E. WEISENFELD, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOHN PATRICE GROARKE, OF THE DISTRICT OF COLUMBIA
TERRY LEE HARDT, OF TEXAS
CAROL HORNING, OF OHIO
ANA R. KLENICKI, OF VIRGINIA
EARLE G. LAWRENCE, OF MARYLAND
THOMAS H. STAAL, OF WISCONSIN

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JEFFREY W. ASHLEY, OF ILLINOIS
ROBERTA MARIE CAVITT, OF ALASKA
AZZA EL-ABD, OF TENNESSEE
HOLLY LYNN FERRETTE, OF NEW JERSEY
ERIN ELIZABETH KINDER, OF CALIFORNIA

SARAH-ANN LYNCH, OF THE DISTRICT OF COLUMBIA
KRISTINE SMATHERS, OF CALIFORNIA
ZDENEK LUDVIK SUDA, OF PENNSYLVANIA

DEPARTMENT OF STATE

KATHERINE DUFFY DUEHOLM, OF SOUTH CAROLINA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE, THE DEPARTMENT OF STATE AND THE UNITED STATES INFORMATION AGENCY TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SUSAN K. ARCHER, OF VIRGINIA
ROBIN ELIZABETH BLUNT, OF INDIANA
CHARLES EDWARD BOULDIN, OF CALIFORNIA
WILLIAM HARVEY BOYLE, OF ARIZONA
C. LEE BURTON, JR., OF VIRGINIA
VALERIE L. BUSS, OF PENNSYLVANIA
CAROLE J. BUTLER, OF FLORIDA
LUCY M. CHANG, OF MARYLAND
BETTY ANNE COMPTON, OF VIRGINIA
RICHARD L. CORRELL, OF VIRGINIA
THERESE A. COSTIGAN, OF VIRGINIA
JAMES M. CUNNINGHAM, OF CALIFORNIA
JOHN J. DAIGLE, OF LOUISIANA
BRYAN D. EDWARDS, OF VIRGINIA
ELIZABETH M. GRACON, OF VIRGINIA
BRIAN M. GRIMM, OF PENNSYLVANIA
JENNIFER JEANNE HALL, OF ALABAMA
PATRICK N. HANISH, OF WASHINGTON
DAVID CHRISTOPHER HANSON, OF ALABAMA
CLIFFORD D. HEINZER, OF NEW JERSEY
CATHERINE A. HERRING, OF NEW JERSEY
CHRISTINA MARIA HUTH, OF VIRGINIA
THOMAS E. KELLY, OF FLORIDA
DAVID ANDREW KRZYWDA, OF VIRGINIA
HELEN GRACE LA FAVE, OF NEW HAMPSHIRE
LAURA G. LEVENTIS, OF SOUTH CAROLINA
THOMAS L. MAASS, OF VIRGINIA
RAFIK MANSOUR, OF CALIFORNIA
ROBERT LYND MC KAY, OF FLORIDA
JOHN HOLMES MONGAN, OF MASSACHUSETTS
KENDALL DUANE MOSS, OF TEXAS
THOMAS W. OHLSON, OF FLORIDA
DEMITRA M. PAPPAS, OF NEW YORK
GWENDOLYN JILL PASCOE, OF NEW YORK
TERRYL A. PURVIS-SMITH, OF NEW JERSEY
JOHN WILLIAM RAINES, OF TENNESSEE
HEIDI NICOLE GOMEZ RAPALO, OF NEW JERSEY
CHARLENE L. ROBINSON, OF NEVADA
ALBERTO RODRIGUEZ, OF PUERTO RICO
KAREN M. RODRIGUEZ, OF PENNSYLVANIA
REBECCA A. ROSS, OF FLORIDA
AMY E. RUSSELL, OF NEW HAMPSHIRE
TRENT D. SCHERER, OF VIRGINIA
AMEER IBRAHIM SHALABY, OF MARYLAND
JOHN E. SIMMONS, OF CALIFORNIA
PATRICK I. SMELLER, OF HAWAII
COLLEEN F. STACK, OF CONNECTICUT
NICOLE D. THERIOT, OF ILLINOIS
ELIZABETH K. THOMPSON, OF WASHINGTON
ELLEN I. THOMPSON, OF VIRGINIA
RUPERT DACOSTA VAUGHAN, OF VIRGINIA
SUSAN C. WEBSTER, OF KENTUCKY
AMY RACHEL WENDT, OF THE DISTRICT OF COLUMBIA
DENNIS PEREN WILLIAMS, JR., OF NEW JERSEY
ELI THOMPSON WINKLER, OF NEW JERSEY
JULIAN T. WOLFE, OF MARYLAND
COREY D. WRIGHT, OF THE DISTRICT OF COLUMBIA
KAREN BETH ZARESKI, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE DECEMBER 7, 1997:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JAMES CURTIS STRUBLE, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE FEBRUARY 16, 1997:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JOAN E. GARNER, OF RHODE ISLAND
JEAN ANNE LOUIS, OF VIRGINIA
SHARON K. MERCURIO, OF CALIFORNIA
ROBIN LANE WHITE, OF MASSACHUSETTS

CONFIRMATION

Executive nomination confirmed by the Senate May 11, 1999:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RONALD T. KADISH, 0000.