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Senate

The Senate met at 10 a.m. and was called to order by the Honorable MIKE CRAPO, a Senator from the State of Idaho.

PRAYER

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

Loving Father, as we begin this day we are very aware of a stirring in our minds and a longing in our hearts to renew our relationship with You. We have learned that this is a sure sign that You are urging us to come to You in prayer long before we call on You. You have created the desire to know, love, and serve You. The feeling of emptiness inside alerts us to our hunger and thirst for a right relationship with You. It is a great encouragement to realize that our longing for truth, knowledge, insight, and guidance is a response to Your desire to give us exactly what we need for each challenge or opportunity. We trade in our old habit of self-reliance for Your supernatural strength and superlative wisdom. It is a joy to be reminded that this is Your Nation. You are waiting to bless us and have specific answers to our needs prepared to give us as we listen to You in prayer all through this day. We place our trust in You. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative assistant read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 19, 1999

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL D. CRAPO, a Senator from the State of Idaho, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. CRAPO thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

SCHEDULE

Mr. HATCH. Mr. President, this morning the Senate will resume debate on the juvenile justice bill. Under a previous order, amendments that qualify under the list may be offered until 12:20 p.m. today. At 12:20 p.m., the Senate will begin debate on amendments numbered 357, 358, 360, and 361 which were previously offered to the bill. Each of the four amendments will have 10 minutes of debate equally divided with stacked votes to begin at 1 p.m. Senators are encouraged to offer their amendments this morning so we can finish this important legislation in a timely manner.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

VIOLENT AND REPEAT JUVENILE ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 254, which the clerk will report.

The legislative assistant read as follows:

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

Pending:

Frist amendment No. 355, to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have firearms.

Wellstone amendment No. 356, to improve the juvenile delinquency prevention challenge grant program.

Sessions/Inhofe amendment No. 357, relating to the placement of a disclaimer on materials produced, procured or disseminated as a result of funds made available under this Act.

Wellstone amendment No. 358, to provide for additional mental health and student service providers.

Hatch (for Santorum) amendment No. 360, to encourage States to incarcerate individuals convicted of murder, rape, or child molestation.

Ashcroft amendment No. 361, to provide for school safety and violence prevention and teacher liability protection measures.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to continue for 1 minute, the time not taken from either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, also for the advice of our colleagues, the distinguished Senator from Utah and I continued work on the managers' package, which we worked on over the weekend, last night, and we will be prepared to present that fairly soon.

If I could have the attention of the Senator from Utah for just a moment, I suspect what we would probably do at that time, when it is prepared, is to move to set aside other things so we could do that and go forward with it.

I mention this because several Senators had asked about where it was—it is a complex thing—to help make sure we get the drafting all right.

Mr. HATCH. Mr. President, I think we are just about done with the drafting of it. I know staff on both the minority and the majority side are finishing that up as we speak, so I agree

with the Senator. When we get that finally done, we will interrupt everything and set matters aside so we can pass the managers' amendment.

I notice the distinguished Senator from New Jersey is prepared to offer his amendment again. Could I ask the other side, how many further gun amendments are we going to have? I would at least like to know.

Mr. LEAHY. The Senator asks a legitimate question. That is why I asked about the managers' package. Some are holding to see where the managers' package goes, and it will probably depend upon what happens with the amendment of the distinguished senior Senator from New Jersey.

Let me try to get a more specific answer. That does not answer the question of the Senator from Utah. As this debate starts—we are running some traplines now—I will try to get that answer for the Senator as quickly as I can.

Mr. HATCH. The reason I bring that up is we have had enough time on gun amendments, it seems to me. There has been a lot of getting together, and I have helped to lead that. I think it is about time we get on to the rest of this bill, which is much more important than the gun aspect of this bill. There is a huge number of things we do in this bill to try to stop juvenile crime in this country, and especially violent juvenile crime. This bill will help to alleviate that. So I want to finish the bill, and I think we ought to do the very best we can to do that.

Mr. LEAHY. If the Senator will yield, I would note that we had a list of over 90 amendments entered under a consent agreement last Friday. We have pared that back to about a dozen or less. So we are making significant progress. I think what we want to do is make sure as amendments are coming up, the few that are left, Senators are not blocked by objection, as the Senator from California, Mrs. BOXER, was yesterday, or Senator LAUTENBERG last Friday.

Now we can move on. We have gone from 90 down to about a dozen. The managers' package is making a lot of that possible. Again, I commend the Senator from Utah for his work on this, and we should continue.

But while the Senator from New Jersey is debating his amendment, I will try to get a clearer answer for the Senator from Utah.

Mr. HATCH. Mr. President, let me say one other thing. This is an amendment that has already been debated, and it was defeated. So it is coming back again substantially in the same form.

Now, I was told yesterday that the minority believes they have narrowed their amendments down to about eight. As I understood it, they figured they would have three more gun amendments, including this, and possibly a fourth.

All we want to know is how many are we going to have and what are they so we are sure of what is going to come up. But in all honesty, I do not want to just keep debating the same subject over and over when we have made real honest and decent efforts to try to resolve these problems.

Be that as it may, I would like to know, as soon as I can, just exactly how many more gun amendments we are going to have to put up with or are we going to do the rest of the bill. Are we going to get something seriously done about juvenile crime or are we going to make political points in the Chamber, to the extent Senators think they are making them?

That is what I am concerned about. I would like to pass this bill which will make a real difference on accountability, making kids who commit violent acts responsible for their actions. For the first time, we actually have prevention moneys, more than accountability moneys. We are doing something about the cultural problems in this society—not something, a whole lot about the cultural problems—that really will work if we can just get this bill passed. Of course, we are going to get tougher on violent juveniles in the sentencing phase and a number of other ways from a law enforcement standpoint.

We have spent most of our time in the last 6 days—now 7 days—on gun amendments. We have made a real effort to try to accommodate people on the other side—and some on our own side—to resolve these matters. I think we have largely resolved them. Be that as it may, we will go on from here.

Mr. LEAHY. Mr. President, again, I ask consent not to have my time come from anybody else.

We are making progress. As I said, we had 90 possible amendments entered as a consent agreement last Friday. We pared that back to a dozen or less. The distinguished Senator from Utah said over the weekend that it appeared they would need about seven from their side. They offered four. That leaves about three more.

I point out that sometimes this debate is wise. When the Craig amendment first came up, the Senator from New Jersey, the Senator from New York, Mr. SCHUMER, and I came on the floor and said there were some very serious problems with it, that part of the drafting was left out, that it did things different from what the Senator from Idaho, Mr. CRAIG, had said it did. We were told by the Senator from Idaho that we were flatout wrong, that there was no such thing. It was a good amendment. It was adopted, then, on virtually a party line vote.

The next day, as soon as the press had analyzed it, they found exactly what the Senator from New York and I had said was accurate, that what the Senator from Idaho said was not accurate. There was a great flapdoodle over it—that is from the early unpublished Jefferson's ''Manual on Parliamentary Procedure,'' I tell Mr. Dove, the Parliamentarian.

It comes back again now, redrafted. And then, after that, it was pointed out that there were other errors, and we were told again we were wrong. A third part of the draft is coming back. Frankly, Mr. President, sometimes the debate takes a little bit longer if amendments do not do what the sponsors say they do.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

AMENDMENT NO. 362

(Purpose: To regulate the sale of firearms at gun shows)

Mr. LAUTENBERG. I thank the Chair, and I thank my colleague from Vermont.

I particularly pay a note of respect to our colleague from Utah, the chairman of the Judiciary Committee and the manager on the Republican side, for this juvenile justice bill. I know how anxious he is to effect a compromise that permits us to move ahead with legislation which is constructive. I have never known him to obstruct for the sake of obstruction. I appreciate his interest in moving this bill, as we all would like to do.

Mr. President, I ask unanimous consent to set aside the pending amendments and send a compromise gun show amendment to the desk.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. HATCH. Reserving the right to object, I did not hear.

The ACTING PRESIDENT pro tempore. Will the Senator restate his unanimous consent request.

Mr. LAUTENBERG. Surely. I first paid extensive compliments to the Senator from Utah.

Mr. LEAHY. There was no objection to that part.

Mr. HATCH. I am happy to hear that.

Mr. LAUTENBERG. Did I hear an objection from the Senator from Vermont?

Mr. HATCH. Could I understand what the unanimous consent request is?

Mr. LAUTENBERG. Mr. President, what I want to do is to see if we can present a compromise position that takes care of some of the problems which still exist after we passed the Craig-Hatch amendment, which differs from my original language to an extent that I think makes it more palatable to our friends on the other side. I would be happy to discuss those as I go through my presentation on the amendment. It is obvious that we want to do what we can.

While the Senator from Utah was occupied, I did say that I have never known him to obstruct for the purpose of obstruction but, rather, to effect change. I think it is fair to say there is a significant amount of interest on the Republican side in the changes we have made to try to limit the definition of gun shows, to try to make certain we have not increased the bureaucratic or the regulatory requirements such that substantially more paperwork is involved. We are not attempting to keep

files open on people for whom there is no discredited information, changes of that nature.

Mr. President, I hope the Senator from Utah and other Members of the Senate will look at what we have and give us a chance to have a review of it.

Mr. HATCH. Could I ask——

The ACTING PRESIDENT pro tempore. The Chair notes that under the previous order, the Senator has the right to send his amendment to the desk, and the Chair does not interpret the unanimous consent request to be anything other than that. Does that clarify the situation?

Mr. HATCH. His amendment will go in order after the amendments that were——

The ACTING PRESIDENT pro tempore. That is correct. The Chair does not interpret the unanimous consent request to change the order of the presentation of the amendments. It does interpret the request simply to be to present the Senator's amendment at this time.

Mr. HATCH. The reason I was concerned is that we set these in order by unanimous consent. I had to go to great lengths to get that done. That is fine with me, if that is the understanding.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative assistant read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself and Mr. KERREY, proposes an amendment numbered 362.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The text of the amendment (No. 362) is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LAUTENBERG. I thank, again, the Senators from Utah and Vermont.

Mr. HATCH. Will the Senator from New Jersey yield? Could we have a copy of the amendment. It is certainly nice to know what is going on. That is what I am concerned about. If we are going to have amendments, I at least want to know what they are, because I have gone to great lengths to try to bring both sides together. I don't want to be blind-sided by amendments at the last minute here. I would like to at least know what is in this amendment. I think I have a pretty good idea, but I would like to know.

Mr. LAUTENBERG. Mr. President, in response to the Senator from Utah, there is no intent to offer anything that hasn't been discussed or anything that is a radical change that further limits the activities of legitimate transactions at a gun show.

This amendment which I send up now has been joined in its origination by Senator BOB KERREY from Nebraska. He has signed on as a cosponsor. His input has been truly valuable in crafting a workable proposal. He comes from a largely rural State where guns are a significant part of the State's culture. I really appreciate his strong support of my amendment.

This amendment is offered in a bipartisan fashion to finally close the gun show loophole. I think it is time for us to come to an agreement on the gun show debate. It is very much in the minds of the public. There was a poll just done, an ABC-Washington Post poll, which said, in response to the question, Would you support or oppose a law requiring background checks on people buying guns at gun shows? the support level was 89 percent. So it does not leave a lot of room for doubt.

Last week the Senate did cast two votes on different gun show proposals. My amendment was defeated by a slim majority of 51 votes. Obviously, we had Republican support. There were several absences, primarily from the Democratic side, people were called away, some for emergencies and illness. And after our amendment was defeated, a couple of days later, the Hatch-Craig amendment was offered, and it passed by only one vote, with five Senators not voting; there were a total of 95 votes cast. The result was 48–47. So we are obviously in the same ballpark when it comes to thinking about what ought to happen. People are very wary and upset by the fact that guns can be purchased without any identification of the buyer. I call it ''buyers anonymous.'' The public is in obvious distress about the way things have been done in the past.

We are not going to interrupt the process whereby people who are not felons and are of sound mind can buy a gun. We are not looking to interrupt the process of the interested purchaser in buying a gun. But we know that, just as with other transactions—vehicles, for instance—there is a recognition of who is buying a vehicle. The same thing ought to be true when we talk about guns.

So that is what brings us to the position we are in. I asked several Senators who were leaning to my position to make any suggestions as to how we could improve the amendment that I originally offered. This new version that we have sent to the desk reflects the suggestions of both Republicans and Democrats. First, the definition of ''gun show'' is modified. I have actually taken language from the Hatch-Craig amendment and included it. I point that out because I want to try to effect a consensus, and that is why we have included this language from the Hatch-Craig amendment in this revised version.

Now, my new language clarifies that we are only talking about events where firearms are exhibited and offered for sale. We are not talking about transactions between individuals or neighbors.

The second change that we have made would clarify what qualifies as a firearm sale or transaction. When drafting my original amendment, in order to prevent people from circumventing the background check by completing a sale outside the gun show that actually began in the show, but is completed, for instance, in the parking lot, we wanted to close that loophole. So while the original amendment defined ''firearms transaction'' fairly broadly to cover any transaction that started in a gun show but was completed outside, we wanted to define that a little more openly so some disagreement that occurred would perhaps have a chance to note the changes that were made and would encourage them to join in with us and pass this legislation. Some of my colleagues have suggested the original language was too broad, so I have narrowed it to ensure that legitimate gun sellers are not subject to penalties.

Additionally, during the course of the debate, some of my opponents have suggested that my amendment would lead to a national registry of gun owners. My amendment had nothing remotely resembling a national registry. It simply required gun sales to go through an existing national instant criminal background check system.

The problem is that some who oppose any kind of gun owner identification as a new purchaser have always opposed the criminal background check system. They argue that it is the first step toward a national registry of firearm owners. They raise the specter of a national registry because they want to scare people away from reasonable, commonsense gun proposals.

Well, we are going to make certain that doesn't happen, because I believe there is no basis for that argument. I have made a modification to try to deal with that issue once and for all.

My amendment would change the Brady law to prevent the Federal Government from keeping any records on qualified purchasers—in other words, law-abiding citizens who are allowed to buy a gun—for more than 90 days. After 90 days, they have to scrap it if it has no value. The person is not discredited in any way, has no criminal record, has no problem with violence, has not been noted for violent behavior, has not had any serious mental disorder, and we are satisfied to have those records expunged after 90 days because there is no value to them, for one thing, and, secondly, it seems to suggest that what we want to have is, again, a registry on everybody. That is not the case.

Mr. President, law-abiding citizens don't have anything to worry about. After 90 days, they can be absolutely sure that there will be no Government record of their gun transactions whatsoever.

Finally, Senator KERREY, Senator SCHUMER, Senator BOXER, Senator KENNEDY, and I worked to streamline the requirements for gun show promoters. My revised amendment eliminates all unnecessary paperwork and bureaucratic redtape that was purportedly contained in the original Lautenberg amendment. The reason I say ''purportedly,'' is because that is the way some

of our colleagues on the other side interpret it. Well, I want to make sure that the record is clear and, thus, we were truly circumspect in the way we asked for this data to be presented and for this amendment to be offered.

I thank colleagues on both sides of the aisle who have helped me work on these issues. This is a compromise from my original position, but my mission is to accomplish the goal, and the goal very simply is to satisfy the American people. It is not just curiosity; it is fear; it is concern; it is their belief that anybody who buys a gun ought not to be anonymous in that purchase, especially when we know that so many of those transactions have occurred at gun shows. So that is the purpose of this change. We need this amendment to close the gun show loopholes once and for all.

Now, although the Hatch-Craig amendment may have generated a well-intentioned effort to address the gun show loophole, it did create additional problems. If we leave the language in this bill as it presently is with the Hatch-Craig amendment, our gun laws are actually going to be weaker. I know that is not the intention of the authors, nor is it the desire of the American people.

Mrs. BOXER. Will the Senator yield for a brief question?

Mr. LAUTENBERG. I am happy to yield for a question.

Mrs. BOXER. I say to my friend, thank you very much for giving the Senate a chance to undo the damage that it did by not voting for the Lautenberg amendment in the first place and then adopting some amendments that have problems. I thank Senator KERREY, in particular, for joining with the Senator from New Jersey. I think this combination is a very good one. It is a Senator from the East and a Senator from Nebraska working together. I think it should pull us all together and put this amendment over the top.

I wanted to ask my friend if he saw the op-ed piece in the Los Angeles Times today written by Janet Reno?

Mr. LAUTENBERG. I did see it. I was pleased to see it, as a matter of fact.

Mrs. BOXER. I wanted to say to my friend, quoting very briefly—then I will put this in the RECORD, and I will yield back—that Janet Reno, our law enforcement officer, says, ''The Senate proposal doesn't do enough to keep firearms out of the wrong hands.'' She said that the ''U.S. Senate has . . . the opportunity to make our streets and communities safer by closing the loophole that lets felons, fugitives and other prohibited people buy deadly weapons at gun shows.'' She laments the action that the Senate took. She points out that even though some on the other side said this amendment would close the gun show loophole, they do not, and she basically then says that the bill of Senator LAUTENBERG and Senator KERREY does the job, and it follows the recommendations of the Attorney General. She says there is still time for the Senate to revisit this important issue and adopt legislation that closes the gun show loophole once and for all.

I guess my final question to my friend is this: It is unusual to see a Senator get up and offer once again an amendment that essentially he offered before. Does my friend have hope that we will get enough votes on the other side to have a better outcome and to plug this loophole?

Mr. LAUTENBERG. I have a strong feeling that we can pass this. It would take many minds to change to make that happen. My colleagues on the Republican side—I want to say I have had lots of private conversations with them—also want to see the loophole closed. While the Hatch-Craig amendment passed, it was the intent of those who supported it, and I am sure it closed the loophole. However, it is technically still open to loopholes through which lots of problems could emerge.

As a consequence, I am hopeful that we will get strong support on this amendment. The American public strongly support it—89 percent, I point out. That is an enormous number.

What I am hoping is that finally the voices of the parents, those who are concerned who have seen violence in their schools, who have seen violence in their streets, are heard. If we can, without harm to those who want to observe a legitimate request, continue to do that, I am hopeful that we are going to be able to alert some of those who oppose it to the fact that we have taken great pains to satisfy their needs in the revised Lautenberg-Kerrey amendment.

I urge my colleagues to support this bipartisan amendment. Let's close the gun show loophole once and for all.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator LAUTENBERG for his work on this. He is committed to it very strongly. We just have different views on a number of issues about guns. I wish it weren't so. But we do have some differences.

With regard to the gun shows, I think a lot of progress has been made since the Lautenberg bill has made some movement toward a more centrist position, but I believe—and I know Senator HATCH shares the belief deeply—that it still does not go far enough in being a reasonable restriction on the historic event of gun shows in America. They continue around the country. These are honest and law-abiding citizens, overwhelmingly, who attend. People collect antique weapons and so forth. We simply can't have these long delays before you can close a transaction, because the show will be gone by then. This does not have qualified immunity. It gives the ATF the ability to in effect impose a new tax.

There are some things that we just are not able to accept.

Mr. KERREY. Will the Senator yield?

Mr. SESSIONS. I sure would be happy to yield.

Mr. KERREY. The Senator says this would give the ATF the ability to levy a new tax. But under the modified proposal that we have, all we are doing is saying that a gun show operator—several thousand of them a year—will simply have to pay the same relatively small fee that all licensed gun dealers do. Will the Senator agree that this is no different from what any licensed gun dealer has to pay, that basically what we are trying to do with this amendment is to say that if you have a gun show where it is possible that guns will be sold, you need to be licensed like everybody else and you need to pay a relatively small fee?

I ask the Senator that question.

Second, would the Senator agree that we have substantially reduced the amount of regulations that gun show operators would have to comply with in this amendment, that we struck, I think, three or four of the most difficult regulations, leaving only the requirement to register like all licensed dealers have to do and pay this small fee? They have to prove the identity of vendors when they check in at a gun show. That is just to verify the vendor is who they claim to be. And they have to post a sign indicating NISC background checks will be required.

Will the Senator agree that basically, first, there is a substantially reduced amount of regulations that we have in the first amendment, and, second, that all this tax the Senator has referenced, which is a fee, is the same thing that other licensed gun dealers would have to pay?

Mr. SESSIONS. I would certainly agree that the amendment as proposed has listened to some of the concerns that made it unacceptable to begin with, and it moved in a more moderate position. But I would still suggest that this amendment is unacceptable for a number of different reasons. One of them is an additional tax and fee that can be imposed by the ATF on a transaction that previously was not taxed. It does not provide the kind of qualified immunity that would induce people to do the background checks and could, in fact, cause more black market sales of guns.

The bill as written, the Hatch-Craig amendment, would be mandatorily stronger than it was originally. And of course there were some typographical errors in that first Hatch-Craig amendment, unfortunately, that I know Senator LAUTENBERG enjoyed railing about for a long time. But that was admitted and has been corrected.

I believe the managers of the Hatch-Craig amendment answered the questions that Attorney General Reno raised in her comments that were made before some of these changes were made.

But let me say this. I have been a prosecutor for 17 years, 15 as a Federal prosecutor, and I prosecuted gun cases

aggressively; it was a high priority. Under this Project Triggerlock proposal, I sent out a newsletter on guns called ''Triggerlock News,'' to the local sheriffs and chiefs of police explaining to them what the Federal laws were.

Federal laws against guns are very strong. If you carry a gun during a drug offense or a burglary, it is 5 years without parole consecutive to any punishment you get on the underlying offense. In Federal court you have the Speedy Trial Act. People have to be tried promptly. In Federal court when you have a speedy trial and the individual is already out on bail or parole, the judge usually will deny them bail. So you could have a case where oftentimes these violent criminals are denied bail, then they are tried within 60 days, and removed from the community for 5 years and more. That was a high priority with me.

This administration under Attorney General Reno has allowed those prosecutions. I was a U.S. attorney appointed by President Bush. And President Clinton has now appointed all 93 U.S. attorneys around the country. His U.S. attorneys have allowed gun prosecutions to decline 40 percent, from 7,000 to 3,800. And, more than that, they have gone forward with this idea that the way to fight violent crime and keep people from using guns illegally is to pass more laws. But they are not enforcing the laws they pass.

For example, there were 6,000 incidents of firearms carried on school grounds last year, according to the President. And within the last several years this Congress, at the request of the President, passed a law to make it a Federal crime to carry a firearm on school grounds. Yet out of 6,000 incidents, fewer than 10 cases were prosecuted each of those 2 years. It is a Federal crime in America to deliver a firearm to a teenager under most circumstances.

That Federal crime, that Federal law, was passed several years ago at the request of the President. Yet his Department of Justice, Attorney General Janet Reno, prosecuted less than 10 of those in each of the last 2 years. The assault weapons ban that was raised had less than 10 prosecutions.

Mr. LAUTENBERG. Will the Senator yield?

Mr. SESSIONS. When I finish I will be glad to yield. This is a very important question to me. We are trying to improve gun laws, and I am prepared to strengthen substantially the situation involving gun shows. I know Chairman HATCH is. I am filling in for him at this moment.

Is this just show? Is this all for debate, for TV and media and politics? It seems to me that it is since after we pass the law, no one ever gets prosecuted for it. Only ten cases out of 6,000 in America last year were prosecuted. What does that say about what we are going through here?

This bill has a number of changes in gun law. If a young person, a teenager, is convicted as a juvenile for a crime of violence, he or she will not be able to possess a firearm later when they become an adult. Under current law that is not so. If a teenager commits a violent crime at age 17, he is treated as a youthful offender or juvenile in juvenile court, and when he becomes an adult he can still possess a firearm. But an adult, if convicted at age 18 of a felony, cannot possess a gun.

We closed that loophole to make sure that we are focusing on people who have a proven record of dangerous use of guns, rather than focusing over and over again on innocent people who use firearms.

Mr. SCHUMER. Will the Senator yield?

Mr. SESSIONS. Yes.

Mr. SCHUMER. There is one difference we have. Yes, prosecute those who violate the law, no question. But very simply, that doesn't say you shouldn't prevent young people from getting guns before they violate the law. The two people at Littleton, Klebold and Harris, had not violated the law before—or were not detected.

It is of little consolation, it seems to me, to their parents and their families and the whole community that had they not killed themselves they would have been prosecuted. They should be prosecuted. I am for laws as tough as my friend from Alabama is, but why shouldn't we both do things to prevent young people and criminals from getting guns before they commit crimes, as well as prosecute them after they commit crimes? The two are not contradictory.

I always hear ''let's do more prosecution'' as a substitute for also preventing criminals and young people from getting guns in the first place so we won't have to prosecute them.

I ask my friend from Alabama, why is one in place of the other, as opposed to doing both alongside one another?

Mr. SESSIONS. We are not against laws that rationally and effectively prevent people from having weapons they shouldn't possess. We added in this bill a prohibition on what I think was a loophole on assault weapons, dealing with teenagers. Other violations of that kind are in that bill, and that bill can provide more restrictions.

To me, it is a bizarre event that we are talking about a 3,000-prosecution decline and about passing this arcane law dealing with gun shows which may have some positive effect in reducing illegal gun sales.

So we are working with Members on that. We have probably five or more gun restriction provisions in this legislation. That is not going to solve the fundamental problem if we are not going to have those laws in force nor if we don't have a commitment from the Attorney General to do that.

We heard from her own U.S. attorney in Richmond. They have adopted a program very similar to Project Triggerlock under President Bush. She called it Project Triggerlock with Steroids. They were aggressively prosecuting individuals who utilized guns illegally, and the President's own U.S. attorney attributed their aggressive prosecution of current gun laws for a 40-percent reduction in murder and a 21-percent reduction in violent crime.

I thought that was a stunning statistic. The President indicated he wanted to see that done nationwide in a radio address. Two days before, we had a hearing on it. He had a radio address on this very subject, in effect, dealing with the massive decline in prosecutions that have occurred under his administration, and said he was directing his U.S. attorneys in the Department of Justice and the Department of Treasury, of which ATF is a part, to increase their prosecutions.

Yet when we had Attorney General Reno testify just this month before the Judiciary Committee, she said we are not making any big commitment on that. She has a study going on and it has to be done individually and we are just not going to do what they did in Richmond.

The clear impression was that not only was she not in accord with what I believe the law of the United States requires, but that she wasn't even really in accord with the wishes of the President of the United States.

Mr. KENNEDY. Will the Senator yield?

Mr. SESSIONS. I yield to the Senator from Massachusetts.

Mr. KENNEDY. I notice that the cosponsor of the amendment is on the floor. I wonder if he might be able to speak since he is the principal cosponsor. Traditionally, we have let principal sponsors be allowed to speak. The Senator is always courteous in all these occasions. Would the Senator be willing to let him proceed?

Mr. SESSIONS. I am sorry that I took so much time. I defer to Senator KERRY.

Mr. KENNEDY. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. KERREY. The Senator didn't take too much time at all. It is within your right to do it. I do have a markup with the Finance Committee and I appreciate very much the Senator yielding to me so I can make a couple of points about this amendment.

First of all, I do believe in the second amendment. I believe in the right to bear arms. I think it has meaning. In the past, I measured whether or not I will vote for changes in the law that restrict a citizen's right to own a gun that reduces their right by imposing waiting periods or increased licensing requirements by a simple test: Will this reduce the number of people who are having their rights violated by either being shot at, shot, or killed as a consequence of people who acquire guns illegally, using those guns to commit a crime?

I voted for Brady. I voted for the so-called assault rifle ban, though it didn't really ban rifles; it banned some

features. I feel confident when I vote for something that I think works.

What we have here, and I think both sides are agreeing, is a significant loophole in the law. There are thousands of gun shows every year where not only can law-abiding citizens go, but as a consequence of not having to be licensed—if you go to a Guns Unlimited in Omaha, NE, you have to get not just background checks but you have to get permits from the city of Omaha and the county sheriff. It takes a while before you buy a gun.

If you set up a gun show in Douglas County, no licensing requirements are necessary. You can buy any gun if you are a felon or mentally unstable, no background checks are required at all.

Both sides are saying we recognize that loophole needs to be closed. I noted last week, indeed, when the amendment was offered as a motion by Senator HATCH and Senator CRAIG, the headline of the Omaha World Herald said ''Republicans Close Gun Show Loophole.''

What I am trying to say with this amendment is two things. One, some objections raised against the previous amendment talked about excessive amounts of regulation. I found that to be a credible argument. Senator LAUTENBERG was good enough to make significant changes in it, so all that is left now is for a gun show operator to do the same thing that a licensed dealer has to do, which is to register with ATF; they pay a small fee just as any licensed operator has to do; the vendor has to show proof of identification—that is, the person who is selling—that verifies the vendor is who they claim to be. And then basically a sign has to be posted notifying people, who are either vendors or there buying, that NICS background checks are going to be done.

That is all that is required. It is a fairly simple imposition of regulations that are the same for anybody who goes to a licensed gun dealer. In addition, you have to comply with whatever the local law is, the State law, or Federal law. That is all we are attempting to do.

I urge Senators who are considering whether or not to vote for this amendment to look at the language of the law as it is currently proposed in the Juvenile Justice Act, as modified, because the loophole is still there. Perhaps the distinguished Senator from Utah can address this, or somebody else who is a proponent of this. It says that special licenses can be granted to people who are running gun shows. It does not say that all gun show dealers have to register, as all licensed gun dealers do. It says some gun show operators can be granted special licenses and then they will not have to do background checks, they will not have to determine whether or not a person who is walking in to buy a handgun is a felon, whether or not they are mentally unbalanced, whether or not they have previous crimes they have committed. None of this is going to be required if this gun show operator can get a special license.

You say maybe there are some special cases where a special license is required. I urge Members to look at the language. The language says a special license can be granted to a person who is engaged in the business of dealing in firearms by, No. 1, buying or selling firearms solely or primarily at gun shows.

That is going to exempt everybody. Anybody who is out there who says I do not have a gun shop, I am not a licensed gun dealer, all I am doing is operating at gun shows, is going to be able to apply for a special license and be exempted.

You tell me how that is going to reduce the opportunity for a felon—again, somebody who has committed crimes in the past with guns—to go to an operator who is engaged in a business primarily operating at gun shows and not be able to buy a dangerous weapon. The answer is, they will still be able to buy. So if anybody believes we have closed this loophole as a consequence of the Juvenile Justice Act as it is currently amended, I urge you to look at the language. Anyone who is buying or selling firearms solely or primarily at gun shows can be given a special license and then will not have to do background checks.

Second, for anybody who is buying or selling firearms as part of a gunsmith or firearm repair business or conduct of other activity, as in this subsection, that seems not necessarily unreasonable. You can, I suppose, craft this thing so special exemptions can be granted. But we do not grant special exemptions for somebody who is out there as a licensed gun dealer; they merely have to pay a small fee with the ATF and agree to do background checks.

If you talk to the licensed gun dealers today—many of whom opposed those background checks to begin with—they say they now basically are comfortable with it; it is operating relatively well, and it gives them increased comfort when they sell a handgun, knowing they are selling it to somebody who is not a felon; either the local sheriff or local police department signed off on it and said that person who has made that purchase is somebody who is a law-abiding citizen, who is not a felon, who does not have anything in his background that would indicate the rest of the public is going to be at risk as a consequence of him owning a handgun.

This amendment corrects precisely what many people objected to in original language, and that is, it reduces the amount of regulation. But it clearly says if you operate a gun show and you are selling guns, you are going to have to do what every licensed dealer has to do. You pay a fee to the ATF and you make certain you do background checks on anybody who is buying. That closes the loophole.

But current language as described here in law does not do that. Current language will still allow somebody who is primarily involved or solely involved in operating gun shows—it will allow them to say we do not have to get a license, we do not have to notify ATF, we don't have to do background checks, we can just set up shop.

You could even have a vendor at a gun show, under the proposal as this Juvenile Justice Act has been changed, a vendor who is also illegal—no background checks, no analysis required of the vendor as well.

There are other problems that can be identified. I am troubled as well by the pawnshop exemption in the Juvenile Justice Act as originally proposed, as is proposed today as well, because I think that also unnecessarily puts the public at risk. That is what we are talking about here.

All of us understand the Bill of Rights provides us with freedom but also understand there are limits. I do not have unlimited first amendment rights. If I libel or slander people, they can bring a case against me. I do not have an unlimited second amendment right. My second amendment right ends when I am a threat to somebody else.

This is not about restricting law-abiding citizens; it is about trying to write the law so people who are intentionally committed to violate the law have a more difficult time acquiring a weapon that will enable them to do grave bodily harm to, if not to kill, another member of our society. So I hope those who would genuinely want to close this loophole, who are looking for a way to basically level the playing field for somebody who is out there selling guns through gun shows and licensed gun dealers in the local community, want to have the same rules applying to both.

I hope my colleagues will consider what we will be doing if the Juvenile Justice Act, as modified, is enacted, and what we will be doing if the amendment offered by my friend from New Jersey, Senator LAUTENBERG, and I is accepted. I hope this will be accepted. We have significant numbers of Americans who are saying we do want to reduce this loophole, this risk that we see to our lives—not just our lives but our children's lives as well.

I think it is an altogether reasonable amendment. I was surprised initially there was much controversy over it. I regret there is controversy over it. I hope this amendment will be seen by those who support the right to bear arms as a reasonable way to make certain that all Americans, gun owners and non-gun-owners alike, not only have a right to own a gun but have a right to the safety and security that all of us want to have in our homes and in our neighborhoods.

The Senator from Alabama is gone. I will, in his absence, thank the Senator from Utah for allowing me to speak so I can get back to the finance meeting.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. I am going to yield to the distinguished Senator from Massachusetts. I just want to thank the Senator for getting here and making the speech. I am glad we could accommodate him. I am going to accommodate the Senator from Massachusetts now, and then hopefully I will have something to say about this when he has finished.

I ask though, in the meantime, of the distinguished Senator from New Jersey, is there a possibility of us agreeing to a time agreement on this since the main proponents on this have spoken to it?

Mr. LAUTENBERG. Mr. President, in response to the Senator from Utah, we have several colleagues who want to speak.

Mr. HATCH. Will the Senator just consider that, and then maybe, while the Senator from Massachusetts makes his remarks, chat with me and we will see if we can come to agreement?

Mr. SCHUMER. If the Senator will yield, I have been waiting patiently. I certainly want to speak on this. I probably will speak for no more than 5 or 6 minutes.

Mr. HATCH. I think everybody is trying to get this bill over with at this point. At least I hope so.

Mrs. BOXER. If the Senator will yield, I only need 2 minutes to make my remarks.

Mr. HATCH. I am happy to defer remarks of mine until the distinguished Senators from Massachusetts and New York and California speak.

Mr. LEAHY. We know the three who are going to speak. During the time they are speaking, I will run the traps on our side and try to get as concise and accurate a time agreement as we can.

Mr. HATCH. I would like to have time agreements on the other amendments, if we can. Will the Senator from Massachusetts give us some indication of how long he may speak? I will have to be gone from the floor to the Finance Committee for a vote and I would like to know, if I may, how long the Senator will speak.

Mr. KENNEDY. Probably less than 15 minutes.

I would like to just be able to proceed.

Mr. HATCH. I understand the Senator from Massachusetts, 10 or 15 minutes for sure, and then the Senator from New York at least 5 minutes, and then the Senator from California.

Mr. KERREY. Reserving the right to object.

Mr. HATCH. I just want to have some idea. I would also like to have the floor protected, and I know my colleague from Vermont will, while I go to vote on this Finance Committee bill.

I yield the floor.

Mr. LEAHY. There will be no consents entered while the Senator is gone.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, during the debate and discussion here on the floor of the Senate in regard to the prosecution of Federal crimes, and also during the period of the Judiciary Committee, I think we ought to really set the record straight. The record was set straight in the Judiciary Committee by the Attorney General, but it has been misrepresented here on the floor of the Senate by those who ask why are we considering this amendment when we are not really prosecuting all the gun laws on the books with regard to this and somehow suggesting that those of us who are concerned about the easy access of weaponry to children and criminal elements in our society really should pay more attention to the prosecutions and doing something to make it more difficult for children and for those who should not own the weapons to own them.

The fact is, overall firearms prosecutions are up. Although the number of Federal prosecutions for low-level offenders—persons serving sentences of 3 years or less—is down, the number of higher-level offenders—those serving sentences of 5 or more years—is up by nearly 30 percent in recent years.

At the same time, the total number of Federal and State prosecutions is up sharply. About 25 percent more criminals are sent to prison for State and Federal weapons offenses than in 1992, 20,000 to 25,000.

As the Attorney General pointed out, those that ought to be handled at the local level are being handled by State prosecutors, and those that are more serious are being handled by Federal prosecutors. That record has been made in the Judiciary Committee. Maybe those who oppose this kind of common sense gun legislation get some kind of thrill out of misrepresenting the facts. The facts have been laid out by the Attorney General before the Judiciary Committee and they are as I have stated them, and as represented by the Justice Department.

By misrepresenting and saying total prosecutions by the Federal Government are down, they are telling half the story. They are not saying what is happening in State and local prosecutions. When you look at State prosecutions, local prosecutions, and Federal prosecutions, they are up, and up significantly. I think we ought to put that aside.

We are making worthwhile progress in the Senate on these gun control issues. I join in paying tribute to my colleagues—Senator LAUTENBERG, Senator KERREY, Senator SCHUMER, Senator BOXER, Senator DURBIN, and others on both sides of the aisle—who have been advancing sensible and responsible and what I call common sense recommendations. That is what they are. They are common sense recommendations which, when put into effect, are going to reduce the opportunity for easy access to weapons which are too often used either accidentally or intentionally, perhaps even in the increased incidents of suicide, or purposely by children or young people in this country.

One of the most important measures, which is before us, is closing the gun show loophole and closing it not just part way but all the way. As was pointed out, last week the Senate failed twice to close that flagrant loophole, and the inadequate amendments adopted were riddled with so many loopholes of their own that the country was outraged by the Senate's hypocrisy.

Now, on the third try, we have a chance to do the job right and close the gun show loophole lock, stock, and barrel.

The gun show loophole is a hole below the waterline of our gun control laws. It makes a mockery of responsible gun control. Yet, the initial attempt by our Republican friends to close it was a travesty, as has been pointed out.

It left the gun show loophole wide open. It created a pawnshop loophole. It reduced background checks from 3 business days to 24 hours, including Sundays. It allowed the interstate sale of firearms, potentially undermining State laws across the country. It prevented gun tracing. And it created a sweeping immunity for gun sellers.

That action was the Senate at its irresponsible worst. It is time for us to stop buckling to the gun industry and do what is right.

There is a real chance that the tragedy in Littleton would never have happened without the easy access to guns that the gun show loophole supplies.

One incredible statistic summarizes the magnitude of the problem we face. In 1996, the most recent year for which information is available, handguns were used to murder 9,390 people in the United States.

I might mention why it is difficult to get gun figures. We are using 1996 figures because the power of the NRA prohibits the Centers for Disease Control from collecting that information. The only way they can get the information is to look at the death certificates, and that is enormously costly and takes an incredible amount of time. We are prohibited—the country is prohibited—from actually having the most recent and accurate information about gun deaths. If it is not a problem, why does the National Rifle Association oppose us in having that kind of information? And they have opposed it. They prohibit us from getting that information, so we use the 1996 figures—9,390 people in the United States.

In countries with tough gun control laws, the firearm homicide rate is over 97 percent lower—97 percent. The number of handgun murders in 1996 were 2 in New Zealand, 15 in Japan, 30 in Great Britain, 106 in Canada, and 213 in Germany. The case for strong gun control is overwhelming. It saves lives. It

saves children. It saves whole communities.

Another shocking statistic makes the same point. Each day across America, 13 more children die from gunshot wounds. That is the equivalent of one Littleton each day, every day somewhere in America.

How can the Senate continue to play ostrich—head in the sand, ignoring this overwhelming need? How many more Littletons do we need? How many more wake-up calls will it take? When will we finally do what it takes to keep children safe and stop sleepwalking through crisis after crisis after crisis after crisis of gun violence?

If the Senate cannot even close the gun show loophole, we may well be condemning communities across the country to a future Littleton tragedy of their own.

It is wrong for the Senate to say that easy access to guns had nothing to do with what happened at Columbine High School. It is wrong for the Senate to whistle past the graveyard of Littleton. It is wrong for the Senate to pretend to make minor adjustments in the gun laws when gaping loopholes, like the gun show loophole, needs to be closed. It is wrong for the Senate to give the National Rifle Association a veto over the reforms that cry out to be taken in the wake of that tragedy.

Littleton shocked the conscience of the country, and it finally seems to have shocked the conscience of the Senate. It is clear that the Senate should return to the gun show loophole and try again to close it before more innocent lives are lost. And, like closing the gun show loophole, there are other urgent steps that need to be taken.

Gun laws work. The facts speak for themselves. It is long past time for the Senate to act to say enough is enough.

We know many examples of how tough gun laws, in combination with other preventive measures, are having a direct impact in reducing crime. In Massachusetts, we have some of the strongest gun laws in the country. There are tough restrictions on carrying concealed weapons. Local law enforcement has discretion in issuing the permits required by law, and an individual must show a clear need.

The minimum age for sale of handguns across the board is 21.

There are increased penalties for felons who possess firearms.

Adults are liable if a child gets an improperly stored gun and uses it to kill or injure himself or someone else.

Firearms must be stored with child safety locks.

We have a gun-free schools law.

We have enhanced standards for licensing of gun dealers.

A permit is required for private sales.

Saturday night specials are banned.

Lost or stolen firearms must be reported.

These are common sense requirements that save lives and impose no problem whatsoever for legitimate hunters and sports persons.

Look at what has happened in terms of firearm homicides in Boston. These figures are reflected across our Commonwealth. We have seen in 1993, 65; 62 in 1994; 64 in 1995; and then 39, 24, 26, 4. So far this year, there has not been a single youth homicide in 128 schools. Tough law enforcement, tough gun control, tough preventive action. That is what we stand for. And the results are out there.

When we compare States with strong gun laws to those that have weak gun laws, the differences are significant.

In 1996, for Massachusetts, the number of gun deaths for persons 19 years old or younger was 2 per 100,000.

In States that have the weakest gun laws, the numbers were significantly higher: 5.9 gun deaths per 100,000 in Indiana; 9.2 gun deaths per 100,000 in Mississippi; 5.1 gun deaths per 100,000 in Utah; 6.9 gun deaths per 100,000 in Idaho—2 gun deaths per 100,000 in Massachusetts.

It is clear that strong gun laws help reduce gun violence, yet when Democrats have proposed steps to take guns out of the hands of young people—proposals that would save lives—the Senate has too often said no.

The overwhelming majority of the American public wants to pass reasonable gun control measures.

The American people clearly want these common sense laws on the books, and they will just as clearly hold Congress accountable if we fail to act or only pretend to act. The lesson of the Senate's past failed attempts to close the gun show loophole is clear: The American people will hold us accountable if we refuse to act. Nothing concentrates the minds of Members of Congress like the knowledge that they are about to be hung out to dry at the next election. So let's concentrate on closing the gun show loophole and the other blatant loopholes in the Nation's gun laws.

Just finally, I put in the RECORD that the ATF has examined the number of crime guns traced during 1996 and 1997 to federally licensed firearm dealers and to federally licensed pawnbrokers. While 13 percent of the federally licensed dealers had one or more crime guns traced to them, 35 percent of the federally licensed pawnbrokers had one or more crime guns traced to them.

It seems that everything cries out for this particular amendment. Let's take action and do what is right for the children in America, the families in America, and to reduce violence in America.

I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Massachusetts.

I think, in fundamental principles, we are in accord on the efficacy. The virtual elimination of guns in America, we cannot be together on. I think the second amendment provides for that. But tough law enforcement, as the Senator said, tough gun control—I would say, tough gun prosecutions—and prevention do work.

The Boston project is a good model for America. One of my staff members has been there to try to analyze how it is they have achieved their successes. One of the reasons is they really enforce the law. They go out and deal with these young gang members. If they have them on probation, they monitor them. They talk to them. They say: You are supposed to be at home at 7 o'clock at night. The probation officers do not work from 9 to 5 in Boston. They will work from 1 until 10 o'clock at night, and they will go out with police officers and actually verify whether or not those young people are complying with the probation and parole requirements placed on them. What is happening in America is our court systems are so overwhelmed with juvenile crime that they have not been able to even carry out their mandates.

If you give them probation, you need to make sure they honor and comply with the terms of the probation. One possibility is to do drug testing, so that they are not getting back on drugs which may be driving them to crime. Another possibility is by going to school on time; or if they have a job, showing up on time for it; if they have a curfew placed on them, being home in their bed and not running the streets at night.

These are the kinds of things in which Boston has invested. We asked: Well, what happens when a young person in Boston does not do what they say—for example, they have been caught in a burglary, have been released on probation, and have been running around with a gang. The judge says: Don't hang around with that gang anymore; be in at 7 o'clock; and be at school on time.

What happens if they do not go to school, and continue being a truant? What happens if they do not come home at night when they are supposed to or otherwise do not comply with the judge's order? In most cities, unfortunately, nothing happens.

If you care about children, you will make sure something happens, because we want to intervene early in their lives in order to direct them on a new and healthy path. If we love these children, and really care about them, we will not have this revolving-door justice that goes on in America.

There was a night watchman killed by three young people in Alabama just 3 years ago when I was the attorney general of Alabama. I called the chief of police and asked the chief: Chief, what is the criminal record on these three youngsters? They were out loose. One of them had 5 prior arrests, another one had 5 prior arrests, and one had 15 prior arrests. That is the pattern in America.

Fox Butterfield, who has written on this subject numerous times for the New York Times, did a study of the Chicago juvenile court system. He

found they spend 5 minutes per case. These children are not being confronted effectively by the court system when they are beginning to get in trouble. We need to make that first brush with the law their last. And it does include tough law enforcement. You have to be able to discipline children who refuse to take advantage of the opportunities that have been given them.

So we do have money in here that would allow for alternative schools to be built, for drug treatment programs, for mental health and counseling to occur, and for drug testing to find out whether young people are on drugs. All of those funding programs, and many more, are here to help strengthen juvenile justice.

I say to those who care about juvenile justice in America today, go down and talk to your judges, your district attorneys, and your chiefs of police. Ask them what is needed in their local juvenile court system in order to make them better able to intervene and change the lives of young people who are getting in trouble. You will find that those judges will have a list of things they wish they could have. This bill would fund virtually every one of them.

It would give matching funds to expand detention facilities. It would give more money for drug treatment and other activities of this kind. It would allow each community to make application for funds to fill the missing blanks in their system so that they can have a comprehensive, coordinated effort against crime.

I think we can make progress in that regard. I hope we can go on and move this bill to final passage.

I see the Senator from New York would like to comment.

I yield the floor.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Presiding Officer for yielding and the Senator from Alabama for his courtesy, as well as all the other Senators.

I think, my colleagues, this afternoon will be a moment of reckoning on the floor of this Senate. The vote that will occur on closing the gun show loophole—really closing the gun show loophole—will be historic, because it will really mark the difference as to whether we are serious about moderate, carefully-thought-out measures on gun control or whether we are going to continue the same game we have played for the last 4 years.

What game is that? The game is a simple one. When the public gets aroused, all too often because of a tragedy, then some of us try to deal with the causes of that tragedy in a variety of different ways, including reasonable restrictions preventing children, preventing felons, from getting guns.

What in the past has occurred is, those who oppose us have said: Oh, we agree with you. And they put in a substitute amendment which does not close the loophole. They put in a substitute which makes it appear as if the problem is being solved but does not solve it. Then, inexorably, another tragedy occurs.

Today is the day we can stop that. We can stop it on a modest, simple measure to close the gun show loophole, to really close it.

Now, let me go over, for my colleagues—and then I want to talk a little bit about what the Senator from Alabama has said—the status of the present legislation that has passed on the floor of the Senate and what we are attempting to do with the Lautenberg amendment this afternoon. Right now, after passage of the Hatch-Craig amendment, we give with one hand and take away with another. There are, right now, three types of people under the status of this legislation who can go to gun shows and sell guns: One is federally licensed dealers. These people, since 1968, whether they sell at gun shows or anywhere else, have to keep records and, since 1993, with the passage of the Brady law, have to do background checks. They always have and they will continue to, unless we repeal that for some unforeseen circumstance.

The second group of people is those who are not licensed dealers. Under present law, they could show up at gun shows and sell guns without background checks, without recording processes. The Craig-Hatch amendment correctly, as does the Lautenberg amendment, prevents that from happening. A background check would have to be done, as it should. There shouldn't be any loopholes.

The country came together, in 1993, passed the Brady law, and it has worked. It has worked dramatically so. It has worked so that over 250,000 felons who walked into licensed dealers were refused guns.

Let me show you how it has worked in the last week. Since last Wednesday, May 12, 1999, when the Senate missed the opportunity to close the gun show loophole once and for all, the FBI, using the Brady law's national instant check system, stopped 1,550 felons, fugitives, stalkers and others who should not have guns from buying licensed guns. In one week, 1,500 people were stopped. But in that same week, sure as we are here, some of those very same people went to gun shows and bought guns without a check. What kind of mindless system is there when the dealer has to do the check but you can easily go to a gun show and get around it.

Over this past weekend, there were a minimum of 31 gun shows. In every one of those gun shows, children, felons, the mentally incompetent, and stalkers could go buy guns without ever being detected. Why?

Because of the public outcry about what occurred in Littleton, the Senator from Utah and the Senator from Idaho said: Fine, if you are not a licensed dealer, you also have to engage in a background check. That was their second attempt. The first attempt, of course, made it voluntary, which made no sense. But then, after the outcry and after the Senator from Vermont and myself got up on the floor late that evening and said, hey, this does not do what it is supposed to do, the next day Senators from the other side, the Senator from Oregon and the Senator from Arizona, got together and said: Wait a minute, we thought we were really closing the gun show loophole. It wasn't. And so this Craig-Hatch amendment evolved.

But the same darn thing occurred. So while closing the loophole for nonlicensed dealers, they opened it up for a whole new category of people called special licensees. What was the reason to have a special licensee? Nobody has figured that out. But a special licensee can go to a gun show, under the status of the Hatch-Craig amendment, and not do a background check.

It is a shell game. On the one hand, we say we are not going to let unlicensed dealers do this, and then we say, but if you become a special licensee, you can.

The American people are just appalled at what this Senate is doing. A simple measure like closing the gun show loophole, which can be done easily and quickly and noncontroversially, can't pass. We have to do an elaborate kabuki dance to make it seem as if we are doing something but not do anything at all.

So this is a moment of reckoning for the Senate. Are we going to step up to the plate and just close the gun show loophole once and for all by passing the amendment this afternoon, or are we going to continue to play games? I say to my colleagues, playing games won't do anymore. There has been a sea change in the American people in the last few weeks, because they are fed up.

After Brady, something happened. Before the Brady law passed, the gun lobby would tell citizens throughout America, if Brady passes, the hunting rifle your Uncle Willy gave you when you were 14 will be confiscated and some people in big black boots will knock on your door and take your guns. It was a message of fear.

Well, wherever I go in my great and diverse State, I ask people who are gun owners, has the Brady law interfered with your right to bear arms? And every one says no. So the fear tactics that the NRA has used, the scare tactics, the big lie is losing velocity. That is why they have lost members, half a million, in the last few years. That is why they are unable to garner support.

Now, because of the tragedy at Littleton, there seems to be a whole change in public opinion. They say, enough already. It is not just among Democrats like myself who have been arguing for these changes for over a decade. You have two candidates for the Republican nomination for Senate who have had the courage to say the NRA is not always right. In 1996, no candidate, much as they wanted to,

could dare say that. That is as good an indication of the change in public opinion as any.

I respect Elizabeth Dole; I respect JOHN MCCAIN. They do not agree with me about everything on guns. I do not expect them to. But on logical, rational methods of closing loopholes of a law that has received overwhelming public support and, more importantly, has been successful, 1,500 felons last week stopped from getting guns by Brady, how many of them went to gun shows to get around the law to buy those same guns we don't know.

Not only did the Hatch-Craig amendment fail to deal with the gun show loophole; it added three more loopholes.

Pawnshops: There has been a law that has worked. It said, you are a person; you go bring your gun to a pawnshop; before you retrieve it, let there be a background check—no harm to anybody. That has been in place since, I believe, 1997; it may have been 1996. It has worked. Hundreds of felons, I think it is 254, have been caught going to pawnshops, and all of a sudden we are going to open it up. Again, give with one hand take away with the other.

What are we saying? Do we want to have a loud speaker go up and down the streets of our country saying: Hey, felons, hey, kids, here are ways to get around the Brady law; you don't need a background check. That is what we are doing here in the Senate.

Then we have opened another loophole. This one is totally befuddling. The instant check system has worked.

It was proposed by people who didn't agree with me when we wrote the Brady law. But we said let's see if this works.

Well, it has, in about three-quarters of the cases. So people can get their check instantly and then go out of the gun shop with their gun. No problem, as far as I am concerned. Some people think a cooling off period is important, and it may be, but the main purpose we had in passing Brady was the background check. If you can do it quicker, fine. Still in about 25 percent of the cases the records are not in good shape, where there is a glitch in the computer, where the instant check doesn't work.

Right now, the FBI has 72 hours to check. Why in God's name did we reduce that to 24 in the Hatch-Craig amendment? Why?

Let me tell you the particular relevance to gun shows, where it applies. If you have a gun show on Saturday, you have 72 hours to check. The FBI can go through their records on a Monday. If you have a gun show on Saturday and you only have 24 hours to check, there is no check at all. Under the Hatch-Craig proposal, you would have to give that gun to someone even if they had committed 10 or 12 felonies. Why? It did not hurt anybody; it only applied to 25 percent. Yet, we persist in creating new loopholes.

One final thing. Our system has always been one that has recognized States rights. We said gun dealers can only sell within their State. Under Hatch-Craig, that principle goes. You can go across the country to sell a gun at a gun show. Why?

So not only did we fail to completely close the gun show loophole in Hatch-Craig, but we opened three new ones—in my judgment, three big ones. Why? Well, I know why. We all know why. It is because of the power of the gun lobby, because of the power of the NRA. There is no other reason. I have been asking for a rational reason why, and you hear ''too much bureaucracy,'' or something like that.

Well, in this juvenile justice bill, we are creating a lot more bureaucracy to put more kids in prison who commit serious crimes. I agree with that. I am a pretty tough-on-crime guy. But we don't get up on this side and say: too much bureaucracy. We don't hear colleagues on the other side say: too much bureaucracy. That is a false argument if there ever was one.

People want bureaucracy when they want Government to do something. If you want to put kids or felons away, it is more bureaucracy, more prosecutors. I am for it, but it is more bureaucracy. More laws? I am for it, but it is more bureaucracy. But when it comes to a law that would stop the kids from getting guns, that would stop the felons from getting guns, oh, no, no, then it is too much bureaucracy and we can't have it. I have never understood the distinction.

So the bottom line is a simple one. In the legislation we passed by one mere vote last week, we did not close the gun show loophole. We closed one little loophole and opened up another one to take its place. It is as wide open as it was before the legislation, and anyone, as my colleague from Nebraska has pointed out, could become a special licensee; and then we created three more loopholes.

Mr. President, we would have been better off without Hatch-Craig than we would have been with it. It was easier to stop children and felons from getting guns before Hatch-Craig than it is now, if it were to become law. So who are we kidding?

Then one final argument to my colleagues, to my friends on the other side—the Senator from Alabama is not here, but he will be even more ably represented by the Senator from Utah. That chart has been up here for a long time. I think we have heard more talk about that chart than about a lot of the legislation we are talking about. But that is fine. That is a legitimate argument, in my judgment. But I ask my friends—they say there is not enough prosecution of firearms violations. I agree with them. I agree with the Senator from Pennsylvania, in the budget last month, we put in a proposal to add $50 million to do what has been done in Richmond, Philadelphia, and in Rochester, NY, to do better prosecutions of those who violate Federal firearms laws.

As you know, most of the firearms laws are State. It has never been a Federal responsibility. Folks on the other side want to make it one, and that is fine with me. I am not one who says the Federal Government should not be involved in crime fighting. In fact, over my 10 years, I have pushed the Federal Government to be involved in crime fighting. But, again, why does prosecuting those who violate our firearms laws contradict closing the gun show loophole? It doesn't. Both should be done. They should go hand in hand.

As I mentioned before, in the debate we had with the Senator from Idaho a while back, there are grieving families in Littleton. There may be prosecutions of some who gave guns to Mr. Klebold and Mr. Harris, who created the tragedy. I am sure those prosecutions don't make the parents of the 13 dead children feel any better. I saw one of them begging us on television at the rally in Denver last week. They would beg us to do both—to prosecute those who violate firearms laws, but at the same time prevent children like young Harris and Klebold from getting guns to begin with.

A prosecution occurs after the crime. It sometimes deters crime because people don't want to be prosecuted. I have been tough on crime—for mandatory minimum sentences, and for incarceration—my whole career. But, in God's name, don't use that which is a worthy cause as an excuse, as a substitute for simple, moderate things such as closing the gun show loophole, closing the pawnshop loophole and allowing the FBI system to check when the instant check system doesn't work.

In conclusion, I know my friends from Nebraska and Utah wish to speak. This afternoon will be a moment of reckoning on this floor. It will determine, very simply, whether we are going to persist, as we have in the last few years, about coming up with solutions that don't do the job—that are almost designed not to do the job—or whether we can actually do some real good in a simple measure, sponsored by the Senators from New Jersey and Nebraska, and close the gun show loophole. The yeas and nays this afternoon will determine which side each Senator is on. The eyes of America will be upon this floor this afternoon. Let us pray we do the right thing.

I yield the floor.

Mr. HATCH. Mr. President, I have been working very closely with the Democratic leadership to try to get this matter to a conclusion. As I understand it, including this gun amendment, there are two others, and possibly a third besides this amendment. We are going to try to finish this bill.

Now, my personal impression is that they have gone too far. They are pushing this way too far. As the manager of this bill, I have tried to bring both sides together, and we have made a real effort to do so. I am starting to question whether or not we are getting a good-faith effort on the other side.

Now, this is the second time we have debated the Lautenberg amendment—the second time. To be honest with you, there is so much more in this bill than just the gun matters. I have helped to effectuate compromise on the gun matters, which I believe has been to the satisfaction of most all Democrats and most all Republicans—not all on either side. Here is where we are. We have fought back amendments on one side. I was told by colleagues on the other side of the aisle they had cut their list of amendments to eight and that three, maybe four, including this amendment, would be on gun control.

Today, they tell us that maybe they can agree to limit amendments. I have chatted with one of the top leaders on the Democrat side. He said they have agreed that we are going to get this done. But some have said maybe they can agree to limit amendments, but only after a vote on the Lautenberg amendment.

You see, they want to vote on Lautenberg, not just twice, but three, four, five—who knows how many times. Who is holding up this bill? I have to tell you, it isn't us. We will vote on Lautenberg, but I want to be sure that we have a unanimous consent agreement to vote on final passage.

I would like to vote on Lautenberg. But that is going to have to be the good-faith deal, because that is what I have represented to the other side. I think it is time to put this matter to rest. I think we can push these gun things only so far, especially when you have seen the good-faith effort I have made, and others on our side, to try to resolve these problems. The gun issue is an evolutionary issue; there is no question about it. We are trying to find ways of satisfying the vast majority of Senators. So far, we have been able to do that except with regard to the Lautenberg amendment. There is a very good reason why we will not vote for the Lautenberg amendment, or why we are going to vote for a tabling motion.

Much has been said about gun shows and how best to limit criminal access to guns at these shows. Not much has been said about the black market push that is going to happen if we get too bureaucratic about it, where people won't go to gun shows, where they will just sell them on the black market. That is the last thing on Earth I want, but that is what is going to happen.

I have to tell you, it is time to cut the rug. It is rug-cutting time. We are giving them the Lautenberg vote not because we think it is a worthy thing to do but because they are insisting on it. But there is a time when good faith says we move the bill. If Lautenberg is passed, so be it. If it does not pass, then so be it.

I have been saying for a long time that there have been numerous delays in debate on this matter. I have had some indications that there are going to be some more delays. We will have to see.

I am going to encourage my friends on the other side to limit the time. Let's get time agreement. Let's move ahead. Let's save the time of everybody in the Senate, and let's get a bill that will do something about juvenile justice in this country and about solving some of these serious problems we have.

Mr. REID. Mr. President, will the Senator yield?

Mr. HATCH. Yes; I am happy to yield to my friend from Nevada.

Mr. REID. I have been here this morning, and, of course, the manager of the bill has been here all morning.

I want to say to everyone within the sound of my voice that nothing has changed on this side of the aisle since yesterday. We have agreed to cut down our amendments from about 90 to a handful of amendments. We have indicated that as far as gun amendments, we had a finite number of those we were going to offer. I don't know what has gone on in the debate here this morning. I have been trying to follow it as closely as possible. But my friend from Utah should realize that nothing has changed since yesterday. We want to have a bill. We have worked hard to cut down the number of amendments. My friend, the manager of the bill, has worked all weekend with the staff to pare down these amendments. In short, we want a bill to go forward. We want to finally resolve something that the American people can be proud of. We have agreed not only on the number of amendments but we have been very fair on the time allocation.

On this amendment today, there has been a good debate. We haven't taken an inordinate amount of time.

In short, I say to my friend, who was kind enough to yield to me, that nothing has changed since yesterday. We feel very strongly about our positions. We are happy to defend them, articulate, and advocate them this morning.

Mr. HATCH. If the Senator will yield, I will take back the floor. The majority leader has asked me to get a time agreement when we finally vote. I think we are there. If you are down to eight, or actually seven after this one, I can get ours cut down once we know where we are, and then we can have final passage, and hopefully before the end of the day. I think we can do it.

Mr. REID. I would say to my friend from Utah, we have been waiting for the managers' amendment to be accepted, agreed upon, and at that time we will be in a position to lay out what our amendments are. We will have time agreements on them.

As far as final passage, we know that there can be games played with that unless we set a time certain for final passage. We want a bill passed. We want it to pass in a very short period of time. Nothing has changed since yesterday on this side of the aisle. We want to move forward in an expeditious manner.

Mr. HATCH. I appreciate my colleague's remarks. I believe him and have great respect for him, as he knows.

Let me just say this: The managers' amendment is basically agreed to between the two managers. It is a matter of making the final drafting changes, as I understand it. We intend to have that done and filed and approved, hopefully, and probably this afternoon, it seems to me. We will try to do that. But let's move this ahead.

Let me just finish my remarks on this, because I forgot that the distinguished Senator from California needs a chance to make her remarks. She said she would be 2 or 3 minutes.

Mrs. BOXER. Yes. Let me just say that I want to defer to Senator KERREY because he has such time problems. I have cleared my deck this morning so I can be here all day. I decided it would be fair to allow the Senator from Nebraska to proceed.

Mr. HATCH. I would like to make remarks in rebuttal, if I may, because Senator KERREY has already spoken. But if he needs to speak, I will be happy to—if the Senator from California is going to speak for 2 or 3 minutes, I will be happy to yield.

Mrs. BOXER. I will yield, and wait until the Senator from Utah finishes his remarks, and see where we are at that point.

Mr. HATCH. I thank the Senator very much.

I have been saying for a long time that how the Congress will deal with firearms violence is an evolving process. We began this debate with fairly ardent positions on both sides.

After several days of debate last week, Republicans took a step to require background checks at gun shows without substantial cost and regulatory burdens, and we passed the so-called bill on that, the Hatch-Craig bill. There was some gloating on the other side of the aisle, if I didn't misconstrue it. There were some Senators quoted talking about eating crow. These comments were not constructive at all. They made my job much more difficult on our side. We are here to do what is best for our children and to uphold the Constitution of the United States, including the second amendment. We are not here to score debating points, it seems to me. That type of comment, it seems to me, is very unconstructive and not conducive to getting a bill that will help our children and our country as a whole.

I would note, however, that the evolution of this matter continues. This time, the supporters of the Lautenberg amendment are making changes to their proposal to bring it closer to our plan that we passed in the Hatch-Craig amendment. My sense and hope is that our efforts will continue to evolve and we will be able to find common ground. That to me would be a great, great accomplishment. But I haven't seen that yet. We are evolving towards that.

I appreciate that my colleagues have recognized that the concerns we raised were legitimate and they have taken some steps in this current amendment to address the concerns. But I certainly

don't think they have gone far enough. I think they have gone too far in making it look like the only matter to consider on this whole bill happens to be guns.

Let's review how we got here. Under current law, non-licensed individuals can sell firearms at a gun show without obtaining a background check. This was the loophole that the President, the Lautenberg amendment sponsors, and others said they were concerned about. Yet, the bill as amended last week now requires background checks for these transactions at gun shows.

Under current law, persons who only want to sell firearms at a gun show are not licensed at all and perform no background checks. Our bill as amended requires sellers to obtain a federal license to sell firearms at a gun show. Because these special licensees, or temporary dealers, are now included in the Gun Control Act, they are subject to the background check requirements.

Further, our bill as amended provides civil liability protection to those sellers who complied with the background check requirements.

Our proposal also prevents the Federal Government from taxing background check transactions. The liability protection and tax relief were powerful incentives for persons to have background checks.

That is why we put them in the Hatch-Craig amendment.

Last week, when we first debated the Lautenberg amendment, we pointed out several problems.

First, the Lautenberg amendment's definition of a gun show was, at best, unfocused.

If two neighbors got together with 25 guns each and sold a gun, they would have been surprised to find that they had created a gun show and were criminals under the Lautenberg amendment because they did not conduct a background check or get a permit from the ATF.

We understand that the revised Lautenberg amendment now modifies the definition of ''gun show'' to conform with what is already in the bill, what we put in the Hatch-Craig amendment. It isn't totally that way because they still have their 50-person standard, and so forth, but basically they have come our way on it.

My colleagues on the other side of the aisle complain that the bill's current definition of ''gun show'' would allow ''hundreds of guns'' to be sold at flea markets that do not fall under the 10 or more exhibitor or 20 percent exhibitor rule. Of course, if a very few sellers were selling hundreds of firearms, they would in all likelihood be engaged in the business—and that is an important phrase—in the business of selling firearms without a license. Under current law, such persons are subject to fines, prison sentences or both.

Secondly, the Lautenberg amendment allowed the imposition of taxes and fees on background checks that constitute a substantial cost for complying with the law. Now what does that do? That is going to force people to not go to gun shows where they can legitimately sell them with background checks now that we require it in this bill, and to go off and sell them on the black market.

What we are trying to do and what it seems to me will be the inevitable result of some of the approaches under the Lautenberg amendment, will be that we will create a huge black market in guns, which is exactly the opposite of what we want to accomplish. I am sure that the distinguished Senator from New Jersey does not want to accomplish that, nor anybody else on this floor, but think it through. It doesn't take many brains to realize that is what will happen.

We understand the revised Lautenberg amendment does not ''impose'' taxes on sellers and purchasers. However, the tax to which we objected is paid by the person or entity that conducts the background check, not to a nonlicensed buyer or seller. Of course, the licensee, special licensee or special registrants now in this bill will pass this fee on to the buyer or seller who will have to pay it. Of course, they will pass it on. They will not just do this out of the goodness of their heart. As they do that, people will go into the black market to sell their guns, the exact opposite of what the distinguished Senator from New Jersey and I and others, who are really trying to do something constructive in this area, want to occur.

In short, notwithstanding its appearance, the revised Lautenberg amendment allows for an ATF taxing authority loophole. The revised amendment seemingly concludes that we were right, but does not correct the problem. So on this provision we have a major concern.

Third, the Lautenberg amendment required gun show organizers to obtain advanced permission from the ATF before holding a gun show. It doesn't take many brains to realize that is something nobody wants to agree with who believes that gun shows are a time-honored right in this society under the second amendment.

We understand that the revised Lautenberg amendment currently before the Senate that will be at the end of this amendment chain to be voted upon eliminates the advance permission requirement. However, gun show organizers are still required to keep extensive records, so there is a substantial burden that would be required, over-regulatory burden.

Fourth, the Lautenberg amendment imposed extensive recordkeeping requirements for sales between nonlicensed individuals, thus driving up the cost of the background check and intruding into the privacy of law-abiding citizens.

That is just typical of what we have to face around here in the zeal to score points on guns. We understand that the revised Lautenberg amendment may require less records to be kept and may require the Federal Government to destroy records held by the instant check operator, yet dealers must still keep all records on the buyer. Further, the implication that requiring records to be destroyed after 90 days conveys a new benefit is not accurate. 18 U.S.C. section 922(t)(2)(C) already requires the instant check operator to destroy records of checks that were approved, and the FBI currently destroys the records after 90 days. There is no new benefit in this system compared to current law. So the Lautenberg amendment does not improve current law at all, it just obscures it.

Some have complained that the Republican plan promotes unaccountable interstate gun peddling by gun dealers. Under current law, a dealer from one State can go to a gun show in another State and solicit sales. He must return home to his licensed premises, however, to ship the firearm. And the shipment must be to a licensed dealer. That is current law.

Our amendment allows one federally licensed firearms dealer to deliver the firearm to another federally licensed firearms dealer who is located out of State. He still cannot deliver a firearm to a nonlicensed individual, but only to a licensed dealer. Thus, the purchasing dealer will have to log the firearm into his inventory, will be subject to inspection by the Bureau of Alcohol, Tobacco and Firearms to find that firearm, and will have to conduct a background check to sell a firearm to a nonlicensed dealer. This is about the most regulated sale of a firearm for which the Federal law provides.

Next, some have stated that the current bill's provision for granting civil liability protection to people who comply with the background check requirement is not prudent. They say that the revised Lautenberg amendment provides no immunity for people who transfer guns to felons and others who intend to use the guns to commit violent crimes or felonies.

The bill, as amended, recognizes that persons who act properly with firearms—this is the amendment by Hatch-Craig—including firearms transactions, should not be subject to suit. Indeed, only yesterday, the Senate recognized the value of providing limited immunities to persons who act properly with firearms, by bestowing qualified immunity on persons who properly use child safety laws. This is a key incentive in the Kohl-Hatch-Chafee child safety lock amendment. The same reasons for affording civil liability protection apply here. Keep in mind we have evolved towards having something that brings both sides together. The current Lautenberg amendment split both sides apart and will result, in my opinion, in more black market sales in this country, to the detriment of the country.

Further, some complain that our bill dismisses certain suits. These are only those suits at which nonlicensed individuals have voluntarily sold a firearm

through a licensed dealer who conducted a background check. If persons are now voluntarily having background checks performed at gun shows, they should not be penalized for doing so. That is something we want to encourage. We want to give incentives for that.

I also note that the bill provides no immunities for criminal sales of firearms. If a seller knowingly transfers a firearm to a buyer who will use that firearm to commit a crime of violence or a drug trafficking crime, he is subject to severe criminal penalties. Further, if the seller is convicted of that offense, the bill expressly provides that he is not entitled to civil immunities. Thus, he could be sued for compensatory and punitive damages.

Some have complained that the bill, as amended, does not impose stiff enough penalties on special licensees and special registrants for the failure to obtain a background check. However, current law suspends the license and imposes a fine on dealers who do not conduct a background check. Our bill maintains the current penalties for background check failures and imposes tough mandatory minimums for the knowing transfer of a firearm to a juvenile who will use that firearm in a crime of violence. That is a major change. And we put it in our bill. In fact, a lot of these things that were requested by the President we have in the bill. We had them in there before he requested them. I suspect he might have had somebody look at the bill.

Further, through our aggressive firearms prosecution program, the CUFF Program, and the prosecution reporting requirement, we ensure that some of these violations actually will be prosecuted by the Attorney General—something that hasn't been undertaken in earnest over the last 6 years.

Remember, of the thousands of possible cases, the Attorney General only prosecuted one Brady case, one Brady background check violation, from 1996 through 1998. Of the thousands they claim, 225,000 turned back felons, one prosecution.

The Lautenberg amendment not only fails to include the tough mandatory minimums found in the Republican plan, it acquiesces in the Attorney General's almost complete failure to prosecute Brady violations. This makes no sense. If we in Congress pass criminal statutes, it is the duty of the Attorney General to enforce those laws. Our bill recognizes that we have a problem at the Department of Justice and our bill does something about it. Some have also stated that our bill has the potential for invading the privacy of gun owners by nonspecial registrants and special licensees to conduct background checks. This argument goes that by requiring the Instant Check operator to destroy records of an approved background check immediately, special licensees and special registrants will be able to conduct background checks on anyone, even non-gun buyers, and there will be no audit trail to catch them.

Of course, special licensees and special registrants will have to undergo a background check, a field examination, and an interview just to obtain their license or registration. And they must keep records of the persons for whom they used the Instant Check system. Thus, the ATF can take these records, contact the persons listed, and determine if they attempted to purchase a gun using the services of the special licensee or the special registrant. If they did not, the special licensee or the special registrant will be held accountable, just as dealers are now.

Further, gun owners would much rather entrust their privacy interests to special licensees and special registrants than to the Federal Government. The argument that more record keeping on lawful gun ownership by the Federal Government would protect privacy better than less record keeping by the Federal Government carries little weight.

Mr. President, all of these concerns are less than compelling. The plain fact of the matter is that the revised Lautenberg amendment, though improved to look more like the Republican proposal, is still not as good as the current bill as amended.

The revised Lautenberg amendment still fails to provide qualified immunity to persons who obey the law and act appropriately with firearms, even after the Senate voted only yesterday to provide qualified immunity when parents properly use child safety devices or child trigger locks.

The revised Lautenberg amendment still fails to provide tax relief to licensees and others who perform background checks. And the revised Lautenberg amendment still fails to relieve gun show operators or organizers of substantial new recordkeeping requirements.

Some are complaining that the 24-hour requirement for instant check is not good enough. They would require 3 days. But gun shows only last 3 days. If we do not have a 24-hour instant check requirement, the gun show is going to be over. The ATF has the technology and the funding to get the job done in 24 hours, and it should. We should not force people into a black market where there are no licenses, no records, and no background checks. We do not need to do that.

Further, we even offered to make the background check requirement for special licensees express. But my colleagues on the other side of the aisle rejected this, or objected to my modification of my own amendment, one of the few times in my 23 years where a Senator was refused the right to modify his own amendment to please the other side—even though it was not necessary, in my view, and I think in the view of any reasonable person who looks at it.

I want to make sure that persons who sell a substantial number of guns come inside the gun show and get a Federal license. These special licensees must submit to a background check and an ATF interview, they must comply with the Gun Control Act, and they must conduct background checks—something that has evolved into something that both sides ought to be willing to agree to.

Mr. President, there is one firearm-related provision on which I hope we can reach bipartisan agreement. And that is the treatment of pawn shops, gunsmiths and repair shops that have traditionally been exempt from the requirement to conduct background checks when they simply return a firearm to its owner. Prior to the 1993 Brady law, States required pawn shops to report the pawn of a firearm to State or local law enforcement agencies. Thus, there was already a state law check on the firearm. The Brady law, however, when it passed inadvertently required a Federal background check on returned firearms in addition to the state check. The pawn shops raised concerns because State law already required them to undergo a background check and because waiting on a background check to be returned before returning a firearm to its rightful owner affected their business.

Because these were real concerns, many in Congress supported an exemption to the Brady law which exempted pawn shops, gunsmiths, and repair shops from the Federal background check. It passed the Congress as part of the 1994 crime bill. Many of the people attacking the Hatch-Craig amendment's so-called pawn shop loophole voted to do the same thing in 1994 when the crime bill passed. Frankly, if what we included in the Hatch-Craig amendment is a loophole, it was a loophole when Senator LAUTENBERG voted for the crime bill in 1994 and when President Clinton signed it into law.

Indeed, after the Brady law passed, Senator SCHUMER even wrote a letter to the Treasury Department asking them to draft regulations to exempt pawn shops from the Federal background check requirement. To be fair, however, I should note that then-Congressman SCHUMER did vote against the amendment to the 1994 crime bill that provided the statutory exemption for pawn shops, but he still took a position in his 1994 letter to the Treasury Department which is consistent with our amendment.

If the pawn shop exemption from a Federal background check is a loophole now, it was a loophole in 1994 when Senator SCHUMER asked the Treasury Department to draft it.

The Craig amendment that we passed last Wednesday simply restored the exemption for pawn shops that had been part of the Brady law for 4 years. Thus, this was not a major change in law, but a change back to how the Brady law read from 1994 to November 1998 when the exemption lapsed as the Instant Check system became effective.

However, I know that the good Senator from New York has legitimate

concerns and wants to address those concerns. Neither of us want a person to commit a crime and then get a firearm. However, I believe neither of us want to overburden legitimate business transactions.

As I have stated repeatedly—it is my goal to find common ground on these issues. Wherever possible, I want to do what's best for our children and the public in a manner which is consistent with our oath as Senator to uphold the Constitution. Frankly, I viewed this provision as a technical matter—one which should not be politicized.

I just have a minute more to go, maybe a minute and a half, because I know there is limited time here.

Let me just sum it up.

Thus, the revised Lautenberg amendment is a small step in the right direction. And I sincerely appreciate that step. However, in my view, it fails to go far enough, and it may create more problems than currently exist.

The current bill as amended strikes the appropriate balance between the privacy interests of law abiding citizens and the public interest in preventing criminals from obtaining guns. The powerful incentives included in our plan will ensure that persons comply with the mandatory background check requirement on all sales at gun shows. The Republican plan also gives law abiding gun owners the peace of mind that they have not inadvertently transferred a firearm to a felon, and requires the Attorney General to begin prosecuting the criminals who violate the existing gun control laws, something that has not been done, now, for a number of years, maybe the whole time of this administration—since the Brady bill.

Accordingly, when the time arrives, I will move to table the revised Lautenberg amendment in order to allow the bill as currently amended to stand, because I think it will do a better job of accomplishing what everybody here seems to want, everything the current Lautenberg amendment will do.

I am sorry this took so long. I apologize to my colleagues, but it was important to make these points.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. LEAHY. Will the Senator yield me 30 seconds?

Mr. KERREY. Yes.

Mr. LEAHY. Mr. President, I never knew how much control I had over the schedule of debate, other than to find any time I step off the floor for a few minutes I can almost be guaranteed my friend from Utah will have a criticism of the way we are handling things over here.

So, while we are both on the floor, I tell him we have pared back to a dozen or fewer from the 90 possible amendments entered in the consent agreement last Friday. We have made significant progress. But also, because a number of Senators have pulled down amendments over here, amendments on our side, we have done it notwithstanding what we had to put up with when the Senator from New York and I were virtually ridiculed when we pointed out the flaws in the original Craig-Hatch gun legislation, something that took 2 days of voting and revoting as they drafted and redrafted and redrafted it, as the flaws became evident.

They do not want to have up-or-down votes; they want to table everything. We have not done that on one the other side came up with yesterday that would have walked all over our State legislatures. That was voted down.

The fact of the matter is, we are going to have a series of votes this afternoon. If Senators will work at it, we can finish this bill today. But I say, as I said before, it is the Senators who should set the schedule, it is the Senators who should set the debate, and not the gun lobbies.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Nebraska.

Mr. KERREY. Mr. President, the Senator from Utah said we are trying to make this amendment look like the Republican amendment. I may want to look like the Senator from Utah in many other ways, but we did not try to make this amendment resemble in two very key ways the amendment that was adopted last week.

I appreciate very much the concern about the regulation. In fact, as I said, the Senator from New Jersey made a number of changes to reduce the regulatory requirements. All we have left are the same regulatory requirements that all licensed gun dealers have to go through.

We will see about 3.5 million handguns sold this year through licensed dealers and 2 million in nonlicensed environments. What we are trying to do, for those of us who believe that background checks—there are some who do not. There are some who voted against the Brady bill and did not like the background checks. That is fine, but I think they have worked. They have reduced in America the number of felons who have handguns. They have reduced the number of people who are dangerous with guns from having handguns. It is generally accepted that the evidence shows Brady has worked and it has made America safer as a consequence.

What we have, though, is a regulatory differential. All of us can understand that. If one group of people are regulated one way and another group of people are regulated another way, it can produce some significant distortions in people's behavior.

Right now, it is easier to go to the 2,000 to 3,000 gun shows every year and buy a handgun or another gun than it is from a licensed dealer. Why? Because you do not have to go through a background check. You do not have to do the same things that you do through a licensed dealer. I do not know if the concern about the black market was raised when Brady was passed. Perhaps it was. We did not create a black market with Brady. We still have people who are either felons or who should not have handguns, who are mentally unstable, or have something in their background that makes them, in the judgment of law enforcement, dangerous to own a gun.

Mr. HATCH. Will the Senator yield?

Mr. KERREY. I have 9 minutes left.

Mr. HATCH. If the Senator will yield on that point, it is not Brady we are talking about. It is gun shows we are trying to resolve, and if we do not resolve it right, you are going to create a black market.

Mr. KERREY. But the Senator said his fear with the regulation is that we are going to have black markets. All we do—and I urge colleagues, especially the public to listen—is we say to a gun show operator, like every other licensed dealer, a gun show promoter has to register with ATF and pay a small fee.

We are not passing on the cost of the background check. Brady does not allow that. I voted against that. It does not allow us to pass on the cost of the background check. All it says to the gun show operator is you have to do the same thing a licensed gun dealer has to do. You have to register with ATF and pay a small fee.

Secondly, the gun show vendor has to show proof of identification when they check in at the gun show to verify they are who they claim to be. And the third requirement, hardly a prohibitive burden, in my judgment, is they have to notify people at the show that there are going to be background checks. You can do that with a sign.

Neither one of these three things is what I call a burdensome regulation, for gosh sakes. They are what licensed dealers have to do, exactly what licensed dealers have to do.

Again, last week when the Craig-Hatch amendment was adopted, the headline in the Omaha World Herald was: ''Republicans Close Gun Show Loophole.'' Under this amendment, this is what you can do to get an exception. It is true gun shows will have to do background checks, except for people who have special licenses. Look who gets a special license: Somebody who is buying or selling firearms solely or primarily at gun shows. That is the first exception. Basically, I am saying, yes, if you are a gun show, you have to do a background check, you have to do everything a licensed dealer has to do unless you are a gun show. If you are a gun show, you do not have to do it. That is one of the exceptions provided in this law.

Again, if you want to go home and say, yes, I voted to close the gun show loophole, right in this thing it says I can get a special license to operate a gun show without having to do background checks if I am buying or selling firearms solely or primarily through gun shows. It does not get the job done.

We impose regulations on licensed gun dealers. I have consulted licensed gun dealers in Nebraska. I said earlier, I am a supporter of the second amendment. I believe the right to bear arms

means something. I believe the right to bear arms does not give me an unlimited right to bear arms, just as the first amendment does not give me an unlimited right to speak.

There are limitations on my right to bear arms. These are reasonable limitations to keep all the rest of us safe. The leading cause of death of teenagers in the United States of America is homicides and suicides. We are the only industrial Nation that has that.

We are not talking about picking up guns. We are trying to put something together that, like Brady, will reduce the opportunity of felons and people who have other things in their background which might make them an unreliable owner to have access to guns.

This is not an unreasonable regulation. This is exactly what licensed gun dealers have to do. The Craig-Hatch amendment simply does not get the job done because it allows somebody to say: I am going to get a special exemption because I am a gun show operator.

Secondly, I do not know the history regarding the loophole having to do with pawnshops, but for gosh sakes, we do not want to allow somebody to basically go in to a pawnshop and say: Here is my 357 Magnum, and I would like to get a certificate.

Maybe they stole it. A high percentage of people are concerned about pawnshops doing business, but we want that person to have to go through a background check when they pick up that gun. It has to be that a fairly significant percentage of those guns have been stolen and acquired in some way we suspect may put other law-abiding citizens at risk. It is not unreasonable when they come back to redeem their handgun that they have to go through a background check. That is not an unreasonable limitation of their second amendment right to bear arms. That is a reasonable limitation.

We understand that in a civil society, we have to give up a little bit of freedom from time to time in order to have a civil society. We do that. I do not have an unlimited right in freedoms. I have responsibilities as well, Mr. President.

This amendment corrects a deficiency in the Hatch-Craig amendment that is terribly important. It will make Americans safer. It will reduce the chances at gun shows that people who are dangerous who should not have guns will be able to buy them. It will reduce that chance.

Is it going to solve all the problems that are associated with juvenile crime and violence in America? Absolutely not. But it is absolutely reasonable to say that if you are a gun show, we are going to regulate you when it comes to background checks the same way we do a licensed dealer, the same way that we regulate anybody who wants to set up a licensed operation: a license from ATF and they have to do background checks.

Sometimes they have local ordinances that are even more severe. In Omaha, you have to go to both the police department and to the sheriff's office in order to eventually do a transaction when you are purchasing a handgun. It may have seemed unreasonable in the beginning, but it is working. It is making our country safer.

I hope colleagues who are genuinely trying to close this loophole will consider that this amendment gets the job done; this amendment will make America safer. It is not an unreasonable change in our law. For those of us who believe the right to bear arms has meaning, it is a reasonable change. In fact, I think it is going to make it more likely that we will keep the laws that will allow law-abiding Americans to own guns and use those guns to hunt, to target practice, and all the other legal applications for which, obviously, guns are used. I hope this amendment is considered seriously by colleagues who want to close this loophole and they will support the Lautenberg-Kerrey amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, it is now 12:19. I understand the distinguished Senator from California wants 3 minutes. I ask unanimous consent that she be granted 3 minutes to make her statement, and then I also want to have 1 minute to finish my side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California is recognized for 3 minutes.

Mrs. BOXER. I thank the Chair. I thank the Senator from Utah for extending me this courtesy.

I have been sitting on the Senate floor since about 10 this morning listening to what has been a very fine debate. What I would like to do in these 3 minutes is put this whole debate into the context of reality.

We can talk theoretically, but I think reality has finally begun to hit the American people. I think that is why we have seen, finally, proper attention given to sensible gun laws.

We can see here in the 11 years of the Vietnam war, tragically we lost 58,168 of our finest people. That is 58,168 families devastated—devastated—by such a loss. Who knows what the potential of those people would have been? Certainly we know that war brought this country to its knees, and whether you supported it or did not, everyone—everyone—grieves that loss.

In 11 years in America in the war at home, 396,572 gun deaths, I say to my friends on both sides of the aisle, 11 years, almost 400,000 of our people killed; 396,572 families devastated. Many of those are children. Every day in this country we have the equivalent of a Columbine loss. Thirteen children a day are killed in my home State of California. The No. 1 cause of death to children in my home State—Gunshots.

So what are we trying to do in this debate with the juvenile justice bill on both sides? I think we want to make this country safer for children. The debate comes on how you do it.

The distinguished Senator from Utah said: You're pushing gun amendments on us. And just how far do you want to go?

My answer, as just one Senator, is: As long as it takes to change this. We have to change the reality that our children face.

When you ask parents today, do they feel secure when they send their kids off to school, no, they don't.

One of the things we could do is close the gun show loophole. Senator LAUTENBERG offered us that opportunity. It was voted down narrowly. He and Senator KERREY have teamed up. They have made a few changes which I think strengthen the amendment. We want to try again to close the gun show loophole.

I ask unanimous consent that this op-ed in the Los Angeles Times by Janet Reno be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times]

LET'S CLOSE THE GUN SHOW LOOPHOLE

(By Janet Reno)

The U.S. Senate has a historic opportunity to make our streets and communities safer by closing the loophole that lets felons, fugitives and other prohibited people buy deadly weapons at gun shows without Brady background checks. Last week, the Senate passed an amendment that not only fails to close the loophole but creates new ones, letting criminals redeem their guns from pawnbrokers without background checks, weakening the Brady checks that currently are made at gun shows and, for the first time in more than 30 years, allowing federal firearms dealers to cross state lines to sell guns.

I have watched this debate unfold with sadness, but I remain committed to working with the Senate on this issue. In 1993, we worked in a bipartisan fashion to pass the Brady law, which has prevented more than 250,000 felons and others who should not have guns from getting them. I am hopeful that we can regain this spirit of bipartisanship and, together, take the common-sense step of expanding the Brady law's protections to gun shows.

So far, the Senate has passed two gun show amendments, but neither one actually closes the gun show loophole. Although the second proposal is in some ways better than the original, regrettably—and contrary to some reports—the modified amendment leaves the most dangerous loopholes of the original amendment untouched and adds at least one more, by weakening the Brady checks currently done at gun shows.

While the new proposal would require some buyers to get background checks at gun shows, it would not ensure that all such sales go through a check. Moreover, it cuts back the time that law enforcement has to complete a Brady background check from three business days to 24 hours, even though the court records that are sometimes needed to finish the check are unavailable on weekends when most gun shows take place. This increases the chances that criminals will be able to buy weapons at weekend gun shows, because if the background check cannot be completed within 24 hours, the criminal can get the gun. Although more than 70% of Brady background checks can be completed within minutes, some require law enforcement officers to track down additional records.

With all of the flaws and loopholes created by this amendment, even in its modified version, is there a better alternative? Fortunately, there is. Last November, President Clinton directed Treasury Secretary Robert E. Rubin and me to make recommendations on closing the gun show loophole. We published a report in January that lays out a streamlined approach using federally licensed firearms dealers to do all the background checks at gun shows, even for unlicensed sellers. We also proposed a way to get limited information about the makes and models of guns sold so that we would have the ability to trace the guns if they were later used in a crime. In contrast, the amendment passed Friday will decrease our tracing ability, because checks will be done by people who have no obligation to cooperate with tracing requests.

Our proposal allows gun shows as we know them to continue but ensures that no one who is barred from having a gun can buy one at a gun show. The carefully drafted bill by Sen. Frank R. Lautenberg (D–N.J.) follows many of our recommendations.

There is still time for the Senate to revisit this important issue and adopt legislation that plugs the gun show loophole once and for all. We want to work with Congress to develop sound, workable and effective proposals to close loopholes in our gun laws. The current amendment, even as modified, moves us in the wrong direction.

Mrs. BOXER. I simply say that Janet Reno has talked here about why it is important to try to finally close this loophole. She points out that the Senators on the other side who offered their loophole closing simply did not close the loophole. Senator KERREY pointed out that new designation of dealers who were exempted.

The pawnshop loophole, let me talk about that, my friends. This weakens the law from its current status.

I ask for 30 additional seconds, and then I will close.

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

Mrs. BOXER. The pawnshop loophole, which was opened up by my friends on the other side, if you are going to a pawnshop, you are five times more likely to be a criminal. What they do is to say no background checks anymore. What else do they do to weaken the current law? They say that you can only have 24 hours to finish the background check at a gun show.

My friends, in 20 percent of those cases they need more time; they have to call the FBI. The FBI is telling us that isn't a good step; it is going the create more death and destruction.

So, in closing, let me urge my colleagues on both sides of the aisle to finally close this loophole in the right way and support the Lautenberg-Kerrey legislation.

I yield the floor. I thank my colleague from Utah for his generous spirit in giving me this time.

The PRESIDING OFFICER. The Senator from Utah has 1 minute.

Mr. HATCH. I may need a little bit more than that because of Senator KERREY's remarks and the remarks of the Senator from California. So I will ask unanimous consent when I do that.

Senator KERREY says a lot of pawnshop guns could be stolen. But let me remind the Senator that State law already requires a check with State or local law enforcement agencies. If the gun is stolen, the State law catches this. So the Lautenberg amendment does not do anything particularly good on that.

Without the special license provision, gunsmiths and others will not go into a regulated gun show. It is just that simple. These people generally do not have to be licensed now. Under the bill as currently amended, we require them to keep records and to comply with all of the provisions of the Gun Control Act. If we regulate gun shows without a special licensee, we will force these people into the black market. So let's require them to be licensed. That is one of the points I was making there. All the other points I made I do not think have been rebutted at all.

Mr. President, we now reach that point where we have the debate on four amendments, 10 minutes equally divided. We will begin with the Wellstone amendment No. 358; then we will go to the Sessions amendment No. 357; then to the Ashcroft amendment No. 361; and then the Santorum amendment No. 360, with the votes to occur beginning at 1 p.m., as I understand it.

Should we go with Sessions first? I will be happy to do that. Let me rearrange the order. We will start with Sessions amendment No. 357, then Wellstone amendment No. 358, then Ashcroft amendment No. 361, and then Santorum amendment No. 360. OK.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 357

Mr. SESSIONS. Mr. President, is there a time agreement on this debate?

The PRESIDING OFFICER. Ten minutes equally divided.

Mr. SESSIONS. Mr. President, from time to time, those of us in Congress hear complaints about governmental literature, brochures, pamphlets, and booklets paid for by the taxpayers who believe there is contained within them messages, content, material, tendencies, and philosophies that they believe are unjustified.

It is not possible, frankly, for us to manage that, as probably most people think we do. Particularly, this juvenile crime bill will produce about $1 billion in new spending for juvenile crime, and over half of that will be for prevention. Much of it will then be used, as part of the prevention effort, to produce certain literature that will be used in schools and other organizations.

So the question is: What do we do about it? Someone suggested that, well, you need to pass a law that prohibits them from spending money which says things that may offend me. I am not sure how we could write a law that would say that. I am not sure we even ought to attempt to do that.

But there is a problem, a disquiet, an unease in America about some of the material getting printed at taxpayers' expense. Both liberals and conservatives sometimes are not happy with material. So I thought this would be a suggestion that we might try with regard to the funds expended under this juvenile offender accountability grant program that we have.

There would be a disclaimer, language placed on all literature funded by this bill. It would simply say this: ''These materials are printed at Government expense.''

In addition, it would have these words: ''If you object to the accuracy of the material, the completeness of the material, the representations in the material, including objections to the material's characterizations of persons' religious beliefs, you are encouraged to direct your comments to the Office of the Attorney General of the United States.''

It directs the Attorney General to designate an office. There is an address that will be put on the literature to receive the material and to periodically, every 6 months, send a summary to the Congress of what the comments received were, because we are funding these materials.

When we send a grant to a certain community to do a drug treatment program, a mental health program, or an antiviolence program, the Members of this body may not know what was in that material. Oftentimes people get it and they do not like it. They think it is inaccurate or unfair. I think they ought to have a chance to express that.

I do not know how anybody could believe this would be an objectionable thing. If the Government is going to fund the literature, people ought to be told that they can object and where they can send their objection. If there are numerous objections, we can take a look at them. If it is inaccurate or discriminates against a particular group, then we ought to be prepared to ask questions in our oversight capacity in Congress. As chairman of the Youth Violence Subcommittee, we have oversight over the Office of Juvenile Justice programs. We look at Office of Juvenile Justice programs. So if we are getting a lot of complaints about the material, we can raise that with them and make sure they are exercising legitimate supervision over those materials.

It is a simple amendment. I do not think it would cost anything. The Attorney General could certainly be able to receive these materials, assemble them, and summarize them for the Congress. They could be maintained so that if anybody wanted to, they could go read the complaints. I think it would result in high-quality literature. In fact, I think that if a person knows when they are producing literature that it is required to put on it information concerning complaints and writing the Attorney General of the United States, they are probably going to take more care to see that the material is produced accurately and fairly.

Those are the comments I have on that at this time.

On the other matter regarding gun shows, I think that what is frustrating

the people that I am hearing from, and that I think most of us are hearing from, is that people who go to gun shows are good people. A gun show is a traditional thing.

Has my time expired?

The PRESIDING OFFICER. The Senator is correct.

Mr. SESSIONS. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. SESSIONS. They are getting tired of being blamed. These are good people. The murder rate in Washington, DC, is one of the highest in America. Who suggests that the guns criminals have here come from gun shows? That is not where guns used in crime are coming from. What I am hearing is, let us prosecute the criminals with the guns. That is why General Reno's comments are, to me, frustrating, almost irritating, because during her watch we have seen a collapse of the prosecution of criminals with guns, a 40-percent decline. At the same time, we want to shift burdens on people who are not committing crimes. That is what is causing the tension here.

Senator HATCH has worked very hard with the Members of the Democratic Party to try to reach an agreement in which we can maintain accurate controls over guns that are sold in gun shows and so forth but, at the same time, not burden excessively innocent people.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I do not know of any opposition to the amendment or anybody to speak on it. I wonder if the minority will yield back its time?

Mr. President, I ask unanimous consent that we reserve the time in opposition to this amendment and we move on to the next amendment.

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

Mr. HATCH. Mr. President, I suggest the absence of a quorum with the time charged to the proponents on this amendment.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HATCH. Mr. President, I suggest the absence of a quorum with the time charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. WELLSTONE. 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. 358, AS MODIFIED

Mr. WELLSTONE. Mr. President, I ask unanimous consent that my amendment, as modified, be sent to the desk. I believe this has been cleared with the other side. It is technical. There were some original cosponsors, Senator MIKULSKI and Senator HARKIN.

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

Mr. HATCH. Mr. President, reserving the right to object, what is the change that was sent? I am sorry.

Mr. WELLSTONE. The amount of money originally was improperly designated. I also added two original cosponsors.

Mr. HATCH. No objection.

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

(The text of the amendment (No. 358), as modified, is printed in today's RECORD under ''Amendments Submitted.'')

Mr. WELLSTONE. Mr. President, let me just start out by saying that one of the real weaknesses in this legislation as it is now written is that there is no specificity about the allowable use of funding for school-based counseling or mental health services to all students through qualified counselors or psychologists or social workers.

My colleague, Senator SESSIONS, has referred to other activities that can be used to prevent juvenile delinquency, but this phrase is vague. It gives no encouragement to schools to use the funding that they need to have the counselors.

The only place where we really might see an opportunity for counseling services would be in boot camps and community-based projects and services, but kids already have to be delinquents in order to receive this kind of counseling.

Mr. President, what I say here today is that I do not know about other colleagues, but as I travel Minnesota, what I hear more than anything else, above and beyond the need to get tougher on guns, is, Senator, we need more counselors. We need to have an infrastructure of support for our children in our schools. This amendment is the 100,000 school counselors amendment.

This amendment would call for funding from the Federal Government, on a one-third, one-third, one-third matching basis. It would be $340 million a year over the next 5 years. Now, my colleagues on the other side of the aisle may stand up and say: This is $340 million a year.

To that, I say to my colleagues on the other side: When are we going to get serious? We continue to talk about children. We continue to talk about our concern for children. Now we are talking more and more about our concern for at-risk children. Now we are talking more and more about how to get to kids before they get into trouble. And what we hear all across our land from our educators, from women and men who are working with children every day, is that we don't have the funding for counselors.

Mr. President, right now we have an average of about 1 counselor per 500 students across the land. One counselor for 500 students. That counselor can't even begin to reach out and help some of the kids who are in trouble.

This is a huge weakness in this legislation. If we want to get to kids before they get into trouble, if we want to respond to the voice in the country about what we need to do better—and I hear this from everyone in Minnesota—then we need to support this 100,000 school counselors amendment. There is nothing we can do that would be more important.

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

Who yields time? Who yields time in opposition to the amendment? Who yields time in opposition to the Wellstone amendment No. 358?

Mr. HATCH. Mr. President, I yield such time as he needs to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. The Senator from Missouri is here, and when he is ready, I will yield to him.

Mr. President, I am not hearing every day that what we need as a No. 1 priority of schools in America is more counselors. There are a lot of needs in schools. Maybe we need to expand Head Start, maybe we need other programs, maybe we need computers, or mentoring programs, some of which work well. We have not had hearings on it. This is an issue that ought to be raised in the Senator's Education Committee, and it ought not to be part of a crime bill at this time.

Mr. HATCH. Mr. President, let me once again start by complimenting the Senator from Minnesota's commitment to the problems associated with mental health conditions.

I share his commitment, but I have a number of grave concerns about his amendment to provide $1 billion a year in new funding to hire over 100,000 school-based mental health personnel.

As I noted in my statement yesterday, there is no evidence whatsoever to support the assertion that the recent tragedies in Colorado and Oregon would have been prevented by having more school counselors.

Let me reiterate what I observed yesterday: it has been reported that both Eric Harris and Dylan Klebold had gotten fairly extensive individual counseling, had undergone anger-management training and had gotten affirmative evaluations from counselors.

One of Dylan Klebold's teachers had expressed concern about some of the things he was writing in English class to a counselor.

It has also been reported that the 15-year-old Oregon killer, Kip Kinkel was currently in counseling, along with his parents, when he killed them and went on to kill two of his classmates and injure a number of others.

Please don't misunderstand me, Mr. President, I do not want in any way to undercut the very fine and vital work done by counselors in my state of Utah

and around the country. I respect them. Their work is important and valuable and I support their efforts 100 percent.

I merely make the point that more counselors would not have prevented these recent tragedies.

Additionally, Mr. President, as a parent and grandparent, I have an almost knee-jerk reaction whenever I hear that the federal government is—once again—attempting to micromanage public education.

I believe that we can best support our local schools by adequately funding current federal education programs and allowing state and local education agencies the flexibility to make important education decisions unencumbered by federal regulation.

I sincerely beleive that $1 billion of new federal taxpayer dollars will not do as much to encourage a renewed commitment to strengthen mental health outreach as local school boards, parent groups and local civic mental health and law enforcement organizations working together.

This amendment is a Washington knows best, big money, unfunded answer to complicated questions that can best be addressed through local efforts.

Mr. President, I get am getting a little tired of seeing some of our colleagues throwing money at issues without regard to costs. I am geting a little tired of hearing that the answer to everything around here is simply to throw more money at it. There is no question that counselors can be effective, but a lot of other things are too, and we have a lot of effective programs in this bill. Frankly, it is time to get this bill passed and quit delaying it.

Mr. WELLSTONE. Mr. President, I ask unanimous consent for 30 seconds to respond.

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

Mr. WELLSTONE. This is a modified amendment. It is for $340 million a year, not $1 billion, as the Senator said. All Senators should know that.

Second of all, I get a little tired of Senators talking about how much we care about kids and education, and we can't have our schools and school districts put in some money, which we will match, so we can have more support services for these kids. We gave $8 billion more for the Pentagon than the President wanted. We got money for breaks for oil companies and money for breaks for all sorts of other special interests. But all of a sudden we don't have the money to provide resources for these school districts.

Mr. HATCH. Mr. President, we continue to throw money at these problems and not solve them. First, the Senator's bill called for $1 billion and now it calls for $340,000,000. Which one is it? And how do we know that this latest amount is what is needed? We can't keep pulling extraordinary amounts of money out of thin air and justify spending the amounts because problems may exist. We continue to take time on this floor to delay a bill that can help solve these problems. The fact is that we take care of a lot of these problems in the bill without throwing an inordinate amount of money toward them.

Mr. WELLSTONE. Mr. President, I resent the accusation that this is taking up time and delaying this bill.

Senator, if you were worried about at-risk kids and helping kids before they get into trouble and wind up incarcerated and committing violent crimes, then you would want to support the kind of support services we can provide in schools.

Mr. HATCH. Mr. President, I don't want to take too much time, but I will take 30 more seconds.

Look, you are not the only Senator on this floor who cares about kids. I have a record of 23 years of leading a fight for most of the children's programs that have passed here. And every one of them takes into carefull consideration how much money should or should not be spent—child care, the child health insurance bill; you name it, I have been there. Right now, I am raising over $2 million for the Pediatric AIDS Foundation. I don't need to be lectured by the Senator from Minnesota, whose answer to everything is to throw more money at every problem.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to respond to that comment.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. I object, unless it is for 30 seconds.

Mr. WELLSTONE. I can do it in 30 seconds.

The PRESIDING OFFICER. The Senator is recognized for 30 seconds.

Mr. WELLSTONE. Senator, I would never criticize your record. You are a friend. But I intend to respond to the remarks you made on the floor of the Senate that this kind of an amendment is taking up people's time and delaying passage of this bill. This is very relevant to what we need to do to help kids before they get into trouble. I am surprised that my colleague, with all of his good work, doesn't understand that.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

AMENDMENT NO. 361

The PRESIDING OFFICER. Under the previous order, we will proceed to amendment No. 361, sponsored by Senator ASHCROFT, with 10 minutes equally divided.

The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I want to thank a number of Senators before I begin making my remarks because this amendment is the culmination of the work of a number of individuals, including Senators HUTCHISON, DEWINE, ALLARD, ABRAHAM of Michigan, GREGG of New Hampshire, HELMS of North Carolina, and Senator COVERDELL of Georgia. All of these individuals participated to assemble the components of this amendment, which is an amendment designed to promote safety in our schools and to prevent violence in our schools. So I thank all of those Senators. If any of them comes to the floor, I will happily yield to them for them to give particular emphasis to the items they brought to the table here.

This amendment contains a number of provisions that give schools and communities additional ways to prevent youth violence. It would free local school districts to put Federal money to use where the Federal money will do the most good to prevent future violence.

Under this amendment, schools will be able to choose where best to spend Federal resources under titles 4 and 6 of the Elementary and Secondary Education Act. These are allowable uses which would include violence prevention training, school safety equipment such as metal detectors, or for school resource officers.

The amendment clarifies that nothing in Federal law stands in the way of a local decision to introduce a dress code or school uniform policy. Without taking the time at this moment, a number of schools would like to be able to do this. In the places where they have been able to do it, they have found that it reduces violence and increases student productivity. It has been good.

This would allow schools, if they are going to use their Federal resources, to use them, and one of the permissible ways would be to invest in establishing such a policy.

The amendment contains a provision that provides certain liability protections for school personnel when they undertake reasonable actions to maintain order and discipline in safe educational circumstances or to promote an environment of safety for education. This is a very important provision. This one, sponsored by Senator COVERDELL of Georgia, offers teachers limited civil liability against frivolous and arbitrary lawsuits.

We don't really need for teachers, who need to be involved in disciplining students, to be thinking about the fact that they are going to be sued if they exercise the right kind of discipline.

The limits are reasonable. They are against frivolous and arbitrary lawsuits—the kind of limit that we placed to help encourage volunteerism last year when we had the Volunteer Protection Act. That is the kind of thing we want to do to make sure that teachers can have better control and are free to take necessary steps to provide discipline in the classroom.

Senator HELMS' language makes certain that a school discipline record follows a student when a student transfers to another public or private school. The language allows schools to run background checks on any school employee who works with children. I think this is reasonable. We should

know who the individuals are who are employed in our schools. Providing this kind of capacity and opportunity is a step in the right direction, a step forward. It is necessary for schools, especially given the mobility of students and families, to be able to know about the discipline record of a student who comes to the school. Learning too late can be a deadly matter, as I learned a few years ago in a tragic case in St. Louis, where a student transferred from one school to the next and the discipline record didn't follow. And before they learned of this student's propensity to stalk young women, he murdered another student, stalking a woman, a young woman, into the restroom of a high school.

Senator DEWINE has a provision that allows the coordination of adolescent mental health and substance abuse services. That is part of this amendment.

The amendment includes language from Senator ABRAHAM that allows schools to use Safe and Drug Free Schools funds for drug testing. Students who are the subject of serious discipline problems may well be better off if we have the capacity of asking them to undergo drug tests. We fund it and provide the availability or the freedom to use funds in that respect.

I really want to thank my colleagues who worked with me on this task force: Senators DEWINE, HUTCHINSON, GREGG, ALLARD, COVERDELL, HELMS, and HATCH.

I look forward to the passage of these proposals that are included in this education task force package: The amendments on school safety and violence prevention, and safety and security in our schools.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

By the way, the Chair informs the Senator from Missouri that his time has expired.

Mr. ASHCROFT. The Senator from Missouri thanks the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am going to speak on the Sessions amendment No. 357, and I understand there is time in opposition. Am I correct?

The PRESIDING OFFICER. There are 5 minutes remaining on that time.

Mr. LEAHY. Mr. President, notwithstanding my friendship with the Senator from Alabama, I will oppose his amendment.

The amendment mandates that all Federal, State, or local governments and nongovernmental entities that receive any funds under this bill have to place a written disclaimer on all materials produced or distributed to the public.

The amendment also mandates the Attorney General report every six months to Congress on all public comments received based on these disclaimers, although it doesn't say how many hundreds of people may have to be hired to do this.

The amendment is unfortunate. We are trying to pass a serious and comprehensive bill to address juvenile crime. I don't understand why the other side would be insisting on placing a one-paragraph disclaimer on all publications from any entity that receives funds under this bill. It would apply to any nonprofit organization that uses Federal support under this bill.

For example, suppose the Boys and Girls Clubs used it to set up an afterschool process. Do they have to put a disclaimer on it? Suppose they have a leaflet passed out saying: Come at 5:30 to play softball, but we want you to have this disclaimer, and if you have any comments about it, write to the Attorney General so the Attorney General can report to the Congress.

I can see it: I was called out at third base. I don't think I was out. What is the Attorney General going to do about this?

That is what this disclaimer asks for.

What about the Red Cross? Well, they gave me a lousy cookie when I came in to donate blood. I want to know what the Attorney General is going to do about it.

The amendment is also dangerous because it can siphon off funds that can be used to prevent juvenile crime and punish juvenile offenders. It places an unfunded mandate on Federal, State, and local governments. It takes resources away from real crime-fighting programs. Nobody knows how much it is going to cost State, Federal, and local governments and nonprofit organizations to comply with this disclaimer requirement.

How much does it cost the Department of Justice? I would like to know how much it is going to cost for the 6-month reporting requirements. Obviously, the Department of Justice should have people devoted to crime fighting and who will be there to tally reports. And it will not be fanciful to think of somebody who got called out at third base in a softball game put together by the Boys and Girls Clubs who thinks the Attorney General should look into it.

The Department of Justice already prints its name and address on all publications. Why a further unfunded mandate?

Unless we have questions and answers about how much it is going to cost and how much it is going to take away from real crime fighting, I would oppose it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? This is in opposition to the Ashcroft amendment.

The Senator from Massachusetts.

Mr. KENNEDY. I believe we have 5 minutes. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

Mr. President, this amendment is harmless, though I question how effective and useful it is.

It provides for some coordinated mental health services at the level. But there is already some limited mental health coverage in the underlying bill. And I find it interesting that the Senator from Missouri rejected our proposal to give SAMHSA the resources to really do the job.

The amendment provides for background checks on school employees. That's already allowable under current law.

It allows schools to require uniforms. There is nothing to prohibit that now.

It creates a Commission on Character. That is fine.

But if we really wanted to make a difference, we would fulfill the commitment made last year to reduce class sizes by hiring 100,000 new teachers. Teachers should not have to do crowd control.

If we really wanted to make a difference, we would help communities build new classrooms and schools and modernize their facilities. This means smaller classes and smaller schools, so teachers and school officials get to know the children they teach. You have heard of ''road rage.'' Well some schools have ''hall rage,'' where hallways are so crowded they actually increase violence in schools.

If we really wanted to make a difference, we would expand after school programs to attend to children in the afternoons—keeping them off the streets and out of trouble. Each day, 5 million children are left home alone after school, and that is unacceptable.

If you asked parents what is most important to reducing youth violence—uniforms or smaller classes—I am certain that smaller classes would win hands down.

If you asked parents what is most important—a character commission or after school programs—the after school programs would win hands down.

If you asked parents what is most important—to reiterate that you can conduct background checks on teachers or building more classrooms and better classrooms—the better classrooms would win hands down.

So I see nothing harmful in this amendment, but I hope we can get to the real issues that concern parents and communities—smaller classes, better schools, more after school programs.

I withhold the remainder of the time.

The PRESIDING OFFICER. Is time being reserved?

Mr. KENNEDY. I yield the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has expired.

AMENDMENT NO. 360

We will now move to amendment No. 360.

Who yields time?

Mr. SANTORUM. Mr. President, I rise to support my amendment. The amendment is offered to address a problem in this country which we have talked a lot about here, which is the short amount of time that people serve

in prison and, in fact, are sentenced to prison for the most violent of crimes in our society.

The chart says the average prison time served for rape in this country is only 5½ years, and that, by the way, is a slight increase over the past dozen or so years. Average prison time served for child molestation is 4 years; 4 years for child molestation. The average time served for homicide is just 8 years.

These statistics are for time served. Time sentenced, in many cases, is just a little bit more than that, but not significantly more than that.

It is a very serious problem, particularly in the area of raping and sexually molesting a child, where the recidivism rate is very high, where we are putting back on the street to terrorize our citizenry, people who should be incarcerated for a much longer period of time.

A group of Members, MATT SALMON in the House of Representatives, and I in the Senate, have introduced a bill called Aimee's law, named after Aimee Willard, a victim of a horrible rape and murder in the city of Philadelphia by a man, Arthur Bomar, who was released from prison in Nevada—released after murdering someone in Nevada, released after not serving his full sentence. By the way, he was violent in Nevada and had assaulted a woman while in prison, but Nevada let him out early. Unfortunately, Arthur Bomar found Aimee Willard and Aimee was brutally murdered and raped.

Aimee's mom, Gail Willard, has put together a group of people who said it is time to get people who are convicted of these horrible crimes to serve out their sentences and to send a message to States—many States in this country have very light sentences for many of these crimes—to send a message to States that we want tougher sentencing laws on the books for these violent crimes and violent criminals.

MATT SALMON introduced in the House, and I introduced an amendment in the Senate, which does something very simple: If someone is released from prison as a result of these kinds of violent acts, they are released from prison and go to another State and they commit one of these crimes, that the State that released that prisoner has to pay the costs of apprehension, prosecution, and incarceration to the State that has to deal with this person that they let out of jail.

It takes the Federal funding stream—we have Federal funds that go to all the States—and basically takes some of those Federal funds and shifts them from one State to another. It is a matter of disignating some Federal funds, rather than to Pennsylvania, because Pennsylvania let someone out early and that convicted felon went to Ohio and committed a crime—Pennsylvania would lose Federal funds—to Ohio to pay for the apprehension, prosecution and incarceration of that criminal.

This is a bill supported by 39 victims' rights organizations, including: KlaasKids Foundation and Polly Klaas' father, Marc Klaas; Fred Goldman; Gail Willard; the Fraternal Order of Police; Law Enforcement Alliance of America; International Children's Rights Resource Center; Justice for All; National Association of Crime Victims' Rights; the Women's Coalition.

The above mentioned people and organizations and a variety of other national organizations consider this one of their highest priority bills, to send a message that if a State has very lenient sentencings and they let someone out, that State will get hit with a bill; that State will lose some of their Federal block grant funds.

We want tougher sentences and we want truth in sentences. We have provisions in this amendment that say if you don't live up to truth in sentencing and you are not a truth-in-sentencing State, you can be liable if someone gets out of jail in one of those States and goes to another State and commits a similar crime. You can lose Federal funds.

We are trying to send a very clear message that these crimes should be dealt with seriously. A child molester who receives 4 years in prison, when you consider the recidivism rate, is an abomination.

We have 134,000 convicted sex offenders right now living in our communities because of these kind of laws and because of the enforcement and prosecution and leniency by our courts or by our parole systems. We have to do something about this to protect our children, to protect our society from the rapists and child molesters and murderers in our society.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator has 5 minutes in opposition.

Mr. LEAHY. Mr. President, I do not oppose this amendment. I think it is, as drafted, extremely complicated and can create a great deal of problems with some States to the extent it overrides their ability to make determinations of who they go after and how. I understand what the Senator from Pennsylvania wants. I encourage that we accept the amendment.

Of course, he is entitled to a vote if he wishes, and between now and conference we might work more on the language to see if there are areas of unnecessary complication that could be removed.

I do not oppose the amendment. I yield back the time on this side.

Mr. LEVIN. Mr. President, the Santorum amendment aims at trying to reduce the number of tragedies that result when persons convicted of serious offenses obtain early release and then repeat the offense.

But the mechanism it selects to advance that goal is so unworkable that it will undermine its laudable purpose. The same crime is defined differently by different States. Average terms of imprisonment imposed by States are different from average actual lengths of imprisonment. Indeed, that is part of the problem. Those are just two of the unworkable parts of Sec. (c)(1)(C)(ii).

One big problem in Sec. (c)(1)(B) is that the cost of incarceration of an individual can't be known unless one can predict his or her life expectancy.

An unworkable procedure will not help this cause. It will set it back, I am afraid, and I cannot vote for it.

Mr. THOMPSON. Mr. President, I am saddened by the tragic circumstances that have motivated my distinguished colleague from Pennsylvania to offer his amendment. It is understandable that concerned citizens hope to avoid crime committed by people who are released from prison. And I might favor states increasing the length of sentences of violent offenders. But that choice should be that of the states, and not one essentially forced on states by the Federal Government for fear of losing their criminal assistance funds. That view by itself leads me to oppose this amendment, although the particular way in which this amendment will operate causes me particular concern.

States are not mere appendages of the federal government to be called upon to do the Federal Government's bidding every time we think we've got a good idea. State sentencing for state crime is a state matter.

The amendment provides that in any case in which a person is convicted of murder, rape, or a dangerous sexual offense as defined by state law, and that person previously has been convicted of that offense in another state, the state of the prior conviction will have deducted from the federal criminal justice funds it receives, and transferred to the state where the subsequent offense occurred, the cost of the apprehension, prosecution, and incarceration of the offender, unless the original state has: (1) adopted the federal truth in sentencing guidelines; (2) imposed a sentence on persons for these offenses that is at least 10 percent above the average term of imprisonment for that offense that is imposed in all states; and (3) made the particular offender serve at least 85 percent of his sentence.

Mr. President, my opposition to this provision is based primarily on federalism. States should be free to adopt the sentences that they choose. They should also be able to adopt the parole policies of their choice. States that impose short sentences or lenient parole policies will bear most of the cost themselves if released criminals commit future offenses.

Under this amendment, states must adopt the federal sentencing guidelines if they wish to be certain to avoid losing federal funds. The states will have their sentencing policies for these offenses not drafted by their state legislators in their state capitals, nor even by Congress. State judges will lose the ability to exercise whatever discretion in sentencing their states permit. Instead, the unelected bureaucrats of the

United States Sentencing Commission will set the sentences for state criminals who commit these offenses. I have no criticism of these individuals pursuing the task that Congress has given them, particularly since their work is subject to congressional review. But they were not and should not be given the power to set state sentences, unanswerable to the states who will be forced to silently acquiesce to their efforts.

In addition, a state seeking to retain its federal funding by complying with the three conditions of this amendment would incur much greater expense than any loss of funds it would sustain if it were not to comply with the conditions. States who seek to sentence at more than 110 percent of the average will be required to spend huge sums on new prisons to hold these offenders. In addition to construction costs, there will be additional costs of personnel and other operating expenses. Such long sentences will also mean that the states will incur huge medical expenses for older prisoners, for fear of losing federal funds if they were released and committed new offenses. If a state wanted to incur these costs without this amendment, it could do so, but this bill will for all practical purposes force states to do so without funding any of the resulting costs. In addition, states sentencing for such a long duration may not be sentencing wisely. Some offenders deserve parole. Not all offenders are incorrigible. Some offenders can be helped by religion or counseling to lead law abiding lives, returning to their families, safely living among the community, avoiding the need for states to incur costly prison expenses, and actually becoming productive, taxpaying citizens. This amendment essentially deprives a state of that choice, and may result in the unjustified continuation of imprisonment of certain persons, harming that person, his family, the community, and taxpayers generally.

The 110 percent of the national average sentence requirement is troubling for other reasons as well. By definition, half the states will be below average, and even a larger number will not sentence for 110 percent or more of the national average. That will mean that most states will not be able to avoid the risk of losing their federal funds, no matter how hard they try to comply with the amendment's conditions. And since the average is not static, a state that is above 110 percent in one year may not be at that level the following year. As a result, the amendment would result in states continuously increasing their sentences in what will probably be a vain effort to be one of the above average states. And how will the average be calculated? Is a 99 year sentence longer or shorter than a life sentence? Is a death sentence imposed after 5 years longer or shorter than a life sentence without parole? I suppose states will have an incentive under this bill to adopt not only a death penalty, but to sentence the defendant to 1000 years besides. It is not Washington's business whether or not a state has a death penalty for state crimes. That decision should be made by the people of a state and no one else, consistent with constitutional requirements.

Apart from opposing this amendment on federalism grounds, I also note the existence of significant drafting problems that will result in what I am sure the sponsors would consider to be unintended consequences. For instance, the amendment defines ''murder'' and ''rape'' by reference to state law. But some states will never be in a situation in which a person convicted of murder has been released from serving a murder sentence or rape sentence in their state. For instance, Vermont has no crime of rape, but only sexual assault. No one can be convicted of rape who was convicted of rape previously in Vermont. Wisconsin has no rape or murder statutes, but simply intentional homicide and sexual assault. One can well imagine that if this amendment passes, states will manipulate the label placed on various conduct so that it can make sure to convict persons for ''murder'' or ''rape'' however defined under another state's law—and in such a way as now not remotely considered to constitute these crimes—while convicting persons in their own state for ''intentional homicide'' or ''sexual assault.'' That kind of manipulation will produce virtual anarchy. While the House companion bill avoids this particular problem because it defines these offenses without regard to state law, I note that the House bill is equally objectionable in its own way, since the crimes that it covers are broader than the Senate bill, extending to crimes that few would consider exceptionally serious, and thus causing greater expense to the states than the Senate bill if loss of funds is to be avoided. Moreover, under the House bill, unlike this amendment, a state is never free from the risk of losing funding, since it will be liable for a released offender's offense for the rest of his life, regardless of the length of his sentence or actual imprisonment before release.

We have eliminated parole at the federal level. But there are many fewer federal than state parolees. If a state would rather spend money on education or effective prevention programs than on very long sentences, it should be able to do so without federal interference. Some prisoners may deserve parole. Others may not. And so long as there is parole, as in every other human endeavor, mistakes will occasionally be made, sometimes with serious consequences. The people who make those decisions and the state lawmakers—not federal lawmakers—should continue to set parole policy, and they should continue to be held accountable by the people of their states for those decisions. The track record of Congress in knowing just how crime should be punished should give pause to anyone who thinks states and the American people would necessarily benefit more from a congressionally mandated approach to this issue than from experimentation among the states.

Mr. President, I sympathize with those who are the victims of crimes caused by parolees. I understand the sincere motives of my colleagues who support this legislation. But I strongly believe that it is misguided and runs counter to our system of federalism. It will cost states billions of dollars without any guarantee of retaining full federal funding. It may prevent sensible parole policies in particular cases. I have also pointed out a number of practical problems with the amendment's drafting. For all of these reasons, I oppose the amendment.

Mr. LEAHY. Mr. President, I ask unanimous consent it be in order to ask for the yeas and nays on all four of the remaining amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 357

The PRESIDING OFFICER. The question is on agreeing to the Sessions amendment.

The yeas and nays have been ordered.

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 ''no.''

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—56

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Chafee	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Specter
Coverdell	Jeffords	Stevens
Craig	Kyl	Thomas
Crapo	Lieberman	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner
Fitzgerald	McCain	

NAYS—43

Akaka	Dorgan	Kohl
Baucus	Durbin	Landrieu
Bayh	Edwards	Lautenberg
Biden	Feingold	Leahy
Bingaman	Feinstein	Levin
Boxer	Graham	Lincoln
Breaux	Harkin	Mikulski
Bryan	Hollings	Murray
Byrd	Inouye	Reed
Cleland	Johnson	Reid
Conrad	Kennedy	Robb
Daschle	Kerrey	
Dodd	Kerry	

Rockefeller	Schumer	Wellstone
Sarbanes	Torricelli	Wyden

NOT VOTING—1

Moynihan

The amendment (No. 357) was agreed to.

Mr. LOTT. 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.

Mr. LOTT. Mr. President, we have three more votes now in the stacked sequence. I ask unanimous consent that in this series the next three votes be limited to 10 minutes in length.

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

Who yields time?

AMENDMENT NO. 358, AS MODIFIED

Mr. WELLSTONE. Mr. President, could I ask a question. We now have 1 minute each; is that right?

The PRESIDING OFFICER. That is correct.

Mr. WELLSTONE. Mr. President, could we have order, please.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WELLSTONE. Could I also ask whether this is my amendment on school counselors?

The PRESIDING OFFICER. It is the Wellstone amendment No. 358.

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President and colleagues, I have offered this amendment with Senator MIKULSKI and Senator HARKIN. This amendment would provide $340 million a year for 100,000 school counselors, social workers and child psychologists to back them up.

Everywhere you go, you hear from people at the school district level: We will contribute money, but can you get some money to us so we can have more counselors in our school so that we can give more support to these kids before they get into trouble?

You will not hear your education community and your teachers and men and women who work with children talk about anything more than the need to have more counselors. One counsel for 500 students or 1,000 students cannot identify these kids in trouble, cannot help these kids. If we really care about providing these services, then we are going to be willing to make the investment.

I hope this amendment will have a very strong vote.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Is this amendment No. 358?

The PRESIDING OFFICER. Yes.

Mr. HATCH. This amends the Elementary and Secondary Education Act of 1965, originally to provide $1 billion more but modified now to provide $340 million, after modification, a year in new funding to hire 141,000 school-based mental health personnel: 100,000 school counselors, 21,000 school psychologists, and 20,000 school social workers. These funds have to be matched by the States and localities.

Now look, this is another attempt to micromanage our educational system in this country from Washington. It is an expensive add-on that should not be on this particular bill.

I made the case earlier that we are in favor of counselors, but there is a limit to everything, and the counselors may or may not be the answer here, especially in the Klebold matter—in the Columbine matter, and a number of other matters where the boys were under counseling.

The fact of the matter is, this is another ''Let's throw money at it'' at the cost of society.

The PRESIDING OFFICER. The time has expired. All time has expired.

Mr. HATCH. Mr. President, I move to table the 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 question is on agreeing to the motion to table Amendment No. 358, as modified. 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 61, nays 38, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—61

Abraham	Enzi	McCain
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Murkowski
Bennett	Gorton	Nickles
Bingaman	Gramm	Roberts
Bond	Grams	Roth
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Byrd	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hollings	Snowe
Cochran	Hutchinson	Specter
Collins	Hutchison	Stevens
Conrad	Inhofe	Thomas
Coverdell	Jeffords	Thompson
Craig	Kerrey	Thurmond
Crapo	Kyl	Voinovich
DeWine	Lott	Warner
Domenici	Lugar	
Dorgan	Mack	

NAYS—38

Akaka	Feinstein	Lincoln
Baucus	Graham	Mikulski
Bayh	Harkin	Murray
Biden	Inouye	Reed
Boxer	Johnson	Reid
Breaux	Kennedy	Robb
Bryan	Kerry	Rockefeller
Cleland	Kohl	Sarbanes
Daschle	Landrieu	Schumer
Dodd	Lautenberg	Torricelli
Durbin	Leahy	Wellstone
Edwards	Levin	Wyden
Feingold	Lieberman	

NOT VOTING—1

Moynihan

The motion to table was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, if we are going to finish this bill, we are going to have to move things along more quickly. We are seeing end-of-this-bill possibilities, but we are not going to ever finish the bill if these votes are going to go on forever. Ten-minute votes should not take an half hour.

I respectfully suggest that we move on more quickly so we can get to the substance of this bill.

AMENDMENT NO. 360

Mr. LEAHY. I say to the Senator from Utah, we would be willing to speed up things and accept the amendment of the Senator from Pennsylvania, if the Senator from Pennsylvania wishes. If they are interested in speeding up the time, we can do that. Obviously, the Senator from Pennsylvania is entitled to a rollcall vote, but we can save ourselves 15 or 20 minutes if we just accept it.

Mr. HATCH. Why don't we just have the rollcall vote and everybody will come immediately.

Mr. SANTORUM. I yield back my minute.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 360 of the Senator from Pennsylvania, Mr. SANTORUM.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that Senator from Kansas (Mr. ROBERTS) is necessarily absent.

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 (Mr. GREGG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 17, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—81

Abraham	DeWine	Johnson
Allard	Dodd	Kennedy
Ashcroft	Domenici	Kerrey
Baucus	Dorgan	Kerry
Bayh	Durbin	Kohl
Bennett	Edwards	Kyl
Biden	Enzi	Landrieu
Bingaman	Feinstein	Leahy
Boxer	Fitzgerald	Lieberman
Breaux	Frist	Lincoln
Brownback	Gorton	Lott
Bunning	Graham	Mack
Burns	Gramm	McCain
Byrd	Grams	McConnell
Campbell	Grassley	Mikulski
Cleland	Gregg	Murkowski
Collins	Harkin	Murray
Conrad	Hatch	Nickles
Coverdell	Helms	Reed
Craig	Hutchinson	Reid
Crapo	Hutchison	Robb
Daschle	Inhofe	Roth

Santorum	Smith (OR)	Thurmond
Sarbanes	Snowe	Torricelli
Schumer	Specter	Voinovich
Shelby	Stevens	Warner
Smith (NH)	Thomas	Wyden

NAYS—17

Akaka	Hagel	Lugar
Bond	Hollings	Rockefeller
Bryan	Inouye	Sessions
Chafee	Jeffords	Thompson
Cochran	Lautenberg	Wellstone
Feingold	Levin	

NOT VOTING—2

Moynihan	Roberts

The amendment (No. 360) 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.

AMENDMENT NO. 361

Mr. HATCH. Mr. President, I understand that both sides are in agreement on the next amendment, so I ask unanimous consent that we vitiate the yeas and nays.

Mr. BYRD. Reserving the right to object, I will not object. I don't want to force my will upon the Senate, but I want the record to show that I support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 361) was agreed to.

Mr. HATCH. 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, I ask unanimous consent the Senator from New York be yielded 7 minutes for debate only, and the floor be immediately given back to me upon completion of his statement.

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

(The remarks of Mr. SCHUMER, Mr. LEAHY and Mr. LAUTENBERG pertaining to the introduction of S. 1077 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WELLSTONE addressed the Chair.

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

Mr. HATCH. Mr. President, the next amendment happens to be the Ashcroft-Frist amendment. I suspect we should let both of them describe their amendment.

AMENDMENT NO. 355

The PRESIDING OFFICER. Without objection, the next amendment will be 355.

Mr. HARKIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. What amendment are we on now?

The PRESIDING OFFICER. Amendment No. 355.

Mr. FRIST. Parliamentary inquiry. Is this the Frist-Ashcroft amendment?

The PRESIDING OFFICER. This is the Frist-Ashcroft amendment.

Mr. FRIST. Mr. President, we are returning to an amendment that was offered at the end of last week, which is a very simple amendment as written. It addresses a fundamental issue that is at the heart of the juvenile justice issue and discussion in the last week. It has to do with bombs and guns in schools. It is as simple as that.

It addresses the issue of how to make our schools as safe as we possibly can. We start with, I believe, the juvenile justice bill which has made real progress but absolutely to my mind must include an amendment that addresses this issue of guns in schools and bombs in schools in an area where we, because of previous legislation that we passed, have created a loophole that means that a student coming into a school who has a firearm may be treated very differently from a student who comes in the next day to that school with a firearm. The goal of our amendment is that any child who comes into a school with a gun or a bomb will be treated equally, will be treated fairly, will not be discriminated against one way or another.

Our amendment ends a mixed message that the Federal Government today, because of legislation we passed, sends to American students on the issue of firearms in schools. ''Firearms,'' for the purpose of this amendment, are bombs and guns in schools.

We look at Littleton, CO, with 15 dead and 23 wounded. We look at Pearl, MS, with 2 dead and 7 wounded; Paducah, KY, 3 dead, 5 wounded; Jonesboro, AR, 5 dead, 10 wounded; Springfield, OR, 2 dead, 22 wounded.

These are all shootings, horrific shootings. They claimed the lives of 27 students and teachers. Thus, we come back to this simple amendment which closes a loophole that we created that has to do with guns and bombs and firearms in schools.

The Individuals with Disabilities Education Act is a law which I have strongly supported, and I have worked very, very hard in the past two Congresses to improve, to modernize, to strengthen. Under that act, a student with a disability who is in possession of a gun or a firearm at school is treated differently than a student who is not disabled or who is not in special education.

Again, it goes back to that fundamental issue of one child in a special education class who brings a gun or a bomb to school is treated preferentially compared to another child who does not have a disability or is not in special education who brings a gun or a bomb to school.

All of us represent States and have our own constituency. Therefore, I look at my home State of Tennessee. The Individual with Disabilities Education Act conflicts with our zero tolerance law which says that students may be expelled for 1 year if they bring a bomb or a gun or a firearm to school. That is zero tolerance. It is the law of the land in Tennessee. Yet, we have passed in this body Federal legislation which says there is a certain group of students, about 14 percent of students in the State of Tennessee, to whom that does not apply. We have a whole different set of standards. What our amendment does is it says, no, if you bring a bomb or a gun to school, you are going to be treated like every other student.

Under IDEA, local school authorities have several hoops to remove a dangerous special education student who brings a gun into the classroom. School personnel may suspend the child for up to 10 days. School personnel may place the child in an interim alternative educational setting for 45 days. School personnel may ask a hearing officer to place a child in an interim alternative educational setting for up to 45 days if it is proven that that child is a threat to others in his current placement. School personnel may conduct a manifestation determination review to determine whether or not there is a link between that child's disability and walking into the room with a gun or a bomb.

If the behavior is not a manifestation of that disability, the child may be expelled but is still given educational services. If the hearing officer determines that the behavior of bringing that gun into the classroom was a manifestation of the disability, the student can go right back into that school, right back into that current placement, and that is the problem. Let me repeat. If the hearing officer determines that the behavior of bringing a gun into the classroom was a manifestation of the disability, the student can go back into the classroom.

People say that does not happen. It does happen. In my own State of Tennessee, in Nashville, just over a 1-year period, there were eight students who brought guns into school who were caught and of those eight, six were in special education. Three of those six, it was found that bringing a gun into the school was a manifestation of their disability and, therefore, they ended up back in the classroom. Students who were not in special education were expelled under the law under which 86 percent of the other students fall.

Clearly, the way we have set up this federally mandated disciplinary procedure with this loophole sends students a mixed message about guns in our schools. It basically says if you are in special education, you are going to be treated in a special way if you bring a gun into school, but if you are not in special education, you are going to be treated like everybody else and you are going to be expelled. What a mixed message when we are talking about guns. When we are talking about the shootings, the 27 deaths in our classrooms and schools that we have witnessed, we must respond.

As earlier stated, if a student with a disability is expelled, that student

must be provided alternative educational services while a nondisabled student, somebody who is not in special education who is expelled for the same offense, will not necessarily receive alternative educational services, which just shows how we are treating a student who comes into the classroom with a gun differently if they happen to be disabled compared to other students.

The amendment that I, Senator ASHCROFT, Senator HELMS, Senator COVERDELL, and Senator ALLARD, as the initial sponsors, have put forward, allows principals and other qualified school personnel the flexibility to do something that seems so basic. And that is, to treat all students the same if they bring a gun into the classroom, period. No more complicated than that. It does not matter race, it does not matter financial status, it does not matter educational status, everybody gets treated the same.

It allows school authorities to discipline all students in the same way if they bring a gun, we are not talking about threats, and we are not talking about even other weapons. We have this amendment focused on guns and bombs coming into the schoolroom.

This amendment does not force local school authorities to have a uniform disciplinary policy. We recognize that every situation needs to be judged as just that, an individual, unique situation. It simply gives them the flexibility to enforce discipline in that local school as they see fit, with the overall objective to assure, to ensure, to guarantee the safety of those students whom every day we send into those classrooms.

The amendment is firearms specific. There have been others who have asked us to at least look at expanding it to other weapons, but we have this amendment really quite narrow; we are talking about guns and firearms.

I mentioned the Nashville statistics. These statistics are really hard to obtain. You always hesitate, when that is the case, to generalize. So I want to make it very clear, I do not want to generalize, but I do want to illustrate how, in one community where I live, this loophole has the potential for causing real harm, I believe.

In the 1997–1998 school year in Nashville, TN there were eight firearms infractions. Of those eight, six were students with a disability. They were in special education.

I might add that overall in the State of Tennessee it is between 13 and 14 percent, or about one out of eight students, who are in special education classes.

Of these six special education students, three were expelled outright because they found, in the manifestation process, that the disability and their bringing a gun into the classroom were unrelated. Three of those students were not expelled, because the possession of the firearm was found to be a manifestation of that child's disability. It was three students who went right back into the classroom, again, potentially putting the lives of others in danger.

We might hear, well, nobody has been killed yet in the last year or the last 2 years. Really, I think that is a whole separate issue. The whole idea is that we are treating people differently who have brought a gun or a firearm into the room.

These statistics show that three people out of the eight had come back into the classroom because a manifestation of their disability was bringing a gun into the classroom. It is kind of hard to imagine, but that is what the ruling was.

With that, let me close and simply say that when it comes to possession of a firearm or a gun, the Federal Government really should not, I believe, be tying the hands of our local education authorities, of our local schools, our principals, our teachers, those who are in charge of discipline.

Again, I say this. When we are focusing on guns and firearms in the classroom, I just find it hard to believe, and really there is absolutely no excuse for any student to intentionally bring a gun or a bomb to school.

Students with disabilities really should not be able to hide behind, not their disability, I want to be very clear. What is happening is we set this structure up, the Individuals with Disabilities Education Act, with this single provision that allows certain students to potentially hide behind the legislation, not their disability, but behind the legislation and, thus, avoid punishment that a nondisabled student would undergo.

The amendment is simple. It is straightforward. It means that all students will be treated equally if they bring a firearm in the room. I urge its support and hope it will be brought to a vote shortly.

Mr. HARKIN. Would the Senator yield for a colloquy or engage in any kind of questions and answers?

Mr. FRIST. Sure.

Mr. HARKIN. Mr. President, the Senator from Tennessee knows I have the highest respect for him. In fact, I have always found him to be a very thoughtful Senator, especially when it comes to the issues of disability policy.

When the Senator first came to the Senate, he became chairman of the then-existing Disability Policy Subcommittee in the Labor and Education Committee, and I was his ranking member. I thought he did a great job.

As a matter of fact, under his chairmanship, we were able to get through the revisions of the Individuals with Disabilities Education Act, which we had been attempting to do for several years. In fact, it took 3 long years to get all the groups to finally agree on the revisions and the amendments to the Individuals with Disabilities Education Act. I say that as a way of background.

The Senator from Tennessee was very heavily involved in that process. We were able to get the bill passed in May, I think it was, of 1997. It was strongly supported in the Senate and in the House, and passed, and was signed into law by the President.

My friend from Tennessee gave an example of the students in his home community. He gave an example of eight students, six of whom were disabled, at least under an IEP, as I understand it; and that three, as I understand it, were expelled right away because it was not a manifestation; but then he made the statement that three went right back into the classroom.

The Senator, in a private conversation, told me about this once before. If I am not mistaken, was this not during the school year of 1995–1996 or 1996–1997?

Mr. FRIST. It was 1997–1998.

Mr. HARKIN. It was 1997–1998. So the regulations under the Individuals with Disabilities Education Act amendments did not go into effect until March of 1999. That is 2 months ago.

I say to the Senator from Tennessee that school he is talking about was still operating under the old system. The old system said you could place a child with a disability in an interim educational setting for up to 45 days if the child brought a gun to school. That is the old bill.

The new bill says, the one for which the regulations just came out a couple months ago—the Senator is right, a decision is made, and if it is not a manifestation of a disability, they can be expelled immediately. If, however, it is a manifestation of a disability, the child can be placed, under the old bill, for up to 45 days in an interim educational setting, and then if the school officials believe the child is still a danger, if the child is likely to injure himself or others, they can go to an impartial hearing, order that the child be placed for an additional 45 days in the interim educational setting, then at the end of that 45 days, they can do another 45 days, as long as it is decided that child is a danger either to himself or to others.

I ask the Senator from Tennessee, the example you gave is under the old bill. The new bill says that at the end of 45 days, the school can go to an impartial hearing officer and keep that child out for another 45 days. I ask the Senator if that is not a correct interpretation?

Mr. FRIST. The 1999 statistics have been that there have been nine firearm violations, nine firearm infractions this year as of yesterday. Of these nine infractions, four involved special education students. In two of these cases, the students were expelled but given alternative services. One was not expelled because the possession, walking into the school with a firearm, was found to be a manifestation of the disability. He is back in school today.

Mr. HARKIN. I don't know that I heard the Senator. If he could speak a little slower, I would appreciate it. I understand that you said recently. I do not know if you have given me——

Mr. FRIST. The statistics from yesterday for 1999.

Mr. HARKIN. The figures you gave were for calendar year 1999.

Mr. FRIST. The figures I gave 15 minutes ago in my presentation were from 1997–1998. I just gave you the ones for 1999.

Mr. HARKIN. What you said is that for 1999, this school year; I do not know if the Senator means the school year of 1999 or January until now.

Mr. FRIST. The statistics as of yesterday, up until about 24 hours ago, there were nine infractions over the previous 10 months in Nashville, TN. Four of those were special education students, four of the nine.

Mr. HARKIN. Four of the nine were special ed. Two were expelled because it was determined not to be a manifestation. What happened to the other two?

Mr. FRIST. One right now is back in the classroom. And because of the finding, during that 45-day period you spoke of, that it was a manifestation of the disability, they could not treat the student like anybody else.

The other student case is now pending, winding its way through the bureaucratic determination process.

Mr. HARKIN. I say to the Senator, you say that this one child was put in an interim setting for 45 days. Now this child is back in the classroom. Can the Senator tell me, did the principal or did the school officials ask for a hearing to keep the child in the alternative setting for an additional 45 days, which they are allowed to do under the new law? Did they do that?

Mr. FRIST. I will have to check and get back with you. I think the Senator's point is important. That is why I spelled it out earlier. For a student with a disability, you have the 10 days which you can be removed from the process. If you brought a gun into the schoolroom, you can be removed for 10 days. Then you have a 45-day period during which this determination is made. If you brought the gun because you had a disability, you can, as I have demonstrated with this most recent student from a month ago, plus the three from last year, you can go back into the classroom during that 45-day period. I think that is the issue that we want to close, which is basically saying, it doesn't matter whether you have a disability or not, if you walk into a classroom with a gun, you should be treated like everybody else.

Mr. HARKIN. I say to the Senator from Tennessee—and surely we can get this right; it may take a little bit of discussion, but I think we can get it right—the situation he just described is true to the point where the child can be put in an alternative setting for up to 45 days. Under the new law, which, I again point out, just went into effect this year, the school can keep that child out not only for 45 days but for another 45 days and another 45 days. All the school has to do is go to the impartial hearing officer and say: This kid brought a gun to school. It is a manifestation of his disability, but under these circumstances, this kid is a danger to these other students and should be kept in an alternative setting for another 45 days.

Is it not true that the school can do that? So that if the facts are, as the Senator said, the kid is back in the classroom; obviously the school officials felt the kid was not a danger to anyone and they let him back in the school.

So I ask the Senator, is that not local control? The local school officials had to decide that child was not a danger and let him back in. There is no other way it could happen. I ask the Senator if that is not so?

Mr. FRIST. That what is not so?

Mr. HARKIN. Let me try again. The kid brought the gun——

Mr. FRIST. This is our wording: School personnel may discipline a child with a disability who carries or possesses a gun or firearm to or at a school, on school premises or at a school function under the jurisdiction of the State or local education agency in the same manner in which such personnel may discipline a child without a disability, period. That is all we are saying. I don't see how you cannot agree that you should treat every child who comes into a school with a gun or bomb the same. How can you separate one group of people out?

Again, I am committed to individuals with disabilities, but how can you separate them out and say, we are going to treat you differently and allow you to go back in the classroom, whether it is 10 days, 45 days, 35 days; you can argue that all you want, you can go back into the classroom, but any child who doesn't have a disability, you are out? That just doesn't make sense.

Mr. HARKIN. Let us look into that.

Mr. FRIST. You can look into it. But your 10 days or 45 days is missing the point of the amendment. The amendment is what I just read. You treat everybody the same.

Mr. HARKIN. Well, let us look at that. I think the Senator said he supports IDEA. He supports the Individuals with Disabilities Education Act. The fact is that we do treat children with disabilities different than we treat other children. Does every child in a school have an IEP, I ask the Senator?

Mr. FRIST. No. But my whole argument is, should they bring a bomb into the schoolroom, would you treat them differently and let them go back in. That is what I am saying. There are some times that you cannot segregate a group of people and say, you get a special privilege when it comes to bombs and guns coming to the school room. That is the point that I am making.

Mr. HARKIN. Let me respond to the Senator on that. I am trying to follow this logically and not to get too inflamed here.

If we believe that a child with a disability is treated differently than a child without a disability—we accept that. A child with a disability has an individual education program. There are certain laws that we have passed which if a State wants to accept Federal moneys, they abide by. No local education agency has to abide by the laws of IDEA if they don't want to take the money. Now, they would still have to provide a free and appropriate public education to kids under Federal court rulings.

Again, I say to the Senator from Tennessee, that as long as we treat children with disabilities differently, and we do because they are disabled, we then take it to the step that the Senator said. Should we treat a disabled child who brings a gun to school differently from a child who is not disabled? I think that is a good question. At first blush, it might seem to the casual observer that no, they should be treated the same.

I say to the Senator from Tennessee, let's take two children. One is a child with no disability, has an IQ of 120, has good grades, comes from a pretty decent family, who all of a sudden gets a mean streak and brings a gun to school. That is one kid.

Let's say we have another kid. He has an IQ of 60. He is mentally retarded. He has cerebral palsy. His lifetime has been one of being picked on by other kids and made fun of. Because of IDEA, he is now in a regular classroom. Some kids come up to him and they say, look, junior, we know your old man has a gun at home and he has a couple of pistols. If you don't bring one of those pistols to us tomorrow, we are going to cut your ears off. The kid has an IQ of 60. He is mentally retarded. He has cerebral palsy, maybe even suffers a little bit from schizophrenia, I don't know. The kid is terrified. He goes home. He sneaks the old man's gun. He takes it to these kids, and he gets caught by the principal or someone who sees the gun. Should that child be treated differently than the kid with a 120 IQ, who knew exactly what he was doing and who had a mean streak and brought that gun to school?

Mr. FRIST. Yes.

Mr. HARKIN. The Senator can say yes. I say no.

Mr. FRIST. Let me respond to the question. They absolutely should. If two children walk in, regardless of their IQ, the one with a 120 IQ has a gun, and the next one has a gun and has an IQ of 60, when it comes to removal from the room and being kept out, they should be treated exactly the same. It should be by local control. It doesn't mean let them in or keep them out, it means having the decision made by the principal and not by the well-intended legislation that has this huge loophole in it.

Treat every child who brings a gun or a bomb to the room the same, regardless of who they are or how empathetic you can make the story seem. The big thing is that you treat them the same. It is the principal and the teacher and

the people locally who decide, not the Senate.

Mr. HARKIN. Now, I believe the Senator made a very important point there in his first comment to me. The Senator said that if two kids—the ones I described—bring a gun to school, they should be treated exactly the same in terms of removal. I agree with the Senator. In terms of removal, they should be treated the same. Today, under IDEA, they are treated the same.

I am going to stick with my example of the two kids who bring a gun to school. Right now, under IDEA, the principal can call up the police and say come and get these kids, and they get them and haul them to the police station. They don't care whether the kid is under an IEP or not. I agree with the Senator; in terms of removal, they should be the same. And they are the same today. In terms of getting them out of the classroom immediately, they are treated the same.

Where the difference occurs is later on during the 45-day period, where it is examined as to why the kid brought the gun to school, and whether it was a manifestation of his disability or not.

I ask my friend from Tennessee this straightforward question: Is it true that under IDEA, as it is today, if a disabled child brings a gun to school and a nondisabled child brings a gun to school, they are both treated the same in terms of removal?

Mr. FRIST. That is totally incorrect. I just gave you an example where there were eight students in Tennessee. One was expelled because he did not have the disability, and three others were back in the classroom. Do you call that being treated the same? Absolutely not.

The whole purpose of my amendment is that, if you bring a gun or a bomb to the classroom, you be treated exactly the same. And if you don't have a disability, if you aren't in a special education class, you are out of school, no questions asked. If you have a disability, there are at least three out of eight chances you are back in the classroom within 45 days. That is not the case.

Mr. HARKIN. Let me try again. Let's talk about removal. Talk about day one. Two kids bring a gun to school. One is disabled and one is not. Is it true that the principal can immediately expel both students on that day and get them out of school?

Mr. FRIST. No. He can suspend, not expel. That student has to go through a manifestation process, an initial 10 days and then 45 days with a determination, and that student can be back in the classroom, as has been demonstrated in Nashville, TN, and other places. Anybody can check their own statistics.

Mr. ASHCROFT. Will the Senator yield for a question?

Mr. FRIST. I will yield to my colleague from Missouri for a question.

Mr. ASHCROFT. Mr. President, I ask the Senator from Tennessee, when a student is subject to an IEP and is disciplined for bringing a gun to school now, is it not an immediate discipline of expulsion for a year as it is for others; is it for a limited period of time? What is that first interval of discipline that is provided for under IDEA?

Mr. FRIST. Under IDEA, for students with a disability who bring a gun to school, there is an initial 10-day period in which they can be taken out and then a 45-day period during which that manifestation process takes place.

Mr. ASHCROFT. If I may pursue an additional question. So there is a disparity right away. The student without an IEP is expelled for a year.

Mr. FRIST. It is zero tolerance in Tennessee and in most States today. If you don't have an IEP, or are not disabled, you are expelled under zero tolerance for a year.

Mr. ASHCROFT. Under an IEP, you have an initial 10-day suspension, and legal proceedings start to determine whether or not the carrying of the gun, brandishing of the gun, or bringing the pipe bomb or a firearm into the classroom was a manifestation of your disability?

Mr. FRIST. That is correct.

(Mr. CRAPO assumed the Chair.)

Mr. ASHCROFT. When you talk about a manifestation of a disability, what does that mean? That you bring a gun to school because you are disabled? Is that what you are saying? Or could that mean because you are severely emotionally disturbed, for instance?

Mr. FRIST. It certainly could. The manifestation process is a complicated process and one to reach out to people. The term can certainly mean that.

Mr. ASHCROFT. So it could be that a student who is severely emotionally disturbed is protected from being expelled for a full year, based on the fact that he is severely and emotionally disturbed and that resulted in the bringing of the gun to school?

Mr. FRIST. That is correct.

Mr. ASHCROFT. Then the suspension—if you got past the 10 days, you could suspend the student for 45 days.

Mr. FRIST. During which that so-called manifestation process takes place.

Mr. ASHCROFT. That is related to whether or not his disability or special education status caused or was related to the bringing and brandishing of the gun?

Mr. FRIST. That is correct.

Mr. ASHCROFT. Now, these determination proceedings, do they involve substantial expense for the school?

Mr. FRIST. They certainly do, and it is very expensive. The process itself is a process that I think can be important and useful. So the overall manifestation process, as we look at IDEA, is something that I am not necessarily critical of. It is the idea of taking a disability and saying the disability and bringing a gun mean that you are back in the school with unequal treatment.

But the answer is yes. I travel around Tennessee and people tell me this manifestation process can be very expensive because it involves lawyers.

Mr. ASHCROFT. Thousands of dollars?

Mr. FRIST. Yes, thousands of dollars.

Mr. ASHCROFT. That lasts 45 days, according to the Senator from Iowa, and you have to have another hearing to have another 45 days.

Mr. FRIST. There can be an extension for another 45 days if a determination is made. You go for 45 days, and it can go another 45, although, usually if it is a manifestation, after 45 days the student is back in school.

Mr. ASHCROFT. The theory of the legislation probably provides a basis for having this series of bureaucratic trials and hearings every 45 days as people are litigating whether or not you could keep a very, very dangerous person out of school.

Mr. FRIST. That is the way it is written, to take 45 days. Your fundamental question is, did the disability cause you to bring the gun to school?

That is hard to imagine, to be honest. It seems that if it is the cause, you would not want to put them back in school. The idea of having 45 days and another 45 days if they are threatening, as the Senator from Iowa mentioned, conceptually, that is pretty good. Imagine that it is manic depression, or something frustrating, something that can be treated, and a kid is violent underneath, and they did bring a gun to school. You are going to want to give the kid the benefit of the doubt. You are not going to say keep them out another 45 days and then another. If the kid comes in and says, ''I am sorry,'' you say, ''Go back to school.''

That is just treating people differently because they happen to have that particular illness and you are getting them back in the school. All I am saying is let's equalize it and keep treating them the same.

Mr. ASHCROFT. Earlier the Senator said that it is hard to imagine a person would have brought a gun to school based on a disability. But in fact the determination from Davidson County, Nashville, TN, is that over the last couple of years they apparently found that a number of the individuals involved—two in 1 year and three from another year—the determination was made in this process that bringing the gun was related to a disability and therefore the student was not to be treated the same as other students but would have a very tactical set of bureaucratic rights to remain in school, or reenter school.

It seems to me that goes to the heart of what we are talking about—whether or not a student who has a problem that causes the student to be involved in bringing a gun—that is, the manifestation proceedings. Part of the evidence or manifestation of the problem is that you come to school with a gun. That provides the authority for reentering school. The fact that you have a problem which causes you to bring guns to school becomes your license to get back into school.

I think that describes the loophole we have talked about. We created it here in the Senate.

Am I getting to the heart of it?

Mr. FRIST. No. It is that loophole that has been created.

I will tell you what my theory is as I look and talk to people around Tennessee. Whether people are supporting individual disabilities or not, it is not about that. It has to do with the great fear I have in this unequal treatment of people, and allowing that special group of people with an offense of bringing a gun to school or a bomb to school to go back into school when you don't let anybody else to go back into school. I will tell you, to me, that is a potentially devastating loophole we have created. It hasn't anything to do with the disability. That is my greatest fear. That is why the amendment is on the floor.

Mr. HARKIN. Will the Senator yield for an observation and again for a question?

I say to the Senator from Missouri, again, I don't mind people making a decision one way or another on these things. I hope we base it on factual circumstances. The fact is that what the Senator, my friend from Missouri, just described is the idea in the old law, going back 20 years. We had the 45-day period, at the end of which kids can go back to school. We changed that. The final regulations on that didn't become final until March of this year when we put the 45 days in, at the end of which, if the school officials believe that the child is still a danger, they can go to a hearing officer, and say, hey, because of all these reasons, that kid should be kept out of school for another 45 days.

I say to my friend from Tennessee that I don't have that much lack of faith in my school principals and officials. If they look at this kid and say, wait a minute, this kid is a danger, they are going to throw up their hands and say, oh, my gosh. They want to protect their schools, and they are going to go to a hearing officer and say, wait a minute, keep that kid out.

So I want to make it clear that what my friend is talking about is the old law. That is all I want to make clear.

Mr. ASHCROFT. I think it is important to accept the fact that you have faith in the school administrator and the principal, because under the proposal of the Senator from Tennessee, and under my proposal and under the Gun-Free Schools Act for schools, which we passed, a principal has the discretion of being able to allow a student to reenter. And, if you trust the principals, you trust the school official, that is an available opportunity as it exists and would exist if we were to pass this amendment providing for uniformity, because we allow the treatment under our proposal to be identical to the treatment for any other student not the subject of an IEP. And principals have the discretion to allow such other students back into the classroom.

So what we want to do is not punish anybody, we want to allow that principal to exercise his discretion in a way that is likely to promote safety in the classroom and in a way that it does not hamstring the principal.

Just to give you an idea, people do not understand, and I didn't understand, what a manifestation determination is. This is a flow chart of how a manifestation determination is made under IDEA. This is a very serious process. To go through these kinds of processes and to have to jump through these legal hoops and to cause the school districts—the cheapest hearing I have been able to talk to a school superintendent about in my State is between $7,500 and $10,000, just to conduct a hearing to do in the special settings what the principal is able to do given his need to protect the safety of the school environment on his own in another setting.

I think that is what we are looking at. We are not here to try to say that we want to abuse individuals who are the subject of IEPs. We passed the statutory framework designed to help disabled children. We want them to get a good education. But I submit to you that among those most exposed to the threat to safety and security in the schools when a student with a disability comes with a weapon are other disabled students.

This is not a question of pitting students with a disability against other students in the classroom, this is a question about safety and security in the classroom and allowing those individuals charged with the awesome responsibility of providing for the education of our youngsters the authority to take the steps that are necessary, absent intermeddling bureaucratic barriers from Washington, to secure the school environment.

Given the fact that every principal has the authority in other settings to be able to reenter a student who is appropriately at a stage to reenter the classroom, this bill would not prevent principals from having the same approach to students who were the subject of IEPs.

Mr. FRIST. I don't want to keep going back to the underlying amendment. We again have discussed this, and we have debated it. It really comes back to treating people the same under this concept of guns and violence in the school. I think we may come down to a fundamental disagreement that you believe the current legislation will cover and take care of what is happening, that if they have a disability and a manifestation of bringing that gun to school is related to the disability, it is OK for them to come back to school if somebody says they are not threatened.

Mr. HARKIN. If the school officials say it is OK.

Mr. FRIST. That is right. I think that is going to be different, because we are basically going to say let these school principals and officials make the ultimate decision, and not an officer who happens to be assigned to manage that particular case, who is going to develop a relationship with that student and family, and who says, ''Please let him go back to school.''

Let's treat everybody the same. Let the authorities, the principals, the teachers, make that decision instead of separating them out, since we know they come back into the school.

Let me again read the amendment.

School personnel may discipline a child with a disability who carries, or possesses, a gun, or firearm to or at school, on school premises, or at a school function under the jurisdiction of a State or a local educational agency in the same manner in which such personnel may discipline a child without a disability.

Again, I have given examples of people going back into the schoolroom. Let me give two other examples.

This is an article in the Washington Times.

Fairfax County, Virginia, school officials learned that a group of students were in possession of a loaded .357 magnum handgun on school property. They moved quickly to expel the six students. Five students were expelled. One student, a special education student who had a learning disability, who had what they called a ''weakness in written language skills,'' continued to receive an education. School officials reported that this child bragged to other teachers and students that he could not be expelled because he was in special education.

That is the signal we have sent through IDEA, through this loophole in our legislation, not the overall legislation. The overall legislation is great.

In the Cobb County school system in Atlanta, not too far from where I am, two students, who were initially expelled for bringing a handgun and ammunition clip to school, were also protected by IDEA because they were special education students. There is just too much of this special treatment.

Our simple amendment basically says, disabled or not, educational status or not, whoever you are, you need to be treated the same where such personnel ''may discipline'' a child the same without a disability.

Mr. HARKIN. May I ask the Senator another question?

Mr. FRIST. Yes.

Mr. HARKIN. Does the amendment also not seek services for these kids under paragraph (b), ''ceasing to provide education''?

Mr. FRIST. We basically say we will treat those students with a gun or a firearm the same as nondisabled students.

The whole cessation of services we are not here to debate. Everyone will be treated the same, whether disabled or not disabled.

Mr. HARKIN. It is part of the amendment?

Mr. FRIST. That is correct, but nondisabled students have cessation of services. The 85 percent of American students out there not classified as disabled have cessation of services.

Treat them the same.

Mr. HARKIN. One of the reasons I think the Senator will find the Parent Teachers Association, Association of Police Chiefs and other police around the country opposing this amendment is they think the worst thing we could possibly do would be to take kids who are severely—emotionally or otherwise—disabled and throw them out on the streets.

Mr. FRIST. We are not saying that. We are saying treat them the same. We are not telling them they have to cease services.

I hope you have more respect for the services that will be needed and helpful. We are not saying you have to cease services. You can still provide the services. We are saying treat everybody the same.

Mr. HARKIN. The reality of the situation and the reason we have IDEA—and we hear it all the time; I hear it from my principals, too, I say to my friend from Missouri—sometimes it is tough to put up with the kids with special needs. They need a lot of attention. Sometimes they are a little raucous. Sometimes the principals throw up their hands and want to get them out of the classrooms. The teachers want to get them out of the classrooms. They are hard to deal with. These are kids with disabilities.

Time after time, for every story either of my friends relates about principals or others who are at wit's end because of a kid, I can come up with ten other stories of parents with kids who are disabled and how those kids were mistreated in school.

The reality of the situation is—and this is only my feeling—if you take two kids, one disabled maybe with a learning disability, maybe with other problems, who has been mainstreamed in school, expel him as you do a regular student and leave it up to the principal to say, OK, you can let him back in when you want, I think that principal will have a lot of pressure on him to let one kid back in, maybe, depending on the circumstances, but that disabled kid, that kid causes a lot of problems, costs a lot of money, we will keep him out.

I am just telling Senators that has been the situation for the past 30 to 50 years in this country. That is why we have IDEA. That is why we have individualized education programs for these kids. That is the reality of the situation.

Mr. FRIST. But the Senator from Iowa understands that we are not saying keep the students out forever. We are saying if you keep the nondisabled student out for the rest of the year, you should be able to keep the disabled student out for the rest of the year.

In fact, if you look at nondisabled students in terms of cessation of services, because the implication is people are so bad and mean they will cut off services, if you look at the nonspecial ed students in Nashville, TN expelled under zero tolerance, 55 percent of those are provided services.

I guess the Senator argues that of the disabled there will be such intense discrimination against that group of people, and I understand Senator HARKIN has fought the battles here for 20 years, and I respect that tremendously. I guess I have more faith in our principals and in our schools that if you treat everybody the same, that is exactly what you will do.

Mr. ASHCROFT. Will the Senator yield?

Mr. HARKIN. Will the Senator yield?

Mr. FRIST. I yield to the Senator from Missouri and then the Senator from Iowa.

Mr. ASHCROFT. What I appear to be hearing is if they are treated the same as nondisabled students, that is kind of a discrimination.

That is equity and parity in treatment. It doesn't stack up to discrimination, in my judgment.

I wonder if the Senator from Tennessee is aware of the letter from the National School Boards Association regarding the Frist-Ashcroft amendment to S. 254.

Mr. FRIST. I have not seen that.

Mr. ASHCROFT. It is an interesting letter on behalf of the Nation's 95,000 local school board members. This is from the executive director, Anne L. Bryant, executive director of the National School Boards Association:

> The National School Boards Association urges you to support the Frist-Ashcroft amendment to S. 254 that would enhance the safety of all students from gun violence.

We are not talking about the vast number of individuals that are participants in the IDEA program. The number is vast, with 13 or 14 percent in Tennessee, and 13 or 14 percent of the students in Missouri and Iowa. These are not people who show up for school with guns very often. When some of them do, they are threatening the others.

When a person shows up with explosives or a gun at school, the objective there ought to be school safety. It ought to be to address that.

The amendment provides school officials with the discretion to suspend or expel students covered by the Individuals with Disabilities Education Act in the same manner as other students in cases where they bring firearms to school.

It has been stated there is a lot of opposition. This is a letter from the 95,000 members of the School Boards Association stating this is the right thing to do.

Mr. FRIST. I think we have been very careful to try to get this amendment as tight and focused as we could, talking about guns in the classroom, bombs in the classroom.

We have gone so far to put wording in the bill to say they intentionally have to bring that gun into the school or the classroom. We have done our best to get it as narrow and focused as we possibly can.

It comes down to safety. We are on the juvenile justice bill. We had these terrible 27 deaths from guns in classrooms, and this bill goes right at the heart. Again, not the disability community or individuals with disabilities. I count myself among their greatest advocates, but I am concerned that with the loophole we created that something drastic, devastating, is going to happen because of this loophole where we are treating students with disabilities in special education, allowing them to return to the classroom, but not letting anybody else return to the classroom.

We are treating them differently, where people who brought a gun to the classroom can return 45 days later.

Mr. ASHCROFT. In specific inquiries to the individuals who provided the Senator with the information from the Davidson County school system, is it their view that this loophole exposes the system and the students in the system to a risk they would not otherwise be exposed to?

Mr. FRIST. I talked with the officials in the major urban areas where the concentration of people are throughout Tennessee. There is general agreement of people who are on the front line in the schools, who are responsible for the safety of our children who are there every day. They say, Senator FRIST, we know you are the advocate for individuals with disabilities, but how could you create a huge loophole that puts our children at risk? That is why I am here.

Mr. HARKIN. Let me ask the Senator——

Mr. JEFFORDS. Will the Senator answer a question?

Mr. FRIST. Did the Senator from Vermont have a question?

Mr. JEFFORDS. I would like to volunteer this point.

Mr. HARKIN. Come on over. We are all friends.

Mr. JEFFORDS. I listened very carefully. I think when you get right down to it the basic question is, in the final analysis, should the school have to afford an alternative education situation and pay for it. It is a matter of dollars and cents. It has nothing to do with the safety of the children or anything else.

Under the circumstances you are dealing with here, if a child comes in with a gun, if it is somebody without an IEP or whatever, they can be thrown out of school and they can be let back into school. That is entirely the discretion of the school officials. They can say this is an aberration or whatever.

If a child with a disability comes in, then you go through the 45 days to assess as to whether or not it was as a result of a disability. If it was not the result of a disability, then the child can be disciplined as any other child. If, on the other hand, it was the result of a disability, then they are required to provide an alternative educational situation. It may or may not cost something. But that child is not in the classroom. So no child goes back into the classroom if they are a threat to the classroom.

What it comes down to, and what the school officials object to, as I understand it, is they have to set up a special 45-day program for this child, and pay for it. The reason is not to protect the school or protect the kids; it is to make sure they do not have to provide the funds. You can keep those 45 days going forever. Then that costs money. So this is not a safety question. This is a money question. The school boards are saying they don't want to pay for those 45 days. That is what they are saying.

Mr. FRIST. That is not what I heard. Basically, what I hear from the superintendents and the principals is the safety end of it. The expense is expensive, it has been pointed out. What I am dealing with is the safety end of it, the fact that our principals' hands are tied because of the way the legislation is written, because of the threat of lawyers, of trial lawyers who threaten to sue the school, the school system, based on our bill that they basically are saying the students come back in the classroom, when the student without the disability is out for the school year.

Mr. ASHCROFT. Will the Senator from Tennessee yield for a question?

Mr. FRIST. I will.

Mr. ASHCROFT. I ask him if his experience has been similar to mine. I have probably gone to 30 or 40 school districts in the last 3 months, visiting school districts. I have found people are very concerned about the safety of students. My own view of it has been totally different from that suggested by the Senator from Vermont, saying that school safety is not the question here. I talked to one superintendent. This did not happen to be an IEP student who carried the gun to school but who threatened to kill other students in school seven times.

Of course, because of the problems in effecting discipline, they kept the student in school. Finally the student shot another student. Safety issues are involved here. Make no mistake about it. When someone brings a gun into the school, safety issues are involved.

Mr. FRIST. There have been 27 people murdered.

Mr. ASHCROFT. This is not just a financial issue when someone brings a pipe bomb to school. That is a safety issue. Sure it costs money to put the person in alternative settings, and it costs money to have a hearing every month and a half, every 45 days. Those are massive costs. I will not deny those are very serious costs. But let us not suggest—at least to the school districts that I dealt with—that there are no safety issues involved when people bring guns and pipe bombs to school. Does that comport with the Senator's experience in Tennessee?

Mr. FRIST. Yes, it does. The purpose of the amendment is just that. It goes back to having safe schools. That is what we have been debating so much over the last several days.

I will yield the floor. Other people want to go forward, but let me just close and say the purpose of this amendment is real simple. That is to get rid of a loophole which allows one group of students to be treated differently. If they both brought a gun to the school, the loophole being that a group of students are ending up back in school where one group of students is expelled. All this amendment says is, let's treat everybody the same and let's have those decisions made locally.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I would just like to sum it up. What we are talking about are the problems we have had from the beginning of time, the problems that children with disabilities have and how we handle them. The reason we created IDEA, the reason it was passed, is that we were not allowing the children with disabilities to get any education. It went to the U.S. Supreme Court. A consensus decision by a number of courts, I should say, was reached, in which they determined that if you are going to provide a free and appropriate education generally to the public, you have to have an appropriate education for children with disabilities. And we funded that. We required that. That is why we are here today.

What we are now dealing with is we do not want to provide those services. If a student has a disability and provided a threat to the school, it is perfectly clear, if it is a result of a disability, you have to provide that child with an education as the Constitution requires, because, if it was the result of a disability, he is not really responsible for it, so you have to provide it. That gets expensive.

If it was not part of the disability, then the child is just treated as any other child and there is no need for a different or additional IEP, away from the classroom setting; the child gets treated and handled like anyone else.

Mr. ASHCROFT. Will the Senator yield for a question?

Mr. JEFFORDS. I will be happy to yield.

Mr. ASHCROFT. Is it the Senator's position, then, if a student is the subject of a IEP, a special education student, and brings a gun to school and it is determined that student did not bring it as a manifestation of the disability——

Mr. JEFFORDS. Right.

Mr. ASHCROFT. Is it your position, then, that the school can expel him with no responsibility to provide services?

Mr. JEFFORDS. That is not correct.

Mr. HARKIN. They have to provide services for him. They have to provide services.

Mr. ASHCROFT. Wait a second. Apparently, there appears to be a difference between you and the Senator from Iowa. I was just going to indicate—is it your view in the event the dismissal comes because the gun was not a manifestation, that there is no responsibility?

Mr. JEFFORDS. He is just treated like anyone else at that point as far as discipline, is my understanding.

Mr. HARKIN. If I might interject myself into this a little bit?

Mr. JEFFORDS. I yield to the Senator from Iowa.

Mr. HARKIN. I respond to the Senator from Missouri that services always have to be provided. Educational, medical, mental health, those kinds of services do have to be provided. But if it was not a manifestation of a disability, of course, the kid can be expelled from school.

Mr. ASHCROFT. So the distinction is not that the law provides that there can be no services, or will be none, your view is directly contrary to that of the Senator from Vermont, that services must be provided on a continuing basis, even if it was not a manifestation. But he can be kept out of the school?

Mr. HARKIN. That is in the law.

Mr. ASHCROFT. I think it is in the law. That is why I was asking the Senator.

Mr. JEFFORDS. He may not have to return to the school.

Mr. HARKIN. If the Senator will yield?

Mr. ASHCROFT. Not providing them at the school. That is where you do get into expensive treatments, where you get to $60,000, $70,000, $80,000 a year to provide the student with individualized home-based education.

But the point is, the purpose of the amendment of the Senator from Tennessee, which I am very grateful for the opportunity to participate in with him, is to provide an equity in services. When you suggest that there is an equity for those who are subject to an IEP, but the violation is not a manifestation of the disability, that there is not any requirement for services, that is simply not true. The law provides the services must continue.

I think the fundamental point the Senator from Tennessee and I want to make is this. There are not very many people who are bringing guns to school. There are very few of them. And even fewer who would bring guns or pipe bombs to school are students with a disability.

But for those who do, the school officials ought not to have to go through torturous legal proceedings and laborious determinations of manifestations and the like for those who bring pipe bombs and guns to school. We ought to be able to trust the principals to say: You don't belong here in school. You will come back in the same manner that other students do.

Mr. JEFFORDS. I might point out, under your theory here, if a child with a disability comes in, and it is not a manifestation of disability, they are not entitled, under the IDEA, to have any education at all. You just get rid of them, like you get rid of the one who came in who was not disabled.

Mr. ASHCROFT. That is exactly the kind of parity we are talking about. If

a person brings a weapon to school, the principal has the right to say: You do not belong in school and you are not going to disrupt or threaten the safety of this school environment and you are not entitled to special services, especially in cases where bringing a weapon to school had nothing to do with your disability.

I believe it ought to be the case, and this amendment provides we give school administration officials the kind of discretion they have in their own States and under the Gun-Free Schools Act we passed a couple years ago where the principal has the discretion to expel them for a year, with the discretion to allow them to reenter on his or her determination or school authorities' determination.

Mr. HARKIN. Will the Senator yield?

Mr. JEFFORDS. Under these circumstances which we are talking about—expelled but not a manifestation—then a child is expelled from school but is still entitled to educational services. That is the difference. That means an additional expense. The child who does not have a disability and is thrown out of school has to find another school, has to get a tutor or do something else. We are all talking dollars and cents. We are talking about a cost that is added by virtue of the fact that you must provide special services.

Mr. HARKIN. If the Senator will yield.

The PRESIDING OFFICER. The Senator from Missouri—

Mr. JEFFORDS. I have the floor.

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

Mr. HARKIN. If the Senator from Vermont will yield for a question.

Mr. JEFFORDS. I yield to the Senator from Iowa.

Mr. HARKIN. I say to the Senator from Missouri, as long as it takes to reach some parameters on this, the fact is, the principal's hands are not tied right now in getting kids out of school immediately. Will the Senator agree with that or not? No?

Mr. ASHCROFT. For expelling students.

Mr. HARKIN. Getting them out of the school immediately if they bring a gun to school.

Mr. ASHCROFT. For the first 10 days, they can get them out of school.

Mr. HARKIN. Forty-five days.

Mr. ASHCROFT. Then it takes additional proceedings to get to the 45-day period.

Mr. HARKIN. No, it doesn't; no, no, it doesn't; no, it doesn't. No.

Mr. ASHCROFT. On the 11th day, you have to start a different regime that includes providing separate services, education in another setting if you don't provide it at school.

Mr. HARKIN. But they can keep them out of the school for 45 days.

Mr. ASHCROFT. They can keep them out of a regular classroom.

Mr. HARKIN. Wherever they brought the gun to school, they can keep them out of that school for 45 days. The law is pretty clear. I don't know what we are debating here.

Mr. ASHCROFT. In all deference to the Senator, the law is clear and the law provides substantial disparate or different treatment, and the treatment which is different causes very serious problems in the real world. It causes problems because we let students who bring guns into school back into the school system because of this system.

Mr. HARKIN. Let's take it one step at a time, I say to my friend. I am trying to get to this one point. Are the principal's hands tied if a kid brings a gun to school—I don't care if they are disabled or not. In getting that kid immediately out of school for up to 45 days, I think the law is clear, they can do that; they don't have to show anything.

Mr. ASHCROFT. They have responsibilities when they do that that they don't have with other students.

Mr. HARKIN. Again, I am just saying——

Mr. ASHCROFT. So if you are talking about hands tied, you may not tie their hands, but you force them to busy their hands doing a whole variety of other things.

Mr. HARKIN. Again, I say to my friend——

Mr. ASHCROFT. That results in those kids showing up in school far earlier than they otherwise would. It may not work that way on the floor of the Senate, but that is the way it works in school.

Mr. HARKIN. I want to take it step by step.

Mr. ASHCROFT. Sure.

Mr. HARKIN. Step by step. The first step is getting the kid out of school because there is a clear danger. You want to get him out of there.

I want to make it clear, we all understand that a principal can get that kid out of school. They can call the police station right now and say: Come and get this kid; he has a gun. They can take him down to the police station. The police can do it. They have that right now. Even if the kid is severely disabled, one can say, please come and pick him up and take him to the police station now. Their hands are not tied. I want to take the first step in getting the kid with a gun out of the school. I just hope that my friend will agree that the principal can do that.

Mr. ASHCROFT. You are asking me that question?

Mr. HARKIN. Yes.

Mr. ASHCROFT. The principal can do that.

Mr. HARKIN. Thank you.

Mr. ASHCROFT. And this amendment is designed to extend the quality of treatment that you appear to admire at the first of the process through the process adequately so that we protect the safety of the school environment for a much longer period of time.

Mr. HARKIN. OK. Now, my friend and I agree that the principal can get the kid out immediately. Let's take the second step: timeframe. For a disabled kid, it can be up to 45 days. They don't have to do anything. They can keep him out for 45 days. They don't have to show anything. They can keep him out for 45 days.

Mr. ASHCROFT. They do have to do things.

Mr. HARKIN. Provide services in education.

Mr. ASHCROFT. That is different than with other students.

Mr. HARKIN. That is true.

Mr. ASHCROFT. When we take these steps, let's tell the whole story about each step.

Mr. HARKIN. For the disabled child, they do have to continue to provide services.

Mr. ASHCROFT. If they don't let him back in, for that student, they have to set up some other school for him, and that could even be a school that is housed with a full-time teacher and all the kinds of assistance the student might need.

Mr. HARKIN. It would be in an alternative setting to be determined among the parents, the hearing officer and the school.

Mr. ASHCROFT. And that is totally different than it is for a nondisabled student.

Mr. HARKIN. I agree with you.

Mr. ASHCROFT. Good, good. Here we are, for the first 10 days, both can be sent out of school, but after the 10th day——

Mr. HARKIN. I think then while we agree that the principal can get the kid out right away and can get him out for 45 days, our disagreement, it seems to me, is not so much on getting the kid out of the school immediately and getting the immediate danger out; it seems to me our disagreement is what happens later, what happens with those kids later on, how are they treated and how, if at all, they are let back in the school. That seems to be our disagreement.

Mr. ASHCROFT. That is a very significant point here, and if I just take you to the schools, and the best information we have in this debate is what the Senator from Tennessee has brought us, that they are treated deferentially and a significant number of them are back in schools prematurely because the schools feel like they have to let them back in at a time when, according to their testimony, they are uncomfortable about it.

Mr. HARKIN. Again, I think we can work through this. I hope. We may not always agree. I am trying to get down to the nub of the problem.

Mr. FRIST. Will the Senator.

Mr. HARKIN. And it seems to me that we do agree. I understood——

Mr. FRIST. This Senator does not agree.

The ACTING PRESIDENT pro tempore. The Senator from Vermont has the floor.

Mr. FRIST. Will the Senator from Vermont yield?

Mr. HARKIN. Will the Senator yield further?

Mr. JEFFORDS. Let me get organized here. I yield to the Senator from Iowa. Please refer back to me and then I will recognize the others, and we will have an orderly process here.

Mr. HARKIN. The point I am trying to make is that in the initial statement of my friend from Tennessee, the Senator talked about the Littleton school shooting and kids bringing guns to school and getting these dangerous kids out of school. I agree.

I just wanted to make the point very clearly that in terms of a child bringing a gun to school, a principal right now can deal with a kid who is disabled just as they can with a kid who is not disabled, in terms of getting that kid out of school, having the police haul them away, have them book him, have them charge him with a crime or anything else. I just wanted to make that point very clear, that they can get those kids out of that school.

Now we are going to get into the next stage about what happens with those kids. That is the only point I want to make. I thank the Senator.

Mr. FRIST. Will the Senator from Vermont yield for a short period?

Mr. JEFFORDS. I yield.

Mr. FRIST. For the last 45 minutes, we have had the Senator from Iowa talking to me or talking to the body trying to explain so everybody can understand this process that we have set up for individuals with disabilities, which is a good process overall because they are very complex issues.

We have a 10-day period where we have one set of rules which I agree that basically you do the same for an individual with a disability and nondisability. Then you have a 45-day period, which, as the chart that we saw earlier shows, in terms of a manifestation process, is confusing and is a difficult process. It is an evolving process and one that has changed over time so that we can adequately consider individuals with their disabilities and what their special needs are.

Our point, and I know the Senator from Iowa keeps shifting away from it, but I am going to keep coming back to it, because the amendment is so simple. Our point is to close a loophole that if a disabled student brings a gun or a bomb in the classroom, they end up back in this classroom. If you do not have a disability you are not in the classroom. That is a loophole.

The point I want to make is, we can march through the whole 10-day period, 45-day period, another 45-day period of threatening and all that. That is the whole point, that we have barrier after barrier after barrier for a group of people who brought a gun into the classroom, with our children around, and they brought a gun there. We have all these barriers set up for one group of students, but for the other group of students they are out for that year. We say, treat them both the same. That is all the amendment does.

Mr. JEFFORDS. That is, unfortunately, not the way the courts have ruled as to how a State has to handle those situations. Students with disabilities are entitled to an IEP. They are entitled to special education and related services. They can be denied going back into the classroom if they are in any way a threat to that classroom. But they are entitled to services. That isn't going to change. And this law will not change.

Mr. ASHCROFT. Does the Senator from Vermont yield?

Mr. JEFFORDS. Yes.

Mr. ASHCROFT. On what basis does the court say they are entitled to an IEP?

Mr. JEFFORDS. That goes back to the 14th amendment.

Mr. ASHCROFT. The Individuals with Disabilities Education Act, isn't it?

Mr. JEFFORDS. Based on constitutional decisions that were levied back in the late 1960s and 1970s, which determined that you had to give an equal opportunity to children with disabilities. Part of that equal opportunity is appropriate education, which takes into consideration the nature of the disability.

Mr. HARKIN. Will the Senator yield to me to elaborate a little further?

Mr. JEFFORDS. Yes.

Mr. HARKIN. I say to my friend from Missouri that prior to the two 1972 cases, the PARC case and the Mills case, it was found by the courts, and by others, that there were millions of kids in our country who were denied an education simply because of their disability.

In both the PARC case—that is the Pennsylvania Association of Retarded Children—and the Mills case here in the District, the courts said, basically, look, if a State provides a free public education to its children—now, a State does not have to, States do not have to provide a free public education; there is no constitutional mandate for that, by the way. But the court said, if a State provides a free public education, under the 14th amendment to the Constitution it cannot deny a free public education, just as it cannot deny it to a child who is black, because of race, color, creed, national origin, sex, it cannot deny a free public education to a child with a disability; and, furthermore, the court said, because of the disability, the education must not only be free but appropriate.

So I say to my friend—and I will just go through this a little bit longer—the States, then, were faced with a constitutional mandate that they had to provide a free appropriate public education to kids with disabilities.

The States were panic stricken. How were they ever going to afford to do this? They came to Congress. Congress said: OK. We will set up a law. We called it the Individuals with Disabilities Education Act, passed in 1975. Both the Senator from Vermont and I were in the House at the time. We set up a law, and we said: OK. We want to have some national standards. We do not want to have 50 different standards. We want to set up national standards for providing services to kids with disabilities. We do not want 50 different things out there.

So we set up IDEA. We said our objective was to provide 40 percent of the funding. By the way, we haven't, and we ought to.

Mr. ASHCROFT. Glad to have your support on that, Senator.

Mr. HARKIN. I always have. We ought to fully fund IDEA. But I just want to walk through this.

So we set up IDEA, and we said, if you, State of Missouri, would like to have the money we can provide, then you have to adhere to IDEA. No State, including the State of Missouri, has to abide by any of the provisions in IDEA if they do not want to accept any of the money.

Mr. SESSIONS. Will the Senator yield?

Mr. HARKIN. I just wanted to point out, the Senator was questioning about whether or not this was a constitutional mandate. It is a constitutional mandate on the States that they have to provide a free and appropriate public education. IDEA says to the States: We will help you with money. Here are the rules of the game.

Mr. ASHCROFT. Will the Senator from Vermont yield?

Mr. JEFFORDS. I yield to the Senator from Alabama.

Mr. SESSIONS. I have been traveling in my State and talking with educators. I have never had any issue that is of more concern to them than the problems of enforcing discipline caused by the IDEA Act. What we are doing in our schools today is not required by the Constitution. And sooner or later the people are going to rise up and put an end to it.

Let me just share this thought with you. Taking a gun to school by a youngster is a Federal crime. What if they are put in jail, do they have to be sent back to the school? That is just the point.

Let me read this letter I received just a few weeks ago from one of Alabama's most experienced attorneys general:

He has been a leader in the State Attorney General Association.

Dear Jeff:

I am writing you this letter concerning my general outrage over the laws of the Federal Government and how they are being administered in relation to school violence.

I had already been having meetings with our Superintendent of Education concerning new rules and interpretations of rules based on what I believe to be the Federal Disabilities Act.

The general thrust of the matter is that violent children are being kept in school because of the Federal Rules relative to disabilities.

I can point to at least seven to nine occasions in Baldwin County—

His county——

in which I believe expulsion was called for, but could not be accomplished because of the interpretation of the Disabilities Act.

I realize that mental disorders can be a disability, but the primary concern should be

the safety of the children who are not causing any difficulties.

Our schools simply do not have sufficient resources for one on one education and I would hope that you and other members of Alabama's delegation would review this problem which I believe to be epidemic throughout this Country.

Here is an editorial in the Mobile Press Register about a 14-year-old student classified as ''EC,'' emotionally conflicted. He had to be assigned an aide to go to school, to go to class with him. One aide to this one student because of his problems, an aide assigned to him during school hours and during bus rides to and from school. The student was accused of assaulting his aide while the aide tried to stop him from trying to wreck the schoolbus.

These are the kinds of things that have happened all over America. This bill does not go far enough, in my opinion. It only says, if you bring a deadly weapon to school, and in violation of Federal law, you have to be treated like everybody else, and you do not get special protections because you are emotionally conflicted.

In fact, emotionally conflicted kids may often be the most dangerous ones, the ones most likely to come back in, say, 6 months from now and kill some innocent child in a classroom or shoot their teacher. This is a good step forward. I would like to, if I could, be listed as a cosponsor of the legislation.

Thank you, Mr. Chairman, for your leadership on so many matters of education. I just wanted to share those remarks.

Mr. HARKIN. Will the Senator yield?

Mr. JEFFORDS. I appreciate the remarks.

I, again, point out, if the child is violent and it is not a manifestation of their disability, they can be treated like anyone else as far as removal from school. If it is a manifestation, then special rules apply. Those special rules may well determine that they not be in the general education classroom. That process may require maybe an aide to be assigned to them. That is the way the law works.

Many, many students who have disabilities have special aides assigned to them. We cannot let these kinds of very difficult incidents of violence throw out the whole law. We have to examine exactly how you handle students with disabilities, and situations where the disability results in school violence. In such cases they can be removed from the classroom; they can be removed from the school.

But they must to be provided an appropriate education under the law.

Mr. SESSIONS. If a child is emotionally conflicted and brought a gun to school on one occasion, why do we think he might not do that on another occasion, even some months later? It is a safety question for the school.

This is a modest step in the sense that it doesn't say you can do anything if he beats up another student; it just says that if he brings a deadly weapon to the school, he can be treated like any other student and be removed. I think that is a good step and support the amendment.

Mr. JEFFORDS. They can be removed either way. It is just a question where they end up—whether they end up going outside of the school and joining a gang or whether they get a special educational situation outside of the classroom, outside of the school. Those are the kinds of problems we must address whether or not they have a disability.

Mr. SESSIONS. All I would say is the district attorney, David Whetstone, is a reasonable man. He is very concerned. I am hearing repeatedly from school superintendents and principals that no matter what we say about, in theory, how this law works, in practicality, it is endangering the lives of students, disrupting classrooms, causing teachers to quit, and costing untold amounts of money. In fact, the superintendent from Vermont did testify that 20 percent of his county's budget goes to special education students. Somehow we have gotten out of sync here. We need to move back to a more modest ground, I say.

Mr. JEFFORDS. I say if the Congress achieves what we are trying to do, particularly what the Republicans are trying to do, fully fund IDEA, then many of those concerns would go away. But we are far, far from providing the State and local governments the money we told them we would.

Mr. SESSIONS. You have been a champion of that, but even then our goal is to do 40 percent, not 100 percent.

Mr. JEFFORDS. I was referring to about 100 percent of the 40 percent.

Mr. SESSIONS. We haven't even honored our commitment to do 40 percent. But even then, 60 percent of it would be carried by the local school system.

Mr. JEFFORDS. You are accurate.

Mr. HARKIN. Will the Senator yield briefly?

Mr. JEFFORDS. I yield to the Senator from Iowa.

Mr. HARKIN. I wanted to respond to my friend from Alabama.

It seems to me the argument is, it costs too much money to take care of kids with disabilities. I remind my friend from Alabama, that Supreme Court right across the street, less than 2 months ago, had a case from Iowa, the Garrett F. case. Here was a kid who was on a breathing device in school every day, had to have a nurse with him every day because they had to clean the phlegm out of his throat and his lungs. He was on a breathing device, severely disabled. His mind was fine, mind was great—the kid knew what was going on, a good student.

The school didn't like it because it was costing them a lot of money—I say to my friend from Alabama—so they took the case to the Supreme Court. That Supreme Court over there, in a 7–2 decision, including some of the most conservative Members of that Court, said that under the Constitution of the United States they had to provide that opportunity. We can argue about how we provide it, but, please, don't tell me that somehow, because these kids cost a lot of money, we have to give them less in their lives than kids who are not disabled.

I yield the floor.

Mr. JEFFORDS. I am glad to yield to one of you, and then I am yielding myself off the floor. I yield to the Senator from Missouri.

Mr. ASHCROFT. Mr. President, I want to bring the attention of the Senate to what I believe to be the law in this situation, that absent specification in the IDEA law itself, the extension of continuing services is not required according to, I think, the best on-point legal decisions in cases where a person would otherwise have forfeited his right to school because of the disciplinary problem.

The case of Virginia Department of Education v. Riley, from the Fourth Circuit, found that the plain language of IDEA did not condition the receipt of IDEA funds on the continued provision of educational services to expelled children with disabilities and that in order for Congress to place conditions on the State's receipt of funds, Congress must do so clearly and unambiguously. Therefore, that is one of the reasons the law was changed following that.

Mr. HARKIN. What was the date of that case?

Mr. ASHCROFT. That is prior to the change in the law, I say to the Senator from Iowa. I am explaining, that is one of the reasons the law was changed. I think you changed the law, and the source of the mandate that services be provided, according to that case and according to the response of the Congress, was the change of the law.

So the Constitution does not provide a mandate that people have to be given continuing services forever in discipline cases, which has been suggested.

The point is, the Constitution hasn't been so construed, I don't believe. I think what the law has basically said is that that comes from what we did in the amendment of the law a year or two ago. Was that in 1997? Given that, if the source of that responsibility is the law, it becomes clear to me that we can change the law and alter the responsibility.

Now, I think this has been both entertaining and somewhat instructive.

Mr. HARKIN. Mr. President, I want to say to my friend from Missouri—

Mr. JEFFORDS. I want to let the Senator from Missouri finish so I can depart.

Mr. ASHCROFT. How nice.

Mr. HARKIN. I want to tell him he is right.

Mr. ASHCROFT. If the Senator wants to tell me I am right, first of all, I need reinforcements here to catch me when I fall over. But I am delighted.

Mr. HARKIN. I wanted to say that the Senator was right and I misspoke

myself. That Court across the street said the law was clear, that they had to do it. It was not the Constitution.

Mr. ASHCROFT. I want to get back to the fundamental point, and there are about three of them. I will try to make these quickly: One, that the law does provide for differential treatment. If it didn't provide for differential treatment, we wouldn't have the law. As a matter of fact, part of it was in response to this Fourth Circuit opinion, and the Congress acted. In so providing, we created a big loophole for guns and firearms in the school.

We basically provided a basis for differential treatment for people who are the subject of IEPs, these special education students, who might be—I forget what the Senator from Alabama said—emotionally distressed, or troubled, or severely emotionally distressed. They might be able to come to school and have different treatment if they carry a gun to school than if someone else does.

The simple fact is that the Senator from Tennessee and I believe we ought to give authority to school principals to deal with such cases as forthrightly as they do with other cases. This is in light of the fact that when you get out, not in the Chamber of the Senate, not in the theory of the bureaucracy, but when you get out into local schools, the law operates to constrain those school officials to have students come back to school who have carried guns to school and pipe bombs to school. They have carried them in, and it is not in the best interest, according to school officials, to have the students back in, but they are back in.

We simply want to liberate school principals and school officials to say to people who bring guns and pipe bombs, firearms, to school, you can't do that, you are out until we say you can come back, in the same way we say that under the Gun-Free Schools Act, which is the Federal Government's mandate, students are entitled to go to school in a place that is not full of guns and firearms.

I thank the Senator from Vermont for according me this opportunity to make that simple statement, that we want to provide parity for students: No matter who you are, when you bring firearms and guns to school, we want the principal to be able to send you home.

Mr. JEFFORDS. I think that narrows it down to all that I am saying which is, yes, they do that, but they have to provide an alternative educational circumstance, which is something different than other people without disabilities may not have been entitled to.

With that, I yield the floor.

Mr. LEAHY. Will the Senator from Vermont yield to the Senator from Vermont?

The ACTING PRESIDENT pro tempore. The Senator has just yielded the floor.

Mr. LEAHY. The Senator from Vermont thanks the Senator from Vermont. The Senator from Vermont will now take the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, there has been a good debate here by the Senators from Missouri, Iowa, Vermont, Tennessee, and others who have spoken about this. I know these are extremely important amendments, especially to the primary sponsors, and the Senator from Iowa and the Senator from Missouri, and the others.

My perspective is that as ranking member and floor manager on this side of the bill, I look at a whole lot of amendments. At one time, we had a couple hundred amendments. We whittled those down. Dozens of Senators on both sides of the aisle have agreed to withhold their amendments. I spent the weekend talking with Senators, asking them to withhold their amendments. And they did. Others we were able to get in a managers' agreement, a managers' package, something I am still waiting to hear back on from the other side. I assume we will get that. Many Senators on both sides will see the bulk of their amendments in the managers' package. But at some point we have to go on.

I suggest, for whatever it is worth, whatever is done, whatever is passed, whether it is the amendment of the Senator from Missouri, or whether it is the amendment of the Senator from Iowa, this issue will be in conference. The Senator from Utah and the Senator from Vermont, as the two main conferees, will have to try to work out yet another overall compromise. We have had debate for almost 2 hours. We are beyond reasonable to ask that the Senator from Missouri and the Senator from Iowa simply allow the Senate to accept both amendments by a voice vote. They will be in the bill. The practical effect of that, I might say, will not be any different if a vote were to be had on the floor because we still have an issue that will be resolved ultimately in conference. The one difference will be that we have had a debate that extended for almost 2 hours. The debate will then be completed and we could go on to other issues.

I would like to see us finish this bill tonight. I am not propounding this as a unanimous consent request, but I am suggesting it to the Senators. The Senator from Utah is not on the floor, and I don't wish to speak for him, but the Senator from Utah and the Senator from Vermont would find that agreeable.

Mr. FRIST. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. FRIST. When the Senator says accept the two amendments by voice vote, does he mean the Harkin proposal and ours?

Mr. LEAHY. Yes, to accept them both. My reason for doing that is——

Mr. FRIST. That would be unacceptable. We spent a lot of time talking about the fundamentals. We have spent a lot of time debating this. We will object to that.

Mr. LEAHY. I am not doing this as a unanimous consent request. It is just an idea. The Senators have an absolute right, on both sides, to ask for a vote on their amendments. My concern is going forward, especially even if we have votes on them, the practical results will be much the same because we are still going to have to revisit it in the committee of conference.

We can finish this bill tonight. I just throw it out for what it is worth. I have been here 25 years and I know the Senator has a right to get a vote on his amendment. I am just trying to get to the practical result, which will, in the end, still be the same.

Mr. FRIST. Mr. President, I ask unanimous consent to add Senator COLLINS as a cosponsor, along with Senator SESSIONS, if he has not already been added, to the Frist-Ashcroft amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, there is no need for this amendment. IDEA already contains provisions to ensure that schools are able to remove truly dangerous children from the classroom. But it also ensures that these children receive the services they need—not only educational services, but counseling, behavior modification, and other related services—so that their bad behavior will hopefully not happen again. This makes more sense than simply sending kids out of the streets, which is exactly what the Frist-Ashcroft amendment proposes to do.

The worst example of what happens when students are sent home without necessary services happened last year in Springfield, Oregon. When Kip Kinkle brought a weapon to school, he was immediately suspended. He went home with his gun, killed his parents, then returned to school and started firing.

The greatest protection a school can provide to its students and community is to be aware of the warning signs of danger and provide the services that can prevent the student from using violence.

Why would we want to strip those very protections from our schools and communities by amending IDEA to end all services to students with disabilities? In fact, why don't we have these protections in place regarding all children, not just those children served under IDEA?

Although several of our colleagues here today have pointed to all sorts of horror stories allegedly involving IDEA students, I would urge my colleagues to be get the facts straight.

(1) For the vast majority of children with disabilities, most discipline problems can be handled by implementing their individualized educational plan, which now includes behavior management strategies.

(2) IDEA currently allows a school to suspend a child for up to 10 days per incident.

(3) Moreover, IDEA allows a school to discipline a child with a disability just like it would discipline any other child, so long as that child's behavior is not a manifestation of his or her disability.

Mr. President, IDEA took three long years to reauthorize, and was the product of bipartisan negotiations involving both chambers of Congress and the Administration, with extensive public input.

The IDEA regulations have just been issued, and they particularly strengthen the area of disciplinary procedures.

In many places, schools are only starting to use the tools that are available to them under current law in cases where disciplinary actions that could be prevented with early intervention.

In fact, GAO is currently doing a study as to whether schools have enough flexibility to discipline children with disabilities.

In this letter I received dated April 29, they stated that work on this study should be delayed for two reasons:

(1) ''Nationwide data on school discipline for special education students is not currently available, but is being collected this year,'' and

(2) ''IDEA regulations have only recently been published, allowing insufficient time for their results to be felt and measured.''

I ask that the text of this letter be printed in the RECORD following my remarks.

Mr. President, at this point I believe it is not necessary and in fact it would be unconscionable and premature to amend the IDEA and risk compromising the implementation of this landmark legislation.

Special education students should not be the scapegoats here. And let me state again, not one of the children involved in the tragedies that we have witnessed over the past two years was a special ed. student. We need to focus this legislation on strengthening all schools for all of our children, and stop blaming IDEA.

Mr. President, I want to join with the sheriffs, district attorneys, leaders of police organizations, violence prevention scholars, and school psychologists and counselors, in urging all my colleagues to vote against the Frist-Ashcroft amendment.

Mr. CAMPBELL. Mr. President, I intend to vote in favor of the pending amendment offered by my colleague, Senator ASHCROFT, to enhance school safety. This bill is based in large part on the work of the Republican Juvenile Crime Task Force, on which I served. I am pleased to see that the amendment includes three provisions I proposed to the Task Force to help make our children's schools safer.

The first provision authorizes the use of funds to train school personnel, including custodians and bus drivers. These key people on and near school grounds can be helpful in finding suspicious objects, pipe bombs, or other means of harm if they had the proper training. These personnel can be utilized for identifying potential threats, crisis preparedness, and emergency response. I intend to build on this work in the FY 2000 Treasury appropriations bill by supporting the role of the Bureau of Alcohol, Tobacco and Firearms in training school personnel in the detection of weapons and explosives.

The second provision authorizes the use of funds for the purchase of school security equipment and technologies, such as metal detectors, electronic locks, and surveillance equipment. This provision is based on S. 996, the ''Students Learning in Safe Schools Act of 1999'' which I introduced on May 11, 1999.

The third provision would invest more resources in School Resource Officers, including community policing officers. This important initiative expands the Cops in Schools program which I was pleased to author as S. 2235 in the 105th Congress. This bill was enacted into law in 1998 and this Spring the Justice Department is making $60 million available for this program in this year alone. School Resource Officers would work in cooperation with children, parents, teachers and principals to identify dangers and potentially dangerous kids before violence erupts and innocent children get hurt.

The Ashcroft Amendment includes many other important provisions to enhance school safety. I urge my colleagues to join me in voting in favor of this amendment.

I thank the chair and yield the floor.

Mr. FRIST. Mr. President, let me briefly comment on what I think is most appropriate. We have spent a couple of hours on the Frist-ASHCROFT amendment. It is a pretty clear and pretty straightforward amendment. We have debated some very useful aspects. I would like a vote on this amendment, because I think it will improve safety in our schools. It closes this loophole. I feel very strongly about not postponing it until later, or deferring it, or handling it in conference. I would like to see an up-or-down vote on it and move on after that.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HARKIN. Mr. President, we have had a pretty good debate, and it has been said that it has taken 2 hours. That doesn't bother me. I have spent years on this bill. I spent years on it. I spent my entire lifetime with a disabled brother. Do you think 2 hours means anything to me? It doesn't mean anything to me. We spent 3 years on this bill—3 years—bringing IDEA up to date. Do you think 2 hours bothers me? Not a bit.

I am going to say something to my friend from Tennessee. He is a good man; he has a good heart. I am going to read back to my friend from Tennessee his words spoken on the floor May 14, 1997. The issue then was a GORTON amendment, which would basically have turned back to the local school districts the power to basically discipline kids with disabilities. I want to read back to my friend from Tennessee what he said then:

Mr. FRIST. Mr. President, I rise to speak in strong opposition as well to this amendment before the Senate, put forth by the Senator from Washington, an amendment which would instruct local education agencies to set out their own policy—a potentially very different policy—in disciplining students with disabilities. In short, under his amendment, each school district potentially would have its own distinct policy in disciplining disabled children. And with 16,000 school districts, the potential for conflicting policies is very real. And I am afraid this would be a turn-back to the pre-1975 era before IDEA. Is this a double standard? I say no. Clearly, we have outlined a process whereby students, if there is a manifestation of a disability, would go down one process. And if a discipline problem was not a manifestation of a disability, that student would be treated just like everyone else.

I am continuing to quote from the statement of the Senator from Tennessee on May 14, 1997:

I think this is fair, this is equitable. Remember, if behavior is not a result of that disability, all students are treated the same in this bill. If behavior is secondary to a disability, there is a very clear process which is outlined in detail. Yes, it does take several pages to outline that, but it sets up a balance between the school, between school boards, between parents, and between children.

Senator GORTON claims this amendment is about local control, and I feel that it will be used, I am afraid, to turn back the hands of the clock to the pre-1975 conditions where we know that children with disabilities were excluded from the opportunity to receive a free and appropriate public education.

I say to my friend in Tennessee that he was right then. Mr. President, he was right then. Now we are caught up with the issue of guns and bombs.

Mr. FRIST. Will the Senator yield?

Mr. HARKIN. The Senator was always kind enough to yield to me. I would certainly respond with the same kind of favor in response to the Senator from Tennessee.

Mr. FRIST. Does the Senator from Iowa believe there should be two standards, if one child with a disability walks into a school with a gun and a child without a disability walks in with a gun, if there is a zero tolerance policy for the States, the individual who walks in with the gun should be back in classroom within 45 days when the person without a disability is totally disallowed?

Mr. HARKIN. I say to my friend from Tennessee, I use his own words. He said this is a ''double standard.'' I say no.

Mr. FRIST. Let me also say that in this bill, if you look on page 3, lines 1 through 8, in terms of intentional or not intentional, in terms of whether or not someone brings a gun or a firearm——

Mr. HARKIN. Where is the Senator reading from?

Mr. FRIST. In terms of ''intent.'' We have narrowed this bill so specifically

in terms of an individual bringing a gun or a firearm with intent into the classroom that they should all be treated the same. I think it is important that is what this amendment is all about is equal treatment, fair treatment, the same treatment, whether or not you have a disability, whatever your educational status is, that you are treated the same, if you bring a gun into the classroom or you bring a firearm into the classroom.

Mr. HARKIN. Is the Senator talking about subsection (a)(2) on page 3?

Mr. FRIST. Yes.

Mr. HARKIN. I read that. It says, ''Nothing in clause (I)(1) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under clause 1''—that is, expulsion—''from asserting a defense that the carrying or possession of the gun or firearm was unintentional or innocent.''

I ask the Senator, to whom does that child assert the defense?

Mr. FRIST. To whom?

Mr. HARKIN. Yes.

Mr. FRIST. To the people he jeopardizes by bringing into that classroom a gun. Is it intentional or not intentional when you come in? It should not matter other than it is intentional. He needs to be treated the same as everyone else. If you are placed out of the classroom, if you do not have a disability, you ought to be placed out of the classroom for that same period of time whether you have a disability. All children should be treated the same.

Mr. HARKIN. We have already been through that. I don't know if we need to go over it again. We have already decided that if a kid brings a gun to school, the principal can take that kid out of that school immediately, can call the police and have the police come and haul them away.

Does the Senator disagree with that?

Mr. FRIST. That is the not issue. It is who ends up back in the classroom. I pointed out again and again the statistics of individuals with disabilities, because of this special loophole, who end up within 45 days back in the classroom bringing a gun the first time, the second time, and ending up back in the classroom. If you do not have a disability, you cannot end up in the classroom. Let's treat everyone the same if they bring a gun or if they bring a bomb into the classroom. That is what the amendment is about.

Mr. HARKIN. The Senator says a kid can assert a defense that the carrying or possession was unintentional. I ask, to whom? It doesn't spell it out here. They can assert a defense. But assert it to whom? The principal?

Mr. FRIST. Yes. To the local authority, to the principal, to the teacher. That is correct.

Mr. HARKIN. He can assert that defense.

Mr. FRIST. That is correct.

Mr. HARKIN. That it was unintentional. And what kind of process is set up which would ensure that there would be a fair and impartial hearing on that?

Mr. FRIST. The same process that applies to every other student, the other 85 percent of the students in the classroom. That is the whole point. Let's treat everyone the same. If they come into a classroom with a gun or a bomb, you treat them the same. The local authorities do. The principal does. The teachers do. That is the whole point. Let's treat them the same. It is what equity is all about when we are talking about guns in the classroom, or firearms and bombs in the classroom. You treat them the same. They don't end up back in the classroom.

That is the fundamental essence of what this amendment is all about. You treat them the same.

Mr. HARKIN. If I might remind the Senator that he started off talking about the Littleton incident. I am going to get into this, because I think it is important. I ask the Senator—I will start with a statement. I hope it is not disputable that in the last 39 months there have been eight school shootings in which kids have died. How many of those shootings involved a kid with disabilities? I ask the Senator.

Mr. FRIST. I have not seen those statistics. I would be happy to take a look at them.

Mr. HARKIN. I will say it and open it up to any repudiation. There have been eight school shootings in 39 months. Not one of those involved a kid with a disability—not one. Yet we have an amendment going after kids with disabilities. Yet not one involved a kid with a disability. In fact, I will point out that four of the kids killed at Littleton were kids with disabilities.

Mr. FRIST. Will the Senator yield?

Mr. HARKIN. Of course, I yield.

Mr. FRIST. How many people have to die or be murdered before the Senator from Iowa is willing to close this loophole? Do you want to wait? Is that the point of using statistics? Wait until people are murdered? We know people with disabilities who bring a firearm or a bomb to school are ending up back in school when students without disabilities are not. Do you want to wait until statistics show people are murdered?

Mr. HARKIN. No. That is why we changed IDEA 2 years ago, I say to my friend, to provide that whoever brings a gun or weapon to school can be immediately removed by the police and taken down to the police station. That is why we did that.

Mr. FRIST. That gets them out for 10 days?

Mr. HARKIN. No.

Mr. FRIST. Then what?

Mr. HARKIN. During that 45 days, I say to my friend, during the 45 days—he should know this; I am sure he does—during the 45 days there is an Individualized Education Program, an IEP, developed during that 45 days. That IEP will address behavior modification, therapy services, and intervention to make sure the behavior does not occur again. This IEP protects not just the child but protects the school. The only way a school needs to let a kid back in is if that kid is meeting the objectives in the IEP and the school wants them back in. That is the process.

Mr. FRIST. Will the Senator yield?

Mr. HARKIN. Sure. I would be glad to yield.

Mr. FRIST. There were eight students in Tennessee a year and a half ago brought firearms in the school. We have gone through this, I know. Two had no disability and were expelled. They are out. Six of the eight were disabled students, individuals with disabilities, and were in special education. For three of those who brought the gun to the classroom, it was related to a manifestation of their disability. It has to be that the individuals with disabilities have individual needs that have to be addressed. They should be addressed. Constitutionally, they should be addressed. Ethically, they should be addressed.

When it comes to a firearm, or a when it comes to a bomb, after those 45 days, three of those eight students in Tennessee who brought a bomb to the classroom, or a gun, or firearm, firearm, deadly weapon, ended up back in school through this loophole when none of the other students without a disability had that loophole. They entered back into the school.

When you keep saying get them out for 10 days, in truth, whether it is 35 or 45 days, they are back in the classroom and treated in a different way. I say treat them the same.

Mr. HARKIN. Again, I ask my friend from Tennessee, was that under the old law or the new law?

Mr. FRIST. Those eight, may have been under the old law, I am not sure. I gave other statistics with the nine students from this year. I will have to check on that.

I don't want to stress the statistics too much. I keep using them because I have a great fear something bad will happen as a result of the law we created.

I can say on the 45-day period which we have talked about and worked on writing together, if a person is a threat during that 45 days, and your team says you are a threat, the Senator is exactly right, they can be kept out another 45 days. After that 45 days, what? I guess it can keep going on. We have great faith in that.

As someone who has, as the Senator, seen a lot of individuals with disabilities, if somebody brings a gun into the classroom and they are expelled like everybody else for 10 days and go through a manifestation period, I don't know exactly how to know whether that individual is threatening. We have to go through all the disabilities. That will be a tough diagnosis to make in terms of saying, no, you are too threatening to go back when parents are there who are saying go back; teachers, lawyers, who say he hasn't done anything over the last 15 or 20 days, maybe we should let him go back.

That is what our bill gets out. Treat everybody the same, if you have a disability or no disability. If you bring a gun or firearm to school, you should be treated the same. The same applies to cessation of services. You should be subjected to the decisionmaking of the local principals and teachers in terms of services, as well as in terms of expulsion.

Mr. SESSIONS assumed the Chair.

Mr. HARKIN. I say to my friend from Tennessee that the example he keeps using in Tennessee did occur under the old law, not the new law. I hope we can forget about using that example.

Under the new law we passed, we do provide that 45 days can be extended indefinitely if the school officials feel that child is a threat either to himself or herself or to the school.

Again, I just hope that example is not used because it confuses people. We shouldn't be confusing people when the new law is different than the old law.

I take a back seat to no one when it comes to the issue of safety in schools. I just put two daughters through public schools all their lives. One just graduated from college; my second daughter is a senior in public high school—student body president, too, I might add. Why not brag? If you can't brag about your kids, what can you brag about?

Both my wife and I have always been concerned about safety at school. We have talked a lot about it with our daughter, Jenny, so I don't take a back seat to anyone in terms of safety. There are few things as critical to any parent as making sure the kids are safe when they go out the door in the morning and when they come home in the afternoon.

I think the recent tragedies in Colorado are the culmination, the end result, of eight school shootings in 39 months—Oregon, Kentucky, Mississippi. I point out, again, to my friend from Tennessee, the kid in Oregon was expelled, went home, got a gun and came back and shot kids. I don't know if expulsion helped in that case.

If you want to base this on the fact that expulsion will make the kids safer in school, I say look what happened in Oregon. It didn't seem to work there.

I do believe that what has happened during these 39 months and what happened in Littleton is, indeed, a call to action to our families, to our churches, schools and communities.

Mr. HATCH. Will the Senator yield?

Mr. HARKIN. I am just getting on a roll.

Mr. HATCH. Will the Senator yield to his friend on the other side?

Mr. HARKIN. I yield without losing my right to the floor.

Mr. HATCH. I have to ask the Senator, this debate has gone on for quite a well. It has been one of the better debates I have seen or listened to, on both sides.

It is clear we have a difference of opinion. It is clear both sides think they have a legitimate case to make. I know the distinguished Senator is one of the champions for persons with disabilities, as am I. We have worked closely together through the years. I understand the difficulties that are involved here. I understand his sincerity. I also understand the sincerity of the Senator from Missouri and the Senator from Tennessee. They are decent people. They are good men. The Senator from Tennessee is a major force on the Labor Committee, as is the distinguished Senator from Iowa.

We are in the middle of a bill that really needs to be passed now. This is our seventh day on this bill. It is not a full-blown crime bill that took a tremendous amount of time. This is a limited, narrow bill with a lot of provisions that will make a difference with regard to children in our society. I would like to bring it to conclusion.

I guess I am asking my friend from Iowa, can we get an idea of how much time the Senator desires? I will talk to my people on my side to try and shorten our time so we can proceed with the rest of the amendments on this bill and hopefully lock in the final time agreement on all the remaining amendments and a final vote certain so everybody in the Senate will know what we are doing. I just want to ask my colleague if he will cooperate with me and set a time agreement so we can move this bill ahead, rather than have this stay in the logjam it is in.

It is a sincere set of differences. It seems to me the way to resolve those differences is time honored. We go to a vote on this amendment and then I ask unanimous consent that the next amendment be the Senator's amendment which rebuts this amendment. So we go to a vote on the amendment of the Senator from Iowa and let the chips fall where they may.

I don't see any reason to delay this bill when I am willing to make that offer. I will see that the Senator gets an amendment immediately following.

If you win, you win; if you lose on this one, you lose.

Mr. LEAHY. Mr. President, while the Senator is thinking over his offer, and he will yield without losing his right to the floor, during the few moments when the Senator from Utah was otherwise engaged on the Senate floor and I discussed this with him, I made a suggestion that we actually accept both the amendments—the amendment of the Senators from Tennessee and Missouri and the amendment that the Senator from Iowa would have—knowing that it goes to conference, where the distinguished Senator from Utah will be the Chair, I will be the ranking member from the Senate. This whole issue is going to have to be revisited in conference, anyway. I can guarantee from my experience that it will be different from the other body.

I suggest that as a possible way out. I have a couple of reasons for doing that: No. 1, with 25 years experience, it is a pragmatic way to do it; secondly, this is the juvenile justice bill. Earlier this afternoon, I was speaking about crimes against senior citizens. If we stay on this much longer, the juveniles we are talking about today will be senior citizens that we may want to protect tomorrow.

I would like to bring this to an end. We have an agreement. I think there will be time agreements on anything left. The distinguished Senator from Utah and I are going to very soon propose a package of managers' amendments that wipes out a lot of the deadwood and perhaps we could go forward.

I throw that suggestion out again. I know the Senator from Tennessee said he would not find that acceptable, and of course he, as any Senator, has an absolute right—the Senator from Missouri, as any other Member, has an absolute right to have a vote one way or the other on their amendment or in relation to it.

However, I ask the Senators that they might want to consider that.

Mr. HATCH. If the Senator will yield further.

Mr. HARKIN. I yield further without losing my right to the floor.

Mr. HATCH. I can understand why the Senators from Missouri and Tennessee want a vote on their amendment. I can understand why the Senator wants a vote on his amendment. It is a legitimate way to resolve an issue. I don't know which way the votes will go on either issue and I take a great interest in this as well. But there will be a conference and we will probably resolve these issues in the best interests of all.

My position is we have had a lengthy debate. I have deliberately stayed off the floor because I wanted Senators to have a free and open debate on this. But it seems to me we have had the debate. Basically, both sides have really explained their positions. Everybody knows what they are.

My suggestion is we go to a vote on the amendment of the Senator from Tennessee and the Senator from Missouri, up or down, and then if they lose, they lose. Then I will ask unanimous consent, whether they win or lose, that the Senator be entitled to immediately bring up his amendment which would undo everything they are doing and we go up or down on a vote there. And we even could have an additional period of time so people could hear one last explanation on the differences between the two sides.

What I want to avoid is a filibuster. I want to avoid the Senator feeling he has to now delay this whole bill because he feels deeply about this issue. I feel deeply about it, too. I think these Senators on this side feel deeply about it. You feel deeply about it. Frankly, there is still a conference where we can work with both sides to see if we can resolve this as we go to conference. But I would like to be able to push this bill forward, because it is an important bill and every day we delay—we all know once we get it through the Senate, the

bill has to come through the House. Then we have to go through conference. Then we have to send it down to the President. If he signs it, then it becomes law.

We are talking weeks or months before we can get a juvenile justice bill passed that might prevent more Columbine High School massacres. But we have to get this done.

We also have a supplemental appropriations bill that has to be brought up, because it is important. It is not fair to hold this bill hostage—either side—now. It is not fair to hold this bill hostage because of a dispute that literally is a legitimate dispute on both sides that can be resolved by voting. Let the chips fall where they may. I have had to do that. I have had to eat a lot of stuff here on the floor.

Mr. LEAHY. As have I.

Mr. HATCH. As has the distinguished Senator from Vermont.

As floor managers, we are trying to bring people together. I say to the distinguished Senator from Iowa, I believe he has faith that I will always try to do what is right for persons with disabilities. I will use my optimum good efforts to try to make sure this matter is resolved in a manner that is credible and acceptable to both sides—or at least as acceptable as can be to both sides. But I would like to set a time limit for further debate, which I hope will not be very long because you have been debating now for hours. I think virtually everything has been said that needs to be said. Then let's just go to those votes.

The Senator is not on a list right now, to come up, I do not believe, after this amendment. But I will get you on the list. I will ask unanimous consent you be given that privilege. I think it is fair. I think it is a way of resolving this. I don't want to see a filibuster here at the last minute on a bill of this importance when this could be resolved through voting and when I am giving the Senator a shot at his amendment, which basically rebuts theirs, immediately following it. I think that is fair. It is a reasonable way of doing it.

You are dealing with two managers who have done their utmost to bend over backwards for everybody on the floor. I have even bent over backwards for the Senator from Minnesota, time after time—I finally got a smile out of him. It is the only time he smiled all day.

But I would like to see my friend from Iowa do that. If he would, I would personally appreciate it. I would like to get this bill done, at least pushed forward as far as we can. I believe we can finish this bill tonight if we have time today. We have had 7 days on this bill. I would hate to go on 8 days, but I would even do that if we have time agreements on all these amendments, time agreements on when we vote, and let the chips fall where they may and let's go at it.

I intend to call up an amendment as soon as these two are disposed of, if that is what we do, and we will move ahead on the other amendments and we will try to shorten the time on all the amendments. I am asking the distinguished Senator from Iowa to shorten the time, agree to a time agreement, and I will certainly live up to asking unanimous consent and getting his amendment immediately following the amendment of the distinguished Senators from Tennessee and Missouri.

Will the Senator please help me in that regard—help us, Senator LEAHY and me?

Mr. HARKIN. I will respond to my friend from Utah, and he is my friend and someone I like a lot, and respect a lot.

Mr. HATCH. And vice versa.

Mr. HARKIN. He has made a very impassioned plea here, and I know he feels strongly about the bill.

But I just have to respond this way. This bill may be cited as the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

Mr. HATCH. Right. That is if we ever get it passed.

Mr. HARKIN. Kids with disabilities haven't been shooting anybody. I mean, let's be honest about it. The reason this bill is here on this floor is because of what happened in Littleton, CO. The Senator from Tennessee, when he first started out——

Mr. HATCH. Will the Senator yield on that point, just on that point? I am sorry to interrupt him, but this bill has been in the works for 2 solid years. We have worked with our colleagues on the other side repeatedly. I think the distinguished Senator from Vermont and I are together on the managers' package. It is very comprehensive. This is not some quick thing. We have worked very hard on it. Littleton—yes——

Mr. HARKIN. But what precipitated bringing it to the floor?

Mr. HATCH. I would have brought it to the floor before Littleton, but we didn't have the time to do it. But it certainly helped.

Mr. HARKIN. Everyone hears talk about school shootings and school violence. As I have pointed out, as I said to my friend from Utah, there have been eight school shootings in 39 months and 27 have been killed. Not one of those involved a kid with a disability. Not one. Two years? We spent 3 long years, and I spent years before that, working with IDEA. We spent 3 years hammering out an agreement because there was this clash between the school boards and the principals and the teachers and the parents of kids with disabilities—3 years we sat in rooms around here.

Mr. HATCH. And I am a strong supporter.

Mr. HARKIN. We finally got it resolved. I can remember as though it was yesterday when we went to the Mansfield Room. It was Newt Gingrich, it was TRENT LOTT, there were Democrats and Republicans and the disability community and representatives of the principals and the school boards. We sat in that room right there, that Mansfield Room, and we all said hallelujah, we all agree. We didn't all get what we wanted. Parents had to give up something. Principals gave up something. But we got a bill we all agreed we were going to live with and work with.

We agreed in that room that we were not going to go back and make changes on this bill. We were going to give it a chance to work. These are the changes we made.

I say again to my friend from Tennessee, he keeps bringing up this example—that happened under the old law, not the new one. The new law, I say to my friend, the regulations for the new IDEA, just went into effect in March of this year. I have been on the Department of Education for a year to get these regs out, but they received them in March. We have not even given it a chance to work. Yet, that great bipartisan effort, that bipartisan solution that we had that culminated in the IDEA amendments of 1997, somehow is now being torn apart.

Why? Because of school shootings—what is going on?—when none of these kids were disabled?

I know the Senator from Missouri is a nice guy. The last thing he would want to do is to be mean to anybody. But I have to tell you, if you back up and see it from where I am coming from, I have to tell you honestly, with all my heart, this is almost scapegoating kids with disabilities. I know you do not mean to do that. But I have talked to so many parents out there. They talked to me about this amendment and said: Why are they scapegoating my kids? My kids didn't shoot anybody. My kids with disabilities haven't done anything. Why are we doing this?

Mr. HATCH. Will the Senator yield without losing the right to the floor?

Mr. HARKIN. Let me please finish. This amendment does not belong in this bill.

If I am going—if I am taking time, I say to my friend, the only reason I am taking time is because I think there are a lot of Senators here who do not understand what is going on. They have not had the privilege I have had of working on disability issues for 25 years. I believe they need to be informed.

It took us 2 hours today simply to get us to agree that if a kid brings a gun to a school, regardless of whether that kid is disabled or not, they can kick him out right away and take him to the police station. It took us 2 hours just to get that agreement.

Now we are onto another phase, and that phase is what happens after they are removed. I do not think it has been fully fleshed out yet as to why there is a process set up for kids with disabilities. Then we have to get to the third stage and that is what happens at that point in time, at the end of 45 days. If I take some time, I say to my friend from Utah, it is because I believe I

have an obligation to my families with kids with disabilities—

Mr. HATCH. I know that.

Mr. HARKIN. To be able to look them in the eye and say: I did everything humanly possible to make sure that every Senator who comes down and casts that vote knows exactly what that vote is about. I do not believe I have done my job yet. I, obviously, have not done my job yet.

Mr. HATCH. Will the Senator yield?

Mr. HARKIN. And I am going to take more time to do my job.

Mr. HATCH. Will the Senator yield without losing his right to the floor?

Mr. HARKIN. I yield without losing my right to the floor.

Mr. HATCH. I am suggesting we take some more time, but that we agree on a time limit so everybody in the Senate knows. What that does for you—you are concerned about Senators learning, knowing what to do and hearing your position—when they know there is a time certain, that is when Senators generally try to listen. I am not asking you not to take more time. I am not asking you to not filibuster. I am asking you—

Mr. HARKIN. I am just not certain how much time it is going to take me. That is why—-

Mr. HATCH. I am asking you to set a reasonable time limit. I am also suggesting, as somebody who has been around here as long as the Senator from Iowa, that the time-honored way to resolve these matters when you have a legitimate, honest difference of belief is to vote. Right now, the Senator does not have the right to a vote on his amendment, as I understand it.

Mr. HARKIN. I have my amendment filed.

Mr. HATCH. You cannot bring it up.

Mr. HARKIN. I have my amendment filed.

Mr. HATCH. I want your amendment to come up after this.

Mr. HARKIN. I have my amendment filed.

Mr. HATCH. You cannot get it up in this context without unanimous consent. I will get that for you.

Mr. HARKIN. I can get it up anytime.

Mr. HATCH. Sure you can. What I am saying is, let's vote, but do it after you have a reasonable time to explain your position. But let's set a time limit so 99 Senators are not held up.

Mr. LEAHY. Mr. President, I wonder—

Mr. HARKIN. I still have the right to the floor. I yield, again, without losing my right.

Mr. LEAHY. Mr. President, we are trying to do a number of things. One, the Senator from Utah and I are reflecting our respective parties. We want to get through the bill, get a final vote one way or another and do it in such a way as to protect Senators on both sides of the aisle. He has a responsibility for his side of the aisle, and I have responsibility for my side of the aisle. I take that responsibility strongly. Senators have a right to be heard and a right to vote. But at some point, we have to wrap it up and vote.

Mr. HATCH. That is right.

Mr. LEAHY. May I suggest this: Senators may have good, strong debates on this—and I yield to nobody in my admiration of the Senator from Iowa and what he has done. I have taken his lead on so many issues involving the disabled because he is a recognized national expert on this.

My suggestion, another possibility, is we set this matter aside and start voting on some of the things we have already done. We finished debate, or all but the last couple of minutes of debate, on the Lautenberg amendment. Let's vote on that. Let's vote on something on the chairman's side of the aisle and maybe set it in such a way that those votes will come within a few minutes of each other.

During that time, Senators will be able to talk more. The Senator from Utah and I will be able to bring up the managers' amendment and then see if it is possible to have time agreements, but time agreements in such a way that Senators will know this amendment comes up at this time, this amendment comes up at another time, so there will be more focus.

I suggest that as a possibility. We also know that as much as we talk, oftentimes these things are worked out during a rollcall vote. That is one way we can do it.

Mr. WELLSTONE addressed the Chair.

Mr. LEAHY. The Senator from Iowa has the floor.

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

Mr. HARKIN. Again, I yield without losing my right to the floor.

Mr. WELLSTONE. Mr. President, I will take just a moment. I certainly pay tribute to the—I have not heard more passionate, more heartfelt, more substantive, more powerful oratory and argument on the floor of the Senate than what Senator HARKIN has done. I thank him as a friend.

I say to my colleagues, if I can get their attention for a moment—Senator LEAHY and Senator HATCH—if there is agreement to see what can be resolved in discussions while Senators come to agreement with one another, I would be very pleased, on behalf of myself and Senator KENNEDY, to have the pending amendment laid aside and we will just go right to this disproportionate issue, which is a complicated and important debate. I am ready to do that right now. If you want to try to work this out, I am ready to ask consent to lay the pending amendments aside and go right to this amendment and the debate and we have time set for it. I want to make that clear.

Mr. HATCH. Will the Senator yield again without losing his right to the floor?

Mr. HARKIN. Yes.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator HARKIN be permitted to offer his amendment, and that the regular order be, for voting purposes: the Frist-Ashcroft amendment, then the Harkin amendment—so Senator HARKIN's amendment will immediately follow—then the Wellstone amendment and then the Lautenberg amendment, and then we will have one from our side as well at that point. Is there any objection to that order?

Mr. HARKIN. I reserve the right to object.

Mr. HATCH. I am putting it in the order I think you want to be in.

Mr. HARKIN. I reserve the right to object, and I say this——

Mr. HATCH. This is not the vote. I am just putting the order together.

Mr. HARKIN. I understand. I am saying if there is a vote on the Frist amendment, then what kind of time is allotted to the Senator from Iowa for his amendment?

Mr. HATCH. We have to agree on this. We are not setting time limits.

Mr. HARKIN. You are just setting the order.

Mr. HATCH. I want to set a time——

Mr. HARKIN. Will you read that again?

Mr. HATCH. I am asking unanimous consent that the order of the next group of amendments to be voted upon be Frist-Ashcroft, Harkin, Wellstone and then Lautenberg and then one from our side.

Mr. HARKIN. I think there may be some people here who may want—I don't know what the majority leader's predisposition is on this. Maybe some people want to move to Wellstone and vote on that before they get to this. I hate to preclude that possibility with a unanimous-consent request that this is the only order we will take. I would object to that.

Mr. HATCH. You would object to having yours put into the appropriate order?

Mr. HARKIN. Only if that order is locked in totally.

Mr. HATCH. It is locked in, but it is locked in in a way that protects you—that is what I am trying to do here—so everybody knows what the matter is. I am putting in an order so that you can immediately follow the Frist amendment.

Mr. HARKIN. You say that upon completion of a vote on the Frist-Ashcroft amendment——

Mr. HATCH. Then you have a right to call up your amendment.

Mr. HARKIN. Then I have a right.

Mr. HATCH. That is what I am saying.

Mr. HARKIN. Don't put it in that wording because that locks in the order and because there may be votes before the Frist amendment.

Mr. HATCH. No, there will not be votes before Frist.

Mr. HARKIN. Then I object.

Mr. HATCH. Why? This protects you.

Mr. HARKIN. We may want to lay it aside and go to another amendment.

Mr. HATCH. We can do that. This is to benefit you. You don't give up one

thing other than you get in line; you are not in line now, behind the Frist amendment. To be frank with you, my purpose is to give you a shot at your amendment. If theirs happens to be adopted, you have a shot at yours which does away with theirs.

Mr. HARKIN. Actually, it does not do away with it. It modifies it; it does not do away with it.

Mr. HATCH. But it puts you in a position, and you don't lose a thing.

Mr. LEAHY. Reserving the right to object, and I will not object, I suggest, again, what I suggested earlier: if this can be set aside, go to the Lautenberg amendment and vote on it very quickly, one on your side that can be voted on quickly thereafter, and then go back to the Frist-Ashcroft amendment, partly so that we can talk during the votes. I don't make that as a request, but I suggest that really as a way out of all of this without giving up anything.

Mr. HATCH. With the same understanding that Senator HARKIN has the right to the floor, that is just not acceptable. The Senators from Missouri and Tennessee want a vote on their amendment. They are willing to go ahead with Senator HARKIN's amendment immediately following, if I understand it, and let the chips fall where they may.

I just want to move this ahead. I am trying to protect you so you are in order to come in at that point. If you don't want to, that is fine with me. It is an advantage to you.

Mr. HARKIN. I don't know that it makes a lot of difference.

Mr. HATCH. It keeps the thing focused so people know what you are talking about. To me, that is a reasonable request.

Mr. HARKIN. Well——

Mr. HATCH. Let me withdraw it then. I don't care. What I am trying to do, I say to Senator HARKIN again without you losing the right to the floor, I am trying to move this ahead. I am making a legitimate good-faith effort to move it ahead. It is apparent that we are not going to have a vote until we have the Ashcroft-Frist, Frist-Ashcroft amendment voted on.

I would like, then, to give you the opportunity to have your amendment called up, which modifies their amendment. Then we will have a vote on your amendment. Then we go and just keep going down the line, as we have done. We are not going to move ahead until we vote on this amendment. If you are going to filibuster, that is another matter.

Mr. HARKIN. I say to the Senator that I may still move to table the Frist-Ashcroft amendment.

Mr. HATCH. That is a right the Senator has.

Mr. HARKIN. I have a right to do that.

Mr. HATCH. Sure.

Mr. HARKIN. I may move to table; whereupon, after that motion to table is dispensed with, one way or the other—obviously, I am sure I would lose on that—the bill then becomes open to amendment. I may have some amendments to the Frist-Ashcroft amendment.

Mr. HATCH. Amendments or an amendment?

Mr. HARKIN. Amendments. And that could only occur, if I understand the parliamentary procedure, after a motion to table is dispensed with.

The PRESIDING OFFICER. No amendment is in order at this point.

Mr. HARKIN. At this point.

Parliamentary inquiry. If I move to table the Frist-Ashcroft amendment, and that is disposed of, as I understand the unanimous-consent request, the bill then would be open for amendment—or the amendment would be open then after there is an action on it, on that amendment, on the motion to table.

The PRESIDING OFFICER. If the Frist amendment were tabled, the question would recur on the Lautenberg amendment.

Mr. HARKIN. No. No. What would happen if the Frist amendment were not tabled?

Mr. HATCH. Parliamentary inquiry. I do not think the Lautenberg amendment is next on that list.

Mr. HARKIN. If I might, Mr. President, reclaiming my right to the floor——

Mr. HATCH. Could I have that parliamentary inquiry? I just want to know, what is the order? I do not think Lautenberg is next.

Mr. HARKIN. On the parliamentary inquiry, I just want to read from the unanimous-consent request, Order No. 8.

Ordered further, That the following amendments be the only remaining first degree amendments in order, with relevant second degree amendments in order thereto only after a vote on or in relation to the first degree amendment and the amendments limited to time agreements, where noted, all to be equally divided in the usual form.

So, obviously, a tabling motion would be a vote in relation, and therefore reading that, I submit, that then relevant second-degree amendments would be in order. I make that parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa is correct that a second-degree amendment would be in order if the motion to table Frist fails.

Mr. HARKIN. I thank the Chair.

Mr. HATCH. What I propose does not change that at all. If we put these amendments in order, the Frist-Ashcroft, Harkin and Wellstone and Lautenberg, that still does not take away your right to move to table and then file a second-degree amendment, if you desire to. We would have to dispose of the Frist-Ashcroft amendment first. And you would have every right to do that.

Mr. HARKIN. Again——

Mr. LEAHY. Is that correct?

Mr. HATCH. Is that correct? All I am doing is setting the order in which these things would follow. He would not be deprived of moving to table the Frist-Ashcroft amendment, and if it is not tabled of offering amendments.

Mr. HARKIN. Offering amendments.

The PRESIDING OFFICER. Under the understanding of the unanimous consent request, a vote on Frist would include either a motion to table or an up-or-down.

Mr. HATCH. I do not understand.

The PRESIDING OFFICER. If your interpretation of your consent request is that a vote on Frist includes a vote to table, then we would be correct in that we have agreement on that.

Mr. HATCH. Well, I think we would.

Mr. HARKIN. You want to read that unanimous consent request again? I am still——

Mr. HATCH. I ask unanimous consent that Senator HARKIN be permitted to offer his amendment, and that the regular order be the Frist-Ashcroft amendment, and if there is a motion to table by Senator HARKIN, and it is not tabled, then it would be open for——

Mr. HARKIN. Or any motion to table.

Mr. HATCH. Any motion to table, and it is not tabled, then it would be open for a second-degree amendment. But immediately following the disposition of that would be the Harkin amendment with the same conditions, the Wellstone amendment with the same conditions, and the Lautenberg amendment with the same conditions.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, then under his proposal, how many second-degree amendments could be offered to the Frist-Ashcroft amendment if, in fact, the tabling motion was not agreed to?

The PRESIDING OFFICER. How many angels can dance on a pin?

Mr. LEAHY. I did not hear the response.

Mr. ASHCROFT. How many angels can dance on the head of a pin?

The PRESIDING OFFICER. If the motion to table the Frist amendment fails, then that amendment is open to relevant second-degree amendments.

Mr. HARKIN. Relevant second-degree amendments, in the plural?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Let me ask one other question about this unanimous consent request. Let's say someone wants to set this aside and move on to another amendment. Would that be allowed under this proposal?

Mr. HATCH. With unanimous consent, it would.

Mr. LEAHY. That would require unanimous consent, I would assume.

The PRESIDING OFFICER. It would require unanimous consent.

Mr. HARKIN. Just as it does now.

The unanimous consent request, again, because I really want to protect my rights, and I just want to make sure my rights are fully and adequately protected, I ask the Senator if perhaps it could be reduced to writing or something just so I can take a look at it. I

am going to be here for a while talking anyway.

Mr. HATCH. We will be happy to do that.

Mr. HARKIN. I just want to make sure my rights are protected. That is all. I just want to look at it.

Mr. HATCH. I withdraw my unanimous consent request at this particular point.

The PRESIDING OFFICER. The request is withdrawn.

Mr. HATCH. We may want to set this aside for that purpose. If we do, I will ask the Senator, would the Senator please give some consideration to my request that we have a time agreement—I am not suggesting what time, but that we have a time agreement on the Frist-Ashcroft amendment so that everybody here knows what is going on? Then people will listen to his recitation of what he believes as to the situation. Can you give us a time agreement?

Mr. HARKIN. Not at this time I cannot, I say to my friend. I cannot at this time.

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

Mr. HARKIN. Mr. President, as I said, I take a backseat to no one in my concern for safety in schools, having a daughter who is a senior in high school now and a daughter who just graduated from college, both of whom have attended public schools all of their lives.

I daresay that what has precipitated this bill has been the recent tragedy in Littleton, CO, and the eight shootings over 39 months in our public schools in America. These tragedies have, indeed, called us to action, called us as families, churches, schools, communities, parents, teachers, and, yes, as lawmakers.

I hope these tragedies lead us all to take positive and constructive steps to reduce the likelihood of any recurrence. We want to make sure all of our schools are places of learning, not of fear.

But we should not let this tragedy of Littleton lead us into emotional, unfounded, though well-intentioned actions which can harm the most vulnerable in our society, and those are our kids with disabilities.

I know that the amendment is well-intentioned. The Senator from Tennessee and the Senator from Missouri are good people. But this would amend the Individuals with Disabilities Act, and I believe in the deepest part of my being that this amendment will have just the opposite effect. If enacted, it will do a couple of things. It will make our schools and communities less safe, and it will turn the clock back on all the advances we have made in our country to ensure that kids with disabilities have a fair shot at the American dream.

This amendment targets a group of students who are more likely to be the victims of school violence than the perpetrators. It is the kids with disabilities, now mainstreamed into our schools, who are beat up on, preyed upon, made fun of by nondisabled kids. Time and time again, it is the kids with disabilities who are the victims of the violence. This has been true for a long time, a long time.

Why are we singling them out with this amendment? None, not one, of the eight school shootings in the last 39 months was perpetrated by a child in special education. So why do we have this amendment?

Well, I just want to point out, sadly, four of the students shot in the rampage at Columbine High School were special ed kids —four of them. So why are we singling out kids with disabilities? Why are we changing a law that we passed 2 years ago, that we just got the regulations issued in March of this year, which has not had even an opportunity to work? Why are we doing it?

Well, I forget which Senator it was who said, well, we do not want to wait until something bad happens. My gosh, under that philosophy, what else can we do to our schools? How about all the kids with disabilities? What are we going to do with them if we don't want to wait until something bad happens? That philosophy can take you down a lot of alleys, a lot of dead-end alleys. I think the answer to ''we don't want to wait till something bad happens'' is exactly why we passed the amendments to the Individuals with Disabilities Education Act 2 years ago. That is why we have said, if a kid is violent, brings a gun to school, they can get them out immediately to protect the school.

I hope everyone heard here today—we finally got an agreement on that point—that if a kid brings a gun to a school, regardless of whether that kid is disabled or not, they can call up the police and have that kid hauled down to the police station immediately, immediately. Now, when there is some thought around here that somehow because a kid is disabled, the principal has to go through all kinds of hoops to get them out of school, I say that is not true. And we finally at least got that nailed down today.

I yield to my friend from Minnesota.

Mr. WELLSTONE. I want to ask the Senator one question.

Mr. HATCH. Would the Senator yield for another inquiry from the manager?

Mr. WELLSTONE. I would be pleased to yield.

Mr. HARKIN. I yield to the Senator.

Mr. HATCH. I have been trying to avoid a filibuster here on a bill that I think everybody admits is very important. The Senator has indicated he is willing to filibuster. And as somebody who has been around here a long time, who knows how to do it, I recognize one when I see one.

Let me make an offer here that I think is superfair. I have tried to make an offer that the Senator get in line right behind this amendment so he has every shot at his amendment.

Let me ask Senators FRIST and ASHCROFT, as well, would both sides be willing—since we know 60 votes is the key, would both sides be willing to do this: That we call up for a vote, after another reasonable time for final debate here, but hopefully a very short time, call up the Ashcroft-Frist/Frist-Ashcroft amendment? And if it does not get 60 votes and we call yours up right after, if neither of them gets 60 votes, we pull them both, rather than have a filibuster here—excuse me, Lautenberg and Frist. OK.

Let me ask, I have to ask the Senator from Vermont. It has been suggested that since we had had problems with this amendment, which is 60 votes, if they don't get 60 votes, they pull it. We do the same with the Lautenberg; if he doesn't get 60 votes, we pull that.

Mr. HARKIN. You are going to have to ask Senator LAUTENBERG that.

Mr. LEAHY. Are you talking about the—

Mr. LAUTENBERG. I didn't hear the question.

Mr. LEAHY. I want to make sure I understand this. If the Senator from Utah is suggesting that if the most hotly contested gun amendment does not get 60 votes, we throw it out—

Mr. HATCH. Right.

Mr. LEAHY. —I don't think anybody is going to accept that.

Mr. HATCH. We throw this one out and that one out.

Mr. LEAHY. I think there is a better way of doing that. I was discussing it with the distinguished Senator from Mississippi. I would like to listen to his suggestion.

Mr. LOTT. Who has the floor?

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Iowa has the floor.

Mr. LOTT. Will the Senator from Iowa yield to me?

Mr. HARKIN. Of course.

Mr. LOTT. I think everybody is trying in good faith to find a way to deal with this issue and move on. I thought that idea just proposed might work, but it looks as if that would be objected to.

What I would like to propose as an alternative—and it is being typed up now, and we want both sides to look at it—is that we go forward. We set aside the pending amendment, and we go forward with a series of votes, including probably the managers' package, which a lot of people have been interested in and concerned about. They would be able to see what it was. And then go to the Lautenberg amendment and have a vote. Then go to a Smith-Jeffords amendment and have a vote. Then go to Wellstone and have a vote, and then to a McConnell.

So we would have a series of stacked votes while we continue to work to see how we can resolve other outstanding issues. But rather than just continuing to talk back and forth without making progress, looking at the hour here, if we could have a series of, I believe it would be five votes—six votes now—I think that would be one way to give us time so we could make progress and

give us time to continue to work on these other issues.

Mr. LAUTENBERG. Will the majority leader yield?

Has the Smith-Jeffords amendment been sent up and discussed? We have several amendments that have already been offered, and I do not know why we are—maybe I do know why and I just don't want to realize after this very amiable discussion, Mr. Leader, that we had earlier about how we were going to cooperate and let the public hear what we are really doing here.

I ask—we have several amendments, on both sides—what would the regular order be, Mr. Leader? As I understand it, the Parliamentarian can answer that. There was no Smith-Jeffords in there. We have an order, and it would be nice to not suddenly suggest that perhaps 60 votes would do it. And then we could hear—

Mr. LOTT. Well, 60 votes—it was suggested.

Mr. LAUTENBERG. In good fellowship, I know.

Mr. LOTT. It was suggested. This is not taking everything in the exact order. We have been moving the order around back and forth since Monday. For instance, the managers' amendment—usually you don't do that until the last thing. In a show of good faith, an indication from Senator LEAHY was that Senators would like to have that done and see what is in it. We would put that first in the pecking order, which would not be the way it is always done, but it would be constructive. Then Lautenberg, I think, would be the next pending thing. And these others, I am not sure of the exact order they are in, but I propose that we do them that way so we can move forward.

Mr. LEAHY. Mr. President, I might say, if the Senator from Iowa will yield so I may respond.

Mr. HARKIN. Yes.

Mr. LEAHY. I find much in the proposal—I realize it is going to be typed up and has not been made yet, but the proposal by the Senator from Mississippi is a good one for moving us forward. I am not sure the managers' package would even need a rollcall vote. If that is the case, the first rollcall vote will be on the amendment of the Senator from New Jersey, and the next one would be—well, it would be whatever order the distinguished leader has spoken. Again, based on the experience I have had managing bills, I tend to agree with the distinguished majority leader. This might be a good way to get us moving. I also suggest that it protects the Senator from Iowa, the Senator from Missouri, and the Senator from Tennessee. But it moves us forward.

Mr. LOTT. Right. We are having this typed up now. We will get copies to the managers on both sides and the leadership. But I believe this is one way to keep the bill going. We have had a good lengthy discussion today, and there is a fundamental disagreement on this. At some point, I hope the Senator from Iowa—like on Lautenberg and on these others, we worked through this without second-degreeing, without obstructing. You all have had some amendments you don't like, and we have had a few amendments we don't like, but in the end you vote. If you win, you win; if you lose, you lose. It still has to go to conference and all that. I hope we can get an agreement on this. I don't think anybody is disadvantaged. I think everybody will think they have had a fair shot. Senators FRIST, ASHCROFT and the Senator from Iowa can talk during the votes and see if we can't find a way to bring it to a conclusion.

Mr. WELLSTONE. Mr. President, I ask the Senator from Iowa to yield for a question.

Mr. HARKIN. I still have the floor. I will yield without losing my right to the floor.

Mr. WELLSTONE. My question is really vis-a-vis the Senator from Iowa to my colleague from Utah. The amendment I have been trying to get on the floor is the Wellstone-Kennedy amendment dealing with disproportionate minority confinement. I assume when we listed the amendments that already has a 2-hour limit set.

Mr. LOTT. If the Senator from Iowa will yield, he is getting to be a really good traffic cop here.

Mr. HARKIN. Red light, green light.

Mr. LOTT. If your understanding is that you would like to have your vote maybe earlier in the lineup, I don't see a problem with that. We try to alternate, Republican and Democrat.

Mr. WELLSTONE. That is fine. We already have a 2-hour time limit on that. We agreed on that.

Mr. LOTT. Two hours more debate?

Mr. WELLSTONE. It is on disproportionate minority confinement. It is the amendment I have with Senator KENNEDY.

Mr. LOTT. I think that is another amendment. Don't you have another Wellstone amendment?

Mr. WELLSTONE. I have another one.

Mr. LOTT. This is regarding your other Wellstone amendment.

Mr. WELLSTONE. I have been waiting on the floor forever. I am pleased at what the Senator from Iowa is doing. The one laid aside is going into the managers' package. I have been waiting patiently. When you put it in order, please put in the Wellstone-Kennedy amendment, which deals with a very important question that we have been trying to debate for days.

Mr. LOTT. This one is No. 356, identified as a Wellstone amendment. It is not the amendment you are speaking of. If I understand you correctly, you are talking about a Kennedy-Wellstone amendment, and you need 2 more hours for debate.

Mr. WELLSTONE. This has been agreed to for days. That is right. The amendment, I am assuming, in the sequence that we are talking about is the Wellstone-Kennedy amendment dealing with disproportionate minority confinement. Two hours to be equally divided is the agreement on that. No. 356 has been allegedly put in the managers' amendment. If we can please put this one on the list.

Mr. HATCH. Nobody ever agreed to 2 hours. I don't know if we ever had an agreement on that. Of course you have to have enough time to argue, but I hope it is not 2 hours.

Mr. LEAHY. Mr. President, the Senator from Iowa has the floor, and I ask if he will yield without losing his right to the floor.

Mr. HARKIN. I yield under those conditions.

Mr. LEAHY. I ask if it might be in order to suggest the absence of a quorum, which I am not doing, but to do that under a unanimous consent, that at the completion of it the Senator from Iowa would be allowed to reclaim the floor.

Mr. LOTT. I ask the Senator from Iowa if he will be willing to have a vote on his amendment in the sequence we are talking about here?

Mr. HARKIN. I want to see the lay of the land before I answer a question like that.

Mr. LOTT. I am inquiring because I had nobody to ask that. You all have had a good, full debate. I wondered if you would not be ready to go to a vote now.

Mr. HARKIN. No, I don't feel that I am. I haven't even finished my statement yet. As I said earlier to my friend from Utah, I believe there are a lot of misperceptions out there on this amendment, and being the poor debater that I am and the poor teacher that I am, I don't believe that I have fully and adequately represented what this means to families with kids with disabilities. It will probably take a little longer simply because I am so poor at getting across my point, it seems. So I am going to have to take a look at that before I make any decisions. I am not going to answer hypothetical questions.

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

Mr. HARKIN. I have the floor.

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

Mr. HARKIN. Mr. President, I will yield to the leader to do that. I ask unanimous consent that when the quorum call is dispensed with, this Senator, the Senator from Iowa, be given the right to the floor at that point in time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. If the Senator will yield the floor, you will have the floor when we return, too. That was agreed to. I will put in a quorum call to try to work this out.

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. HARKIN. 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. HARKIN. Mr. President, I ask unanimous consent that the privileges of the floor be granted to Lucille Zeph for the pendency of the bill.

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

Mr. HARKIN. Under the previous arrangement, I further suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LOTT. 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. LOTT. Let me make it clear at the beginning, Mr. President, we don't want to in any way dispossess the Senator from Iowa from his opportunity to be further heard, if he so desires, on his position with regard to the Ashcroft-Frist amendment. I ask in this agreement that that discussion be set aside and we go to four other amendments and have the debate and stacked votes on those amendments.

I will state the agreement which Senator DASCHLE had a chance to review. I ask unanimous consent that the pending amendments be set aside and the Senate proceed immediately to the managers' package, and following that amendment, the following amendments be considered for votes in the following sequence, under time agreements where noted, in the usual form.

I want to emphasize, the managers' package would go first; there would be some description of that. We understand that would probably not require a recorded vote. I further ask consent that the amendments be voted in the order listed below, with 2 minutes for debate prior to each vote for explanation. In other words, we will have 2 hours of debate on the first one, then go to the other amendments, but before the actual votes occur there will be 2 minutes for final explanation, and that all provisions of the consent agreement of May 14 be in place.

The amendments are as follows: The Wellstone disproportionate minority amendment, for 2 hours of debate; the McConnell amendment regarding public schools, 30 minutes; the Boxer amendment regarding afterschool time, 10 minutes; and the Gordon Smith-Jeffords amendment regarding pawnshops. We will specify the time when we have had a chance to review that.

That is the order.

Mr. WELLSTONE. Mr. President, reserving the right to object, there are no second-degrees; is that correct?

Mr. LOTT. It would be the usual agreement of no second-degrees prior to a vote on the motion to table.

Mr. WELLSTONE. Mr. President, a Wellstone-Kennedy amendment is listed?

Mr. LOTT. Yes.

Mr. ASHCROFT. Reserving the right to object, frankly, this is addressing the amendment which is pending, and it is rather complex. I would be grateful for an opportunity to look at this agreement if it is written up. I would like to have a chance to consider it.

Mr. LOTT. As I told the Senator from Iowa—and I believe Senator FRIST has been on the floor most of the time—this is in no way intended or will not disadvantage or eliminate this amendment. It will just set it aside so we can make some progress on amendments where time agreements are already locked in. We will have votes on those amendments at the end of those agreed-to times.

Mr. DASCHLE. Reserving the right to object, let me just remind everyone that we have approximately 24 hours left of this week. In that timeframe we have to do not only the rest of this bill but the supplemental appropriations bill. The only way we are going to finish this is if everybody is willing to cooperate a little bit more and indulge the leadership and the managers of this bill in such a fashion that will allow completion.

It has been difficult, and, I must say, increasingly frustrating, for those who have tried to work through all of this in a way that would allow some reasonable conclusion. It seems the longer we work on it, the more everyone's back is up. It is essential we work together and try to resolve this matter. We have been on this bill now for over a week. It is time to bring it to a successful conclusion.

I ask the cooperation in the remaining hours of this debate on the part of Members on both sides, so that we can finish it.

I have no objection.

Mr. LOTT. I thank Senator DASCHLE for his comments. I very strongly feel the same way. We have come a long way on this bill. The underlying bill was one that had bipartisan support.

We have narrowed down the number of amendments to a finite list. Senator REID has worked very diligently to accomplish that. We must deal with the supplemental appropriations bill before we go. In order to do that, we will have to have some cooperation.

I have been criticized because I have maybe tried to be too fair, everybody has that fair, straight-up shot: No second-degrees, make your point, have the vote, win some, lose some. If we go with that attitude, we can complete this list and the other amendments and complete this bill and do the supplemental.

Mr. LEAHY. Reserving the right to object, and I will not object, I think this is a good step forward. The Senator from Utah and I and the Senator from South Dakota and the Senator from Mississippi have worked very hard, along with appropriate other people, to cut down the list.

I ask one question, because it is one we are obviously going to be asked: Under this agreement, when will we vote on the Lautenberg gun amendment? When would the leader expect we would be voting on the Lautenberg amendment?

Mr. LOTT. There will be an effort for that to be either the first or the second vote. The pending business, I believe, would be the Ashcroft-Frist issue. We would have to dispose of that and then we would go to, I hope, a series of additional stacked amendments which would lead off, I presume, with Lautenberg right at the front.

In order to do that before we did Ashcroft-Frist, we would have to get another agreement. I would like to do it because I think that is an issue that a lot of people feel very strongly about. I would like to do it like the rest. It is time to vote.

Mr. LEAHY. The distinguished leader is saying it would not be voted on tonight?

Mr. LOTT. No, it would not be voted on tonight. What we would do, for these four amendments, is debate and then vote, and the pending business would be the Frist-Ashcroft amendment at the end of that. I want to make that clear so you are not dispositioned by that.

Mr. ASHCROFT. Is it possible to modify this consent request to say the Frist-Ashcroft amendment would be the pending business at the conclusion of this vote, and no later at the onset of the business tomorrow morning?

Mr. LOTT. That is the status. But I would be glad to modify it to that extent, because it just confirms what the status is, procedurally, anyway.

The PRESIDING OFFICER. Is there objection to the unanimous consent as amended?

The Senator from Iowa.

Mr. HARKIN. I agree with Senator ASHCROFT with one provision, if we say ''Senator HARKIN retaining the right to the floor when the Senate returns to the Frist-Ashcroft amendment.''

I have the right to the floor now. I had the floor. I just want to make sure when this amendment comes back up that I have the right to the floor.

Mr. LOTT. Is that the procedure? Did he have the floor anyway?

I am told you have that right anyway, so I don't think we give anything up by including it in the unanimous consent request.

Mr. HARKIN. OK.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Then I would add we would then pass this amendment by voice vote. I was just kidding, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. That last part was not included.

Mr. LOTT. That was not there.

Mr. LEAHY. That was not included.

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

Mr. LOTT. Mr. President, we are now anxiously awaiting the comments of the Senator from Minnesota. We hope he will feel free to condense his time. Oh, the managers' amendment would be first. We expect there would be stacked votes in sequence between 7:30 and 8.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have a managers' amendment which has been cleared on both sides as far as I know. This amendment is a compilation of amendments by Members on both sides.

The PRESIDING OFFICER. The Senate will come to order. The Senator from Utah has the floor.

Mr. HATCH. I now ask unanimous consent that any pending amendments be temporarily set aside.

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

AMENDMENT NO. 363

Mr. HATCH. Mr. President, I send a managers' amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. LEAHY, proposes en bloc an amendment numbered 363.

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

Mr. LEAHY. Mr. President, the Chairman and I have been able to put together a managers' amendment and a package of amendments that improve S. 254 in a number of ways that should please Members from both sides of the aisle. We have accomplished this task by finding the middle ground, and the bill will be a better one for it.

I said last week during the Senate's consideration of this bill that we should not care whether a proposal comes from the Republican or Democratic side of the aisle. A good proposal that works should get the support of all of us. Our first question should be whether a program or proposal will help our children effectively, not whether it is a Democratic or Republican proposal.

This managers' amendment and package of amendments reflects that philosophy. It shows that when this body rolls up its sleeves and gets to work, we can make significant progress. I commend the Chairman for his leadership in this effort and I am glad we were able to work together constructively to improve this bill.

Many Members had good additions and modifications to make to this bill, and we have agreed to accept them in the managers' package of amendments.

In addition to the amendments included in the package, the chairman and I have worked together on a managers' amendment to address a number of my longstanding concerns with the underlying bill. Let me explain what those changes accomplish.

I noted my concern at the beginning of this debate that the State prerogative to handle juvenile offenders would be undermined by this bill. The changes we made to the underlying bill in the managers' amendment satisfies my concerns. For example, S. 254 as introduced would repeal the very first section of the Federal Criminal Code dealing with ''Correction of Youthful Offenders.'' This is the section that establishes a clear presumption that the States—not the federal government—should handle most juvenile offenders—18 U.S.C. section 5001. While the original S. 254 would repeal that provision, the managers' amendment retains it in slightly modified form.

In addition, the original S. 254 would require Federal prosecutors to refer most juvenile cases to the State in cases of ''concurrent jurisdiction . . . over both the offense and the juvenile.'' This language created a recipe for sharp lawyering. Federal prosecutors could avoid referral by simply claiming there was no ''concurrent'' jurisdiction over the ''offense'' due to linguistic or other differences between the federal and state crimes. Even if the juvenile's conduct violated both Federal and State law, any difference in how those criminal laws were written could be used to argue they were different offenses altogether. This was a huge loophole that could have allowed federal prosecutors to end-run the presumption of referral to the State.

We fix this in the managers' amendment, and clarify that whenever the federal government or the State have criminal laws that punish the same conduct and both have jurisdiction over the juvenile, federal prosecutors should refer the juvenile to the State in most instances.

Finally, I was concerned that, contrary to current law, a federal prosecutor's decision to proceed against a juvenile in federal court would not be subject to any judicial review. The managers' amendment would permit such judicial review, except in cases involving serious violent or serious drug offenses.

Another area of concern has been the ease with which S. 254 would allow federal prosecutors to prosecute juveniles 14 years and older as adults for any felony.

While I have long favored simplifying and streamlining current federal procedures for trying juveniles, I believe that judicial review is an important check in the system, particularly when you are dealing with children. S. 254 included a ''reverse waiver'' proposal allowing for judicial review of most cases in which a juvenile is charged as an adult in federal court. I had suggested a similar proposal last year. The managers' amendment makes important improvements to that provision.

First, S. 254 gives a juvenile defendant only 20 days to file a reverse waiver motion after the date of the juvenile's first appearance. This time is too short, and could lapse before the juvenile is indicted and is aware of the actual charges. The managers' amendment extends the time to make a reverse waiver motion to 30 days, which begins at the time the juvenile defendant appears to answer an indictment.

Second, S. 254 requires the juvenile defendant to show by ''clear and convincing'' evidence that he or she should be tried as a juvenile rather than an adult. This is a very difficult standard to meet, particularly under strict time limits. Thus, the managers' amendment changes this standard to a ''preponderance'' of the evidence.

As initially introduced, S. 254 would require juvenile criminal records for any federal offense, no matter how petty, to be sent to the FBI. This criminal record would haunt the juvenile as he grew into an adult, with no possibility of expungement from the FBI's database.

The managers' amendment makes important changes to this record requirement. The juvenile records sent to the FBI will be limited to acts that would be felonies if committed by an adult. In addition, under the managements' amendment, a juvenile would be able after 5 years to petition the court to have the criminal record removed from the FBI database, if the juvenile can show by clear and convincing evidence that he or she is no longer a danger to the community. Expungement of records from the FBI's database does not apply to juveniles convicted of rape, murder, or certain other serious felonies.

Much of the debate over reforming our juvenile justice system has focused on how we treat juvenile offenders who are held in State custody. The Federal government for years has required States, in order to qualify for certain grant funds, to provide certain core protections, including separating juveniles from adult inmates, keeping status offenders out of secure facilities, and focusing prevention efforts to reduce disproportionate confinement of minority youth.

In the last Congress, S. 10 either eliminated or gutted each of these core protections. The chairman and Senator SESSIONS significantly improved S. 254 in this regard, and I commend them for that. The managers' amendment continues to make progress on the ''sight and sound separation'' protection and the ''jail removal'' protection.

Specifically, the managers amendment would make clear that when parents in rural areas give their consent to have their children detained in adult jails after an arrest, the parents may revoke their consent at any time. In addition, the judge who approves the juvenile's detention must determine it is in the best interests of the juvenile, and may review that detention—as the judge must periodically—in the presence of the juvenile.

The managers' amendment also clarifies that juvenile offenders in rural areas may be detained in an adult jail for up to 48 hours while awaiting a court appearance, but only when no alternative facilities are available and

appropriate juvenile facilities are too far away to make the court appearance or travel is unsafe to undertake.

The managers' amendment contains a significant improvement in the sight and sound separation requirement for juvenile offenders in both Federal and State custody. S. 254 has been criticized for allowing ''brief and incidental'' proximity between juveniles and adult inmates. This amendment fixes that by incorporating the guidance in current regulations for keeping juveniles separated from adult prisoners. Specifically, the managers' amendment would require separation of juveniles and adult inmates and excuse only ''brief, inadvertent or accidental'' proximity in non-residential areas, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways.

I am pleased we were able to make this progress. I appreciate that a number of Members remain concerned, as do I, about how S. 254 changes the disproportionate minority confinement protection in current law. This will be an important debate, and I continue to believe we should support an amendment intended to correct that part of S. 254.

S. 254 includes a $200 million per year Juvenile Delinquency Prevention Challenge Grant to fund both primary prevention and intervention uses after juveniles have had contact with the juvenile justice system. I and a number of other members were concerned that in the competition for grant dollars, the primary prevention uses would lose out to intervention uses in crucial decisions on how this grant money would be spent.

With the help of Senator KOHL, we have included in the managers' amendment a clear earmark that 80 percent of the money, or $160 million per year if the program is fully funded, is to be used for primary prevention uses and the other 20 percent is to be used for intervention uses. Together with the 25-percent earmark, or about $112 million per year if that program is fully funded, for primary prevention in the Juvenile Accountability Block Grant that was passed by the Senate in the Hatch-Biden-Sessions amendment, this bill now reflects a substantial amount of solid funding for primary prevention uses.

I expressed some concern when the Senate passed the Hatch-Biden-Sessions amendment authorizing $50 million per year for prosecutors and different kinds of assistance to prosecutors to speed up prosecution of juvenile offenders. I pointed out that this amendment did not authorize any additional money for judges, public defenders, counselors, or corrections officers. The consequence would be to only exacerbate the backlog in juvenile justice systems rather than helping it.

The managers' amendment fixes that by providing $50 million per year available in grant funds to be used for increased resources to State juvenile court judges, juvenile prosecutors, juvenile public defenders, and other juvenile court system personnel.

I mentioned before that S. 254 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. While Vermont is probably one of the few States that expressly allows for the trial of juveniles 10 years and older as adults for certain crimes, I do not believe that this is a matter on which the Senate must or should opine. The managers' amendment correctly deletes that sense-of-the-Senate from the bill.

These improvements to S. 254 in both the managers' amendment and in the managers' package of amendments make this bill worthy of our support, and I am glad to do so.

The chairman and I have agreed that Members from both sides of the aisle had good additions and modifications to make to this bill, and we have agreed to accept them in the managers' amendment. Let me give some examples of amendments we have agreed to incorporate into the bill.

Senators LANDRIEU and SCHUMER proposed amendments to the Juvenile Delinquency Prevention Challenge Grant program to help abused, foster, and adopted children so they will not fall through the cracks and become at-risk for delinquency;

Senator DURBIN sponsored an amendment to help schools use caller-ID to deal with bomb threats;

Senator FEINGOLD sponsored an important amendment to clarify the intent requirement in the new gang crime so it has a better chance of withstanding a constitutional challenge;

Senators SESSIONS, ROBB, ALLARD, and BYRD joined together on an amendment to authorize a national hotline for confidential reporting of people who have threatened school violence. This important proposal was first proposed by Senator ROBB in a more comprehensive amendment that was tabled in a party line vote;

Senators KOHL, BIDEN, DORGAN, DODD, and others from both sides of the aisle, including Senator HATCH, have made a number of good proposals for prevention and intervention of juvenile crime.

Mr. DOMENICI. Mr. President, I rise today with my colleague from Connecticut, Senator DODD, to talk a little bit about a program we understand has been accepted by the Senate for inclusion in this bill.

Five years ago, during the last re-authorization of the Elementary and Secondary Education Act, Senator DODD, Senator Nunn and I included a provision in that Act to allow for several pilot projects around the nation centered on increasing character education in our schools.

That legislation helped foster the growth of the Character Counts movement across a few schools in a few states.

The amendment that the Senate has agreed to accept today will expand upon that effort. The bill provides $25 million in funding for character education through the Department of Education, including $15 million for schools and $10 million for after-school programs.

My colleagues have heard me talk before about the Character Counts program, where children and teachers use six pillars of character and incorporate them into their daily lessons. Things like trustworthiness, respect, responsibility, fairness, caring, and citizenship.

After five years, I believe that I can say that the effort to bring character education to our schools has been a success. In New Mexico, 200,000 kids and 90 percent of our schools participate in some form of character education. Teachers tell me that character education has empowered them in a fabulous way to teach and reinforce positive behavior by their students.

Schools which have utilized Character Counts report lower instances of truancy, classroom disruptions and student violence. Character Counts makes schools better places to learn for our children, and teaches them values in the process.

And it's not just the teachers who want to bring this program to our nation's children. Parents believe that it is important too. A recent survey by the Superintendent of the Albuquerque Public Schools found that 84 percent of parents felt that strengthening education programs which teach character and integrity should be a high priority for their schools. Improving character education is the number three overall concern parents express about the quality of their children's education in Albuqerque. The amendment accepted today will allow more schools to address this concern.

I have heard colleagues say that six percent of all juvenile criminals commit 60% of all of the violent crime in America. This bill will encourage states to treat this small percentage of violent juvenile offenders like adults and get them off of the streets.

It is obvious that there are a lot of very good kids out there, working hard every day to go to school, study hard and improve their lives. Character education will help the adults in their lives to teach them to make good decisions, based on things like respect, caring, and responsibility.

I understand that the Senate also has accepted two other Domenici amendments to allow states to use some of their portion of the $450 million Accountability block grant program and part of the $200 million Delinquency Prevention Challenge grant program to fund character education initiatives. This will provide states with additional resources to incorporate character education in their schools, if they choose to do so.

I have seen this work in New Mexico, and I am pleased that the Senate has

agreed to help bring Character Counts to other areas of the country where maybe it has not caught on quite as well as it has in my state or Connecticut. I thank the Senate for accepting my amendments and I yield the floor.

PREVENTING DELINQUENCY THROUGH CHARACTER EDUCATION

Mr. DODD. Mr. President, I am pleased to join with the distinguished Senator from New Mexico in offering this amendment to provide support for character education projects in schools and in after-school programs. These programs, organized around character education, would provide alternatives to youth at risk of delinquency and work specifically to reduce delinquency, school discipline problems and truancy and to improve student achievement, overall school performance, and youths' positive involvement in their community. Our amendment—which I understand will be considered as part of the managers' package—would authorize no less than $25 million per year for character education in schools and in after-school settings.

I am not here today to claim that character education is the answer to all the questions that have been posed to us as policy makers, parents and community members in the wake of the tragedy at Littleton, CO.

But character education is part of the answer. Today's children have so many obstacles to overcome, including violence, drug use, peer and cultural influences, and too much unsupervised time on their hands. As a society, we must find ways to help these children become responsible citizens, to distinguish between right and wrong. To do this, we must build on traditional education by nurturing students' character.

That is fundamentally what character education is about—it is about reinforcing those elements of character which bind us together into communities and into this great nation. Ideas like—trustworthiness, respect, responsibility, fairness, caring and citizenship—underlie all of our government and civic organizations. We must reinforce these beliefs with our children at every opportunity.

Parents have the primary responsibility here. Churches and other community organizations support these efforts. Schools are a key part of the equation. And these ideas must be a part of a child's day—after school—when they are often unsupervised and most risk of negative behaviors.

And that is what this amendment does. It would set aside $25 million for school-based and after-school programs in character education. Schools could use these funds to work with parents and develop a character education program for their schools. We have seen so many successful programs in schools in my state; indeed, over 10,000 students currently participate in these activities. And the schools report amazing turn-around with reduced absenteeism, discipline problems, graffiti and fighting and improved student achievement and student participation in positive extra-curricular activities.

In addition, this amendment would support afterschool programs that are organized around character education. These out of school hours are a key opportunity for our youth. We can provide enriched academic activities, sports and the arts. Or we can leave them to the alternatives—smoking, drug use, teen pregnancy, delinquency, and crime. I believe the better route is supervised, quality after school programs—and these programs will be even stronger with the inclusion of a character education focus, such as provided in this amendment.

I commend my friend and colleague from New Mexico for his dedication to our children and to character education. I am pleased to be here with him again today to move forward this critical initiative that truly gets at the core of delinquency.

Mr. KERREY. Mr. President, I thank the managers of this bill for accepting the mentoring amendment that I offered, and I want to thank my colleague Mr. DORGAN for cosponsoring this amendment.

I believe that youth mentoring is an important piece of our effort to decrease violence among our young people. This amendment encourages us to take youth mentoring seriously. It asks states to develop criteria for assessing the quality and effectiveness of mentoring programs and to reward those programs that do a good job. It also asks the Departments of Justice and Education to disseminate information on best mentoring practices, so that mentors can receive guidance on how to make the best use of their time with students.

Since the school shooting in Littleton, Colorado, a few weeks ago, Congress and the nation have been grappling with the question ''How do we prevent such a terrible tragedy?'' The answer to this question is complex, and, as we know from our debate here on the floor of the Senate, there are many different points of view as to what more we should do to keep our kids healthy and safe.

I believe that one of the things we must do is increase the amount of quality time our young people have with caring, responsible adults. Without a doubt, the most important adult in a child's life is that child's parent. But even the most committed, well-intentioned parents cannot be with their children 24 hours a day. And often young people, especially teenagers, feel uncomfortable talking to their parents about sensitive or troubling issues.

That is why it is important that young people have someone in their lives they can turn to in troubling times. Now, some kids are fortunate enough to have a trusted aunt, uncle, or family friend in whom they can confide. But some are not so lucky. Fortunately there are caring adults who volunteer their time to become that trusted friend—we call them mentors.

We cannot know for certain that having mentors would have stopped the two teenagers in Littleton from harming their classmates. But we know that the young men were troubled. And if we can increase the number of individuals who are close enough to a young person to detect problems when they arise, we increase our chances of keeping those problems from spiraling out of control.

Mr. President, we know that mentoring works. In 1995 a Big Brothers/Big Sisters of America Impact Study showed that at-risk young people with mentors were 46% less likely to begin using illegal drugs; 27% less likely to begin using alcohol; 53% less likely to skip school; 37% less likely to skip a class; and 33% less likely to hit someone than at-risk children without mentors.

In a 1989 Louis Harris poll, 73% of students said their mentors helped raise their goals and expectations.

And a Partners for Youth study completed in 1993 revealed that out of 200 non-violent juvenile offenders who participated in a mentoring relationship, nearly 80% avoided re-arrest.

I believe in the power of mentoring, because I've seen it firsthand in my own state of Nebraska. In Nebraska, we have a fantastic program run by Tom and Nancy Osborne called TeamMates. TeamMates is a school-based program that pairs adult volunteers one-on-one with middle and high school students.

The Osbornes created TeamMates quite simply because they saw an unmet need. They realized that there are a lot of bright and capable young people out there who receive too little support and encouragement. In order to reach their potential to become good citizens and productive members of their community, these young men and women just need a helping hand.

Tom and Nancy started TeamMates in 1991, and the success they saw in that first year inspired them to continue. They started out with 25 matches, and of the students in those matches, 20 graduated from high school and 18 pursued postsecondary education.

The response to TeamMates has been highly encouraging. Principals and administrators have commented on the positive attitude change they see in students in just the first year of their relationship with a mentor. And 99% of the mentors choose to continue their relationship with their students after the first year.

Right now there are 475 TeamMate matches throughout Nebraska. And they hope to have a total of 900 a year from now.

We have another terrific mentoring program in Omaha called All Our Kids, which began in 1989 at McMillan Junior High School. At present, nearly 80 mentors are providing guidance to at-risk junior and senior high school students.

And All Our Kids enjoys a strong relationship with the Omaha Public Schools System. OPS staff work closely with All Our Kids staff to identify students who need the services provided by its long-term mentoring and scholarship program.

With our help, TeamMates, All Our Kids, and other promising mentoring programs throughout the nation will be able to expand the horizons of more young people by providing them with caring adults to show them the way.

I also want to thank the managers for accepting my Sense of the Senate urging the President of the United States to allow each Federal employee to take one hour a week to serve as a mentor to a young person in need.

Recently, Jim Otto, Nebraska State Director of the U.S. Department of Agriculture, called me and said, ''I read what you said about the importance of youth mentoring, and I want to let you know that I'm a mentor in the TeamMates mentoring program in Lincoln. I want you to know it's been a great experience.''

Jim said he was fortunate that his employer allowed him to take one hour a week of administrative leave to spend time with his student. But he also said that some of his colleagues in other Federal agencies and departments were not so fortunate. Many employees would like to become mentors, but they just can't take time away from work.

Now, we have a lot of dedicated individuals throughout the nation who serve as mentors. Several members of my own staff participate in the Everybody Wins program in the D.C. Public Schools. And, as I mentioned earlier, we have great mentoring programs in Nebraska. But we need more adults to say, ''I want to make a difference.''

The purpose of this legislation is to enable more adults to take the time to contribute to the well-being of their communities. It's just one hour a week, but in a child's life it can make a world of difference.

Mr. President, whether it's helping a student take an interest in schoolwork, helping build a young person's self-esteem, or helping a young man or woman communicate more effectively with parents, friends, and teachers, a mentor can be that invaluable safety net that keeps a child from falling into despair.

Now, there are many steps we can take to try to prevent violent acts once an individual reaches that point of desperation, but it is better for all of us if we intervene before that point—and it is also less costly.

With additional support for good mentoring programs we will be able to reach more young people before they become lost to substance abuse, isolation, or any other destructive behavior that leads them to commit acts of violence against themselves or others. In helping these programs continue their good work, we raise the hopes of more of our children. And when our children's hopes are high, we all benefit.

Mr. DORGAN. Mr. President, I am glad to be a cosponsor of the mentoring amendment offered by my colleague from Nebraska, Mr. KERREY, and I commend him for his work on this issue. I also want to thank the managers of this bill for accepting our amendment.

When it comes to juvenile delinquency, I subscribe to the notion that ''an ounce of prevention is worth a pound of cure.'' I think it makes a great deal of sense to spend a dollar now to try and prevent young people from becoming criminals in order to save the thousands of dollars it would cost later to incarcerate and rehabilitate them.

I believe one of the most effective forms of prevention is mentoring. I have seen firsthand that mentoring can make an important difference in a child's life through my participation in a wonderful program started by Senator JEFFORDS called Everybody Wins. Every week, I have the privilege of spending an hour or so with a boy named Jamal. It has been a pleasure to watch him learn and grow into a fine, confident, young man.

I would encourage any of my colleagues who want to make a real difference to become a mentor. At-risk young people with mentors are 46 percent less likely to use illegal drugs and half as likely to skip school than at-risk youth without mentors. Nearly three-quarters of young people with mentors indicate that their mentors have helped to raise their goals and expectations.

Unfortunately, there are too many at-risk youth who do not have an adult willing or able to give them the regular, individual attention they need. The amendment offered by Senator KERREY and I would help to ensure that exemplary youth or family mentoring programs in each of our states are funded by the Juvenile Delinquency Prevention Challenge Grant program established in this bill. I believe this would be a good investment in our young people, and I again thank my colleagues for their support of this amendment.

Mr. KOHL. Mr. President, I rise to express my appreciation to the managers of this bill for agreeing to include in the manager's package my amendment to authorize the FAST (Families and Schools Together) program.

Over the last few weeks, we have all spent much time mourning lost children—whether they are lost to bullets or to the lure of a violent culture, whether they end their lives holding a gun or facing one. And we have spent much time discussing the many factors that can lead our young people to become lost. We can blame guns, or mindless T.V., or savage movies, or violent video games, or illegal drugs. But we know that a child is most likely to be lost—most likely to fall under the influence of these evils—when he or she is alone, cut off from parents, teachers, and the community.

FAST is a successful program that finds troubled youth and reconnects them with their schools and families. FAST brings at-risk children, parents, and educators together to help them learn to succeed at home, in school, and in their communities. FAST helps ensure that youth violence does not proliferate to our schools and communities by empowering parents, helping to improve children's behavior and performance in school, preventing substance abuse, and providing support and networking for families by linking them to community resources and services.

Currently, the FAST program—which was created in my home state of Wisconsin—is being implemented in 484 schools in 34 States and five countries. It has received numerous national honors and awards, and is supported by the Department of Education, Department of Justice, Office of Juvenile Justice Delinquency Prevention, Department of Health and Human Services, Office of National Drug Control Policy, Substance Abuse and Mental Health Services Administration, National Institute of Mental Health, Head Start, the Harvard/Ford Foundation, and the United Way of America.

My amendment is simple and effective. It authorizes $12 million a year for the next five years to the Office of Juvenile Justice and Delinquency Programs in the Department of Justice for FAST sites and programs. Of this amount, $10 million will go toward the implementation of local FAST sites and programs and $2 million will be used for research and evaluation of FAST. This amendment will allow more communities across the nation to reap the benefits of FAST—and will go a long way toward preventing youth violence in this country.

Mr. President, one of the best ways to prevent youth violence is by building and preserving close, healthy relationships within families. The FAST program is instrumental in achieving this goal, and has been proven to work in reducing behavioral problems among troubled youth. I am pleased that Senators HATCH and LEAHY have recognized the importance of this small, yet vitally important program by including the FAST amendment in the manager's package. I thank them for their efforts in working with me on this amendment.

I yield the floor.

BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE

Mr. KENNEDY. Mr. President, today we are offering an amendment to the juvenile justice bill to authorize funding for the National Institutes of Health to carry out a broad-based initiative for basic research into youth violence. This research will look into the fundamental cause of such violence and will be linked to research on the most effective ways to prevent it.

Clearly, we must do more to enhance our understanding of the fundamental psychological, behavioral, and social factors that contribute to violence by young people.

NIH currently provides modest support for behavioral research related to violence, but the research is seriously under-funded in light of the obvious magnitude of the problem. In addition, the current funding is spread across many NIH Institutes and some important areas are not funded at all.

This coordinated initiative, relying on the Office of Behavioral and Social Sciences Research at NIH, will enable NIH to respond more quickly to the crisis of youth violence, eliminate the gaps in current knowledge, and focus more effectively on the important high priority questions that scientists in the field have identified.

Violence is also a public health problem, and it is as perilous as any epidemic. The tragic shooting rampage by the two students in Colorado shocked the country into a greater sense of urgency about youth violence. Many elements contribute to violent behavior, and it is seldom traced to any single cause.

These causes need to be better understood if we are to design effective methods for treatment and prevention. We also need a greater understanding of how to apply the knowledge that we already have.

More effective school, family and community prevention activities can be designed on the basis of what we learn from research and from the practical experience of clinicians, educators, and social scientists. The goal of part of this research effort will be to develop better organizational models of effective partnerships among scientists, public agencies, and community members. The research will also address the psychological impact of violence on the victims, since many perpetrators of violence were themselves victims of violence earlier in their lives.

Our proposal for greater NIH research is an essential part of the answer we are seeking to the tragedies of juvenile violence, and I urge the Senate to support it.

FAST PROGRAM

Mr. FEINGOLD. Mr. President, I rise today to support Senator KOHL's amendment which was included into the Juvenile Justice bill's Manager's Package. Mr. President, Senator KOHL's amendment would expand the Families and Schools Together or FAST program to reach the many at-risk students in need. FAST is an award winning drug abuse prevention program that supports and empowers parents to be the best line of defense between their children and the dangers of drug abuse. The program uses a cooperative approach that gives parents professional support to prevent and confront drug abuse in the home.

I am proud to report, Mr. President, that the FAST program, which has received many awards and honors since its development 10 years ago, was founded in my home state of Wisconsin by Dr. Lynn McDonald. Dr. McDonald is one of the nation's experts on the prevention of drug abuse by young people. The unique FAST program is today being used in 484 schools in 34 states and five countries.

Research indicates that to be most effective, substance abuse prevention education should be initiated when children are young. Researchers also believe that prevention efforts that focus on family and peer relationships can greatly reduce risk factors for our children. While no one solution will rid our country of the problem of youth drug abuse, it is critical that we make available to students, parents and schools successful programs that can make a difference. FAST has a proven track record: it has been tried, adapted, implemented and studied. It is clearly a program that has proven successful and should be expanded to reach more families in need.

It is important to note, Mr. President, that we are not powerless to help prevent destructive behaviors, such as drug abuse, in our children. The FAST program requires a strong, committed partnership between schools and families to help the students at risk and to intervene successfully to prevent the downward cycle of drug abuse, which too often leads to youth violence.

I support this amendment, Mr. President, because I know that FAST is a prevention program which helps young children at risk for developing problems later on—by working with them and their families early on. Senator KOHL's amendment is a wise investment at the front end to catch students before their risky behavior results in tragic consequences for themselves and their families. With assistance from the FAST program, families become their own child's best prevention resource.

WORKER PROTECTION

Mr. KENNEDY. Mr. President, we have been engaged over the last week in the important, and at times difficult, task of defining how the nation will address the problem of youth violence and crime. Our goal is to develop steps that will be more effective in protecting society against juvenile crime and enabling youth to become productive and successful members of our society.

We must also protect the rights of the men and women in the criminal system responsible for working with juvenile offenders. It is in the nation's interest to ensure that states which receive federal dollars for their juvenile justice programs administer these programs in a manner that protects the worker, the juvenile offender, and ultimately, the taxpayers and citizens.

This amendment will ensure that workers who provide juvenile justice services do not lose their jobs, their existing bargaining rights, or a loss of benefits if their program receives federal funds.

This is not a new concept. Since enactment of the Juvenile Justice and Delinquency Prevention Act in 1974, Congress has recognized the importance of making sure that the rights of state workers are protected in juvenile justice programs funded with federal money. Current law provides that the distribution of federal funds for state juvenile justice programs will not displace workers, negatively reduce their wages, or impair existing collective bargaining agreements.

The intent of the current law, and of this amendment, is two-fold: to protect workers' rights, and to protect the safety of juvenile offenders. For almost 25 years, the law has protected the employment rights of tens of thousands of state workers in the court system and the juvenile justice system. These men and women, whose jobs are funded through grants to the states, are at the core of our juvenile justice system. They perform vital work, supervising and training troubled youths in the courts and in the parole system. Even with the protections under current law, and even when workers are covered by collective bargaining agreements, these are not high paying jobs. Salaries go from the high teens to the low thirty thousand dollar range.

The law also ensures the quality of the services provided by these workers. Protecting the rights of current, experienced workers maintains the stability of the workforce and ensures that well-trained, qualified personnel are staffing the juvenile justice system. If we are serious about protecting society against violent youth—if we are serious about rehabilitating young people and safely returning them to society, then we need well-trained and experienced workers and a stable workforce with adequate skills and training in our juvenile justice system.

This amendment will make sure that existing collective bargaining agreements, and the rights under those agreements, would not be disturbed when a state program receives a federal grant. The amendment will prevent displacement of current workers when a program receives a federal grant. For workers who are not covered by a collective bargaining agreement, this amendment may be the only job protection they have when their program is funded under a federal grant.

We all agree that the juvenile justice system must be improved. Let's also agree that preserving the existing rights of state juvenile justice workers, and preventing disruption of existing employment relationships, are essential components that must be part of an improved system. I urge my colleagues to vote for this amendment.

DEMONSTRATION PROGRAM FOR HIGH RISK YOUTH

Mr. GREGG. Mr. President, America is struggling with a disturbing and growing trend of youth violence. While it is true that crime is generally down in many urban and suburban areas, it is equally true that crime committed by teens has risen sharply over the past few years and it is expected to continue to rise. Crime experts who study demographics warn of a coming crime wave

based on the number of children who currently are younger than 10 years old. These experts warn that if current trends are not changed, we might someday look back at our current juvenile crime epidemic as ''the good old days.''

Thirty years ago, DANIEL PATRICK MOYNIHAN, then an official of the Johnson Administration, wrote that when a community's families are shattered, crime, violence and rage ''are not only to be expected, they are virtually inevitable.'' He wrote those words in 1965. Since then, arrests of violent juvenile criminals have tripled.

If we have learned anything from this debate and from all the research that has been done on juvenile violence, it is that there is no magic bullet, no single solution or panacea to the problem of rising juvenile crime. Juvenile crime is a complex problem that demands a myriad of responses. It is a problem that demands a partnership solution involving family, community, religious institutions, the media, the schools and law enforcement.

The amendment I am offering today with Senator LIEBERMAN is a multitiered approach. First, the proposal targets youth who are at the highest risk of leading lives that are unproductive and negative; youth who have been or are likely to be incarcerated. Second, it brings together representatives of local government, juvenile detention providers, local law enforcement, probation officers, youth street workers, local educational agencies, and religious institutions to provide highly intensive, coordinated, and effective intervention services to high risk youth.

We provide seed money ($4 million a year with a 30% match) to enable the establishment of a collaborative partnership in 12 cities: Boston, New York, Philadelphia, Pittsburgh, Detroit, Denver, Seattle, Cleveland, San Francisco, Austin, Memphis, and Indianapolis. We also provide grants to grass roots entities in 8 cities to fund intervention models that establish violence-free zones through mediation, mentoring, coordination with law enforcement and local agency partnerships and the development of long term intervention strategies.

Research has documented that this is the approach that yields sustainable results. According to Public Private Ventures, Inc., which has been engaged in the study of programs for children, youth and families, interventions for seriously at-risk older youth and youth who have already become involved with the juvenile justice system require an innovative joining of youth development and crime reduction strategies. This amendment does just that.

At the same time we must recognize that government solutions are limited. Government is ultimately powerless to form the human conscience that chooses between right and wrong. Locking away juveniles might prevent them from committing further crimes, but it does not address the fact that violence is symptomatic of a much deeper, moral and spiritual void in our Nation.

In the battle against violent crime, solid families are America's strongest line of defense. But government can be an effective tool if it joins private institutions (families, churches, schools, community groups, and non-profit organizations) in preventing and confronting juvenile crime with the moral ideals that defeat despair and nurture lives.

This amendment is a step in that direction and I urge its adoption.

''PARTNERSHIPS FOR HIGH-RISK YOUTH''

Mr. KENNEDY. Mr. President, I support GREGG's ''Partnerships for High Risk Youth'' amendment. This amendment establishes a national demonstration project to identify the most effective practices and programs for reducing youth violence. This initiative will provide 12 high-risk cities across the nation with funds to carry out local demonstration projects. These initiatives will help us learn much more about the best programs for reducing youth violence. Communities across the country will benefit from the knowledge.

The most successful violence prevention programs take a comprehensive approach to youth violence. The goal is to reach out to youth and their families on a variety of levels. Diverse groups—law enforcement, schools, mental health professionals, religious organizations, parents, and teachers—all need to join forces. This amendment supports this vital type of cooperation. The knowledge we gain will save lives. Communities across the country will be able to learn from these successful models and develop similar programs in their own towns and cities.

Boston has long understood the importance of community cooperation, and many of the ideas we have discussed have proven effective there. Boston's strategy is based on three strong commitments—tough law enforcement, heavy emphasis on crime prevention (including drug treatment), and effective gun control. Neglect of any one of these commitments undermines the whole strategy.

Several years ago, concerned groups in Boston joined forces to develop community-based solutions that made youth violence ''everyone's business.'' Successful partnerships have included the pairing of mental health professionals, police and probation officers and school administrators with clergy, community leaders, and even gang members themselves. Statistics show that this strategy works. During the period from July 1995 through December 1997, there was only one juvenile death in Boston that involved a firearm.

Boston's Ten Point Coalition has received national acclaim for its work with troubled youth. This is exactly the type of program that Senator GREGG's amendment will support. The Ten Point Coalition which was founded by Rev. Eugene Rivers, is an ecumenical group of clergy and lay leaders who are working to mobilize the community on issues affecting African-American youth—especially those at risk. The Coalition is committed to helping at-risk children reach their full potential, and it offers training, technical assistance, resource development, and networking opportunities to churches and other community groups interested in mentoring, advocacy, economic alternatives, and violence prevention. Its goal is to build a coalition of churches nationwide, united in their commitment to changing children's lives and reducing violence.

This amendment will help outstanding initiatives like this across the country, and I urge the Senate to support it.

VIOLENCE PREVENTION TRAINING FOR EARLY CHILDHOOD EDUCATORS

Mr. DODD. Mr. President, one of the best ways to approach juvenile justice is to prevent violent offenses from occurring in the first place. Therefore, I am pleased to offer the ''Violence Prevention Training for Early Childhood Educators'' amendment to S. 254, which is aimed at preventing the development of violence in children at the earliest ages so that they never grow up to become juvenile offenders. This amendment—which I understand will be contained in the Managers' amendment at the conclusion of consideration of the bill—would authorize no less than $15 million in grants for teachers to learn violence prevention skills.

All of us have been shaken by the tragedy at Littleton, CO. Americans are left searching for answers to many questions. How could these teenagers have committed such brutality? What happened to the innocence and joy of youth? How can society help prevent such violent, deadly behavior from happening again?

One of the most effective solutions is to begin violence prevention at an early age. This program is a carefully thought-out program aimed at true prevention. It is designed to help early childhood educators—the people who work directly with young children in preschools, child care centers, and elementary schools—learn the skills necessary to prevent violent behavior in young children. This amendment would provide support to programs that prepare these professionals so that early childhood teachers, child care providers, and counselors are able to teach children how to resolve conflicts without violence. In addition, these professionals are in the perfect position to reach out and extend these lessons to parents and help whole families adopt these powerful skills.

Research has demonstrated that aggressive behavior in early childhood is the single best predictor of aggression in later years. Children observe and imitate aggressive behavior over the course of many years. They certainly

have plenty of exposure to violence, both in the streets and at home. A Boston hospital found that 1 out of every 10 children seen in their primary care clinic had witnessed a shooting or stabbing before the age of 6.

I am disheartened to report that in my home State of Connecticut, 1 in 10 teens have been physically abused. Alarmingly, more than a third of teenage boys report that they have guns or could get one in less than a day. In these circumstances, aggression becomes very well-learned by the time a child reaches adolescence.

We must provide children with strategies for altering the negative influences of exposure to violence. Early childhood offers a critical period for overcoming the risk of violent behavior and later juvenile delinquency. And the proper training of professionals who work with young children offers one of the most effective avenues for reaching these kids.

This is not to suggest that early childhood professionals would replace parents as a source of teaching social skills and acceptable behavior. Instead, these teachers should demonstrate these skills with the children in their care and be encouraged to work with the whole family to address conflict without violence and aggression.

In 1992, Congress enacted similar legislation to provide grants for programs that train professionals in early childhood education and violence counseling. These grants funded some remarkable programs. In my home state, a program at Eastern Connecticut State University trained students—half of whom were minority, low-income individuals—to be teachers in their own communities, and trained child care providers in violence prevention with young children.

Unfortunately, just as these efforts were getting off the ground and starting to show promising results, the funding for the program was rescinded as part of the major 1994 rescission bill. Looking back, after the horrible events in Littleton, CO, Springfield, OR, and too many other communities, I think we can clearly see that was a mistake. Hindsight is always clearer—but let's not make the same mistake going forward. Let's reinvest in these efforts so that we can prevent our children from developing into violent juvenile offenders.

Preventing future acts of violence is an issue that rises above partisan politics. I think we can all agree that steps need to be taken to reduce the development of violent behavior in children. Please join me in this effort to begin creating a safer society for everyone, especially our children.

TRUANCY PREVENTION

Mr. DODD. As many of my colleagues know, I have worked consistently for the last several years to address what I believe is one of the key ''gateway'' offenses leading to delinquency and serious crime among our youth—Truancy. Working with Senator Sessions, we have been able to include language encouraging states and local communities to pursue truancy prevention programs with the assistance they will receive under this bill. I want to thank Senator Sessions for working with me on this effort.

Truancy is a dangerous and growing trend in our nation's schools. It not only prevents our children from receiving the education they need, but it is often the first warning of more serious problems to come. Truant students are at greater risk of falling into substance abuse, gangs, and violent behavior. For many students, truancy is the beginning of a lifetime of problems.

It is estimated that, in the past ten years, truancy has increased by as much as 67 percent. On an average school day, in the United States, as many as 15 percent of junior and senior high school students are not in school. In some urban schools, absentee rates approach 50 percent. Alarmingly, the problem is becoming increasingly prevalent in our elementary schools. Almost one quarter of Connecticut's truants were 13 or younger.

By some estimates, truants cost our nation more than $240 billion in lost earnings and forgone taxes over their lifetimes. Yet this sum does not include the billions more in dollars spent on law enforcement, foster care, prisons, public assistance, health care and other social services.

Fortunately, truancy is a solvable problem. Many communities, including many in Connecticut, have set up early intervention programs—to reach out and prevent truancy before it leads to delinquency and more serious criminal behavior. A number of Connecticut cities have brought back truant officers, hired drop-out prevention workers, held parents accountable for their students absences, denied credit to students with unexecused absences, and have created truancy courts.

These programs are showing signs of success. Several towns have reported dramatic drops in daytime burglary rates—some as much as 75 percent—after instituting truancy prevention initiatives.

Unfortunately, communities have had difficulty implementing these programs as truancy is considered an educational rather than a criminal justice issue, and, with growing classroom enrollments, many financially-strapped schools simply do not have the resources to adequately address this problem.

The provision that Senator Sessions and I are adding to the juvenile justice bill will ensure that communities have the wherewithal they need to respond to this increasingly serious problem. The legislation's goal is to promote anti-truancy partneships between law enforcement agencies, schools, parents, and, community organizations. While each community must create a program which works for it, I believe that there are certain key components of successful programs.

First, parents must be involved in all truancy prevention activities and they must be given incentives to face up to their own responsibilities. Second, students must understand that they will face firm sanctions for truancy. Third, all hubs of this partnership wheel—law enforcement, educational agencies, parents, and youth serving organizations—must work together to help solve this problem.

Truancy is an early warning that a child is heading in the wrong direction. I am hopeful that states and communities will use this new authority to support high quality truancy partnership projects. And we can move on to spend more time celebrating the accomplishments of our children than grieving over lost opportunities to stop the cycle leading to violent crime.

FEDERAL SON OF SAM LEGISLATION

Mr. DORGAN. Mr. President, last year, I introduced a bill to correct problems with the Federal Son of Sam Law, as those problems were perceived by the United States Supreme Court. Today, I am reintroducing this legislation, which deals with a continuing problem. The New York statute analyzed by the Supreme Court, as well as the Federal statute which I seek to amend, forfeited the proceeds from any expressive work of a criminal, and dedicated those proceeds to the victims of the perpetrators crime. Because of constitutional deficiencies cited by the Court, the Federal statute has never been applied, and without changes, it is highly unlikely that it ever will be. Without this bill, criminals can become wealthy from the fruits of their crimes, while victims and their families are exploited.

The bill I now introduce attempts to correct constitutional deficiencies cited by the Supreme Court in striking down New York's Son of Sam law. In its decision striking down New York's law, the Court found the statute to be both over inclusive and under inclusive: Over inclusive because the statute included all expressive works, no matter how tangentially related to the crime; under inclusive because the statute included only expressive works, not other forms of property.

To correct the deficiencies perceived by the Court, this bill changes significantly the concepts of the Federal statute. Because the Court criticized the statute for singling out speech, this bill is all encompassing: It includes various types of property related to the crime from which a criminal might profit. Because the Court criticized the statute for being over inclusive, including the process from all works, no matter how remotely connected to the crime, this bill limits the property to be forfeited to the enhanced value of property attributable to the offense. Because the Court found fault with the statute for not requiring a conviction, this bill requires a conviction.

The bill also attempts to take advantage of the long legal history of forfeiture. Pirate ships and their contents

were once forfeited to the government. More recent case law addresses the concept of forfeiting any property used in the commission of drug related crimes, or proceeds from those crimes. I hope that courts interpreting this statute will look to this legal history and find it binding or persuasive.

The bill utilizes the Commerce Clause authority of Congress to forfeit property associated with State crimes. This means that if funds are transferred through banking channels, if UPS or FedEx are used, if the airwaves are utilized, or if the telephone is used to transfer the property, to transfer funds, or to make a profit, the property can be forfeited. In State cases, this bill allows the State Attorney General to proceed first. We do not seek to preempt State law, only to see that there is a law in place which will ensure that criminals do not profit at the expense of their victims and the families of victims.

One last improvement which this bill makes over the former statutes: The old statue include only crimes which resulted in physical harm to another, this bill includes other crimes. Examples of crimes probably not included under the old statute, but included here are terrorizing, kidnaping, bank robbery, and embezzlement.

Mr. President, our Federal statute, enacted to ensure that criminals not profit at the expense of their victims and victim's families, is not used today because it is perceived to be unconstitutional. I believe victims of crime deserve quick action on this bill, drafted to ensure that they are not the source of profits to those who committed crimes against them. I ask for your support.

AMENDMENT NO. 352

Mr. CHAFEE. I just want to be clear about the civil liability provisions. Does this bill create civil liability immunity for gun manufacturers, dealers of guns accessed in the home, or manufacturers or distributors of safety devices?

Mr. KOHL. No. It creates civil liability immunity only for gun owners.

Mr. CHAFEE. Does this bill create civil liability immunity only for gun owners who use a safety device?

Mr. KOHL. That is correct.

Mr. CHAFEE. Does that immunity apply if the gun owner is negligent—even if he doesn't actually give anyone permission to use the gun, but for example leaves the key to the lock sitting next to the gun?

Mr. KOHL. No.

Mr. CHAFEE. And is it correct that this section does not change in any way existing product liability law?

Mr. KOHL. That is correct.

Mr. CHAFEE. And, finally, is it correct that any pending suits against gun owners would be allowed to continue?

Mr. KOHL. That is correct.

Mr. CHAFEE. I thank the Senator once again. On another matter, I want to make equally clear for the record exactly what a ''secure gun storage or safety device'' is and is not. Specifically, would the Senator from Wisconsin agree with me that the definition of such devices in our amendment is intended solely to include personalized guns, lockable devices which either are affixed to a firearm directly, or to secure locked containers or safes.

Mr. KOHL. I would agree.

Mr. CHAFEE. Finally, would you further concur with me that our definition of a ''secure gun storage or safety device'' is not intended to include a permanent feature of a home or motor vehicle, such as a closet or glove box, even though such environments also may be locked?

Mr. KOHL. I would agree.

Mr. KENNEDY. Mr. President, for the past several days, we have debated the best practices and programs for preventing youth violence. We have disagreed on a number of issues including the need to restrict guns, invest in after-school care, and expand counseling services and mental health services for troubled youths and children. But there is one issue that members on both sides of the aisle agree on—parents play an important role in their children's lives.

Everywhere we look, children are under assault: from violence and neglect; from the break-up of families; from the temptations of alcohol, tobacco, sex, and drug abuse; from greed, materialism, and the media. These are not new problems, but in our time, they have become increasingly serious. Against this bleak backdrop, the struggle to raise children and to support families, emotionally as well as practically, has become more difficult.

Parents bear the first and primary responsibility for their sons and daughters—to feed them, to shelter them, to talk to them, to teach them to ride a bike, to encourage their talents, to help them develop physically and emotionally, and to make countless daily decisions that influence their growth and development.

Parents are the most important influence in their children's lives, but they are being pulled in many different directions. Healthy development depends on strong parental guidance. Spending time together is an essential part of building positive parent-child relationships. Yet time together is increasingly scarce.

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% reported doing so in 1995. Fifty percent ate dinner with their child in 1988, but this rate dropped to 42% in 1995.

We need to support parents, not attack and blame them. Sylvia Hewlett and Cornel West said it best in the title of their recent book, ''The War Against Parents.'' That's exactly how it feels for many of today's parents. Like parents before them, they struggle to keep children at the center of their lives. But major obstacles stand in their way, undermining their efforts.

Over the course of the last thirty years, public policy and private decision-making have often tilted heavily against the activities that comprise the essence of parenting. A myopic government increasingly fails to protect or support parents, while the competitive forces in the marketplace are allowed to take up more and more time. We talk as though we value families but act as though families are a last priority. Sooner or later, worn-out parents get the message that devoting their best time to raising children is a lonely, thankless undertaking that cuts against the grain of other activities that are apparently valued more highly by society.

Last week, I spent time in Boston talking to students about violence and other issues affecting their lives. I asked them whether they felt their parents were too busy to talk to them—and 3/4ths of the students raised their hands.

Parents need to spend more time listening to children—and the nation agrees. A recent Newsweek poll asked, ''How important is it for the country to pay more attention to teenagers and their problems?'' Eighty-nine percent of those polled replied that it is very important. If parents are not raising their children, we need to worry about who is.

The wrong kind of parenting can cause problems as well. Inconsistent or overly harsh discipline, may lead children to develop aggressive behavior. Inconsistent discipline is often associated with poor behavior in school and at home. These children also tend to have more trouble establishing strong relationships with their family, their teachers and their fellow students.

Parenting and coaching classes can make a significant difference in avoiding such problems. A recent study published in the American Psychological Association's Journal of Consulting and Clinical Psychology found that mothers who participated in Head Start parenting programs showed a decrease in their use of harsh criticism and an increase in their use of positive and competent discipline. The children were happier and their behavior was more satisfactory than children whose mothers did not receive parenting education.

When parents have the skills to deal effectively with their children, they are less likely to be abusive. Unfortunately, too many parents lack these essential skills. Each year over 3 million children are identified as victims of abuse or neglect. The consequences are devastating. Traumatized children are more likely to have alcohol and substance abuse problems and learning problems. They are also more likely to be arrested as juveniles and to engage in abusive behavior toward their own children when they become parents.

We know that suffering abuse as a child is strongly related to subsequent delinquency and abusive behavior later in life. But improved parenting skills can help break this vicious cycle. Parenting support and education have been proven to reduce abuse. In the Prenatal and Early Infancy Project, high-risk mothers were randomly assigned to one of two groups. One group received visits by specially trained nurses who provided coaching in parenting skills and other advice and support. The other group received no services. For those who received the assistance, child abuse was reduced by 80% in the first 2 years. 15 years after the services ended, these mothers had only one-third as many arrests, and their children were only half as likely to be delinquent.

Law enforcement officials also recognize the benefits of training parents. More than 9 out 10 police chiefs (92%) agreed with the statement, ''America could sharply reduce crime if government invested more in programs to help children and youth get off to a good start'' by ''fully funding Head Start for infants and toddlers, preventing child abuse, providing parenting training for high-risk families, improving schools, and providing after school programs and mentoring.''

These law enforcement officers are right. Parenting classes in conjunction with early education programs improve caregiver skills they also reduce crime dramatically and they reduce the likelihood of later delinquent behavior. A High/Scope Foundation study at the Perry Preschool in Michigan provided at-risk 3 and 4 year-olds with a quality Head Start-style preschool program, supplemented by weekly in-home coaching for parents. Two decades later years later, by age 27, those who had been denied the services as toddlers were five times more likely to be chronic lawbreakers.

A similar program in Syracuse provided child development and health services for at-risk infants and toddlers and parenting support for their mothers and fathers. The study found that kids denied the services were ten times more likely to be delinquent by age 16.

We pay a high price for abuse and neglect. In addition to its damaging psychological consequences, it is estimated that $22 billion is spent each year on services for abused children, their families, and foster care families. Investing in prevention programs, particularly parent support and education, will significantly reduce these abuse-related expenditures.

There is no question that investing in parents will pay-off. When we don't make this investment, we all pay more later, not just in terms of lives and fear, but also in tax dollars.

The ''Parenting As Prevention'' Act, which Senator STEVENS and I are proposing, will fund several initiatives that will improve parenting skills.

To identify the best parenting practices, a National Parenting Support and Education Commission will be established. The Commission will identify the most effective parenting practices, including the best strategies for disciplining children and youth, the best approaches for building integrity and character, and the best techniques for ensuring healthy brain development.

The Commission will also conduct a review of existing parenting support and education programs, and will provide Congress and the Administration with a detailed report of its findings. Perhaps, most important, essential parenting information will also be provided to parents—no new family will leave a hospital or adoption agency without information on how to best care for a baby. In Massachusetts, such an initiative is already underway.

Our amendment also supports the establishment of a grant program to strenghthen state initiatives for supporting and educating parents. Block grants will go directly from the Department of Health and Human Services to the states. Each state will establish their own Parenting Support and Education Council to award local grants. States will use their funds to establish support and education resource centers for parents and to strengthen support programs for children and teenagers. The grant program will support a wide variety of parental support initiatives including: home visitation for mothers of new babies; the distribution of parenting and early childhood development materials; the development of support programs for parents of young children and teenagers; respite care for parents of children with special needs; and the creation of a national toll free number that will offer counseling and referral services for parents.

Finally, our amendment will improve mental health services for violence-related stress. Regional centers around the country will be established to provide special training and research in psychological counseling and treatment. We know that the early years are essential to healthy development and that inadequate care during this critical period can have a devastating impact on future behavior. To reverse the impact of negative early experiences, regional centers on psychological and trauma response will identify the best practices for dealing with these problems. In the long run, successful early intervention is the best way to modify the culture of violence instilled in so many youth.

I urge my colleagues to support this amendment. Investing in parents and children is one of the best ways to prevent youth violence and we clearly need to do more in order to achieve this important goal.

I ask unanimous consent that letters of support for this amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MIT,
FAMILY RESOURCE CENTER,
Cambridge, MA, May 18, 1999.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: It is with pleasure that I write to express my full and enthusiastic support for your Amendment to S. 254 entitled ''PARENTING AS PREVENTION.''

The provision of the Amendment, including the establishment of a Parenting Support and Education Commission, a State and Local Parenting Support and Education Grant Program, and Grants to Address the Problems of Violence Related Stress to Parents and Children, could not be more needed, or more timely. I am confident that the Amendment will make a major contribution in addressing the pressing needs of parents in our country, and thus in preventing the tragic problems among children and youth that confront our nation today.

You are to be commended for your leadership in bringing forward this critically important legislative initiative.

In addition to serving as Administrator of Parenting Programs at MIT, I am Chief Consultant to the Harvard Parenting Projects and Director of the Harvard Project on the Parenting of Adolescents at the Harvard School of Public Health. I am also Founding Chair and National Liaison for the National Parenting Education Network.

If there is any assistance that I can provide to the new Commission, I would be very happy to do so.

Respectfully yours,
A. RAE SIMPSON, Ph.D.,
Administrator, Parenting Programs.

THE LATIN SCHOOL OF CHICAGO,
Chicago, IL, May 18, 1999.

DEAR SENATOR KENNEDY: I am writing to support your efforts at adding The Stevens-Kennedy Amendment to S. 254—the Parenting as Prevention Act. I have working at parenting education for two decades. I have taught parent education to lawyers, social workers, teachers, parents and students in k–12 settings in some of the most violent neighborhoods in Chicago. I have been able to prove that it does help children and parents to have more options, to understand the needs of children and others and to choose non-violent solutions to problems.

I have also been working for several years on parent advocacy groups to professionalize parent education and get some consensus regarding best practices. We need support and resources to do this. Many of us have been doing this for years at our own expense because we know how important parent education and support is to parents and future parents. Thank you for your efforts and please call upon me in any way I can to support your good work. We need this Act to do our good work.

Very sincerely yours,
DANA MCDERMOTT MURPHY,
Adjunct Professor, Family Studies Program—Loyola of Chicago; Coordinator, Parent Education Initiative, The Latin School of Chicago; Member, Advisory Council of the National Parent Education Network; and Member, Advisory Board of the Parenting Project-Boca Raton, FL.

WEBSTERS INTERNATIONAL, INC.,
May 18, 1999.

Senator EDWARD KENNEDY,
c/o Parenting Coalition International,
Washington, DC.

DEAR SENATOR KENNEDY: I am in support of the Stevens/Kennedy Amendment to S. 254 subtitled; PARENTING AS PREVENTION.

This is a most critical time in America's history. All of us need to realize, recognize,

and support the premise that parents are the single most important factor in determining the success or failure of their child. Beyond a doubt, based on the very latest research, parents are their child's most influential teachers. Therefore, it stands to reason that parents truly desire to learn the skills and attitudes they need in order to be the best parent they can be for their child. Those skills and attitudes do not come naturally; they are learned. We need programs that will ensure that parents are taught those skills and attitudes using the most positive methods available. Too many of them have learned negative parenting through the bad examples of their own parents.

We must start sending positive messages to our children instead of the poor, often confusing scenarios, we present to them now. I believe providing the states with funds to help them implement such programs would be most desirable, but only if we have a true method of determining that the monies are being spent correctly on parenting materials that have been proven to make a difference in the lives of both parents and their children, and that such programs are making a difference.

Sincerely,

GRETCHEN GLEAVES,
Vice President.

THE HEATHS,
Haverford, PA, May 18, 1999.

BELINDA ROLLINS,
President, Parenting Coalition International, Inc., Washington, DC.

DEAR BELINDA: Thank you for the privilege of reviewing and commenting on the provocative Stevens-Kennedy Amendment to S. 254.

Establishing a Parenting Support and Education Commission must be a component of any effort to improve the lives of America's children. Parents, defined broadly as anyone who has made a commitment to care for a child from now until the child reaches adulthood, provide their children with continuity of understanding and love as those children move through their growing years. That continuity is vital given the complexity of the society in which our children live, the range of experiences that they have and the vast number of choices which they have to make.

Senator Kennedy and his staff are to be congratulated for incorporating into the existing bill this additional component that will provide a means of strengthening parents' ability to nurture their children.

My experience of over thirty years of working with parents as well as consulting with parent programs world wide has led me to recognize the need for a Commission that focuses on the role of parents in the lives of their children, the effects of that role on the parents themselves and how to support parents that they may more effectively nurture their children. The Commission to be created by this bill will address these needs in at least three ways.

(1) Establishing such a commission will give recognition to the importance of parents in the lives of their children. No educational or social agency provides the continuity of love and care that parents give to children. This commission will keep in the national consciousness the unique role of the parent.

(2) The Commission will provide a means for investigating in depth social issues related to parenting. For example, rather than the public argument over whether or not mothers should work the commission could investigate the conditions that allow parents to have the time they need with their children while also carrying on their own lives and earning an income for their families.

(3) Having state and local initiatives, as described in the bill, will provide a means for raising issues from the local level to national attention as well as a means of passing down current research and information.

This amendment to S. 254 adds a significant component to the national agenda of supporting children by recognizing the important role that parents have in the lives of their children and by providing support and information to parents that will enhance their ability to nurture their children.

Again let me thank you for giving me an opportunity to respond to this innovative amendment.

Sincerely,

HARRIET HEATH, Ph.D.,
Director, The Parent Center, Bryn Mawr College.

BELINDA: Thank you so much for giving me the opportunity to review this amendment. I am amazed that you were able to get it put together and through the channels to be added to the bill. Congratulations.

I hope my letter supports the amendment is the way you had hoped.

I do have some comments on the amendment itself, as I think you were also asking for. I find it fascinating the groups you have included and see the political reasons for doing so. Your political savvy is amazing and so necessary if you are going to achieve your goals. And I am so glad that you are there working towards the betterment of parents.

A few comments: In your list of Commission members you need people knowledgeable about parental development and about the role of the parent in child development. I am not sure I am saying this very clearly but the writing on parents tends to focus on what parents do with and to their children, not on the determinants of the parental behavior themselves. Parenting tends not be discussed as it affects the parent except for specific periods such as the early adjustments to parenthood and parenting the adolescent when the mother may be menopausal and the father seeing limits to what he may accomplish.

I am uneasy about the dichotomy that seems to exist in the 8th and 9th listing. A good parenting education program, not including that produced through the media, has a strong supportive component.

In 8 are you speaking of family support programs that provide social and medical services as well as parenting education and support or are you referring to parent programs that are defined as totally emotionally supportive of parents without a content component except what the parents offer each other?

Speaking of ''best practices'' gives me visions of a cook book. It implies there are good recipes and all we have to do is identify them. I have not yet figured out how to write these sections but so much of parenting is developing plans for specific situations. Planning involves considering several key factors which include obvious such as the developmental level of the child, the temperament pattern, the needs, and the less often mentioned factors such as what are the parents' values and beliefs. The fact that parents deal with the issues they face by considering key factors must be recognized, and supported because, as we all know, one approach does not meet the needs of all children. But maybe all this is too complex for a bill.

One other issue—for future consideration. You pass over the elementary school years. They are a time when parents can delight in their children as those children are old enough to explore new skills, discuss ideas and just enjoy each other. These are also the years parents can do so much in preparing their children for the adolescence. It is a time of giving them that factual information they can use when making decisions about drugs, sex, etc. It is the time for developing decision making skills. And maybe most of all it is the time of deepening the loving relationship that will carry them both through the teen ages.

All of this may be too much for the bill. I look forward to the continuation of the discussion.

Again, thank you Belinda for the work you are doing and for including me in it.

I will send you a paper copy of the letter. Should it go somewhere else also?

Best wishes. See you Friday,

HARRIET.

FIGHT CRIME; INVEST IN KIDS,
May 18, 1999.

Re Stevens-Kennedy Amendment to Juvenile Crime Legislation.

DEAR SENATOR: As an organization led by over 500 police chiefs, sheriffs, prosecutors, victims of violence, leaders of police organizations, and violence prevention scholars, we write in support of the Stevens-Kennedy ''Parenting as Prevention Act'' amendment to S. 254.

Today, kids are being raised in households where both parents must work. In many cases, single, working parents raise children on their own. These new stresses are compounded by our increasingly mobile society. Parents often lack nearby grandparents and other close relatives to share the work of raising a child as well as provide coaching and emotional support.

The Stevens-Kennedy amendment recognizes that we must help parents face today's challenges in raising a child from the toddler to teen years. We all have a vital stake in seeing that children are provided with the best quality parenting because it is a critical factor in determining if a child will grow up to be a criminal or a contributing citizen and good neighbor.

Programs that help parent raise infants and toddlers supporting parents have been shown to dramatically reduce child abuse and neglect and other factors that increase the chances for kids to later engage in criminal behavior. For example, the Prenatal and Early Infancy Project (PEIP) randomly assigned half of a group of at-risk mothers to receive visits by specially trained nurses who provide coaching in parenting skills and other advice and support. Rigorous studies show the program not only reduced child abuse by 80% in the first two years, but that fifteen years after the services ended, these mothers had only one-third as many arrests, and their children were only half as likely to be delinquent.

The amendment would also help parents who struggle in the volatile teen years by offering advice, family counseling, and other services. Research demonstrates that parental involvement is critical in the teen years for the healthy development of kids, and to help troubled kids get back on track. For example, the Multi-Systemic Therapy program for teens already involved in serious crime works closely with the teens' parents and in replications around the country it has been shown to cut long-term rates of re-arrest by up to 70%.

The Stevens-Kennedy amendment provides much needed resources to treat victims of abuse and neglect, sexual abuse, violence, and other traumas. Research shows that when children are directly abused, or even when they witness violence in their lives, their developing brain's anatomy and chemistry is altered—a sound, or some other stimulus can ''flip the switch'' and their heart races as their mind becomes concentrated on flight . . . or fight. As opposed to the myth that children are infinitely resilient, Bruce

Perry of Baylor College of Medicine says, ''If anything we now know that children are more vulnerable to trauma than adults.'' Perry estimates that over 5 million children in the United States witness or experience traumatizing violence every year, including 1 million who are victims of abuse or neglect.

Programs that help parents raise responsible, healthy adults save lives and money. For example, a RAND cost-benefit estimate of the PEIP program concluded that the savings to the government alone (excluding other benefits to society at large) were four times the costs, and that figure did not include many savings, such as expected lower welfare costs for the children beyond age 15, nor the extra taxes they may pay as adults. RAND found that government savings from the program exceeded program costs by the time the kids were four years old.

If we can be of further help as you consider this amendment, please don't hesitate to call us.

Sincerely,

SANFORD A. NEWMAN,
President.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a summary of the Parenting As Prevention Act be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE STEVENS AMENDMENT—PARENTING AS PREVENTION ACT

The Parenting as Prevention Act addresses youth violence and juvenile delinquency by providing support and training to parents and potential parents to improve their parenting skill and focusing attention on brain stimulation to improve early childhood development.

A Rand study shows that for every dollar invested in parenting and improving early childhood education through brain stimulation, at least $4 are saved in later prison costs, rehabilitation costs, special education expense, welfare payments, etc. GAO puts the savings at above $7 for every dollar invested.

This state block grant program would be administered by the Secretary of Health and Human Services and developed in cooperation with the Attorney General who has responsibility for juvenile justice prevention programs such as the Boys and Girls Club, the Secretary of Education who provides some support to early childhood learning, the Secretary of Housing and Urban Development who would help distribute materials on parenting through public housing programs, the Secretary of Labor who offers parent training to welfare mothers as part of the Welfare to Work program, the Secretary of Agriculture who operates the WIC program and distributes information to rural America through the Cooperative Extension Service, and the Department of Defense who runs child care centers and provides other services to children of military families.

A National Parenting Support and Education Commission would be established to identify the best practices for parenting on issues ranging from discipline to character development to brain development to gun safety (Eddie Eagle). It would review existing parenting support and education programs and report back to Congress and the Administration on which ones are most effective.

The Commission would publish materials for parents in various formats on parenting practices and brain stimulation or distribute already available materials. No new family would come home from the hospital or adoption agency without information on how to raise the baby. Referral information on existing federal, state, and local programs would also be collated on one sheet of paper for distribution which would include eligibility criteria, phone numbers, and addresses.

The Commission must wrap up its work within 18 months. Such funds as are necessary are authorized for appropriation.

A State and Local Parenting Support and Education Grant Program is established which would provide a block grant to states with a small state minimum: States with Indian populations over 2% would provide 2% of the money to tribes.

The State would establish a State Parenting Support and Education Council to award grants at the local level which would include state government, bipartisan representation from the state legislation, and interested groups to be appointed by the Governor. If a state had an existing group, it could use that.

The State Council could award grants for:

(1) Parenting support programs for young children including distribution of parenting materials on brain development and best parenting practices; one on one visits to mothers of new babies on brain development and best parenting practices (cited as the best way to reduce child abuse, a leading cause of juvenile delinquency and violent crime); and parent training programs.

(2) Parenting support for teenagers including providing parenting materials in conjunction with existing programs such as Boys and Girls Clubs, YMCA, after school programs, and parent training classes, support groups, and mentors.

(3) Parenting support and education resource centers including a national 800 toll free number offer counseling, parenting advice, and referral to existing programs; and respite care for parents with children with special needs (retarded, mentally ill, behavior disorders, FAS/FAE).

A state which got a grant to provide a statewide program or a local group would only have to report back every two years, but would have to use specific performance measures, i.e. things like improvement in IQ scores, school achievement tests.

No more than 5% of the money could be used for administrative costs. The typical rate is 18–30 percent.

A state would have to maintain its existing effort, i.e. it can't cut its existing state program and replace it with a federal grant.

The program is authorized at such sums as are necessary.

Finally, the bill creates a program to reverse bad brain wiring caused by exposure to physical or sexual abuse or family/community violence. Research shows early intervention to be much more effective than later rehabilitation efforts as an adult.

Again, best practices for dealing with these problems would be identified by regional centers of excellence on psychological trauma and response.

Indian tribes, Native Hawaiians and other non-profits would be eligible for grants which would last for 3 years.

This program is authorized at such sums as are necessary.

Mr. HATCH. Mr. President, I ask unanimous consent the amendment be agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 363) was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

The Senator will withhold. The Senate is not in order. The Senator from Minnesota.

AMENDMENT NO. 364

(Purpose: To make an amendment with respect to disproportionate minority confinement)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk on behalf of myself, Senator KENNEDY, Senator FEINGOLD, and Senator FEINSTEIN.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. KENNEDY, Mr. FEINGOLD, and Mrs. FEINSTEIN, proposes an amendment numbered 364.

Mr. WELLSTONE. 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 as follows:

On page 129, strike lines 6 through 14, and insert the following:

''(24) 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 racial minority groups who come into contact with the juvenile justice system.''

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, let me talk in a general way about this. This legislation deals with juvenile justice. This amendment focuses on the justice part. We speak to what is called disproportionate minority confinement. What that really means, in concrete terms, to use one example, is African American kids ages 10 to 17 make up 15 percent of the population, but 26 percent of all juvenile arrests, 32 percent of delinquency referrals to juvenile court, 46 percent of juveniles in public long-term institutions, and 52 percent of cases judicially waived to criminal court; that is, adult court.

In the current legislation, what we have done is we turn the clock back a long ways. In the past, since the late 1980s, we have always tried to deal with this question of disproportionate minority confinement. What this legislation does is to essentially reverse this progress. I think, roughly speaking, about 33 percent of the population, ages 10 to 17, are minority youth. They represent about 66 percent, or thereabouts, of kids who are now incarcerated. The question is, Why?

There are lots of different reasons. Let me just list some that come from Department of Justice reports, some lessons that have been learned from some five different States. Some of the factors that can contribute to minority overrepresentation can be: racial ethnic bias, insufficient diversion options, system labeling, barriers to parental advocacy, poor juvenile justice/community integration, low-income jobs, few job opportunities, few community support services, inadequate health and

welfare resources, inadequate early childhood education, inadequate education quality, lack of cultural education, single-parent homes, economic stress, limited time for supervision. The factors go on.

But the key to an effective juvenile justice system is to treat every offender as an individual, to treat every offender fairly, and to provide the needed services to all. All youth who come into contact with the juvenile justice system should receive fair treatment. Surely every Senator agrees with that proposition.

The disproportionate minority confinement requirement in the current law is bringing about change and focusing attention on the problem. The current law says we call upon States to try to come to terms with this question. We call upon States to collect the data. We call upon States to think about whether or not there are steps that can be taken, and to put into effect some of these programs and some of the steps that could be taken to deal with this problem, to bring about more fairness, to end some of the discrimination.

As you look at this graph here, when you have 15 percent of young people ages 10 to 17, African American, but 46 percent of the juveniles in public, long-term institutions are African American kids, this ought to bother all of us. We ought to come to terms with this.

William Raspberry wrote in the Washington Post last week:

> These numbers strongly imply not disproportionate lawlessness, but dissimilar treatment throughout the juvenile justice system.
>
> At the very least, they are the type of numbers that ought to prompt criminal justice authorities across America to take a closer look at what they are doing.

That is what is so incredible about this legislation right now. It is as if starting in the late 1980s and then going to 1993 we recognized this problem, and in our juvenile justice legislation, up to this bill, we have said to States: You need to collect the data; you need to look at this problem; you need to try to address this problem.

This piece of legislation essentially guts this effort, and the amendment that we have offered is essentially the same House language that is now in their juvenile justice bill. It addresses juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas—that is very important—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.

There were close to 400 votes—I want my colleagues to listen to this—400 votes in the House of Representatives for this amendment that we now bring to the Senate floor.

The current law talked about the need to address this problem, to reduce the proportion of juveniles detained or confined in secure detention facilities, jails and lockups, who are members of minority groups if such proportion exceeds the proportion such group represents in the general population.

S. 254 guts the current law and talks about segments of the juvenile population. What does that mean? Boys? Girls? It does not deal with the issue of race and the severe overrepresentation of young kids of color who are locked up. That is the issue.

This amendment that I bring to the floor with Senator KENNEDY, Senator FEINGOLD, and Senator FEINSTEIN essentially says that we call upon the States to address the 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.

This is an eminently reasonable amendment, but it goes to the heart of the debate about racial justice in our country. S. 254 undermines this DMC core requirement of the Juvenile Delinquency and Prevention Act which directs States to identify this disproportionate confinement, to assess the reasons it exits, and to develop strategies to address the disproportionate number of minority children in confinement.

This legislation, S. 254, as now written, takes those efforts—some good efforts by our States, some 40 States involved with this—and basically heads these efforts for the scrap heap. This is a huge step backward.

This amendment has nothing to do with quotas. It does not require or suggest the use of numerical quotas for arrests or release of any juvenile from custody based on race. No State's funding is based upon quotas or anything else. But this amendment does put the Senate on record supporting the disproportionate minority confinement core requirement which now is in existing law that addresses a very serious and a very real problem.

It is well-documented that in every State—nearly every State—including my State of Minnesota, minority youth are overrepresented at every stage of the juvenile justice system, particularly in secure confinement. For example, a study in California showed that minority youth consistently received more severe punishments and were more likely to receive jail time than white youth who committed the same offenses.

Another study in Portland, OR, found minority youth being locked up at a rate several times higher than their arrest rates.

We ought to be concerned when, roughly speaking, 7 out of every 10 youths in secure confinement are minority juveniles in our country, a rate more than double their percentage of the youth population. Should we be concerned about that? Isn't this juvenile justice legislation? Let's look at the justice part.

We have close to 7 out of 10 kids who are in confinement in our country today who are locked up, incarcerated—juveniles, who are kids of color, minority kids, double their percentage of the population. We have way too many examples of kids having committed the same offense as white kids but receiving stiffer sentences or winding up incarcerated, and it is not right. It is unconscionable. It is unacceptable.

I do not think this whole problem of disproportionate minority confinement is the product of bigoted or racist authorities, though there is too much bigotry and there is too much racism. It is far more complex, and it results from all kinds of things, including the likelihood that minority youth are more likely to be poor, they are going to be unable to find work, uneducated, or, as William Raspberry suggests in his column, or they are politically unconnected, which means they will be less likely to have their children released to their custody by police officers and judges.

From William Raspberry's piece:

> It may result in a tendency of white officials to basically look at white kids as troubled youth and black offenders as troublemakers, gangsters or predators.

Forty States are doing good work. The Department of Justice issued a report several months ago which talked about some of the lessons learned from five States. I began to talk about some of those lessons earlier on and the kinds of efforts these States—Arizona, Iowa, North Carolina, Florida, and Oregon—are taking.

I believe Senator KENNEDY will come down and speak shortly on this amendment and then I will follow up his remarks. I am anxious to hear what my colleague from Utah has to say because he has been a Senator who has been extremely sensitive to these issues.

This does not make any sense. We have language in our current legislation that deals with this problem of the disproportionate number of kids of color who are locked up so we can find out what is going on and how we can do better. States all across the Nation are collecting the data and trying to find out what is wrong and trying to do better.

This current legislation before the Senate really turns the clock back. Why as a nation do we not want to come to terms with this question? Again, let me be clear about this, the current law talks about the need to reduce the proportion of juveniles who are detained or secured, confined in these secure detention facilities, the disproportionate number of minority groups, and then S. 254 comes along and talks about segments of the juvenile population.

This basically undermines the efforts that are underway. We are not talking about segments of the population. We are talking about race and, as a matter

of fact, it is very important that we continue to identify some of the problems we have to confront as a nation that deal with race. We are not talking about segments of the population; we are talking about the question of race.

Our amendment—I want every Senator to focus his or her attention on this—takes the House language, which was passed by 400 votes, and we talk about the importance of addressing the 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.

The current law, before this piece of legislation, acknowledges race is an issue. Whether we want to talk about it or not, whether we want to recognize it or not, whether we are comfortable with it or not, this isn't an issue that arose overnight.

In 1988, over a decade ago, the Coalition for Juvenile Justice released a report to Congress on race in the system called ''The Delicate Balance.'' They made the point, and this became part of the law that we had to do better as a nation, that we should be troubled by this, that we should be troubled that close to 70 percent of the kids who are locked up are kids of color, minority youth.

We want to make sure there is no discrimination. We want to make sure kids are treated fairly. We want to make sure that all of our citizens have some confidence in this justice system. Well, this piece of legislation takes us a long ways back, a long ways back.

For those who want to talk about the constitutionality of the DMC provision, it is just a scare tactic. It is just a figleaf. I read the language of the amendment which makes it crystal clear that we are not talking about numerical standards or quotas. I would like to read from a letter and ask unanimous consent that this be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. WELLSTONE. This is from 23 law professors endorsing the constitutionality of the disproportionate minority confinement amendment. I just read:

> There can be no serious constitutional objection to the DMC requirement in existing law. First, it does not single out members of racial minorities for any sort of distinctive treatment, nor does it impose any burdens on anyone else. The Supreme Court's decisions made it clear that constitutional questions arise, not merely from the use of racial terms in a law—for otherwise compiling census information about race would be unconstitutional—but only if there is some burden or benefit allocated on the basis of race. . . . The DMC requirements do nothing that crosses this minimum threshold.

This letter goes on and makes really a very strong case, signed by 23 law professors in our country.

I want to just make it real clear that the disproportionate minority confinement amendment that I bring to the floor with Senator KENNEDY is about race. Can I say this one more time to colleagues? Because when you vote on this, please understand this amendment is about race. Please understand that this amendment has the support of probably every single civil rights organization in our country. Please understand that this amendment has the support of just about every single children's organization you can think of, starting with the Children's Defense Fund.

Please understand that this amendment and your vote is all about race, because please understand that we are doing better, but to have a really better America we have to do even better when it comes to questions of race and discrimination.

Please understand that many citizens in our country do not have complete confidence in the system. When the minority community sees that close to 70 percent of their kids are locked up, when their kids make up not even 35, 33 percent of the population, and when they see that kids of color wind up incarcerated, when white kids do not, having committed the same offense, or given longer sentences, and when they see all the ways in which there is discrimination—and we have not come to terms with what is really going on with so many kids in these communities—it makes members of minority communities in our country very suspicious of a piece of legislation which focuses on juvenile justice but takes out the language we had in our legislation dealing with kids that assures that States will collect the data and will look at this question and try and do better.

I am telling you, this is a huge vote. This is all about race. It is about the disproportionate share of minority youth in our Nation's juvenile justice system. It is about helping States come up with plans to enhance prevention, to work with communities. It is not about releasing individuals from confinement because of their racial makeup or about instituting some kind of quota system. It is about fairness. It is about ending discrimination. It is about justice. It is about doing better as a nation. It is about doing better for all of our children, including children of color, and that is why this amendment has such intense, broad support. And it is why 400 Members in the House of Representatives voted for this amendment.

Mr. DURBIN. Will the Senator yield?

Mr. WELLSTONE. I will yield to the Senator or yield the floor, if you like.

Mr. DURBIN. I ask the Senator from Minnesota to simply yield for a question.

Let me say at the outset that I am honored to support this amendment. I am glad that Senator WELLSTONE, Senator KENNEDY, and many others have joined in this effort.

For those who question whether Senator WELLSTONE's testimony before the Senate is accurate, I share with them some statistical information which came as a shock to me. General McCaffrey, who is our Nation's drug czar, appeared before the Senate Judiciary Committee last year. I asked General McCaffrey if the statistics I had read were accurate.

The statistics I had read were as follows: 12 percent of the American population is African American; 13 percent of those committing drug crimes are African American; 33 percent of those arrested are African American; 50 percent of those convicted are African American; and 67 percent of those in prison for drug crimes are African American.

This is clearly completely disproportionate. This segment of the population has been focused on and what Senator WELLSTONE is seeking to do with this amendment is to make certain that we do not close our eyes to the reality. The statue of justice can keep a blindfold over her eyes with the scales before her; we cannot put a blindfold over our eyes. We have to be open to the reality that if we are discriminating against any group of Americans, regardless of their background or color, ethnic origin or race or religion, we have to be sensitized to it.

I do not know why this bill takes a step backwards. Thank goodness for the amendment offered by Senator WELLSTONE and others which puts us back on the right track to be honest and fair in the administration of justice in America.

I proudly stand in support of your amendment. I thank the Senator for his leadership.

Mr. WELLSTONE. I thank Senator DURBIN. He would like to be added as an original cosponsor. I would be very proud for him to do that. I ask unanimous consent that Senator DURBIN be added as an original cosponsor.

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

Mr. WELLSTONE. Thank you, Mr. President.

I have visited some of these facilities and they are pretty troubling. When you visit—I think, again, of the visit to Tallulah, LA—there and there is just a sea of, in this particular case, African American faces, young kids—many of them, by the way, locked up for as long as 7 weeks in solitary confinement, 23 hours a day; that is part of what they do there—it is troubling.

I think in the State of Louisiana—I do not know what the overall percentage of the population is, but I think about 80 to 85 percent of the kids that are confined there are African American. Here is what makes this so troubling.

It would be easy—I want every Senator listening to this—to simply attribute this large discrepancy to the fact that young people of different racial groups commit different types of crimes.

In 1992, though, there were significantly higher rates of admission of African American juveniles for every offense group. Please listen to that, because I do not want some colleague to come out on the floor and say: Well, there is a reason for this. These kids commit the crimes in exactly this percentage or this proportion.

Crimes against persons: Black males and females were six times more likely to be admitted to State juvenile facilities than their white counterparts—same crimes, six times more likely.

Property crimes: Black males were almost four times more likely to be admitted to State juvenile facilities than white males, and black females were almost three times more likely to be committed than white females.

Drug offenses: Black males were confined at a rate 30 times that of white males. In fact, among all offense categories, black youth were more likely to be detained than white youth during every year between 1985 and 1994. Minority youth were also more likely to be removed from their families than white youth. Black youth are also much more likely to end up in prisons with adult offenders.

In 1995, nearly 10,000 juvenile cases were transferred to adult criminal court by judicial waiver. Of those proceedings, cases involving black youth were 50 percent more likely to be waived than those cases involving white youth. Overall, again, black youth were 52 percent of all the children and adolescents waived to adult court, and in most States minority juveniles were overrepresented on average in these adult jails at a rate more than 2½ times their proportion of the total youth population. These are damning statistics.

When he was director of the Massachusetts Department of Services, Commissioner-Member Jerome Miller wrote of the cumulative effect of decisions made throughout the juvenile justice process:

> I learned very early on that when we got an African American youth, virtually everything from arrest summaries to family history to rap sheets to psychiatric exams to waiver hearings, as to whether he would be tried as an adult to final sentencing, was skewed. If a middle-class white youth was sent to us as dangerous, he was much more likely to be dangerous than the African American teenager with the same label. Usually the white kid had been afforded competent legal counsel, appropriate psychiatric and psychological testing, been tried in a variety of privately funded options and, all in all, had been dealt with more sensitively and more individually at every level of the juvenile justice process. For him to be labeled dangerous, he usually had done something that was very serious indeed. By contrast, the African American teenager was dealt with as a stereotype from the moment the handcuffs were first put on, to be easily and quickly moved along to the more dangerous end of the violent/nonviolent spectrum, albeit accompanied by an official record meant to validate the biased series of decisions.

I say to my colleague, Mr. DURBIN, I really appreciate his being here. Sometimes when we are in this Chamber, this is our reality. I want every Senator, including Republican Senators, to know, this is an amendment that deals with a very sensitive issue. This is an amendment that deals with race in America. This is an amendment that deals with all of the biases that go with that. This is an amendment that says we should not be passing a piece of legislation which essentially turns the clock backward, which takes the language that we had in our past juvenile justice legislation which calls on States to study this problem, calls on States to address the problem, and calls on States to do better, as many are doing right now, and essentially remove all that language. It is a charade.

I will go on record right now—I cannot see any way that I can support this piece of legislation if this amendment does not pass. I cannot see any way as a Senator I can support this. I will put Senators on notice—I think a good many Senators, many Senators should not be able to support this piece of legislation if this amendment, which is the same language passed by 400 Members of the House of Representatives—that has to include some Republicans; am I correct?

Mr. DURBIN. Yes.

Mr. WELLSTONE. Does not pass in the Senate.

What in the world is going on on the floor of the Senate that we are unwilling to pass an amendment that just calls upon States to continue to try to come to terms with this really huge, stark problem in America? Why in the world am I even out here having to debate this?

I am going to reserve the remainder of my time.

Mr. DURBIN. Will the Senator yield?

Mr. WELLSTONE. How much time do I have on our side?

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Minnesota has 31 minutes 35 seconds.

Mr. WELLSTONE. I am pleased to yield to the Senator from Illinois.

Mr. DURBIN. Let me say to the Senator from Minnesota, again, in support of this amendment—and I am happy to be a cosponsor of it—the important aspect in the administration of justice that is often overlooked is respect for the law. We teach our children to respect the law. We try to make certain that they teach their children. It is that legacy which allows the administration of justice to succeed.

When people lose respect for the law, it doesn't take too many of them to turn on a system and break it down. This amendment being offered by Senator WELLSTONE is an effort to make certain that we have respect for the law here, respect for the equal administration of justice.

We cannot be impervious or blind to the obvious. The obvious is demonstrated by the statistics I have mentioned on the floor and those read by Senator WELLSTONE. I cannot believe in 1999, at this stage in the history of this great Nation, we are prepared in this piece of legislation to take a step back in time when it comes to progress toward racial harmony in America. If we are so foolish to do that, we risk respect for the administration of justice and respect for the law.

People who observe this system can't ignore the fact that disproportionate numbers of minorities are being incarcerated and treated unfairly. I stand, as I am sure the Senator from Minnesota does, in saying that I want those who break the law to answer for it. I want to live in a safe neighborhood. I want to live in a safe town. If the perpetrator of a crime is black, white, or brown, male or female, it is irrelevant. They should be treated under our system of justice fairly and the same.

But when we look at the end result of this system of justice and see this disproportionate confinement of minorities, are we to turn our backs on that? Are we to walk away from that? What do we do to this Nation and our system of laws if we do? We risk, I am afraid, a disintegration of a sense of community in America, a disintegration of respect for law. Then we all suffer, not just African Americans, but also Hispanic Americans, those of every color and hue and ethnic background.

So I support this amendment, an amendment that passed overwhelmingly in the House of Representatives. I hope it will be enacted as part of this legislation. I say, as the Senator from Minnesota has said, every Senator should take this amendment very, very seriously.

I yield back to the Senator.

Mr. WELLSTONE. Mr. President, I don't want to take too much more of my time right now, because I really want this to be a debate. I will tell you, this amendment does not say you release kids. It has nothing to do with that. And, by the way, most of the kids in these facilities have committed nonviolent crime. That needs to be said as well. I have met kids breaking and entering, theft of mopeds; you name it, they are there.

What is going on right now in the country has a dramatic impact not just on these kids and not just their parents, but it has a devastating impact on minority communities. Let us finally please understand that as well. The disproportionate minority confinement, the disproportionate number of kids who are locked up, has a devastating impact on minority communities, a devastating impact on family relationships, a growing sense of anger and isolation and alienation and—my colleague from Illinois is right—distrust of the institutions in our country.

This is the final point, before I hear from my colleagues on the other side. All too often these ''corrections institutions''—this needs to be said—do not correct. They are a gateway to adult prison, because a lot of kids get out, and when they get out, they have it on

record that they have served time. They do not get the adequate training. They do not get the adequate support. And as opposed to any real correction that takes place, you have a lot of kids who get out of these institutions who are really, in many ways, kids who have become much hardened and with much less chance of doing well.

So there is also a connection to this problem, I argue, in the fact that, roughly speaking, in 1999 one-third of all African American men between the ages of 18 and 26, or 20 and 28, are either in prison or waiting to be sentenced, or have been paroled. Five times as many African American men of this young age are in prison as are in college, in higher education, in the State of California. We have to ask ourselves what is going on.

Again, we were making progress up to this legislation. We were making progress. We did something that made sense to our States. We called upon our States to really look at this problem and try to address this problem.

Mr. President, I reserve the remainder of my time.

EXHIBIT 1

MAY 17, 1999.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

Hon. PAUL D. WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATORS KENNEDY, FEINSTEIN, and WELLSTONE: As the Senate is considering S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, it has come to our attention that the sponsors of S. 254 have altered the language of the Disproportionate Minority Confinement (DMC) mandate in current federal law by removing any reference to the word minority, claiming that the law as currently written is unconstitutional. We believe this argument is without merit.

There can be no serious constitutional objection to the DMC requirement in existing law. First, it does not single out members of racial minorities for any sort of distinctive treatment, nor does it impose any burdens on anyone else. The Supreme Court's decisions make it clear that constitutional questions arise, not merely from the use of racial terms in a law—for otherwise compiling census information about race would be unconstitutional—but only if there is some burden or benefit allocated on the basis of race. Cf. Anderson v. Martin, 375 U.S. 399 (1964). The DMC requirements do nothing that crosses this minimum threshold.

Second, the DMC mandate is designed to identify whether unconstitutional racial discrimination is occurring in the juvenile justice system. The Supreme Court has held that practices that result in disproportionate burdens on racial minorities are unconstitutional if they have been adopted intentionally to have that effect. Washington v. Davis, 426 U.S. 229 (1976). The DMC requirements are directed at precisely that concern: They ask the states to determine whether DMC is occurring, and if it is, what its causes are. It cannot possibly be unconstitutional for Congress to direct that such an inquiry be undertaken. Cf. Hunter v. Underwood, 421 U.S. 222 (1985).

We hope that this information is useful as you continue your debate on this legislation.

Sincerely,

Mark Tushnet, Carmack Waterhouse Professor of Constitutional Law, Georgetown University Law Center; Milner Ball, Professor of Law, University of Georgia School of Law; Taunya Lovell Banks, Professor of Law, University of Maryland School of Law; Kelley H. Bartges, Associate Clinical Professor of Law, University of Richmond Law School; Steve Berenson, Assistant Professor of Law, Shepard Broad Law Center, Nova Southeastern University; Surrel Brady, Associate Professor of Law, University of Maryland School of Law; Angela O. Burton, Professor of Law, Syracuse University College of Law; Peter Byrne, Professor of Law, Georgetown University Law Center; Sheryll D. Cashin, Associate Professor of Law, Georgetown University Law Center; Sherman L. Cohn, Professor of Law, Georgetown University Law Center; John M. Copacino, Professor, Georgetown University Law Center; Michael Dale, Professor of Law, Shepard Broad Law Center, Nova Southeastern University; Steven Drizin, Northwestern University School of Law; John S. Elson, Professor of Law, Northwestern University School of Law; Dan Filler, Professor of Law, University of Alabama School of Law; Pamela Stanbeck Glean, Clinical Professor of Law, North Carolina Central University School of Law; Gerard F. Glynn, Visiting Professor of Law, Barry University School of Law; Martin Guggenheim, Professor of Law, New York University School of Law; Randy Hertz, Professor of Law, New York University School of Law; Paul Holland, Visiting Associate Professor, Georgetown University Law Center; Daniel Kanstroom, Associate Clinical Professor of Law, Boston College Law School; Madeleine Kurtz, Acting Professor of Clinical Law, New York University School of Law; Lundy Langston, Professor of Law, Shepard Broad Law Center, Nova Southeastern University; Stephen Loffredo, Associate Professor of Law, City University of New York School of Law; Kimberly E. O'Leary, Associate Professor of Law and Director of Clinical Programs, University of Dayton School of Law; Mari Matsuda, Professor, Georgetown University Law Center; Denise Meyer, Professor of Law, University of Southern California Law School; Alan D. Minuskin, Associate Clinical Professor of Law, Boston College Law School; Wallace J. Mlyniec, Lupo-Ricci Professor of Clinical Legal Studies, Georgetown University Law Center; Paul O'Neil, Professor of Law, Pace University School of Law; Bill Patton, Whittier School of Law; Patricia Roth, Georgetown University Law Center; Phillip G. Schrag, Professor, Georgetown University Law Center; Abbe Smith, Associate Professor, Georgetown University Law Center; Kim Taylor-Thompson, Professor of Clinical Law, New York University School of Law; Wendy W. Williams, Professor of Law, Georgetown University Law Center; Stephen Wizner, William O. Douglas Clinical Professor of Law, Yale Law School.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. As usual, I have to commend the Senator from Minnesota for his heart and for his desire to try to resolve problems that are difficult in our society. I have to say that I am concerned about the disproportionate confinement of minority youth, especially young African Americans and Hispanics, in our society—especially African Americans because it is disproportionate. If you really stop and think about it, the issue is who is committing the crimes.

I also agree it would be wonderful if we had a perfect system of rehabilitation for these young people. The juvenile justice bill provides an additional $547 million in addition to the $4.4 billion we spend annually for helping young people to get rehabilitated or to help prevent crime to begin with. I think that is the right direction.

This is probably the first bill in history that has 45 percent of the money in the bill for law enforcement and accountability purposes and 55 percent of the money for prevention purposes. But, you know, you still can't ignore the fact that these kids are committing crimes. Just because you would like the statistics to be relatively proportionate, if that isn't the case, because more young people commit crimes from one minority classification than another, it doesn't solve the problem by saying states should find a way of letting these kids out.

Now, if there is another problem, if there is literally a civil rights violation or a discrimination against minority youth, then that is a problem I think would need fixing. But I don't think that is a case that has been made so far.

The Democrats' amendment requires States to address efforts to reduce the proportion of juveniles who have contact with the juvenile justice system who are members of minority groups, if such proportion exceeds the proportion such groups represent in the general population. It fails to take into consideration who is committing these crimes. If a higher proportion of young African Americans are committing the crimes, do we just ignore that because we don't like the fact that it is disproportionate compared to Hispanic Americans or Anglo Americans? I don't see how you get around the fact that the ones who are committing the crimes are the ones who are arrested or incarcerated.

This amendment is not only ill-advised as a matter of policy and principle, but it is also unconstitutional. The amendment makes an overt racial classification. Juveniles must be classified according to race in order for this amendment to be followed.

This amendment is unconstitutional. As the Supreme Court announced in the 1979 decision of Personnel Administrator of Massachusetts v. Feeney:

> A racial classification, regardless of its purported motivation, is presumptively invalid and can be upheld only upon an extraordinary justification.

Now, such a classification could be upheld if there is an extraordinary justification, but that is not evident here. I just hear that there are more young African American kids who go to jail than white kids; therefore, there must be something wrong with the system.

I don't agree with that. If there are more young African American kids

committing crimes, and especially vicious crimes and violent crimes, you don't help the problem by saying they should not be punished and they should not be incarcerated somehow or other be sent to—unless there is a justification for that.

Now, according to *Personnel Administrator of Massachusetts* v. *Feeney,* a 1979 decision:

> A racial classification, regardless of its purported motivation, is presumptively invalid and can be upheld only upon an extraordinary justification.

That is the law, and I think it is a correct law.

More recently, in *Adarand Constructors, Inc.* v. *Pena,* the Supreme Court held that the Constitution requires the strictest judicial scrutiny ''of all race-based action'' by Government. What does that mean? It means that this amendment is subject to strict scrutiny and can be constitutional only if it is, under *Adarand,* ''narrowly tailored to achieve a compelling governmental interest.''

This amendment does not pass strict scrutiny. The only ''compelling interest'' the Supreme Court has recognized in this context is the remediation of past discrimination. Moreover, the Court requires a particularized showing of past discrimination. I don't think anybody would disagree with that.

Here there is no such proof of discrimination, and the current law, which this amendment replicates—and, I might add, expands—is not narrowly tailored to remedy past discrimination. In fact, the Justice Department regulations under current law require States to intervene regardless of the cause of disproportionate confinement. Instead of remedying past discrimination, much of the current law is aimed at prevention programs. This amendment, and the current law it replicates, cannot pass strict scrutiny.

I wish I could support this amendment, but its constitutional flaws prevent that. And, frankly, I believe that this amendment is bad social policy, because basically this amendment just says that these young people who have been engaged in criminal activity, somehow or other, should be proportionately given a break because there are more—in this case—young African Americans than young whites who are convicted. Now, that is unconstitutional in the light of Adarand and the Feeney case, and, frankly, under any principle of race neutrality in the justice system.

The proponents of this amendment are motivated, in my opinion, by the best of intentions. I share their concern. That is one reason I want this juvenile justice bill to pass, so we can get serious about violent juvenile crime and so we can use the tools of this bill to help to prevent that in the future. And we have significant prevention moneys in this bill to help get these kids away from ever committing crime again.

Like I say, the proponents are sincere. They want to help minority children avoid detention. However, I believe the best way to prevent the detention of juveniles is to prevent juveniles—of all races—from committing crime. I am proud that S. 254 provides $547.5 million in new funds for prevention programs. I have had to fight to get that. That is on top of and in addition to the $4.4 billion that we already have on the books every year for prevention programs.

It is unhealthy for the Government to focus only on reducing the detention of minority juveniles. We should focus on preventing crime committed by juveniles of all races and recognize that detention of juvenile offenders is sometimes necessary. As this current debate illustrates, it is inherently divisive when the Government makes racial classifications.

Look, if there is discrimination against minority kids, then you can count on me. I will fight alongside of my Democrat colleagues to end that discrimination. But to just say it is disproportionate without consideration to what crimes were committed, it seems to me, is not only unconstitutional, it is wrong.

S. 254 has a better provision. It requires that prevention resources be directed to ''segments of the juvenile population'' that are disproportionately detained. Such ''segments of the population'' could include, for example, certain socioeconomic groups that are more likely to be at risk. S. 254 directs prevention resources to such groups who need these resources the most.

Finally, not only is this amendment unconstitutional, it sets a terrible precedent. The premise of this amendment—requiring States to provide racial groups special attention if members of those groups are disproportionately likely to be detained—could be used to justify racial profiles. In my opinion, racial profiling is also unconstitutional, and I believe a significant number of constitutional authorities would agree with my analysis on that.

The Government simply cannot use race as a classification or a factor in the criminal justice system, because our system of justice should be color blind. If it is not, then I will work to correct that. But I don't have any evidence that it is not at this particular point, other than the visceral feeling of some that because more young African Americans than whites are convicted and sentenced to detention, there must be something wrong with the system.

Mr. President, I strongly urge the Senate to oppose this amendment.

I also understand that in our society a lot of young African American kids, a lot of young Hispanic kids, a lot of young Native Americans—and you can just go down almost every minority; there are literally dozens of minorities in this country—a lot of them don't have the best chance in this life. They are born in poverty. They are born into situations where there is no father, or they have a father who takes off on them, or they have a father who won't accept responsibility. They start off with a couple of strikes against them. I acknowledge that. We have to do something about that. But that doesn't mean we have to start racial profiling or that we have to start racial classifications to get there, unless we can show that there is prejudice, unless we can show that there is a reason to have this amendment.

If I might add a final note. I have bent over backwards to craft language which addresses the concerns raised by my colleagues. I think my language is constitutional and it has bipartisan support. Senator BIDEN supports the underlying amendment, and with good reason, because it is constitutional.

Having said all of that, again I will reiterate that I respect my colleagues. I respect their desire to right wrongs in our society. They know that I work on that too. I respect their desire to make sure that everybody is treated equally and in a decent manner. I respect their approach to try to end discrimination in our society. I join with them in those matters. But this particular amendment, it seems to me, is unconstitutional, and I certainly hope our colleagues will vote against it when I move to table it.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 12 minutes.

Mr. President, I want to first of all, thank my friend and colleague, Senator WELLSTONE, for offering this amendment and say that I welcome the opportunity to join with him and urge the Senate to accept this amendment, and to say that I think it is very basic and fundamental to the underlying purpose of the legislation, which is to try to deal with the challenge of juvenile violence in our country today.

Mr. President, the fact is that we should not have to be taking the time of the Senate on this amendment, because I am sure, as Senator WELLSTONE has pointed out, that this language which we are attempting to place into the juvenile justice bill is effectively the language that has been there since 1992. It was placed there as a result of extensive hearings that were held by Congress and the Senate—during that period of time—that showed the disparity of treatment between blacks and whites in the juvenile justice system. There is a range of different aspects of this particular provision.

I say at the outset that we will include in the RECORD a very comprehensive review on the constitutionality of this issue. It is interesting to hear that argument raised at this particular time, because the language has been in effect since 1992 and not challenged on a constitutional basis. It has just been mentioned during the course of this evening.

But, Mr. President, we should not look at this particular undertaking really in the abstraction of just juvenile justice. What we have to understand is that we as a country inscribed

slavery in the Constitution of the United States, and we have been trying to free ourselves from that admonition for some 200 years. We fought a civil war over it.

Over the very recent times, with the leadership of Dr. King and many others in the late 1950s and 1960s, we began to make some very important progress in knocking down the walls of discrimination. But still those elements of bigotry exist. Why else would we have the greatest number of hate crimes against blacks in our society? That happens to be a fact. We don't like it. We don't want it. We all deplore it. We are going to try to address that with hate crimes legislation. It is not going to solve all of the problems, but we are going to at least try to recognize that this is an issue.

Why is it that even after all the legislation we have passed to try to have fair and equitable employment on the basis of an individual's value and what they can do in terms of their skills in doing a job, why is it that we still find those barriers out there to knock out blacks and Hispanics and individuals whose skin is not white? That happens to be the case. We don't have to make that case tonight on the floor of the Senate.

Why, in 1988, did we have to revisit the Housing Act that we passed in 1968? Because of the continuation of racism in housing.

To listen to the Senator from Utah, you would think, maybe we do have problems there, but we don't have any problems in juvenile justice. Where are the studies? What studies have they looked at? That is just absolutely preposterous. That is absolutely preposterous. It exists in each of these areas I have mentioned. It exists in the criminal justice system. It exists between individuals who are white and black, out there tonight on the interstate highways, where you have racial profiling and where the number of people who are pulled over because their skin is black is sometimes four, five, six, seven times what it is if someone else's skin is white—and done over a long period of time. They can't demonstrate any higher percentage of incidents of violations of the law, not in terms of the growth percentage, but just in the incidental percentages. You can make that case. That is happening everywhere.

We had provisions in the juvenile justice that say to communities that we hope you will be encouraged to try to see in the areas of juvenile justice what we might be able to do—to try to see if we can't stem some of this problem among the young people in our society.

Why should we always have to wait until this problem exists? Why can't we try to see what can be done in the early days of young people to see what progress might be made?

This has not been used as a way or device to terminate funding for any of the States. You can't say that. You can't demonstrate that. If we had a fair time to talk about this and to debate it, you would find that States are making important progress in many different areas to try to deal with fundamental and underlying causes in their various communities. That is what we want to encourage—quiet, competent, effective work that is being done that can have an impact in terms of trying to make our juvenile justice system fair and equitable for all of the young people in our society.

Mr. President, this issue is of such importance, to be brought back in the time of the evening with the limitations I think really does a disservice to the importance of it. But we are where we are.

Let me mention the particular quote from the director of our Massachusetts Department of Youth Services, Mr. Miller, a very thoughtful, distinguished leader in terms of understanding the problems of juvenile justice. This is what Mr. Jerome Miller wrote about the cumulative effect of decisions made throughout the juvenile justice process:

> I learned very early on that when we got an African American youth, virtually everything, from arrest summaries to family history to rap sheets to psychiatric exams to waiver hearings as to whether he would be tried as an adult, the final sentence was skewed. The middle-class white youth sent to us was more likely to be dangerous than the African American teenager with the same label. Usually the white kid had been afforded competent legal counsel, appropriate psychiatric and psychological testing, been tried in a variety of privately funded options, and all in all had been dealt with more sensitively and individually at every level of the juvenile justice process. For him to be labeled dangerous, he usually had to have done something very serious, indeed. By contrast, the African American teenager was dealt with by stereotype from the moment the handcuffs were first put on, to be easily and quickly moved along to the most dangerous end of the violent/nonviolent spectrum, albeit accompanied by an official record meant to validate the series of decisions.

It goes on and on.

That is the state of the juvenile justice system in too many constituencies across this country. All this language does is remind us when we are talking about using the word ''justice,'' we are talking about equal justice, equal justice for blacks and browns in our system, equal justice for young people, equal justice for all.

Fundamentally, when we understand the problems we have in our society, to represent here on the floor of the Senate that somehow the juvenile justice system is an exception to all the kinds of challenges that we have in this Nation, fails, I think, the basic reason and rationality about what is going on in this country. It is not the accepted.

That is the effect of this, to try and not prescribe quotas, not get into the numbers game. That has never been part of the accusation on this provision, but just to hope that communities and States will, hopefully, develop a process and system that will be somehow more sensitive to the challenges we are facing as a country, as a community and in our States in juvenile justice.

This amendment cannot solve the problem and it won't even probably solve the majority of the problem, but perhaps because of it, there will be communities and there will be States that will have a truer system of justice for all the young people of this country. That is really what we ought to be undertaking and what we should be about.

The statistics on the treatment of minorities in the criminal justice system require an immediate response—especially the treatment of juveniles. I strongly support this amendment and I commend Senator WELLSTONE for his leadership. It deals with one of the most serious problems in current law—the disproportionate confinement of minority youths in state juvenile justice systems. In fact, the underlying bill will only make the problem worse, because it eliminates all references to ''minority'' or ''race'' and instead refers only to ''segments of the juvenile population.''

In 1988, after extensive testimony concerning the significant over representation of minority youth in state juvenile justice systems, Congress amended the Juvenile Justice and Delinquency Prevention Act to require states to address this issue. In the 1992 amendments to the Act, disproportionate confinement became a core requirement, by linking future funding to a State's compliance with addressing this basic issue.

Under current law, states are required to do three things: (1) identify the extent to which disproportionate minority confinement exists in their states; (2) assess the reason that it exists; and (3) develop intervention strategies to address the causes. The law does not require and has never resulted in the release of juveniles. It does not require numerical quotas for arrest or release of any youth from custody based on race. In fact, no state's funding has ever been reduced as a result of non-compliance with this provision.

This issue has festered in the juvenile justice system for years. To pretend otherwise is to ignore the facts. Over the past 10 years, documented evidence shows that disproportionately occurs at all stages of the system:

African-American youth age 10–17 constitute only 15% of the U.S. population. But they account for 26% of juvenile arrests, 32% of the delinquency referrals to juvenile court, 41% of juveniles detained in delinquency cases, 46% of juveniles in secure corrections facilities, and 52% of juveniles transferred to adult criminal court after judicial hearings.

As these statistics indicate, the over representation of minority youth increases as juveniles become more and more involved in the criminal justice system. The result is that African-American youths are twice as likely to

be arrested and seven times as likely to be placed in a detention facility as white youths.

Black males are 6 times more likely to be admitted to state juvenile facilities for crimes against persons than white youths—4 times more likely for property crimes—and 30 times more likely for drug offenses.

Black youths are also much more likely to end up in prison with adult offenders. In 1995, nearly 10,000 juvenile cases were transferred to adult criminal court, and black youths were 50% more likely to be transferred than white youths.

A study of the juvenile justice system in California found that minority youth consistently receive more severe punishment than white youth, and are more likely to be incarcerated in state institutions than white youth for the same offenses.

A 1998 University of Washington study confirms the justice within the juvenile system Narrative reports prepared by probation officers prior to sentencing portrayed black juveniles differently from white juveniles.

Black youth offenders were perceived as having character defects—condoning criminal behavior.

White youth offenders were perceived as victims of bad circumstances.

For example, two 17-year-old boys, one black and one white, are charged with first degree robbery. Neither had a criminal history; both used firearms and were accompanied by two friends. Listen to the probation officers' evaluation of the two boys—keeping in mind that 99% of the time, judges follow the recommendation of probation officers:

For the African-American youth, the probation officer wrote:

This appears to be a pre-meditated and willful act by Ed. . . . . There is an adult quality to this referral. In talking with Ed, what was evident was the relaxed and open way he discusses his lifestyle. There didn't seem to be any desire to change. There was no expression of remorse from the young man. There was no moral content to his comment.

For the white youth, the probation officer wrote:

Lou is the victim of a broken home. He is trying to be his own man, but . . . is seemingly easily misled and follows other delinquents against his better judgment. Lou is a tall emaciated little boy who is terrified by his present predicament. It appears that he is in need of drug/alcohol evaluation and treatment.

In 1993, Allen Iverson—who is the NBA's leading scorer and so far has led his team to the second round of the playoffs—was a senior in high school in Virginia. At the time, he was the top rated high school point guard and quarterback in the nation. One night, he and a group of other friends, all of whom were black, went to a local bowling alley and a racially-motivated fight broke out after a white kid directed a racial epithet toward Iverson. Although punches and chairs were thrown by both blacks and whites during the fight, no white kids were arrested or charged with a crime. Iverson, however, was convicted of ''maiming by mob'' and was sentenced to 15 years in prison with 10 years suspended. He was denied bail pending the appeal, even though felons convicted of more heinous crimes were routinely granted bail.

It was not until then-Governor Wilder granted Iverson partial clemency, that he was released from jail. He then went on to play basketball for John Thompson at Georgetown. He then left for the NBA where he became the first-round draft pick of the Philadelphia 76'ers. The only reason why Allen Iverson's case has a happy ending is because he is a star athlete. Otherwise, he would still be in jail like the thousands of other young black men who find themselves behind bars in much larger numbers than their white peers.

It is wrong to deny minority youth the right to fair treatment by the criminal justice system. Yet this legislation says to the African-American community, the Hispanic community and other minorities that Congress will continue to look the other way while minority youths are confined at disproportionately high rates by the current system.

What this bill says to minorities is that although we recognize that your children are more likely to be arrested than their white counterparts, we don't care, that although your children are being referred to juvenile court and adult court, at significantly higher rates than white youths, we're turning our backs on you.

It is essential for this legislation to retain fair requirements to deal effectively with this crisis. Current law does not require the release of juveniles. It does not require incarceration quotas. It does not require any other specific change of policy or practice. It does not take prevention money away from white youths and give it to minorities.

Disproportionate minority confinement is a serious problem requiring an ongoing and continuous effort to achieve a juvenile justice system which treats every youth fairly, regardless of race or background.

Examples of what the states are doing to address this challenge are numerous. In Pennsylvania, the State Commission on Crime and Delinquency provided funds to initiate prevention and intervention programs, including:

A drop-out prevention program; a program to help young minority females learn work and life skills; a program to decrease the delinquency rate and increase the level of school retention and success among targeted youth through life skills workshops, tutoring and homework assistance, physical fitness and sports, community service projects, and monthly parent group meetings.

By contrast, the underlying legislation encourages states to prosecute even more juveniles as adults. It allows records of juvenile arrests—not necessarily convictions—to be made available to schools, colleges and vocational schools. It requires school districts to mandate policies to mandate expulsion from school for regular possession of drugs, alcohol, or even tobacco.

The consequences of disproportionate minority confinement are harsh and unacceptable:

The Sentencing Project reported that ⅓ of all African-American males age 20–29 in the United States are under the jurisdiction of the criminal justice system—either in jail, in prison, on probation, or on parole.

The juvenile justice system often acts as a feeder system for minority youth into the adult criminal justice system.

In most states, the result of an adult felony conviction is the loss of voting rights. 1 in 7 of the 10 million black males of voting age are now either currently or permanently disenfranchised from voting-diluting the political power of the African-American community.

A significant impact of arrest or incarceration is often the reduction of future wage earning and employability. One study showed a 25% reduction in the number of hours worked over the next 8 years.

The truly tragic consequences of disproportionate minority confinement are removal of large numbers of potential wage earners, a disruption of family relationships and a growing sense of isolation and alienation from the larger society. These statistics only give us a small glimpse of the harsh consequences. They don't begin to tell the story of young black youth being targeted, harassed, intimidated, and treated differently because of their race.

The United Methodist Church has said that ignoring discrimination in juvenile sentencing * * * is 'careless, callous, and discriminatory enforcement of law.' ''

Ed Blackmon, Jr., Mississippi State House of Representatives, has said the ''So many of these young people have great potential for overcoming their troubles, and becoming successful young men and women in their communities. However, with the absence of good legal representation, and families that are not 'well-connected', they find themselves locked up, with very little hope.''

Kweisi Mfume, President and CEO of the NAACP, has said, ''The fact that S. 254 eases the requirement that states address the disproprotionatly high numbers of children of color in juvenile detention facilities is, in itself, a crime.''

Marian Wright Edelman, Founder of the Children's defense fun, has said ''With troubling reports of police brutality and racial profiling, Congress must continue to work with the states to ensure that the juvenile justice system affords our youth equitable and fair treatment, and not repeal the previous decade's worth of progress.''

This past weekend, in her address to the National Conference on Public Trust and Confidence in the Justice System, Supreme Court Justice Sandra Day O'Connor emphasized the need for racial equality and better legal representation, and called for improvements in family and juvenile courts. She also cited a 1999 survey entitled ''How the Public Views the State Courts''. According to that survey, 70% of African-American respondents said that African-Americans as a group, receive ''Somewhat Worse'' or ''Far Worse'' treatment from the courts than whites. A substantial number of whites agreed with this assessment.

As Justice O'Connor so aptly stated, ''Concrete action must be taken'' to erase racial bias.

At the very least, we cannot offered to retreat from the requirements of current law that the states must recognize and address this festering problem. To do less is unacceptable. I urge the Senate to accept our amendment and do the right thing on this critical issue of racial justice.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I yield 10 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 10 minutes.

Mr. DOMENICI. Mr. President, I will speak on our time in opposition to another subject for 10 minutes.

I rise today to address the issue of media and teen violence. I am sure I cannot do better than Senators who have spent so much time this month on this issue. I congratulate Senators MCCAIN, HATCH, BROWNBACK, BOND, and LIEBERMAN for their efforts.

However, because last year I had a personal, although long-distance encounter, with one of the more notorious characters in the media world, I thought I might share that event. First, I will start with a few observations of a more general nature.

First, just four short observations:

One, clearly a large body of research proves that the media target violence to teenagers. The movie and television rating system is too often unenforced. I urge my colleagues to read Sissela Bok's book, ''Mayhem,'' for a systematic look at the selling of carnage and rage to our youth by the media pushers.

Second, this issue is not new. Indeed, back in 1993 Senate bill 943, the Children's Television Violence Protection Act, was introduced in this body. Before that, we had a wide-ranging debate about television and movie violence in the 1980s.

So far, the entertainment industry, using the best public relations that money can buy, and by hiding their refusal to accept any restriction on their poison behind the first amendment of the Constitution, have been able to increase the violence and mayhem of their products without any accountability.

In 1954, the Senate Judiciary Subcommittee, chaired by then Senator Estes Kefauver, asked whether violence in media was destructive. The media kings said more research was needed. In 1969, the National Commission on Violence concluded that years of exposure to violence will cause the vulnerable among us to engage in violence much more readily and more rapidly.

I should add that CBS executives censored the script of CBS reporter, Daniel Schorr, when he tried to report this finding on television news.

In 1972, a massive report by Surgeon General Jesse Steinfeld concluded that a definite and causal relationship existed between violence viewing and acts of aggression. Then, in 1981, data further supporting Surgeon General Steinfeld's report was issued. This report was published by the American Psychological Association, a group of Boston pediatricians. They summarized 30 years of research on the subject: Watching violence causes aggressive behavior. That is their conclusion. To use the technical finding, there is a causal link between exposure of children to violent images and subsequent violent behavior.

As Senator BROWNBACK pointed out earlier, there is more and more evidence every single year that violence on television, in music, in movies, damages our children and leads some of them to act out of some of their violence in their daily lives.

Look at the trend lines. As violence has proliferated in the movies and on TV, juvenile violence has come right along with it and proliferated just as the violence in movies and on television.

Recently, at an event at which he raised $2 million from Hollywood, even President Clinton said, ''As studies show, hundreds (of vulnerable children) are more liable to commit violence themselves as a result of watching violence on television or in the movies.''

Both the American Medical Association and the American Association of Pediatrics have warned against exposing our children to violent entertainment. These doctors have to help rebuild the lives of children emotionally, sometimes physically maimed by elements of the entertainment industry.

Number 4, finally it is clear to me that the relevant committees of the U.S. Congress must continue to focus on this subject because the Congress sometimes has a short attention span, and the mind polluters know this. We have not had a comprehensive, intensive series of investigations.

But Congress should do this: We have subpoena power, which the relevant committees have, and should be used to compel those who hide to come forth and reveal the memos, the research, and the marketing tools they use to sell death and dismemberment to our children.

Mr. President, I hope that Senators will investigate the selling of movies that have the PG–13 ratings to those that are 7, 8 and 9 years of age as happened with Jurrasic Park. As Senator LIEBERMAN said recently, ''The evidence strongly suggests that Joe Camel has sadly not gone away, but has been adopted by the entertainment industry instead.''

In addition, we hope that committees will work on innovative legislation along the lines suggested by Senator BOND that will simply do one thing, the one thing the industry cares about: Making it less profitable to make and sell death and hate. Only by doing that will we force change. We have tried moral suasion and it is not working, although it is by far the best solution.

Let me conclude, Mr. President, with a personal interaction with one of the more outspoken opponents of change, Mr. Edgar Bronfman, chief executive officer of Seagrams Limited, which owns, among other things, Universal Studios and Universal Music Group, the world's largest record label.

On October 5, 1998, I wrote a letter to him. In that letter, I endorsed the plea of the National Alliance for the Mentally Ill, that Universal Studios, owned by Mr. Bronfman, add a statement to the studio's remake of the film ''Psycho.''

As most of my colleagues know, the subject of mental illness and efforts to help those afflicted, the work to remove the stigma of mental illness has been one of the issues I have worked on for much of my career.

So when I made my appeal I suggested that the industry merely note that in the years since 1960, when Alfred Hitchcock first made his movie, we have seen major advances in the treatment of major mental illnesses. We asked the statement also note that millions of Americans affected by those brain disorders are leading fulfilled lives because of medical research. We wanted to end the stigma attached to people who are mentally ill, and thus ask for a special favor.

I ask unanimous consent my letter of October 5 to Edgar Bronfman be printed in the RECORD, as well as the National Alliance for the Mentally Ill bulletin about the movie.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 5, 1998.

MR. EDGAR BRONFMAN,
President and CEO, The Seagram Company Ltd., New York, NY.

DEAR MR. BRONFMAN: As you may know, I have a strong interest in improving the awareness and treatment of mental illness. Improving perceptions and policies toward the mentally ill has become an important goal for both my wife, Nancy, and me.

I am aware that your company, as the owner of Universal Studios, is sponsoring the remake of the film, ''Psycho''. The National Alliance for the Mentally Ill (NAMI), has suggested that a message, such as the one below, should be displayed at the beginning of the film. This message would be an important preface to a film that depicts mentally ill characters in extremely negative terms. I support this initiative to recognize the availability of treatment and improve awareness.

Times have changed since 1960 and I believe it is important to recognize that the mentally ill have a right to medical attention without undue stigma from society.

The statement might read:

''Since 1960 when the original film Psycho was made, knowledge of the major mental illnesses has grown enormously. People who suffer from these brain disorders can be medically treated and are no more violent than the general population when they are under treatment.

''Please view this remake of Psycho keeping in mind that millions of people are affected by these brain disorders. They can now lead fulfilled lives and contribute to society because of medical research and treatment that has occurred over that past three decades.

''It is vitally important that we erase the stigma that surrounds mental illness.''

I appreciate your consideration of this matter and appreciate a positive response.

Sincerely,

PETE V. DOMENICI,
U.S. Senator.

STAND AGAINST UNIVERSAL STUDIO'S REMAKE OF THE FILM ''PSYCHO''

Universal Studios is starting this week to remake the 1960 film ''Psycho,'' called a classic because of its master film maker Alfred Hitchcock.

However, NAMI members and friends know—and need to share with the film makers of 1998—that the myths and misconceptions of this film, and the title itself, simply refuel the damaging and pervasive stigma that already envelopes the lives of people with mental illness.

NAMI is out to Bust Stigma wherever it exists. Each of us must help by letting the owner of Universal Studios know that stereotyping persons with mental illness in ''Psycho'' is as unacceptable and offensive as stereotyping race, religion, ethnicity or any other physical illness.

Research shows that persons with mental illness do not commit violent acts when they are under treatment and taking their prescribed medications.

Send your letters to: Mr. Edgar Bronfman, Jr., President & CEO, The Seagram Company Ltd., 375 Park Avenue, New York, NY 10152.

Flood Mr. Bronfman's office with your letters! Write yours today and get your friends at home to do the same!!!

BOARD STATEMENT: REMAKING OF THE FILM ''PSYCHO'', JULY 1998

Whereas, NAMI, the Nation's Voice on Mental Illness, works to provide education, advocacy, and support for all those affected by serious brain disorders, such as schizophrenia, bipolar disorder (manic depression), major depression, obsessive compulsive disorder, or panic disorder;

And whereas, the 1990's, known as the ''Decade of the Brain,'' has shown through advances in scientific research and varied treatment options that mental illnesses are no-fault brain disorders that can be effectively diagnosed and treated;

And whereas, it has been documented that individuals with brain disorders who are in treatment and responsibly managing their illness are no more prone to violence than those in the general population;

And whereas, NAMI, ever working to combat the pervasive stigma surrounding mental illness, finds images in the mass media that negatively influence the public's perception of serious mental illness, such as those portrayed in the 1960 Alfred Hitchcock film ''Psycho'', to be unfounded, hurtful, and demeaning to NAMI's 185,000 members; be it

Resolved, That, although NAMI recognizes Alfred Hitchcock as one of the film industry's most respected, innovative, and influential craftsmen, preeminent for his work in the ''thriller'' genre and for often focusing on the psychological motivations and underpinnings of his characters;

NAMI believes that Alfred Hitchcock's acknowledged classic ''Psycho'' was based on outdated, stigmatizing notions of family culpability and inherent violent tendencies in those with mental illness;

And therefore NAMI registers its strongest objection to a remake of the film ''Psycho'' as planned by Universal Studios wherein individuals with serious mental illnesses are portrayed inaccurately and alluded to disparagingly.

Mr. DOMENICI. About 3 weeks after I sent my letter, on October 29 I received a response, not from Mr. Bronfman, but from one of his lawyers. I ask unanimous consent this letter of October 29, 1998, be printed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSAL,
Universal City, CA, October 29, 1998.

Hon. PETE DOMENICI,
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: Edgar Bronfman, Jr. forwarded to me your October 5, 1998 letter regarding the film ''Psycho.'' He asked that we carefully consider the issues that you raised.

As you know, ''Psycho'' is a remake of Alfred Hitchcock's 1960 film—a work that is widely regarded as a ''classic.'' the cultural, historic and aesthetic significance of the film was recognized by the Librarian of Congress when he selected it for inclusion in the National Film Registry.

The film that Universal Pictures will be releasing later this year is as true to the original as any ''remake'' in the history of our industry. While it is updated for today's audience in that it is filmed in color and uses modern special effects, it follows the original dialogue and images almost scene-by-scene.

Universal's Motion Picture Group has given the issues that you raised a good deal of thought. We believe it is significant that the film does not trivialize the issues that you raised or in any way ridicule or belittle those who suffer from mental illnesses. Importantly, the marketing campaign for the film tracks the storyline and does not attempt to undermine the important progress that society has made toward better understanding mental illness.

The art of storytelling, by its very nature, can involve subject matter that some may find disturbing or uncomfortable. We believe that preambles such as the one you suggest cannot, as a practical matter, be used to address the concerns that may present themselves to some members of the audience.

My colleagues and I at the studio would be glad to meet with representatives from the mental health community. We believe that such a meeting would help us better understand the issues that you raise and heighten our awareness of the progress that has occurred in the field. Because we might find ourselves working on films that address mental health issues in the future, we would welcome the opportunity to enhance our sensitivity to and understanding of the subject matter. We have found similar meetings with other outside groups to be worthwhile and productive in the past.

Respectfully yours,

KAREN RANDALL,
Senior Vice President & General Counsel.

Mr. DOMENICI. To put it in polite terms, the lawyer suggested that maybe those of us concerned about mental illness could meet with Universal Studio lawyers to talk things through, sort of a therapy session for those too sensitive to the world. But the lawyer was clear, Universal Studios was not going to add any language that the Alliance for the Mentally Ill had asked of them and suggested. After all, the movie is a classic, they said, and critics have said so. In short, the message was, you are being a little sensitive, but do not disturb the creative genius that is at work here.

Then I read in recent weeks more accounts of the distinguished Edgar Bronfman. It seems he was one of the entertainment kings who refused to attend the White House Conference on Teen Violence and the Media. He also refused to participate in hearings into teen violence and marketing of violence to teens that Senator BROWNBACK held on May 4 of this year. But this time the gentleman found time to pontificate about those who tried to show leadership and the relationship between the music and television shows and movies he produces and the violence affecting our teenagers. He said:

It is unfortunate that the American people get finger pointing and chest pounding from government officials.

And having delivered himself of such nonsense, Mr. Bronfman departed to Florida to dedicate a theme park.

I decided to learn more about him. It turns out he inherited a business from his family—nothing wrong with that. He decided to branch into the media. He now heads Universal Studios, which recently gave us the classic, ''The Mummy.'' He should be proud. It turns out that one of his musicians is Marilyn Manson, winner of the MTV award for the new best artist of the year. Manson is the author of such classics as ''Irresponsible Hate Anthem,'' which contains the line, ''Let's just kill everyone and let your God sort them out.'' And then using the ''f'' word.

This was just one song on the Bronfman-produced album, ''Anti-Christ Superstar.'' I think he should be proud of what he produces.

I say that obviously not meaning it.

Even when thoughtful members of the entertainment industry, like Rob Reiner and Joel Schumacher call for real, honest review of the guts, gore, and godlessness Hollywood turns out, the distinguished Bronfman disagrees. He says that attacking Hollywood for its culture of degradation is opportunism. He seems to have a very similar view to that expressed by another Hollywood executive who said the first amendment ''keeps the Government out of our industry and lets us be what we want.''

This is more than facile cynicism. It is more than merely mercenary spirit. This is the cry of those who have thrown aside all notions of good and evil and who merely want the rest of us to let them be. They want to sell whatever they can to whoever they can entice and want the rest of us to let them

be. After all, who are we? Parents? Grandparents? Public officials? American citizens? Who are we to criticize them?

These people should look at their deeds and be proud—really proud.

Let me conclude by asking simply this question: What in the world would our Founding Fathers make of an interpretation of this great document called the Constitution that claims that the glorification of rape, dismemberment, violent death is unequivocally and absolutely protected by freedom of speech?

The result is we are seeing kids imitating art, taking their guns to school, joining gangs, and committing acts of violence. I suspect the Founding Fathers would simply have said: Is this the pathetic pass you people have come to? Shame on you. And we would not have made them proud.

The PRESIDING OFFICER. Who yields time on the amendment? The Senator from Alabama.

Mr. SESSIONS. Mr. President, on behalf of Senator HATCH and the managers of this bill, I would like to make a few remarks at this time on the time of Senator HATCH.

Senator DOMENICI, I thank you very much for your willingness to become engaged in this issue, to confront some of these problems. I, like you, do not believe the airways and all this country are necessarily free for every use piped into our homes, for our children, when people are not ready to deal with it.

I wonder if you remember the time when the Pope came to Hollywood, 10 or 12 years ago, and met with movie moguls—at least a decade ago I suppose. I have a vivid recollection of members coming out of that meeting. He had all the Hollywood titans and moguls there. He talked to them about the need for them to improve the entertainment they were putting out. He urged them to do better.

The Hollywood titans came out and they were interviewed on the television. They said: He made some very good points. We have to consider that. We have to do better.

I remember Charlton Heston came out at the very end and they said: Mr. Heston, do you think anything is going to change?

He looked right in the camera and said: They wouldn't change if the Lord himself spoke to them. They are after ratings and the almighty dollar.

If we do not have power under the first amendment to constrain some of this, I think it is quite appropriate that they be taken to task and they be urged, in the name of decency and humanity, to clean up their act. If you have to make money, do you have to make it at this low a level?

I wonder if the Senator has a comment on that.

Mr. DOMENICI. I do. I talked to the Senate a little bit lately about character education. I am putting a statement in the record regarding Character Counts, an education program which utilizes six pillars of character. One of them is responsibility and another is trustworthiness. We are all excited about this program and hoping our children will learn responsibility and trustworthiness—meaning don't tell lies, be responsible for the agreements you make, to the covenants you have, to the institutions you support.

Isn't it interesting, everybody says we ought to be promoting this because our children need it. Actually, I do not know how to stop what I have described about Hollywood tonight. I do not know how we can do it in law. But sometime or another, somebody has to be responsible. Somebody has to step up to the bar in the movie industry and say we ought to challenge those who work in the industry, who produce these products that are going out to our children and to our people, and see if we can't turn it in another direction. Do we have to pick the easiest prey, our children, and produce the easiest film that will make money? You know they all make money if you load them with this kind of violence and degradation. Can't the movie industry work on something better? I think that is the challenge.

I do not have an answer, but maybe a group will be formed and among them they will grow up. Maybe some board of directors of some corporation with a mother or a grandmother on the board may for once ask: What are we putting on television? Can we look at the programs that we are spending our corporate dollars on and see?

Wouldn't that be something, if every chief executive, instead of listening only to his advertising man, had a board that wanted to see what they were buying. Not only by way of advertisements, but also programs they bought? That might be a nice idea, if people started doing that, you might hear some mothers and some grandmothers and some parents speaking out.

Mr. SESSIONS. I think the Senator is correct. We do have authority as Senators to speak out.

The President spoke out in a radio address just a few days ago, according to the Washington Post. He broadcast a radio address bluntly challenging the purveyors of violent movies and video games to accept a share of the responsibilities for the tragedies, such as the Columbine High School massacre, based on the evidence that some people become desensitized and are more prone to emulate what they see on the screen.

However, reading this very same article, when he went out, within hours of that radio address, and met personally with the titans of Hollywood, he delivered that message ''with all the force of a down pillow.''

The Washington Times said he assured the filmmakers that they were not bad people, as they showered him with $2 million. He assured them they had no personal responsibility for the Columbine High School massacre in Littleton, CO. Instead of blaming Hollywood for making violent films, he said the real blame lies with theaters and video stores that show them and sell them to minors.

The President told the audience of stars and studio moguls that they should not blame the gun manufacturers either, but he blamed the Republican Members of Congress who will not enact his gun control laws. The President gingerly suggested at the Saturday night fundraiser in Beverly Hills that sustained exposure to ''indiscriminate environments can push children into destructive behavior,'' but he added quickly, the producers, directors, and actors who ponied up $2,500 per couple are not at fault. ''That doesn't make anybody who makes any movie or any video game or television program a bad person or personally responsible with one show with a disastrous outcome. There is no call for finger pointing here.'' He later went on to note we were going to work it out as family.

We need to send a clearer message than that. Perhaps his radio message was a better message. It is unfortunate that when he met with them face to face, he toned it down an awful lot, apparently. I suggest, if the Senator will comment, which one does he think those media moguls are going to believe was his real view, the one he said on the radio or the one he said to them personally?

Mr. DOMENICI. Let me first respond by saying what I forgot to say when the Senator from Alabama first stood up. I should have congratulated him for the excellent job he has done on this bill. He has been on the floor when I have handled lengthy budget bills and a lot of amendments. He was there to encourage me. I think we worked nicely together. He learned some things during the budget resolution.

What a marvelous job the Senator has done under very tough circumstances. I commend him for that.

Frankly, it seems to me we need every bit of leadership we can get to assess this issue and be realistic about it. From the President on down, leaders have to tell the truth. Those people who are involved in the business of producing movies and films which our young people view, which we know are more apt to cause them to use guns, are more apt to cause them to do violent things, they need to acknowledge the truth.

For those in the entertainment industry to say there is no proof that movies cause violence, what kind of proof do you need? There are multiple studies that say there is a relationship.

Does the Senator remember when he was growing up that people would say, ''Well, if you read a good book, it is going to be good for you''? Doesn't it follow that if you read something that is not good, you are apt to learn that also? Whoever defines good or bad, that is up to them. But it is just obvious

that one cannot see all of this violence and not be adversely affected by it.

Just starting with that and saying let's all acknowledge that, what do we do about it? There may be a lot of different things. Certainly I do not have the prescription, and I did not say I did. But I think we ought to begin by saying that we should not get this into the minds and hearts and senses of our young people. We ought to find a way to avoid it. We ought to find a way to give them better things to view, better things to hear.

It seems to me the country would be so relieved if some of those leaders in that industry were to step forth and say: We just formed a group that is going to try to do that. We don't know how successful it will be.

They might be shocked. It might be very successful.

I yield the floor.

Mr. SESSIONS. Mr. President, I will briefly make some comments concerning the Wellstone-Kennedy amendment and share some thoughts on this situation with which we are wrestling.

Right across the street on the marble of the U.S. Supreme Court are the words ''Equal Justice Under Law.'' That is a cornerstone of American thought. It is a cornerstone of our belief of who we are as a people. It is critical that we maintain that in our juvenile and adult court systems, and that in all aspects of our American court system we recognize that people who come before the court must be treated equally, regardless of their station, regardless of their race, regardless of their sex, and regardless of their religion. That is so basic to who we are as a people.

We have not always been perfect in that. In fact, we have made a number of errors over the years. Less than an hour ago, I met in my office with Dr. Glenda Curry, who is the president of Troy State University in Montgomery. She is completing work on the Rosa Parks Museum. Rosa Parks was a victim of an unfair system, and when asked to move to the back of the bus in Montgomery, AL, in the 1950s, she said no. She refused to move, and she challenged an unjust law and was able to overturn that.

To say we have never had problems or we do not have problems in the fairness of law is not accurate. This Nation has made tremendous progress. We are moving well to eliminating those kinds of things. They are just not showing that.

I will tell our concerns which are so troubling. Under the previous legislation, that Senators WELLSTONE and KENNEDY proposed to use again in this bill, the law required, before a State can receive money, they have to submit a plan and their plan shall ''address efforts to reduce''—reduce—''the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population.'' It says the numbers have to be reduced based on race.

We need to strive to make sure that nobody is incarcerated who is not guilty of a crime, but we ought not be passing a law requiring the reduction of the proportion of juveniles confined if it simply does not meet a perfect numerical percentage.

I believe, as a result of my study of the Supreme Court decision in Adarand as well as other cases, that this is unconstitutional, and it is certainly bad policy.

Under the leadership of Senator HATCH, who is a scholar on these issues and who has held hearings on what to do about quotas and affirmative action, the Judiciary Committee developed and passed this legislation with this language, and we changed it slightly. This plan, which the States have to submit to be eligible for funding shall, ''to the extent that segments of the juvenile population are shown to be detained or confined in secure detention facilities, secure correctional facilities, jails and lockups, to a greater extent than the proportion of these groups in the general juvenile population, address prevention efforts designed to reduce such disproportionate confinement, without requiring the release or the failure to detain any such individual.''

In other words, this focuses on the problem more directly. It says that when you have $1 billion of prevention money in this juvenile justice bill, that prevention money needs to be directed to try to prevent crime. But it also suggests that that prevention effort ought to be directed to those kids if they are in a minority population that exceeds the number in the general population in the juvenile court system.

So I think this is a reasonable and constitutional provision. I think it is a right step. I simply and reluctantly must say I have to oppose this amendment. I just do not believe it can be justified under what I understand to be a legitimate constitutional law.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I am prepared to yield back the remainder of our time if the other side is. But let me just put an article in the RECORD. It is by the Center for Equal Opportunity entitled ''Unconstitutionality of 42 U.S.C Sec. 5633(a)(23).'' It is written by Roger Clegg. I think it makes an awful lot of sense. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Center for Equal Opportunity, May 5, 1999]

UNCONSTITUTIONALITY OF 42 U.S.C. SEC. 5633(a)(23)

(Roger Clegg*)

42 U.S.C. sec 5633(a)(23) requires states that wish to participate in the Formula Grants Program of the Juvenile Justice Delinquency and Prevention Act to submit a plan that shall, inter alia, ''address efforts to reduce the proportion of juveniles detained or confined * * * who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population.''

In our view, this provision is not only misguided as a matter of policy but also unconstitutional.

The Supreme Court has made clear that any use of a racial classification by any government is presumed to be unconstitutional. It declared in *Personnel Administrator of Massachusetts v. Fenney*, 442 U.S. 256, 272 (1979): ''A racial classification, regardless of its purported motivation, is presumptively invalid and can be upheld only upon an extraordinary justification.'' More recently, the Court held that the Constitution ''requires strict scrutiny of all race-based action.'' *Adarand Constructors, Inc. v. Pena*, 515 U.S. 200, 222 (1995); see also *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989).

It cannot be seriously argued that subsection (23) does not use racial classifications and does not encourage funding recipients to do so. Juveniles must be classified according to race in order for subsection (23 to be followed, and different government actions are contemplated depending on those classifications. Further, one set of consequences obtains if minority groups are ''overrpresented'' and another set of consequences if nonminorities are ''overrepresented.''[1]

In determining whether a racial classification exists, it is always useful to put the shoe on the other foot. Suppose a state announced that it would intervene to bring down the number of white people who were detained or confined whenever that number was greater than ten percent of the minority detention and confinement rate. There would be no serious argument that the state was not using a racial classification.

Accordingly, the only remaining legal issue is whether subsection (23)'s racial classification passed ''strict scrutiny.'' This requires that it be justified by a ''compelling'' interest and that it be ''narrowly tailored'' to that interest.

Strick scrutiny cannot be passed. The only compelling interest the Supreme Court has recognized in recent years is the remediation of past discrimination, and it is difficult to conceive of any other compelling interest here.[2] But remedial justification is clearly implausible for subsection (23).

In the first place, the subjects of the racial classification here are juveniles, which

[1] The racial classification would remain, however, even if recipients were required to reduce the ''overrepresentation'' of nonminority groups, too.

[2] The remedial justification is apparently the basis for subsection (23). See U.S. Dep't of Justice Office of Juvenile Justice & Delinquency Prevention, *Juvenile Justice Bulletin* (Sept. 1998), at 1. See also 28 C.F.R. sec. 31.303(j) (1998).

Justice Powell thought that ''diversity'' in higher education presented a compelling interest, but no other justice joined his opinion in *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978), and in any event Justice Powell's explanation of the importance of diversity was peculiar to the university context and has no application to prisons. An argument that, to ensure public confidence in our criminal justice system, the inmate population must ''look like America,'' is similar to the argument that Justice Powell rejected immediately in *Bakke*, 438 U.S. at 307 (subpart IV–A). Furthermore, the inmate population has never reflected society generally insofar as it is younger, more male, and poorer.

While preventing crime may be a compelling interest, preventing crime by members of particular races is not, and so the use of racial classifications serves no compelling anticrime interest—or, alternatively, the use of race is not narrowly tailored to that interest.

means that they were born in 1982 or later. Thus, they were not alive during the days of slavery or Jim Crow, let alone sufferers during them. Moreover, there is no evidence that all prospective funding recipients have a current or even recent history of racial discrimination, and there is no requirement under subsection (23) that only recipients with such a history are required to use racial classifications. The Supreme Court has made clear that a particularized showing of past discrimination in the specific context being remedied is necessary. See *Croson*, 488 U.S. at 498–506 (subpart III–B); see also *Bakke*, 438 U.S. at 307–10 (subpart IV–B) (opinion of Powell, J.). We note that one study of recent data from the Bureau of Justice Statistics found that, for cases filed in state courts in the seventy-five largest counties in May 1992, blacks were actually more likely than whites to be acquitted in jury trials for most felony crimes. Robert Lerner, ''Acquittal Rates by Race for State Felonies,'' in *Race and the Criminal Justice System* (Center for Equal Opportunity 1996).[3]

It is also noteworthy that the federal government is not administering subsection (23) in a way that requires that the racial classification being used be aimed at ending discrimination in the criminal justice system. To the contrary—if the September 1998 *Juvenile Justice Bulletin* (''Disproportionate Minority Confinement: 1997 Update''), published by the U.S. Justice Department's Office of Juvenile Justice and Delinquency Prevention, which administers subsection (23), is any indication—most subsection (23) programs are not aimed at the criminal justice system at all, but are instead aimed at preventing antisocial behavior in juveniles from ever occurring in the first place. See also 28 C.F.R. sec. 31.303(j)(3) (1998) (Justice Department regulations require intervention irrespective of cause of disproportion).

This preemptive approach makes a great deal of sense—and it underscores why the race-based approach of subsection (23) itself does not. The criminal justice system is not to blame for the disproportionate number of offenders from some minority groups, and the problem of juvenile crime is not limited to any one racial or ethnic group, even if some groups may be disproportionately represented among juvenile offenders. Urging that funding recipients view the problem of juvenile crime through a racial lens is exactly the wrong thing to do. Programs for at-risk youth should not be limited to minorities, as if only blacks and Hispanics commit crimes and as if it is not equally tragic when a white youth becomes a criminal.

Indeed, it sets a very dangerous precedent to argue that the government may target racial and ethnic groups for special attention if members of those groups are disproportionately likely to run afoul of the law. Such precedent could be used to justify, for instance, the use of racial profiling by the police. We are, therefore, surprised that the NACCP is urging its members to support subsection (23). See NACCP, *Urgent Action Alert* ''Re: Juvenile Crime Bills'' (Mar. 31, 1999).

*Roger Clegg is vice president and general counsel of the Center for Equal Opportunity, a Washington, D.C.-based research and educational organization. Mr. Clegg is a former Deputy Assistant Attorney General in the Justice Department's Civil Rights Division and teaches employment discrimination law as an adjunct professor at George Mason University School of Law. He is a graduate of Rice University and Yale Law School

Mr. HATCH. Mr. President, if the other side is prepared to yield back, I am prepared to yield. If not, we will reserve the remainder of our time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. There have been statements made on the floor of the Senate on this question that I want everybody in the country to know about. I want to have a chance to address these questions. We certainly will use the rest of our time.

I yield 5 minutes to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank you and especially thank the Senator from Minnesota for yielding me the time, but especially for his tremendous leadership on this issue, as well as Senator KENNEDY.

This amendment merely preserves the status quo with respect to the disproportionate minority confinement core requirement of the juvenile justice deliquency prevention formula grants.

Disproportionate minority confinement is a serious problem in many of our States, and has been for quite some time. Just as an example, in Pennsylvania, studies in the late 1980s showed that while minorities constituted only 12 percent of the juvenile population, they represented 27 percent of juveniles arrested and 48 percent of juveniles charged in court. In 1995, in Ohio, minorities comprised 14 percent of the state's juvenile population, but 30 percent of those arrested and 43 percent of those placed in secure correctional institutions.

And currently, nationwide, although African Americans constitute only 15 percent of the U.S. population of juveniles, they account for 26 percent of juvenile arrests, 46 percent of juveniles in secure corrections facilities, and 52 percent of juveniles transferred to adult criminal court after judicial hearings.

A study in California showed that minority youths consistently receive more severe sentences than white youths and are more likely than white youths to be committed to State institutions for the same offenses. And here is another disturbing statistic: nationwide, African American males are 30 times—30 times—more likely to be detained in State juvenile facilities for drug offenses than white males. In Baltimore, African American males are roughly 100 times more likely to be arrested for drug offenses than white males.

These statistics are repeated across the country. I sincerely hope that this is a problem that everyone in this body is concerned about. And it is not just unfairness or discrimination in the juvenile system that should concern us. Because juvenile confinement often is the first step toward a lifetime of going through a revolving door between prison and freedom. Confinement has devastating effects on families as well, and provides tragic role models for even younger children.

We ought to be doing what we can to address these disparities. The DMC core requirement is not a panacea, but it has been working well in directing attention and resources at this problem. It does not and I repeat, it does not—require quotas in detention facilities or direct the release of any juvenile from custody. It simply requires States to develop plans to address the problem.

Since 1992, our States have been required to address DMC in their State plans. Some 40 states have completed the assessment phase and are implementing plans to try to address whatever problems they have identified. They are working on creative approaches, programs of education and vocational training, tutoring, dropout prevention, truancy intervention, and other efforts to keep at risk children in school. And States have been developing alternatives to incarceration for nonserious, nonviolent offenses. All of these things, developed at the state and local level, are positive efforts to address a serious social problem. We should be encouraging them, not undermining them by eliminating this core requirement, as the bill would do.

Mr. President, this is well worth the effort on this floor. Again, I strongly commend Senators WELLSTONE and KENNEDY for offering this amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, just before we go forward with this time, I understand the Senator from California is going to make a request. For just a moment, before I get started responding, could I ask unanimous consent that this time not be counted against any of ours because there may be an interruption here for another amendment.

Mr. SESSIONS. Object. Reserving the right to object, we have been using time. On what subject?

Mr. WELLSTONE. I say to my colleague, we would not count this time. I am trying to be accommodating to Senators over here who may want to briefly do an amendment, and then let us use our last 10 minutes. I just want to see——

Mrs. BOXER. Go ahead.

Mr. WELLSTONE. OK. I guess that did not work.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, colleagues, 15 percent, ages 10 to 17, of the kids in this country are black; 26 percent of all juvenile arrests are black; 32 percent of delinquency referrals to juvenile court are black; 46 percent of juveniles in public long-term institutions are black; cases judicially waived to

[3] A recipient may also be tempted to avoid subsection (23), or show that it is making progress under it, by treating minority and nonminority offenders differently—either releasing more minority offenders than would normally be the case, or detained and confining more nonminorities. Thus, subsection (23) may actually encourage discrimination in the criminal justice system in situations where it was not occurring.

criminal court, for 52 percent they are black.

This is a civil rights issue. I cannot believe what I have heard on the floor of the Senate tonight. We have been told there are more black kids who are incarcerated because they commit more crimes. We have been told that these statistics, whether it be for African American or Latino or Native American or Southeast Asian, they are a reflection of the number of kids who commit the crimes and who get the justice they deserve.

We have already recited study after study after study that shows for the same crime many of these kids get stiffer sentences or many of these kids wind up incarcerated as opposed to other kids. This is all about race. I cannot believe that I have heard on the floor of the Senate an argument that race is not the critical consideration.

When the police are out there in the streets, and we get to which kids are searched on the streets and which kids are not, you don't think that has anything to do with race? When we get to the question of which kids are arrested and which kids are not, you don't think that has anything to do with race today in America?

When we get to the question of the evaluation of youth by probation officers, you don't think that has anything to do with race? When we get to the question of the decision whether to release or detain by a judge, based upon who has the money and who does not have the money to put up a bond, you don't think that has anything to do with race, Senators?

When we get to the question of sentencing, you don't think that has anything to do with race? You are sleepwalking through history. You are sleepwalking through history.

This is all about race. This is a civil rights issue and this is a civil rights vote. Let me just say, when I hear my colleague argue that this amendment is unconstitutional because it makes a racial classification, that claim is outrageous. This amendment does not treat anybody differently on the basis of race, and you know it. It does not treat anybody differently. The Supreme Court cases cited have nothing to do with this question. Adarand was about who gets construction contracts.

You know what this amendment is about? This amendment is about preventing the majority party—I hope not too many in the majority party—from repealing the existing protections that we now have in law that have never been challenged as being unconstitutional that make sure there is some core requirement that calls upon States, to do what? To collect the data and to study the problem, and to try and do something about it.

You are going to vote against this amendment? You go ahead. You go ahead and vote against this amendment, if that is what you want to do.

I think it would be tragic if we didn't have strong support for this amendment. This is all about race. This is a civil rights vote. This is why there is such strong sentiment on behalf of this amendment. This is why every civil rights organization has been involved in this amendment. This is why so many of the children's organizations, like CDF, are involved. We have had the core requirement in our legislation. It has been there since 1992 or 1993. It calls upon States to study the question and to try to do better.

And they are doing better. We are making progress. And now you want to discard this? You want to toss this overboard?

This is all about race. I cannot believe that any Senator in this Chamber believes that these statistics are a reflection of who commits the crimes and who deserves to be incarcerated. My God, I cannot believe it. I cannot believe it.

If you want to turn the clock back on some progress we have made, some racial progress we have made that is so important to kids, so important to communities of color, and so important to the Nation, you will be making a tragic mistake. That is why there were 400 votes for legislation that embodies the very language that we have in our amendment in the House of Representatives.

I hope we have bipartisan support for this amendment tonight. I reserve the remainder of my time, because I want to respond to whatever else might be said on the floor of the Senate on this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time remains for each side?

The PRESIDING OFFICER. The Senator from Utah has 19 minutes 25 seconds. The Senator from Minnesota has 4 minutes 39 seconds.

Mr. HATCH. Let me say a few words.

I think everybody in this body wants to do whatever they can to end discrimination wherever it is. I haven't heard one shred of information that proves there is discrimination here. When you prove that, I will be right there side by side with you. Nor have I heard much of a reason how you get around the fact that crimes are committed, and it is the type of crime and the quantities of crime and who is doing it that makes a difference in our society and why people are locked up.

I think you have to look at the crime. You can't just get out here and say, well, there is disproportion; therefore, there has to be something wrong. You have to show what is wrong.

Frankly, I do not think the other side has shown what is wrong here.

Mr. DURBIN. Will the Senator yield for a question?

Mr. HATCH. Sure.

Mr. DURBIN. Does the Senator recall when General McCaffrey testified before the Senate Judiciary Committee last year and I asked the general, who was in charge of trying to reduce drug crime in America, if it were true that of those committing drug crimes in America, 13 percent are African American, and of those incarcerated for committing drug crimes in America, 67 percent are African American? He said: Yes, it is true. I don't have an answer.

Now, I say to the chairman of that committee, I don't know if you were there during that questioning, but if you are looking for an indication of why Senator WELLSTONE's amendment is important, that statistic alone should give the Senator from Utah some pause. I hope he will consider that we are not going to release anyone who has been charged with a crime but merely step back and try to make sure the administration of justice is colorblind in this country and that it is fair and try to eradicate the statistic which was quoted and verified by General McCaffrey.

Mr. HATCH. Let me say this again, what are the crimes? What is the extent of the crimes? How serious are they?

The fact that 13 percent of the offenders are African American and 67 percent of those incarcerated are—I don't see any information here saying that higher percentage was unjustifiably put in jail. These percentages don't tell us what the crimes were in the individual cases. If these individuals committed a crime, then they go to jail. Does that mean there are a lot of white people getting off? I don't see any evidence of that, either.

Do you have evidence that minority juveniles are more likely to be detained for the same crime as white juveniles? I don't think you do. For example, is there evidence that African Americans who are charged with possession of crack cocaine are given more severe sentences than whites for crack cocaine? Is there evidence? I don't know of any.

My point is, I don't think my colleagues on the other side are arguing that if people commit heinous crimes and they are convicted and sentenced to jail that they shouldn't be. Now, if there is some evidence that law enforcement is ignoring white people who commit these same heinous crimes, then I am with you. I don't know of any evidence of that.

Statistics are statistics are statistics, but when people go to jail, it is generally because they have committed crimes.

What is your solution? To let them out of jail? Crack cocaine distributors? Is your argument that white crack dealers get away with it because they are smarter or they are protected somehow or other? I don't think you are making that argument. I can't imagine you would make that argument. So I don't know why there is a higher percentage, but I do know that almost without exception—there certainly are some instances where the law is not applied justly, I am aware of that—but almost without exception, people who commit these heinous crimes go to jail for them.

I don't think you are arguing to let them out of jail. But then, again, how can you argue, then, that if they are committing the crimes and are going to jail, that for some reason or other there is some reason why they are going to jail where others aren't? I don't see the argument myself. Plus, you are adding racial classifications, mandated racial classifications in this amendment. To me it is not even a question of constitutionality. There is no question it is unconstitutional.

With that, I reserve the remainder of my time.

Let me retain it for a second and say one other thing. One would think, listening to my friend from Minnesota, that our bill does absolutely nothing to deal with this problem. You hear this very emotional set of arguments as though the Hatch-Biden-Sessions bill does absolutely nothing about these problems. S. 254, in my opinion, has a much better provision to solve these problems than the distinguished Senator from Minnesota.

The bill as written, as before the Senate, requires that prevention resources be directed to ''segments of the juvenile population'' who are disproportionately detained. Now, such ''segments of the population'' could include, for example, certain socioeconomic groups who are more likely to be at risk. S. 254 directs prevention resources to such groups who need those resources the most. So we try to do something about it rather than just cite statistics.

I don't see how you get around the fact that these people are sentenced and sent to jail because they have committed crimes. Just because there are statistics that indicate that more than a proportionate share of the general population is going to jail, I don't know how in the world you get around the fact that these crimes are being committed by individuals—individuals who just happen to be of one race or another. But we do try to address it by directing prevention resources to such groups who need those resources the most. I think that is the way to do it.

I will work with my friends on the other side to see that we do things that make sure those moneys work.

A National Research Council study, published by the National Academy of Sciences no less, found that:

> Few criminologists would argue that the current gap between African American and white levels of imprisonment is mainly due to discrimination of sentencing or in any other decisionmaking process in the criminal justice system.

If the National Academy of Sciences is wrong, show me the evidence. Just because this disparity exists, liberals throw their hands in the air and say there must be something wrong, but they can't prove it, other than to show statistics. I hope they will be with me in saying that people who are justly sentenced for heinous crimes shouldn't be let off just because there is a disproportionate sentencing because more crimes are committed by one group than another. I don't see how anybody can argue with that point. You know, it must be nice to always act like you are caring for the little guy, when, in fact, you are not willing to do what has to be done in order to help resolve these problems.

Now, 55 percent of this bill is for prevention—55 percent of it. I don't remember any crime bill in my time here—there may have been one, but I can't remember it—where we put more money into prevention than law enforcement and accountability. But we have done it here, and one reason is to try to solve these problems. If there is a segment of our population that seems to have certain socioeconomic problems that literally have caused them to be disproportionately convicted—I don't even think the word ''disproportionate'' is right—but more convicted than their racial group's percentage in population group might suggest, we want to spend more money on prevention for those people. And that is what this bill does. It doesn't take a lot of sense to recognize that is a pretty good proposition, and we have it in the bill.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 4 minutes 30 seconds.

Mr. WELLSTONE. Mr. President, in all due respect to my colleague from Utah, I don't think anybody in the civil rights community all across this land will be reassured. I will work with you on the language. With all due respect, some of these arguments about surely you are not for letting blacks out of jail —of course not. The Senator knows what the amendment says. The Senator knows it is not about quotas; it is not about letting anybody out of jail. The Senator knows this is all about calling on States to study the problem. The Senator knows that. We have had this core protection since 1993. Why do you think it is the case? There has been a history for this. It started in 1988. Then we passed this amendment in 1993. It is based upon all kinds of studies, all kinds of work, which has provided the empirical evidence, which should be of no surprise to any Senator here, that we have a problem in our country of disproportionate minority confinement.

We want to try to understand why minority kids who represent about 33 percent of the population represent about 66 percent of the kids who are locked up. We want to come to terms with that. Could it have anything to do with their race, in terms of who gets swept up in the streets? Could it have anything to do with who actually ends up getting a good evaluation or not by a probation officer? Could it have anything to do with who is released or detained by a judge? Could it have anything to do with who is sentenced and for how long a period of time?

My colleague doesn't think race has anything to do with this. If you don't think race has anything to do with this, that we don't have any problem with discrimination in our country, or that States right now are collecting data and trying to come to terms with this problem, which is exactly what our amendment says—continue with this good work—then you should not vote for this amendment. But if you think this is an issue that deals with race in America, that this is a civil rights question, and you think it was a good thing that we had this core protection, this core requirement in our juvenile justice legislation and it would be a tragic mistake for us to take this protection out that just calls for States to study the problem and try to redress the problem, then you should vote for this amendment.

This is the language of the amendment:

> 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.

Senators, Democrats and Republicans alike, that is what you are voting on. This is a civil rights vote. The more I hear my colleagues speak on the floor of the Senate—I think what has been said is heartfelt, but it is historic. Some Senators don't think there is an issue with discrimination. There are some Senators who don't think there is a problem of disproportional sentencing. There are some Senators who think we should remove this protection. There are some Senators who want to turn the clock back. But I am telling you, this is a central issue for the civil rights community in this country and for child advocacy groups.

I certainly hope we will be able to pass this amendment. If we don't pass this amendment, this juvenile justice legislation will have taken a step backward when it comes to justice. I don't think it will be a piece of legislation that will be worth supporting. I don't think Senators should support legislation that turns the clock back on the progress we have made dealing with racial justice. I don't think Senators should support that, and I think Senators should support this amendment. This is the civil rights question, the civil rights issue, and the civil rights vote on this bill. My good friend from Utah doesn't want to say that. He doesn't want to face up to that reality, but that is what this vote is all about.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. Mr. President, this is not a civil rights vote. This is a vote that is an emotional vote. That is, they cannot show any reasons why people who commit heinous crimes should not go to jail. They are saying because there is a disproportionate number of African Americans—to select one group because that is the one they are talking about—going to jail for crimes they

were convicted for, that somehow there is something wrong with that. Everybody in America knows that people are sentenced to jail because they have committed crimes. I admit that occasionally there are injustices in our courts, but they are very rare. When they do occur, I will decry them as much as my friend from Minnesota.

This is what you call a bleeding heart amendment. They can't show the facts; they don't have any facts on their side. They are using statistics. They are ignoring the fact that people are convicted of these crimes and need to serve time for them, regardless of skin color; and they are ignoring the fact that we take care of this problem by providing a disproportionate amount of the prevention funds to help segments of the population having difficulties because of socioeconomic difficulties. That is the way to face it and solve the problem. Don't just complain about the problem. What is the solution? Is it that these people should not serve their time? Should they not be convicted when they sell drugs to our kids? Everybody knows that it happens.

It is nice to talk about civil rights. The fact of the matter is that nobody is more concerned about civil rights than I am. If anyone can show me where there is prejudice, if they can show me where these people are not justly convicted, that is another matter. I will be right there marching with them. But they can't and they know it.

Mr. President, I am going to yield 2 minutes to the distinguished Senator from Alabama, and then I will yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from Utah for his leadership. He raises a good question about statistics and how they can be misleading. I had, of course, served as attorney general of Alabama, and I have a brief here that was submitted on statistics involving whites and blacks on death row in Alabama. Now, 52 percent of those on death row in Alabama are white; 46 percent are black. But that percentage of the black population is substantially higher on death row than in the State. But the study goes on to show that the percentage of homicides committed in Alabama by blacks was 71 percent; yet, they represented only 46 percent of the people on death row.

So I don't know what any of those numbers mean. I am not sure they are very beneficial to anybody. But if you look at it one way, it looks like it is unfair. If you look at it another way, it looks like it is not unfair. So the Senator is correct that we need to have proof of individual wrongs instead of passing a law that is going to require the reduction of people in prison based on a statistical study.

I yield the floor.

Mr. HATCH. Mr. President, how much time do I have?

The PRESIDING OFFICER. Seven minutes.

Mr. HATCH. How much does the other side have?

The PRESIDING OFFICER. Zero.

Mr. HATCH. I yield back the remainder of my time, and we can yield to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 365

(Purpose: To discourage the promotion of violence in motion pictures and television productions)

Mr. MCCONNELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. MCCONNELL) proposes an amendment numbered 365.

Mr. MCCONNELL. 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 as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PROMOTING VIOLENCE ON FEDERAL PROPERTY.

(a) GENERAL RULE.—A Federal department or agency that—

(1) considers a request from an individual or entity for the use of any property, facility, equipment, or personnel of the department or agency, or for any other cooperation from the department or agency, to film a motion picture or television production for commercial purposes; and

(2) makes a determination as to whether granting a request described in paragraph (1) is consistent with—

(A) United States policy;

(B) the mission or interest of the department or agency; or

(C) the public interest;

shall not grant such a request without considering whether such motion picture or television production glorifies or endorses wanton and gratuitous violence.

(b) EXCEPTION.—Subsection (a) shall not apply to—

(1) any bona fide newsreel or news television production; or

(2) any public service announcement.

Mr. MCCONNELL. Mr. President, my understanding is I have 15 minutes.

The PRESIDING OFFICER. That is correct.

Mr. MCCONNELL. I ask the Chair to notify me when I have 3 minutes left.

Mr. President, the amendment that is now pending would require that when granting permits necessary for filming a movie or a TV show on Federal property, or with Federal equipment, the relevant agency's approval criteria now would include a consideration of whether the film glorifies or endorses wanton and gratuitous violence. The message is simple: The Federal Government will not allow Hollywood to promote excessive and wanton violence in our house.

America's children are exposed to incessant and endless hours of violent movies and television productions each year. Exposure to this violence desensitizes our children to brutality and killing and gives them ''glamorous'' murderous acts to emulate. This exposure is like pouring gasoline on fire.

Yes, the children who commit terrible acts of violence must have a number of deep and troubling problems. However, the glorified wanton violence depicted in movies and on TV is fuel that Hollywood is dousing on those children and their smoldering internal problems. This is not a revelation. Indeed, a 1996 American Medical Association Study concluded that, ''The link between media violence and real life violence has been proven by science time and time again.''

Most people know, intuitively, that there is a strong link between media violence and real life. Why is it that no one in Hollywood seems to care? Are they the only ones who are oblivious to this phenomenon? Why is there no shame about the violent junk they are making and MARKETING to our kids? Why do we hear Hollywood give speech after speech after speech on every fad-driven cause under the sun, and yet rarely ever do we hear them mention reforming themselves and refraining from marketing violence to our children.

Let's take a look at some of the media violence that our children are exposed to.

First, let's go to the movies.

Now, I'm told that Leonardo DiCaprio and Keanu Reeves are two of the biggest teen idols out there today. These photographs are both from recent hit movies—''The Basketball Diaries'' and ''The Matrix''.

Thanks to the occupant of the Chair, Senator BROWNBACK, the Republican Senators had an opportunity to see some of the scenes from ''Basketball Diaries'' recently. That is one of the scenes from it here on my left.

The ''Matrix,'' featuring Keanu Reeves, is here on my right.

You can see from these photographs that Hollywood is taking the biggest teen idols and creating these glamorous, powerful, violent images to send out to our young people. These are role models for children.

As you can see here, in ''Basketball Diaries,'' teen idol DiCaprio is wearing a long, black trenchcoat and packing a shotgun. In this movie, DiCaprio's character has a fantasy of walking into his high school classroom and opening fire on his schoolmates and his teacher.

Thanks to the Senator from Kansas, Mr. BROWNBACK, we had an opportunity to see this scene from that film. I think we would all agree—those of us who saw it—it literally turns your stomach.

These violent images became reality in the community of Paducah, Kentucky, barely 17 months ago. In a Paducah high school, the DiCaprio Dream was played out in real life. I'd like to read for my colleagues an excerpt from a Newsweek article about ''Basketball Diaries'' and the senseless tragedy in Paducah.

''The Basketball Diaries'' may not have been 14-year-old Michael Carneal's favorite

movie. But one scene in particular stayed with the awkward Paducah, Ky., freshman: a young character's narcotic-tinged dream of striding into his school, pulling a shotgun from a black leather coat and opening fire. The real-life scene in the bloodied halls of Heath High School last Monday was a long way from Hollywood. Unlike handsome actor Leonardo DiCaprio's dramatic entrance in 1995's ''Diaries,'' skinny, bespectacled Michael bummed a ride to school that day from his 17-year-old sister, Kelly. Instead of cinematically kicking down a classroom door, Michael quietly followed Kelly into the school through the band room, where he told a curious teacher that the four guns bound together with duct tape and wrapped in an old blanket were ''a poster for my science project.'' Loitering in the hall, Michael waited for a prayer group of 35 students to lift their bowed heads and say ''Amen.'' He then took a fifth gun, a semiautomatic .22, from his backpack and fired off 12 shots, killing three students and wounding five. Before the police arrived, Carneal would tell a teacher, 'it was like I was in a dream.'

Looking back at Paducah, and now Littleton—and looking at these Hollywood images of teen idols—can leave no doubts. Hollywood violence DOES influence our children, in the worst way.

Let me tell you about this other hit movie—''The Matrix.'' The image of this character is strikingly similar to that over here of Mr. DiCaprio. Let me read to you how an article in the Washington Post described watching the Matrix.

The sold-out theatre was filled with younger teens, despite the R rating, and at times I felt as if I were watching a dramatization of the killings that had just occurred in Littleton, Colorado.

In one scene, protagonists played by Keanu Reaves and Carrie-Anne Moss arrive at an office building where their adversaries are holed up. Dressed in black leather coats, the pair sprays the lobby with automatic weapons fire. The scene is a gorgeously choreographed ballet of mass killing, a triumph of Hollywood's ability to represent graphic violence. As bullets riddle a dozen twitching bodies, spent shell casings cascade downward in slow motion. The victims of this orgy of killing are police officers.

I have heard some in Hollywood say that these violent movies are for adults—not for our impressionable children. Those comments simply are not credible. The reality is that Hollywood markets many such movies to teenagers. For proof, one need only to look as far as the hit Teen Movie—''Scream.'' In this movie young, beautiful high school students slay, stab and butcher each other and their teachers for two non-stop hours. ''The movie builds to a finale in which one of the killers announces that he and his accomplice started off by murdering strangers but then realized it was a lot more fun to kill their friends.'' Where is the Shame, Hollywood?

Mr. President, if the sights and sounds of Hollywood were not enough for you, let me take you to the next level: the gutter of the new millennium—violent videogames. This is a dimension where our children are not limited to be mere watchers. Rather, in videogames they are participants—active participants. America's children can descend as low as a twisted, demented videogame will take them.

I think these games have been best-described by Retired Lieutenant Colonel David Grossman, a former professor of psychology at West Point who now teaches a course to green berets on the psychology of killing. He calls them ''Murder Simulators.'' These are the ''games'' our children are playing.

In the videogame ''Postal'' the goal is straightforward: kill as many townfolk as possible without being killed yourself. The maker of this game boasts, ''Chilling realism as victims actually beg for mercy, scream for their lives and bodies pile up on the street.'' That game maker certainly has no shame.

I want to share with you some fascinating excerpts from a recent ''60 Minutes'' episode with Retired Lieutenant Colonel David Grossman, the former West Point professor I mentioned earlier. They discussed the ''skills'' these games are teaching our children.

Colonel GROSSMAN. The same basic mechanisms that we use, step by step, to make killing a conditioned response in our soldiers, are being done in the games that the kids go and play.

Mr. President, let me tell you what Colonel Grossman had to say about Paducah, Kentucky and Michael Carneal.

Colonel GROSSMAN. Michael Carneal, a 14-year-old boy, has never fired a pistol before in his life. His total experience was countless, thousands and thousands of rounds in the video games. When Michael Carneal opened fire; he fired eight shots. . . . [H]e got eight hits on eight different kids. Five of them were head shots. The other three were upper torso. Now, the F.B.I. says in the average engagement, the average officer hits with less than one bullet in five.

Grossman concluded:

GROSSMAN. Here's what's fascinating about this crime. . . . He held that gun and he fired one shot at every target. Now, that is not natural. [A]nybody that's ever been in combat will tell you that the natural thing is to fire at a target until it drops. But the video games train you—if you're very, very, very good, what you'll do is you'll fire one shot—don't even wait for the target to drop—you don't have time—go to the next, and the next. And the video games give bonus effects for head shots.

Mr. President, I understand that the Motion Picture Association has been lobbying heavily against this amendment. I want to make sure everybody understands what this amendment really does. It is quite mild.

The problems evidenced by these video games and movies are complicated and complex. We are not going to solve them overnight. I do believe it is time that Hollywood take more responsibility. We need to send the message to Hollywood: Don't bombard our children with glamorous portrayals of gratuitous and wanton violence.

Under the first amendment, we cannot and we should not seek to deny the right of free speech to anyone. However, as the Senate, we can encourage Hollywood to take responsible steps to protect our children. We can make sure the Federal Government does not co-star with Hollywood in any movies that glorify or endorse wanton and gratuitous violence.

The Federal Government already currently grants permits to Hollywood, allowing them to film on Federal property or allowing them to borrow Federal equipment such as jeeps or weapons to use in these films. Many government agencies and departments currently decide whether or not to cooperate with a film or TV production based on the nature and message of the proposed production.

For example, DOD decides whether to grant Federal filming privileges based on whether a production ''appear[s] to condone or endorse activities . . . [that] are contrary to U.S. Government policy.''

In other words, ''Top Gun'' is OK, but ''GI Jane'' is not. The military rolled out the red carpet for ''Top Gun'' while ''GI Jane'' had the door shut in her face.

When deciding whether to cooperate with a movie, NASA determines whether the ''story is reasonably plausible, does not advocate or glorify unlawful acts, . . . or present as factual history things which did not take place.''

The Coast Guard looks at whether, among other things, the Coast Guard's cooperation ''is in the public interest.'' Let me quote to you from 14 United States Code Section 659, where Congress has mandated in federal statute that the Coast Guard cannot provide facilities or assistance to film producers unless it determines ''that it is appropriate, and that it will not interfere with Coast Guard missions.''

The point is the Federal Government is already engaged in a clearance process when a motion picture seeks to be made on Federal property. We are not adding requirements that are not already there, with one exception. In this amendment where Federal agencies are already engaged in a subjective clearance process, either through statute or through policy, we add to it this standard: Promoting and endorsing or glorifying violence.

Clearly, this is not infringing on the movie industry's first amendment rights. They can simply go out and make their movies somewhere else. What we are saying here, if we are going to use our property, Federal property, and the agency already has a subjective clearance process, gratuitous, wanton and gratuitous violence needs to be added as a factor.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. VOINOVICH). Who yields time in opposition?

Mr. LEAHY. Mr. President, I yield myself such time as necessary out of the time we have available.

I listened to my good friend from Kentucky, and he is my good friend. We have been together on more issues than we have been apart.

I note one thing: As I recall, in reading the reviews of the movie ''Matrix''

it was filmed in Australia, so this amendment, I assume, notwithstanding the graphic picture with Keanu Reeves, would not be covered?

Mr. MCCONNELL. I say to my friend from Vermont that particular movie was not made on Federal property. I am sure my friend from Vermont would not be arguing that it ought to have been made on Federal property.

Mr. LEAHY. I am not one who is particularly interested in violent movies. I have been to too many crime scenes, too many murder and shooting scenes in a prior public life to do it.

Mr. President, I yield 5 minutes to the distinguished Senator from California.

Mrs. BOXER. Mr. President, I feel very strongly that this amendment should not pass.

I wanted to add to what Senator LEAHY has said. As far as I know, none of the movies or programs he talks about, and certainly none of the games—because games are made from computers—were ever made on Federal property as far as I could tell. I think that is an important point.

It is interesting that just today, just today, one of the committees here in the Senate voted out some new rules that would govern the filming on Federal property. It was voted out of the committee. I think it is unfortunate we are bringing this up just while we are trying to resolve all of these questions.

I think it is important to read the amendment. I have it in front of me, and it uses words that are very subjective, words like ''wanton violence.'' I looked that up in the dictionary because under this amendment we are giving Federal bureaucrats who are not trained as critics of film or critics of television programming the job of deciding whether there is wanton violence.

One of the meanings of ''wanton'' is excessively luxurious. So, somebody deciding this could decide to go with that definition. Another meaning of ''wanton'' is without adequate motive or provocation. These words carry different meanings for different people. The Senator from Kentucky has his definition of gratuitous violence, of wanton violence. The dictionary has another. Who knows what the bureaucrat at the FAA will decide violence is, when it is up to him to decide whether his property could be used, or a bureaucrat at the Department of the Interior?

I got a call from a Republican friend who said: Senator, I hope you fight this. We couldn't make a western, we couldn't make a war movie. What about a movie that talks about a family in which there are violent relationships and these all get resolved in the movie? Some of the scenes are rough and difficult, but there is a purpose.

I am sure my friend would say that is not gratuitous, but that is his opinion. It might not be the opinion of the bureaucrat sitting in the agency or department that he is now charging with becoming a film critic.

Mr. MCCONNELL. Will the Senator yield?

Mrs. BOXER. I yield on the Senator's time.

Mr. MCCONNELL. I don't have that much time. I ask the Senator if she thinks the standards that currently apply and are used by DOD and mandated by statute for the Coast Guard, which are very subjective, should be repealed?

Mrs. BOXER. I am addressing the Senator's amendment and the Senator's amendment says any department. It uses the words ''wanton, gratuitous.'' I think these words are very, very subjective. It is the reason I didn't vote for Senator HOLLINGS' amendment when he came to the floor—it was the same idea.

My constituents are concerned this amendment would potentially prevent war movies, westerns, or stories about abusive relationships which find peace and harmony in the end from being filmed on Federal property. It gives bureaucrats in many Federal agencies the authority to decide what violence is.

I didn't run here for this job to be an art critic. That is why when we criticize the art world, I think we have to be very careful, because we are not art critics. Most Members are pretty good at what we do, but we are not art critics; neither is a bureaucrat over at Interior or FAA or any of the other departments that will now deal with this.

I say, as a parent and a grandparent, I do not want to give this kind of power, this kind of job to an elected, let alone an unelected, person sitting at some Federal agency. I think it is pretty incredible. I do not know where we go from here, I say to the good Senator.

Why not, if you want to take this to the ultimate extreme, then say private property cannot be used, private property cannot be used for this purpose, and tell the people of America how they should use their private property? Where do you stop? This is a slippery slope.

We all know that every one of us has to look inside ourselves and do something about this problem of violence. Whether you are a parent or a grandparent or a Senator, whether you are in the movie business, in the TV business, whether you are in the video game business, we all have an obligation—or whether you are a firearms manufacturer. The bottom line is we all have to do more.

But to then say that bureaucrats in the Federal Government are going to make these subjective decisions? I want the people at FAA to fly the planes. I want the people at the Department of the Interior to take care of the parks. I want the people at the Department of Transportation to regulate transportation. I do not want to give them this job of deciding for the people of America what the definition of ''wanton'' is; or ''gratuitous,'' for that matter.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mrs. BOXER. I ask for 1 additional minute, and then I will conclude.

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

Mrs. BOXER. I was involved in this debate once over at the Committee on Commerce. I will never forget this experience, I say to my friend. Word came over from a Congressman—because he wanted the Government to do a rating system, he wanted to give the job to the Government—one Congressman thought ''Schindler's List'' was obscene. Others thought ''Schindler's List'' was one of the best movies ever made and it would be important for our children to learn about the Holocaust.

Why do I say this? Because it shows how subjective it is. I do not want Federal Government employees who are not trained as critics to become movie critics and TV critics.

I thank my colleague for yielding me this additional time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time does the Senator from Vermont have?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. LEAHY. Wait a minute, Mr. President. I yielded the Senator a total of 6 minutes, the Senator from California, out of 15 minutes. How do I have 6 minutes?

The PRESIDING OFFICER. The Senator used 2 minutes before yielding to the distinguished Senator from California.

Mr. LEAHY. I see. Fast clock.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this amendment prohibits any Federal agency, such as the Marines, Army, Navy, or Air Force, from granting permission to use Federal property or resources or cooperating if the motion picture or TV show to be produced ''glorifies or endorses wanton and gratuitous violence.'' If any portion of the movie uses any Federal property, the entire movie is subject to Federal scrutiny

Federal agencies, other than the military, would be given these new censorship powers, too. The Department of Agriculture could determine if it is on forest lands or rights of way of the Interior Department and otherwise. Could they have kept ''North By Northwest'' with Cary Grant off because the visitors center scene at Mount Rushmore was in it? What about ''Fargo''? What about the Presidio military base in San Francisco that was used as a setting for the Sean Connery movie, ''The Presidio''? This amendment is flawed. What glorifies violence is in the eye of the beholder.

Even movies, like legislation, have last-minute changes. Would you have to have a Department of Agriculture bureaucrat sitting there all the way through? Many scenes in the movie ''Top Gun'' would have had to be carefully monitored during production to

ensure they did not glorify violence. The naval base that was used was Miramar in California.

The fight in ''An Officer and a Gentleman'' also might be considered excessive by some. What about the gratuitous punch by Jimmy Stewart in ''Mr. Smith Goes to Washington''? ''The Treasure of the Sierra Madre,'' uses the vast national forest lands in its filming, even though most of it was filmed in Mexico. Could part of it be knocked out?

There are only exceptions for news and public service announcements, but any movie that is a historical depiction of a war would be subject to agency bureaucrats deciding whether violence was gratuitous or glorifies violence. Sponsors may say: Let them go somewhere else and do their filming, let them go to private property or parklands or military bases. I think that is a shortsighted response. Some may want to use that property to be authentic.

I am concerned how this is going to work. Do we turn over our scripts? If you are a movie producer or maker, do you turn over the script to the Department of Agriculture, Department of the Interior, Department of Defense first and decide whether it is safe? We may not like all that we see from Hollywood. But I have no confidence in the decisions the agency censors make. I am perfectly capable of censoring what I see. I was perfectly capable, when my children were young, to censor what they saw. But I do not want an official, however well intentioned, in the Department of Agriculture or the Department of Defense or the Department of the Interior, to determine what I see.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I want to thank the Senator from Kentucky for his amendment. I just want to be clear on one matter, however. It is my understanding that lands under the BLM, Park Service, and Forest Service are in no way covered or affected by the amendment because they do not consider subjective criteria when determining whether to cooperate or grant permits to a film or TV production. Is that correct?

Mr. MCCONNELL. This is correct.

Mr. HATCH. How much time remains on both sides?

The PRESIDING OFFICER. The Senator has 2 minutes 56 seconds in opposition to the amendment and 1 minute 47 seconds on the proponents.

Mr. HATCH. I ask unanimous consent to make that 3 minutes on the side of Senator MCCONNELL and an equivalent amount of extra time on the side of the minority.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. I didn't hear the request.

Mr. HATCH. I made a unanimous consent request to give Senator MCCONNELL 3 minutes, which would give him another minute and a half, and give you an equal amount of time on your side.

Mr. LEAHY. You are asking for an extra minute and a half——

Mr. HATCH. For Senator MCCONNELL.

Mr. LEAHY. And an extra minute and a half for this side?

Mr. HATCH. For you.

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

Mr. MCCONNELL. Mr. President, I would like to respond that the observations made by the other side have nothing to do with the amendment, nothing whatsoever to do with the amendment.

Any movie company is free to go make a movie anywhere it wants to in the country and say anything it wants to and be as depraved as it wants to be without interference from Government. This amendment is only related to the use of Federal property.

In many federal agencies and departments there are subjective standards being used now to approve or deny cooperation with film production companies. The thing the Senator from Vermont and the Senator from California are complaining about is already occurring. The Department of Defense has very subjective standards it applies to movies now. For example, it did not allow ''GI Jane'' to be made on Federal property or with DOD assistance. It did not keep the movie from being made, but the Defense Department did not like it; it had a very subjective standard. They said go make your movie somewhere else. They liked ''Top Gun.'' They allowed it to be made. There is a very subjective standard that applies now.

DOD considers whether a production ''appears to condone or endorse activities that are contrary to U.S. Government policy.'' That is clearly very subjective. Factors in NASA's policy include whether the story is reasonably plausible, does not advocate or glorify unlawful acts or present as factual history things which did not take place—that is fairly subjective.

At the Coast Guard, under statute, the Coast Guard does not provide facilities or assistance to film producers unless the Guard determines it is ''appropriate''—very subjective—and that it will not interfere with Coast Guard missions.

Mr. President, a movie company now does not have the inalienable right or constitutional right to come onto Federal property and do anything it wants to. All we are saying, to Federal agencies that have either a policy or a statute giving them the authority to clear these movies for content—and we've seen that some have them now—that they simply add to the list of subjective evaluations they already make a consideration of wanton and gratuitous violence. Surely our colleagues who have spoken on the other side of this are not arguing we ought to repeal the current standards because they are very subjective. Maybe they do not want any standard at all to apply with respect to the use of Federal property.

With regard to the parks system, they do not currently have subjective criteria and standard, so this would not apply to them. They are clearly outside of this.

This is a very narrowly crafted message to Hollywood not to produce this kind of gratuitous and wanton violence on Federal property with federal cooperation. It certainly does not take away anybody's constitutional right to go out and act in as awful a manner as they want to and put it on film. They just wouldn't be able to do it on Federal property.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we are well aware of what the military does. The military will permit use—in fact, some suggest even will help underwrite, indirectly, the costs of a film if it makes the military look good.

The military has been known in the past to withdraw support, even classic films, if they suggest the military may have made a mistake anywhere—Vietnam or anywhere else. We have seen that kind of censorship.

I understand they are using military areas. I do not necessarily agree with it. I think they have been very sensitive with that, but then the military is used to censorship. They do it with the news. They did it during the gulf war. They did it during Vietnam. I suspect they are doing it now.

What I am concerned about, though, is when you talk about the vast forest land and somebody one day in the Department of Agriculture, who works on, I don't know, dairy price supports, and the next day is going to be the person to censor what goes in that movie, whether that forest can be the background or, if it is out west where the Department of the Interior controls so much land—I can think of movies, shoot 'em ups, with Ronald Reagan galloping by the sites in areas controlled by the Department of the Interior. It might have been declined because somebody did not like him. Maybe somebody who normally does fishing permits in the Department of the Interior will determine what movies will be made or what they like or do not like.

We open ourselves to a strange area. Those who are opposed to wanton violence should do as I do—don't go to those movies. Nothing votes better than your checkbook. If you do not want your children to go to them, do not let your children go to them. Stop the checkbook. That is the way to do it.

Do not put our Department of Agriculture and Department of the Interior and others into censorship. Do not let them make some of the mistakes the Department of Defense has made in the past in refusing permission for something because they are afraid it will show a general or a colonel or admiral

making a mistake, because we all know they never do. I can see them deciding it might be gratuitous violence to show—oh, I don't know—maybe when their bombs go astray and hit the Chinese Embassy. We know they never make a mistake like that, but they may say this is gratuitous violence, so they are not going to allow any help in making such a movie.

I retain the remainder of my time.

Mr. MCCONNELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Thirty-four seconds.

Mr. MCCONNELL. Mr. President, it is interesting, in Hollywood lobbying efforts, they always scream censorship. This amendment has nothing to do with censorship. It has to do with the use of Federal property and federal assistance, which is a privilege, not a right.

The Federal Government, through various departments and agencies, already has very subjective standards. We are simply adding to those kinds of standards one more factor—wanton and gratuitous violence. No movie company in America has a right to use any and all Federal property and to get federal assistance anyway. We are just adding one more criterion.

This is a very reasonable amendment. I hope it will be approved by my colleagues.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. Mr. President, how much time do I have?

The PRESIDING OFFICER. One minute 17 seconds.

Mr. LEAHY. Mr. President, I can think of some ads I see on local TV at night that are not violent but I find of a personal nature offensive, some of which are filled with backgrounds of Government land. Should we start taking those out?

The fact is, we have a lot of Government sites. Do we stop a movie, for example, that is filmed with somebody driving down Pennsylvania Avenue because the Department of the Interior, the Justice Department, and other Government buildings are seen in the background? Do we make sure there is never any depiction of the Capitol? One of the most violent things was ''Independence Day'' when a model of the Capitol was blown up. There may have been exterior shots actually made of the Capitol prior to that time. Does that go out?

I suggest these because we are getting into a terribly subjective area, and we are asking people who are trained to do very good things for our Government, whether it is fishing permits, lands permits, or agricultural subsidies—they are not trained, nor should they be, in this Nation especially to be censors.

I know the time of the Senator from Kentucky has expired. I yield back all my remaining time.

Mr. MCCONNELL. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized for 10 minutes.

AMENDMENT NO. 319

(Purpose: To reduce both juvenile crime and the risk that youth will become victims of crime and to improve academic and social outcomes for students by providing productive activities during after school hours)

Mrs. BOXER. Mr. President, I call up amendment No. 319. It is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 319.

Mrs. BOXER. Mr. President, I ask unanimous consent that the 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:

TITLE . AFTER SCHOOL EDUCATION AND ANTI-CRIME ACT.

SECTION 1. SHORT TITLE.

This Act 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.

Mrs. BOXER. I thank the Chair.

Mr. President, my amendment calls for an expansion of afterschool programs. The purpose of the juvenile justice bill is to cut down on crime, and the debate has been, how do we do that?

There are many ways of cutting down on juvenile crime. Certainly one is the gun control amendments which we have been debating and which have received a lot of attention. Another is tough enforcement, tougher penalties. We have been doing that. And another is prevention. I believe this bill is short on prevention. There is not anything in this bill that specifically talks about afterschool programs.

I share with my colleagues a chart, which is basically from the FBI, which shows when juvenile crime is committed. One does not need a degree in chart reading to see what is happening. At 3 o'clock the crime rate goes up, and it does not go down until the parents start coming home from work. We know it is very important in that period of time to look at ways to keep our kids out of trouble. One proven way is afterschool programs.

Right now, we do have afterschool programs funded by the Federal Government, but we are falling short. Out of the 2,000 school districts that applied for afterschool Federal assistance, only 287 applications were awarded grants because of the lack of funds.

President Clinton understood this. In his budget, he asked us to authorize $600 million. That is what my amendment does. It authorizes $600 million. It allows us to accommodate 1.1 million children, many of whom are waiting on line to get into afterschool programs. These are mentoring programs, academic assistance, recreational activities, drug-alcohol prevention programs, et cetera.

The American people understand the importance of afterschool programs. I want my colleagues to see this. Senator LAUTENBERG said 89 percent of the people supported closing the gun show loophole. Mr. President, 92 percent of the people favor afterschool programs. We have a chance to do what the American people want us to do.

Law enforcement supports our afterschool program, as do over 450 police chiefs, sheriffs, and prosecutors. It is important to look at this list because they are from all over the country.

Let's see what the Police Activities League says about afterschool programs. In a letter of endorsement, they write:

> Afterschool youth development programs, like those proposed in your amendment, have been shown to cut juvenile crime immediately, sometimes by 40 to 75 percent.

I need to say this again. Law enforcement is telling us that afterschool programs cut violent crime by children down by 40 to 75 percent. Name one other thing we have in this bill that can have such a dramatic impact immediately on our children.

I saw an interesting letter to the editor in today's Los Angeles Times. It is from the Republican mayor of that city, Richard Riordan. He says:

> Studies have shown that LA's best—

Which is their afterschool program—

> students enjoy school more, show improvement in their grades and feel safe. The kids do better at school. They do better in all the various schools across this Nation, because they have afterschool.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-four seconds.

Mrs. BOXER. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. HATCH. Let me just say a few words.

I must object to the amendment of the Senator from California. I appreciate the necessity of afterschool programs. I am aware that the 21st Century Learning Centers program supports several efforts in my home State of Utah.

The Senator's amendment, however, increases the program's authorization from $20 million annually to $600 million annually. That adds up to $3 billion over 5 years. The entire underlying bill, which we have been working on for 2 years, only authorizes a little over $1 billion in spending a year—our whole bill.

Again, I express my concerns with attempting to solve a problem by simply throwing more money at it. This amendment attempts to throw $3 billion at a problem our underlying bill will solve because it is effectively written and we know what to do with the money. Our underlying bill will solve many of the problems this amendment by the distinguished Senator from California addresses, without spending such an inordinate amount or settled amount on a single program.

Finally, the Labor Committee is undertaking reauthorization of the ESEA this year. Let that committee do its job in a thoughtful and reasonable way. That would be the place for the distinguished Senator to make her case when that comes up, both in the Labor Committee and on the floor.

I yield such time as he may need to the distinguished chairman of the Labor Committee.

Mr. JEFFORDS. Mr. President, I rise in opposition to this amendment. I agree very strongly with Senator BOXER's goal of increasing the availability of positive, engaging activities for school-aged children and youth during the nonschool hours. This is a very important issue that cannot, and should not, be decided within the context of a floor amendment on the juvenile justice legislation.

Even without this year's Elementary and Secondary Education Act reauthorization, I would have reservations about this amendment. But we do have the Elementary and Secondary Education Act reauthorization in progress, and that is the time when this amendment, or something similar to it, ought to be considered.

As the author of the original 21st Century Community Learning Centers Act, I have an enormous interest in any changes to this legislation, much less changes as dramatic as those proposed in this amendment.

When Congressman Steve Gunderson and I drafted the 21st Century Learning Centers legislation, our purpose was to promote the broader use of school facilities, equipment, and resources. Our largest investment in education is for buildings and equipment, and in most communities these resources are closed more than they are open.

By encouraging schools to share their facilities, equipment, and other resources to meet the broader needs of the community, these centers can expand educational and social service opportunities for everyone in the community.

Until 2 years ago, the Clinton administration failed to support the 21st Century Community Learning Centers, even to the point of repeatedly requesting that funds for the program appropriated by Congress be rescinded.

Then, last year, the administration, through the competitive grants process, substantially changed the focus and indeed, the very nature, of the 21st Century Community Learning Centers program. Overnight, this initiative to expand the use of existing facilities became an afterschool program, almost to the exclusion of the multi-purpose community centers which were envisioned when I wrote the legislation.

This dramatic change in direction for the 21st Century Community Learning Centers program raises questions which must be answered before we can consider such a huge expansion of the program. We will be doing that during the reauthorization of the Elementary and Secondary Education Act, which is now being considered in the Committee on Health, Education, Labor and Pensions. We need to address questions such as: Can the legislation still serve the purposes for which it was originally intended, with the current, overwhelming focus on providing afterschool programs? If it is to be an afterschool program, are there changes needed in the legislation to make it more effective?

If this program is to serve primarily as an afterschool program, where do community organizations such as the Boys and Girls Clubs, YMCAs, fit in? Public schools currently provide less than one-third of the afterschool care, with other community groups providing most of the care.

The current grant program clearly demonstrates that schools are, by and large, failing to coordinate their afterschool services with those of other care providers in the community. And the Boxer amendment does nothing but perpetuate that situation. The amendment by Senator BOXER proposes changes that will eviscerate the act.

The PRESIDING OFFICER. The time in opposition to the amendment has expired.

Mr. JEFFORDS. Thank you, I yield the floor.

Mr. KENNEDY. Mr. President, the 1992 Carnegie Corporation report, ''A Matter of Time,'' called for a major national investment in after-school programs for youth. It said, ''Risk can be transformed into opportunity for our youth by turning their non-school hours into the time of their lives.''

But, we have not done enough to give children the kind of opportunities they need after school. Just ask children if this is true.

Amy, age 14, said ''Sometimes there are so many things you can't do. I can't have company or leave the house. If I talk on the phone, I can't let anyone know I'm here alone. But I really think they've figured it out, you know.''

Cindy, age 16, said, ''We need someone to listen to us—really take it in. I don't have anybody to talk to, so when I have a problem inside, I just have to deal with it myself. I wish there would be more adults that ask questions because that shows that they care and want to know more.''

Each day, 5 million children, many as young as 8 or 9 years old, are left home alone after school. Children unsupervised are more likely to be involved in anti-social activities and destructive patterns of behavior.

We also know that juvenile delinquent crime peaks in the hours between 3 p.m. and 8 p.m. A recent study of gang crimes by juvenviles in Orange County, California, shows that 60 percent of all juvenile gang crimes occur on school days and peak immediately after school dismissal.

We need to do all we can to encourage communities to develop activities that will engage children and keep them off the streets, away from drugs, and out of trouble.

Crime survivors, law enforcement representatives, and prosecutors have joined together in calling for a substantial federal investment in afterschool activities. Over 450 of the nation's leading police chiefs, sheriffs, prosecutors, and leaders of local fraternal orders of police, which represent over 360,000 police officers, have called upon public officials to provide more after-school programs for school-age children.

Clearly, financial assistance is needed for such activities in states across the country. Too often, parents cannot afford the thousands of dollars a year required to pay for after-school care, if it exists at all. In Massachusetts, 4,000 eligible children are on waiting lists for after-school care, and tens of thousands more have parents who have given up on getting help. Nationwide, half a million eligible children are on waiting lists for federal child care subsidies. The need for increased opportunities is obvious and this amendment helps to meet it.

Senator BOXER's plan will triple the funds for the 21st Century Community Learning Center initative so that more than 1 million children each year will have access to safe and constructive after-school activities. It also strengthens the current program by including mentoring, academic assistance, and anti-drug, anti-alcohol, and anti-gang activities as allowable uses of the funds.

Additional federal support is essential for communities across the country. This year, the initiative was funded at $200 million. Over 2,000 applicants from across the country submitted proposals to the U.S. Department of Education for that assistance—but only 184 new grants could be funded. We must do more to meet the high demand for after-school programs across the country.

Communities are working hard to provide these after-school activities for children—but they can't do it alone. They want Uncle Sam to be a strong partner in the effort.

Boston's 2:00-to-6:00 After-School Initiative was created in 1998 to expand and enhance quality after-school programs across the city. It has already succeeded in increasing the number of school-based after-school programs by nearly 50 percent. A total of 43 programs now serve over 2,000 students. This year, Mayor Menino has pledged to open 20 more school-based programs. Boston and communities like it throughout the country deserve more assistance in meeting these needs.

Federal support under the 21st Century Community Learning Centers program is helping to meet these needs. Last year, Boston received $305,000 to help the Lewis Middle School and the Tobin Community Middle School in Roxbury, and the Martin Luther King Jr. Middle School in Dorchester to create after-school programs for children.

Springfield received $315,000 to expand their ''Time Out for Communities'' initiative that is helping the Springfield Public Schools to provide after-school programs to 15,000 students, in conjunction with the Springfield Libraries and Museums, the YMCA, Springfield College, and other organizations in the community.

Worcester received $3.6 million over 3 years to support ten community centers that will serve 4,000 students and 5,000 community members. The Worcester after-school program, called the ''Community Learning Centers for Worcester's Children of Promise,'' will provide a wide range of services, including academic support to help students meet state academic standards; drug and violence prevention programs; information on family health; day care for school-age children; tutoring and mentoring; access to technology for students and their families; summer activities; and adult education.

But much more needs to be done in Massachusetts and across the country, if we are going to keep children safe and help them succeed in school.

We know that after-school programs work. In Waco, Texas, students participating in the Lighted Schools program

have demonstrated improvement in school attendance and decreases in juvenile delinquent behavior over the course of the school year. Juvenile crimes have dropped citywide by approximately 10 percent since the program began.

The Baltimore City Police Department saw a 44 percent drop in the risk of children becoming victims of crime after opening an after-school program in a high-crime area. A study of the Goodnow Police Athletic League center in Northeast Baltimore found that juvenile arrests dropped by 10 percent, the number of armed robberies dropped from 14 to 7, assaults with handguns were eliminated, and other assaults decreased from 32 to 20 from 1995 to 1998.

In addition to improved youth behavior and safety, quality after-school programs also lead to better academic achievement by students. At the Beech Street School in Manchester, New Hampshire, the after-school program has improved reading and math scores of students. In reading, the percentage of students scoring at or above the basic level increased from 4 percent in 1994 to one-third in 1997. In math, the percentage of students scoring at the basic level increased from 29 percent to 60 percent. In addition, Manchester saved an estimated $73,000 over three years because students participating in the after-school program avoided being retained in grade or being placed in special education.

One student in the Manchester program said, ''I used to hate math. It was stupid. But when we started using geometry and trigonometry to measure the trees and collect our data, I got pretty excited. Now I'm trying harder in school.''

In Georgia, over 70 percent of students, parents, and teachers agreed that children received helpful tutoring through The 3:00 Project, a statewide network of after-school programs. Over 60 percent of students, parents, and teachers agreed that children completed more of their homework and the homework was better prepared because of their participation in the program.

One 7th-grade student from Georgia said, ''I just used to hang out after-school before coming to The 3:00 Project. Now I have something to do and my school work has improved!''

In 1996, over half of the students who attended Chicago's summer program raised their test scores enough to proceed in high school.

As Mayor Daley of Chicago said, ''Instead of locking youth up, we need to unlock their potential. We need to bring them back to their community and provide the guidance and support they need.''

We should do all we can to improve and expand after-school opportunities—the nation's children deserve no less.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent that I be given an additional minute to the 44 seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. I thank my friends.

Frankly, I am kind of surprised to see my friends on the Republican side disagree so strongly with law enforcement in this country. There is a reason we put this on the juvenile justice bill. It is because we know that kids get into trouble after school. You do not need a degree in criminology, psychology, or any other ''ology'' to understand that is what is happening.

When I held crime meetings, town meetings, all throughout the State of California, the one thing I can tell you the law enforcement people told me—and that is why the National Sheriffs Association supports our amendment—Senator, when we get them, it is too late. When we get them, it is too late. Prevent the crime first.

It goes to the next chart.

Three o'clock, that is when it happens, folks. They get out of school; they have no place to go; they get in trouble. I am stunned to see the Senator from Vermont once again opposing this. This isn't a new program; it is an expansion of the program that was started by President Clinton. And guess what, I say to my friend. They can only fund a minuscule proportion of the applications from the school districts coming from all over the country.

What we would do in this amendment is allow those applications to be funded. This is nothing new. This is nothing extraordinary. It is expanding this program—the same program —to meet the incredible need.

I agree with law enforcement on this one: Keep our kids busy and happy after school. We will see that crime rate go down.

Thank you very much, Mr. President.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. CHAFEE. Let's vote.

Mr. HATCH. 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 that the order for the quorum call be rescinded.

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

AMENDMENT NO. 364

Mr. HATCH. Mr. President, am I correct, the first vote is the Wellstone amendment?

The PRESIDING OFFICER. That is the first amendment that will be voted on.

Mr. HATCH. Mr. President, I move to table the amendment and ask for the yeas and nays, and I request at the same time that the following two votes be 10 minutes each.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. WELLSTONE. Can I ask one question: Do we have a minute each, or are we not doing that?

Mr. HATCH. We have been debating all night. We will be glad to have 2 minutes before each amendment.

Mr. WELLSTONE. I just wanted to know. I prefer to have 1 minute to summarize.

Mr. HATCH. Let me defer my motion to table and go for 2 minutes equally divided.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. This amendment simply maintains the current core protections in current law. It requires States to study and assess the problem of disproportionate minority confinement. It does not require quotas. It is not unconstitutional. It does not require States and localities to release those in confinement.

This amendment is about fairness. It is about equal justice under the law. This is a civil rights vote.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I think we have more than adequately answered the arguments made by the distinguished presenter of this amendment. We yield back the remainder of our time.

Mr. President, I ask unanimous consent that the first vote be 15 minutes and that the succeeding two votes be 10 minutes each.

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

Mr. HATCH. Mr. President, I move to table the 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 question is on agreeing to the motion to table amendment No. 364. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—52

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)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	
Fitzgerald	McConnell	

NAYS—48

Akaka	Cleland	Harkin
Baucus	Conrad	Hollings
Bayh	Daschle	Inouye
Biden	Dodd	Jeffords
Bingaman	Dorgan	Johnson
Boxer	Durbin	Kennedy
Breaux	Edwards	Kerrey
Bryan	Feingold	Kerry
Byrd	Feinstein	Kohl
Chafee	Graham	Landrieu

Lautenberg	Moynihan	Sarbanes
Leahy	Murray	Schumer
Levin	Reed	Specter
Lieberman	Reid	Torricelli
Lincoln	Robb	Wellstone
Mikulski	Rockefeller	Wyden

The motion was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 365

The PRESIDING OFFICER (Mr. HUTCHINSON). On the McConnell amendment, there is 1 minute on each side.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the amendment we are about to vote on is very narrowly drafted to add one additional factor to those Federal agencies that have subjective standards they apply prior to allowing the shooting of a movie on Federal property.

The subject of the amendment is the making of movies on Federal property and with federal assistance. There are at least three federal entities—the Defense Department, NASA, and the Coast Guard—that currently have quite subjective standards which they apply to the movie industry when asked for permission to make a movie on Federal property or with their cooperation and assistance.

All this amendment does is add one more factor—one, wanton and gratuitous violence—to those standards. Bear in mind this amendment has no first amendment implications at all. Any movie company that wants to make a movie and do anything and say anything and depict anything they want to can continue to do that. They just won't do it on Federal property.

This is a mild amendment that sends a message to Hollywood.

I hope my colleagues will support it.

Mr. LEAHY. Mr. President, the problem with this, of course, is that nobody, when they start out on a movie, knows exactly what form their movie is going to be in in the end. Basically what you are saying is somebody in the Department of Agriculture—for example, if you want to do something on the eastern forest or have eastern forest in the background—some bureaucrat in the Department of Agriculture has to determine, before you even start filming the movie, what the final edited copy of the movie will look like at the end before the decision can be made. That person at the Department of Agriculture might do dairy price supports one day and Block Buster Steven Spielberg movies the next day.

I understand what my friend from Kentucky wants to do. But the best way to censor violence in movies is don't go to violent movies. But don't ask somebody at the Department of the Interior who does fishing permits, for example, to determine whether a national forest can be used as a background somewhere in a movie that has not yet been made.

The PRESIDING OFFICER. The time has expired. The question is on agreeing to the amendment. This will be a 10-minute vote. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 66, nays 44, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—66

Abraham	Dodd	Kyl
Allard	Domenici	Lieberman
Ashcroft	Dorgan	Lincoln
Bayh	Edwards	Lott
Bennett	Enzi	Lugar
Biden	Fitzgerald	Mack
Bond	Frist	McCain
Breaux	Gorton	McConnell
Brownback	Gramm	Murkowski
Bryan	Grams	Roberts
Bunning	Grassley	Roth
Burns	Gregg	Santorum
Byrd	Harkin	Sessions
Campbell	Hatch	Shelby
Chafee	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Conrad	Inhofe	Specter
Coverdell	Jeffords	Thomas
Craig	Johnson	Thurmond
Crapo	Kennedy	Warner
DeWine	Kerry	Wyden

NAYS—34

Akaka	Inouye	Reid
Baucus	Kerrey	Robb
Bingaman	Kohl	Rockefeller
Boxer	Landrieu	Sarbanes
Cleland	Lautenberg	Schumer
Daschle	Leahy	Stevens
Durbin	Levin	Thompson
Feingold	Mikulski	Torricelli
Feinstein	Moynihan	Voinovich
Graham	Murray	Wellstone
Hagel	Nickles	
Hollings	Reed	

The amendment (No. 365) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. ROBB. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 319

The PRESIDING OFFICER. The next amendment is the BOXER amendment. There are 2 minutes equally divided.

The Senator from California.

Mrs. BOXER. Mr. President, all we do in this amendment is authorize the amount of money we need to fill the need of all those local school districts which have applied for afterschool programs. We know that at 3 o'clock—this is from the FBI—the crime rate goes up and it does not go down until the parents come home from work. We know that afterschool programs will prevent crime.

We also know the reason all these various law enforcement agencies support this is that this is the way to stop crime from happening in the first place.

Mr. BYRD. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from California.

Mrs. BOXER. Mr. President, we hope to cut down juvenile crime. What better way to do it than to listen to law enforcement, including the Police Athletic Leagues and the National Sheriffs Association, and so many police chiefs who tell us: Senators, prevention is the name of the game. Once the kids get into the system, we cannot turn them around.

If we will vote for this, we will authorize the appropriate amount of money the local school districts are telling us meets the needs of 1.2 million children. I hope my colleagues will support this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. This adds $3 billion to programs we already covered in our prevention programs and does it in a way that has more Federal intrusion.

I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 319.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced, yeas 53, nays 47, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—53

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Chafee	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Jeffords	Thompson
Crapo	Kyl	Thurmond
DeWine	Lott	Voinovich
Domenici	Lugar	Warner
Enzi	Mack	

NAYS—47

Akaka	Feingold	Lincoln
Baucus	Feinstein	Mikulski
Bayh	Graham	Moynihan
Biden	Harkin	Murray
Bingaman	Hollings	Reed
Boxer	Inouye	Reid
Breaux	Johnson	Robb
Bryan	Kennedy	Rockefeller
Byrd	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Conrad	Kohl	Snowe
Daschle	Landrieu	Specter
Dodd	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Edwards	Lieberman	

The motion was agreed to.

Mr. ASHCROFT. 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. LOTT. 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. LOTT. Mr. President, I have a unanimous consent request I would like to propound. First, obviously, we have had the last vote for the night. I thank the managers of the bill for their diligent efforts. I thank Senator REID for his efforts, and Senator ASHCROFT, and Senator FRIST, and Senator HARKIN, and Senator LAUTENBERG, who

have all been willing to at least make concessions so that we can make progress. Senator DASCHLE and I appreciate that. The consent we will ask would provide for two amendments to be brought up in the morning, and it would be the Gordon Smith/Jeffords amendment, followed by the Lautenberg amendment, with a vote on both of those at 10:30. The pending business is still the Harkin amendment, but we would intend at that time to go to the supplemental bill. We are going to try to get a 2-hour time agreement on that. When that is over, we will be back where we stood with the Frist-Ashcroft amendment. That summarizes the agreement.

Mr. President, I ask unanimous consent that with respect to the Gordon Smith/Jeffords amendment there be 60 minutes for debate, equally divided in the usual form on the Gordon Smith amendment and amendment No. 362, the Lautenberg amendment, to run concurrently beginning at 9:30 a.m. Thursday, and all other provisions of the consent agreement of May 14 remain in place and the amendment be laid down tonight prior to the close of Senate business.

I further ask consent that the vote occur on the Gordon Smith-Jeffords amendment just prior to the vote on amendment 362, under the same time restraints and provisions as provided above.

I further ask that the Senate resume amendment No. 355 immediately following the disposition of amendment No. 362.

Mr. LEAHY. Mr. President, reserving the right to object, and I shall not object. That is with the understanding that the Senator from Iowa is represented under the same circumstances as when we broke off, is that correct?

Mr. LOTT. He still would have priority recognition under the agreement and under the procedures anyway, but also under the agreement that was included. Both sides of this issue don't want to lose their positions. But this will allow us to do these two amendments and to do the supplemental, and then that will be the pending issue. We know we have to find a way to get to a conclusion.

I want to emphasize now that we will do the supplemental after those first 2 votes.

Mr. REID. Reserving the right to object. Mr. Leader, would it be possible for the unanimous consent request to be amended to reflect that 15 minutes of the time on the Smith amendment be controlled by Senator SCHUMER, that he take 5 minutes of the 15 minutes, and then the remaining 10 minutes go to Senator LAUTENBERG?

Mr. LOTT. I think I got lost. Is it just a division of how the time would go on your side?

Mr. REID. Yes. One of our Members wanted to control 15 minutes. He is going to use 5 minutes of it and give the rest to Senator LAUTENBERG.

Mr. LOTT. Mr. President, I amend that UC request to that effect, based on the assurance of the intent given by the distinguished Democratic whip. If it turns out that it is somehow or another not fair, we will revisit that tomorrow. I change the UC to include that request.

Mr. ASHCROFT. Reserving the right to object, and I don't intend to object, I want to indicate that this is about the fourth time we have displaced this amendment, which I have been working on in conjunction with Senator FRIST. This amendment has been the pending business since last Friday. This is not a novel amendment.

I just want to indicate that I intend to get a vote on this amendment. Votes have been taken on amendments on both sides. The right way to resolve any dispute on this amendment is to vote on it. I have been ready to vote on this amendment for quite some time. I think everyone on both sides of the aisle knows what the amendment is about.

I would just indicate that when this amendment comes back up I will persist in expecting the same courtesy that this body has accorded all other amendments to be accorded to this amendment, and I will work hard to make sure we have an opportunity to vote on it.

Mr. LOTT. Mr. President, I again express my appreciation to Senator ASHCROFT for his willingness to agree to this unanimous consent tonight. He is right. He, Senator FRIST, and Senator HARKIN have agreed to be put it aside. I think it will be the fourth time we wouldn't have been able to get this agreement without their cooperation. I understand their determination on both sides of the issue. I appreciate the fact they were willing to agree to this.

Did we get an agreement?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 366

(Purpose: To reverse provisions relating to pawn and other gun transactions)

Mr. LOTT. Mr. President, I send an amendment to the desk on behalf of Senators SMITH of Oregon and JEFFORDS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT), for Mr. SMITH of Oregon, and Mr. JEFFORDS, proposes an amendment numbered 366.

At the appropriate place, insert the following:

SEC. . PROVISIONS RELATING TO PAWN AND OTHER GUN TRANSACTIONS.

(a) Notwithstanding any other provision of this Act, the repeal of paragraph (1) and amendment of paragraph (2) made by subsection (c) with the heading ''Provision Relating to Pawn and Other Transactions'' of section 4 of the title with the heading ''General Firearms Provisions'' shall be null and void.

(b) COMPLIANCE.—Except as to the State and local planning and zoning requirements for a licensed premises as provided in subparagraph (D), a special licensee shall be subject to all the provisions of this chapter applicable to dealers, including, but not limited to, the performance of an instant background check.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

MORNING BUSINESS

Mr. NICKLES. I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 18, 1999, the federal debt stood at $5,593,840,202,404.86 (Five trillion, five hundred ninety-three billion, eight hundred forty million, two hundred two thousand, four hundred four dollars and eighty-six cents).

One year ago, May 18, 1998, the federal debt stood at $5,497,225,000,000 (Five trillion, four hundred ninety-seven billion, two hundred twenty-five million).

Five years ago, May 18, 1994, the federal debt stood at $4,590,202,000,000 (Four trillion, five hundred ninety billion, two hundred two million).

Ten years ago, May 18, 1989, the federal debt stood at $2,780,338,000,000 (Two trillion, seven hundred eighty billion, three hundred thirty-eight million).

Fifteen years ago, May 18, 1984, the federal debt stood at $1,485,574,000,000 (One trillion, four hundred eighty-five billion, five hundred seventy-four million) which reflects a debt increase of more than $4 trillion—$4,108,266,202,404.86 (Four trillion, one hundred eight billion, two hundred sixty-six million, two hundred two thousand, four hundred four dollars and eighty-six cents) during the past 15 years.

CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION FOR H.R. 1141

Mr. DOMENICI. Mr. President, section 314(b)(1) of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect an amount provided and designated as an emergency requirement pursuant to 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act.

I hereby submit revisions to the 1999 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays
Current Allocation:		
Defense discretionary	279,891	271,403

[In millions of dollars]

	Budget authority	Outlays
Nondefense discretionary	287,157	273,901
Violent crime reductiuon fund	5,800	4,953
Highways	.....	21,885
Mass transit	.....	4,401
Mandatory	299,159	291,731
Total	872,007	868,274
Adjustments:		
Defense discretionary	+9,249	+2,525
Nondefense discretionary	+3,533	+1,057
Violent crime reductiuon fund	.....	.....
Highways	.....	.....
Mass transit	.....	.....
Mandatory	.....	.....
Total	+12,782	+3,582
Revised Allocation:		
Defense discretionary	289,140	273,928
Nondefense discretionary	290,690	274,958
Violent crime reductiuon fund	5,800	4,953
Highways	.....	21,885
Mass transit	.....	4,401
Mandatory	299,159	291,731
Total	884,789	871,856

I hereby submit revisions to the 1999 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays	Deficit
Current Allocation: Budget Resolution	1,452,512	1,411,334	−52,415
Adjustments: H.R. 1141	+12,782	+3,582	−3,582
Revised Allocation: Budget Resolution	1,465,294	1,414,916	−55,997

I hereby submit revisions of the 2000 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	531,771	536,700
Violent crime reduction fund	4,500	5,554
Highways	.....	24,574
Mass transit	.....	4,117
Mandatory	321,502	304,297
Total	857,773	875,242
Adjustments:		
General purpose discretionary	+1,881	+7,258
Violent crime reduction fund	.....	.....
Highways	.....	.....
Mass transit	.....	.....
Mandatory	.....	.....
Total	+1,881	+7,258
Revised Allocation:		
General purpose discretionary	533,652	543,958
Violent crime reduction fund	4,500	5,554
Highways	.....	24,574
Mass transit	.....	4,117
Mandatory	321.502	304,297
Total	859,654	882,500

I hereby submit revisions of the 2000 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays	Deficit
Current Allocation: Budget Resolution	1,426,720	1,408,082	0
Adjustments: H.R. 1141	+1,881	+7,258	−7,258
Revised Allocation: Budget Resolution	1,428,601	1,415,340	−7,258

CONDEMNING RUSSIAN ANTI-SEMITISM

Mr. FITZGERALD. Mr. President, I rise today in support of S. Con. Res. 19, a resolution condemning growing Russian anti-Semitism.

Russian anti-Semitism, is nothing new in the world. Throughout Russian history, Jews have faced attacks in the form of pogroms, forced military duty for terms of up to 25 years, and a general pattern of persecution and discrimination. With the end of the Soviet Union and the rise of democracy in Russia, we thought these kinds of acts were a part of the past. Unfortunately, they are not.

On Saturday, May 1, there were two bomb blasts at two Moscow synagogues, one at Moscow's main Choral Synagogue. There was light damage at both sites, yet the bombings on the Sabbath and on May 1, ''May Day'' was a scary development.

These violent acts, combined with the various statements issued by Communist members of the Russian Duma can only serve to stir up increased violence. This is extremely unfortunate.

There is no place for violence and hatred in our society. We in Congress and the rest of the world must actively condemn this violence and hatred before it gets out of hand, as has been the case all too many times in this century. Thank you Mr. President.

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 Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

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–3062. A communication from the General Counsel, Department of Defense, transmitting, a draft of proposed legislation relative to various management concerns; to the Committee on Armed Services.

EC–3063. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Economic and Political Transition in Indonesia''; to the Committee on Appropriations.

EC–3064. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Para-Aramid Fibers and Yarns'', received May 12, 1999; to the Committee on Armed Services.

EC–3065. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Federal Speculative Position Limits and Associated Rules'' (RIN3038–AB32), received May 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3066. A communication from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Grape Crop Insurance Provisions; Final Rule'', received May 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3067. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tax Relief for Those Affected by Operation Allied Force'' (Notice 99–30), received May 17, 1999; to the Committee on Finance.

EC–3068. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Equitable Relief from Joint and Several Liability'' (Notice 99–29), received May 10, 1999; to the Committee on Finance.

EC–3069. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Proc. 99-25'', received May 12, 1999; to the Committee on Finance.

EC–3070. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind and Disabled; Substantial Gainful Activity Amounts'' (RIN0960–AE98), received April 20, 1999; to the Committee on Finance.

EC–3071. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Veterans Subvention Demonstration; to the Committee on Finance.

EC–3072. A communication from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy in the Department of the Treasury; to the Committee on Finance.

EC–3073. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, a draft of proposed legislation entitled the ''Intercountry Adoption Act''; to the Committee on Foreign Relations.

EC–3074. A communication from the Chairman of the Board, African Development Foundation, transmitting, a draft of a proposed amendment to the International Security and Development Cooperation Act of 1980; to the Committee on Foreign Relations.

EC–3075. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting, a draft of a proposed amendment to the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

EC–3076. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report of the issuance of an export license to Greece; to the Committee on Foreign Relations.

EC–3077. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–3078. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Gambrell, AK; Docket No. 98–AAL–20/4–20 (4–22)'' (RIN2120–AA66) (1999–0141), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3079. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; San Antonio, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ASW–54/4–23 (4–26)'' (RIN2120–AA66) (1999–0164), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3080. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Monroe, LA; Direct Final Rule; Confirmation of Effective Date; Docket No. 98–ASW–55/4–23 (4–26)'' (RIN2120–AA66) (1999–0165), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3081. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Cahokia, IL; Docket No. 99–AGL–4/4–26 (4–26)'' (RIN2120–AA66) (1999–0163), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3082. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Fremont, OH; Docket No. 98–AGL–75/4–26 (4–26)'' (RIN2120–AA66) (1999–0161), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3083. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Detroit, MI; Docket No. 99–AGL–8/4–26 (4–26)'' (RIN2120–AA66) (1999–0160), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3084. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Mariette, MI; Docket No. 99–AGL–10/4–26 (4–26)'' (RIN2120–AA66) (1999–0159), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3085. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Hallock, MN; Docket No. 99–AGL–5/4–26 (4–26)'' (RIN2120–AA66) (1999–0154), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3086. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Howell; Docket No. 99–AGL–6/4–26 (4–26)'' (RIN2120–AA66) (1999–0155), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3087. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Flint, MI; Docket No. 99–AGL–7/4–26 (4–26)'' (RIN2120–AA66) (1999–0156), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3088. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Restricted Area R–53513C, Long Shoal Point, NC; Docket No. 98–ASO–13/10–7 (4–22)'' (RIN2120–AA66) (1999–0153), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3089. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Rock Rapids Municipal Airport Class E Airspace Area; Direct Final Rule; Request for Comments; Docket No. 99–ACE–15/4–20 (4–22)'' (RIN2120–AA66) (1999–0145), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3090. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Shenandoah Municipal Airport Class E Airspace Area, IA; Direct Final Rule; Request for Comments; Docket No. 99–ACE–16/4–20 (4–22)'' (RIN2120–AA66) (1999–0144), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3091. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Clarinda, Schenck Field Class E Airspace Area, IA; Direct Final Rule; Request for Comments; Docket No. 99–ACE–17/4–20 (4–22)'' (RIN2120–AA66) (1999–0143), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3092. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Des Moines International Airport Class E Airspace Area, IA; Direct Final Rule; Confirmation of Effective Date and Correction; Docket No. 98–ACE–55/4–20 (4–22)'' (RIN2120–AA66) (1999–0151), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3093. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Springfield-Branson Regional Airport Class E Airspace Area, MO; Confirmation of Effective Date; Docket No. 99–ACE–8/4–20 (4–22)'' (RIN2120–AA66) (1999–0149), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3094. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Newton City-County Municipal Airport Class E Airspace Area, KS; Confirmation of Effective Date; Docket No. 99–ACE–3/4–20 (4–22)'' (RIN2120–AA66) (1999–0150), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3095. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to West Union, George L. Scott Municipal Airport Class E Airspace, IA; Direct Final Rule; Request for Comments; Docket No. 99–ACE–12/4–20 (4–22)'' (RIN2120–AA66) (1999–0147), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3096. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Perryville Municipal Airport Class E Airspace Area, MO; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ACE-1/3-31 (-1)'' (RIN2120-AA66) (1999-0126), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3097. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Cresco, Ellen Church Field Class E Airspace Area, IA; Direct Final Rule; Request for Comments; Docket No. 99-ACE-13/4-20 (4-22)'' (RIN2120-AA66) (1999-0146), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3098. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Grand Island, Central Nebraska Regional Municipal Airport Class E Airspace Area, IA; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ACE-2/3-31 (4-1)'' (RIN2120-AA66) (1999-0128), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3099. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace, Toccoa, GA; Correction; Docket No. 99-ASO-3/5-3 (5-3)'' (RIN2120-AA66) (1999-0169), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3100. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Jesse Viertal Mem Airport Class E Airspace Area, MO; Direct Final Rule, Confirmation of Effective Date; Docket No. 99-ACE-6/4-23 (4-26)'' (RIN2120-AA66) (1999-0166), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3101. A communication from the Program Analyst, Office of the Chief Counsel,

Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace Area; El Dorado, KS; Direct Final Rule, Confirmation of Effective Date and Correction; Docket No. 99-ACE-5/4-23 (4-26)'' (RIN2120-AA66) (1999-0167), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3102. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace and Modification of Class E Airspace; Alpena, MI; Docket No. 99-AGL-11/4-26 (4-26)'' (RIN2120-AA66) (1999-0157), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3103. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Waverly, OH; Docket No. 99-AGL-79/4-26 (4-26)'' (RIN2120-AA66) (1999-0162), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3104. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Temporary Restricted Area, Idaho; Docket No. 99-ANM-22/5-4 (5-3)'' (RIN2120-AA66) (1999-0168), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3105. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of CVG Class B and Revocation of the CVG Class C Airspace Area, KY; Confirmation of Effective Date; Docket No. 93-AWA-5/4-20 (4-22)'' (RIN2120-AA66) (1999-0152), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3106. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (42); Amdt. No. 1927/4-22 (4-26)'' (RIN2120-AA65) (1999-0021), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3107. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (44); Amdt. No. 1926/4-27 (4-29)'' (RIN2120-AA65) (1999-0022), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3108. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation and Establishment of Class E Airspace; Sinaw, MI; Docket No. 99-AGL-9/4-26 (4-26)'' (RIN2120-AA66) (1999-0158), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3109. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: British Aerospace Model H.P. 137 Jetstream Mk. 1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes; Direct Final Rule; Request for Comments; Docket No. 98-CE-70/10-8 (4-22)'' (RIN2120-AA64) (1999-0183), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3110. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747-100, -200, -300, SP and SR Series Airplanes; Docket No. 97-NM-272/9-30 (4-22)'' (RIN2120-AA64) (1999-0182), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3111. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Beech Models A36, B36TC, 58, 58A, C90A, B200, B300, and 1900D Airplanes; Request for Comments; Docket No. 99-CE-11/4-28 (4-29)'' (RIN2120-AA64) (1999-0198), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3112. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Alexander Schleicher Segelflugzeugbau Model ASK21 Gliders; Direct Final Rule; Request for Comments; Docket No. 98-CE-25/4-26 (4-26)'' (RIN2120-AA64) (1999-0184), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3113. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes; Docket No. 99-NM-100-AD; Amendment 39-11154; AD 99-09-51'' (RIN2120-AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3114. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Anchorage Areas/Anchorage Grounds Regulations; Atlantic Ocean off Miami and Miami Beach, Florida (CGD07-99-002)'' (RIN2115-AA98) (1999-0001), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3115. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Interagency Career Transition Assistance for Displaced Former Panama Canal Employees'', received May 12, 1999; to the Committee on Governmental Affairs.

EC–3116. A communication from the Director, Office of Personnel Management, transmitting, a draft of proposed legislation entitled ''Federal Employees' Overtime Pay Limitation Amendments Act of 1999''; to the Committee on Governmental Affairs.

EC–3117. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to life insurance for Federal employees; to the Committee on Governmental Affairs.

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. TORRICELLI (for himself, Mr. WELLSTONE, and Mr. SARBANES):

S. 1074. A bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS; to the Committee on Finance.

By Mrs. BOXER (for herself, Mrs. HUTCHISON, and Ms. LANDRIEU):

S. 1075. A bill to promote research to identify and evaluate the health effects of silicone breast implants, and to insure that women and their doctors receive accurate information about such implants; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 1076. A bill to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes; to the Committee on Veterans Affairs.

By Mr. SCHUMER (for himself, Mr. BYRD, Mr. KENNEDY, Mr. INOUYE, Mr. ROTH, Mr. LEAHY, Mr. CHAFEE, Mr. WARNER, Mr. LEVIN, Mr. DODD, Mr. LAUTENBERG, Mr. BINGAMAN, Mr. KERRY, Mr. REID, Mr. BRYAN, Mr. ROBB, Mr. LIEBERMAN, Mrs. BOXER, Mr. WYDEN, Mr. TORRICELLI, and Mr. BAYH:

S. 1077. A bill to dedicate the new Amtrak station in New York, New York, to Senator Daniel Patrick Moynihan; to the Committee on Environment and Public Works.

By Mr. HELMS:

S. 1078. A bill for the relief of Mrs. Elizabeth Eka Bassey and her children, Emmanuel O. Paul Bassey, Jocob Paul Bassey, and Mary Idongesit Paul Bassey; to the Committee on the Judiciary.

By Mr. MACK (for himself, Mr. KOHL, and Mr. GRASSLEY):

S. 1079. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals subject to Federal hours of service; to the Committee on Finance.

By Mr. TORRICELLI (for himself, Mr. SCHUMER, and Mr. DURBIN):

S. 1080. A bill to amend title 18, United States Code, to prohibit gunrunning, and provide mandatory minimum penalties for crimes related to gunrunning; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 1081. A bill to amend section 842 of title 18, United States Code, relating to explosive materials; to the Committee on the Judiciary.

S. 1082. A bill to amend part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide assistance for unincorporated neighborhood watch programs; to the Committee on the Judiciary.

By Mr. TORRICELLI (for himself and Mr. KOHL):

S. 1083. A bill to expedite State review of criminal records of applicants for bail enforcement officer employment, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. BRYAN, and Ms. SNOWE):

S. 1084. A bill to amend the Communications Act of 1934 to protect consumers from the unauthorized switching of their long-distance service; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY:

S. 1085. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI (for himself and Mr. WELLSTONE):

S. 1074. A bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS; to the Committee on Finance.

AMYOTROPHIC LATERAL SCLEROSIS (ALS) TREATMENT AND ASSISTANCE ACT OF 1999

Mr. TORRICELLI. Mr. President, I rise today to introduce legislation that will improve the lives of 30,000 Americans, 850 of whom live in my State of New Jersey, who are stricken with Amyotrophic Lateral Sclerosis (ALS).

Many of us know Amyotrophic Lateral Sclerosis (ALS) as the disease that struck down the famed Yankees 1st baseman, Lou Gehrig, yet, few of us are aware of the tragic effects ALS has on its victims. Fewer still are aware of the inherent flaws in the Medicare program which further compound the suffering of those with ALS.

Despite the short life expectancy of three to five years, ALS patents must endure a two year waiting period in order to receive Medicare services. Forcing ALS patients to wait until the final months of their illness defies common sense and human decency. In fact, as a result of the Medicare waiting period, approximately 17,000 ALS patients remain ineligible for Medicare services right now, regardless of the severity of their condition.

My bill, the ALS Treatment, and Assistance Act waives the 24-month Medicare waiting period for ALS patients. A similar waiver is granted for victims of end-stage renal disease due to the rapid onset of symptoms. The immediacy of symptoms in ALS patients and extremely short life expectancy illustrate the need to extend the waiver for ALS. In addition, many ALS victims have had productive lives and will have paid into the Social Security system well before the onset of ALS.

The legislation also requires Medicare to provide coverage for all FDA-approved drugs that treat ALS. While Medicare typically does not provide coverage for prescription drug therapies, over the past few years, exceptions have been granted to provide drug coverage to treat osteoporosis and certain types of cancer. Due to the rapid onset of symptoms and the short life expectancy of ALS patients, the need for another exception is clear. In addition, expanding Medicare coverage for ALS therapies will stimulate further research.

ALS is a disease that strikes at every community, with the potential for striking every American. No one is immune, and everyone is vulnerable. I am pleased to be joined by my colleague Senator WELLSTONE in introducing legislation that represents a first real step toward improving the quality of life for people with ALS while bringing us much closer to finding a cause and a cure.

Mr. President, I ask at this time 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. 1074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the ''Amyotrophic Lateral Sclerosis (ALS) Treatment and Assistance Act of 1999''.

(b) FINDINGS.—Congress finds the following:

(1) Amyotrophic Lateral Sclerosis (ALS), commonly known as Lou Gehrig's Disease, is a progressive neuromuscular disease characterized by a degeneration of the nerve cells of the brain and spinal cord leading to the wasting of muscles, paralysis, and eventual death.

(2) Approximately 30,000 individuals in the United States are afflicted with ALS at any time, with approximately 5,000 new cases appearing each year.

(3) ALS usually strikes individuals who are 50 years of age or older.

(4) The life expectancy of an individual with ALS is 3 to 5 years from the time of diagnosis.

(5) There is no known cure or cause for ALS.

(6) Aggressive treatment of the symptoms of ALS can extend the lives of those with the disease. Recent advances in ALS research have produced promising leads, many related to shared disease processes that appear to operate in many neurodegenerative diseases.

(c) PURPOSES.—It is the purposes of this Act—

(1) to assist individuals suffering from ALS by waiving the 24-month waiting period for medicare eligibility on the basis of disability for ALS patients; and

(2) to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

SEC. 2. WAIVER OF 24-MONTH WAITING PERIOD FOR MEDICARE COVERAGE OF INDIVIDUALS DISABLED WITH AMYOTROPHIC LATERAL SCLEROSIS (ALS).

(a) IN GENERAL.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended—

(1) by redesignating subsection (h) as subsection (j) and by moving such subsection to the end of the section; and

(2) by inserting after subsection (g) the following:

''(h) For purposes of applying this section in the case of an individual medically determined to have amyotrophic lateral sclerosis (ALS), the following special rules apply:

''(1) Subsection (b) shall be applied as if there were no requirement for any entitlement to benefits, or status, for a period longer than 1 month.

''(2) The entitlement under such subsection shall begin with the first month (rather than twenty-fifth month) of entitlement or status.

''(3) Subsection (f) shall not be applied.''.

(b) CONFORMING AMENDMENT.—Section 1837 of such Act (42 U.S.C. 1395p) is amended by adding at the end the following:

''(j) In applying this section in the case of an individual who is entitled to benefits under part A pursuant to the operation of section 226(h), the following special rules apply:

''(1) The initial enrollment period under subsection (d) shall begin on the first day of the first month in which the individual satisfies the requirement of section 1836(1).

''(2) In applying subsection (g)(1), the initial enrollment period shall begin on the first day of the first month of entitlement to disability insurance benefits referred to in such subsection.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for months beginning after the date of the enactment of this Act.

SEC. 3. MEDICARE COVERAGE OF DRUGS TO TREAT AMYOTROPHIC LATERAL SCLEROSIS (ALS).

(a) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (S);

(2) by striking the period at the end of subparagraph (T) and inserting ''; and''; and

(3) by adding at the end the following:

''(U) any drug (which is approved by the Commissioner of Food and Drugs under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355)) or biological (which is licensed by the Secretary of Health and Human Services under section 351 of the Public Health Service Act (42 U.S.C. 262)) prescribed for use in the treatment of amyotrophic lateral sclerosis (ALS) or the alleviation of symptoms relating to ALS.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to drugs furnished on or after the first day of the first month beginning after the date of enactment of this Act.

By Mr. SPECTER:

S. 1076. A bill to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS BENEFITS ACT OF 1999

Mr. SPECTER. Mr. President, today I have introduced a major piece of veterans legislation, the proposed Veterans Benefits Act of 1999. This bill is a so-called omnibus measure which will serve as the basis, and the platform, for much of the legislative work to be accomplished this year by the Committee on Veterans' Affairs.

In the past, the Committee on Veterans' Affairs has considered bills on a more piecemeal basis than is reflected in the larger bill that I have introduced today.

In times past, the Committee on Veterans' Affairs has come to the Senate floor with numerous, separate bills to address the various matters that the committee typically faces: annual cost-of-living adjustments, reauthorizations of ''sunsetting'' programs and

authorities, medical care reforms, nonmedical benefits programs improvements, and the like. With the bill I have introduced today, I propose that such matters be folded into a single bill. That bill, then, will be the central focus of a major hearing.

At that hearing, the committee will have the opportunity to hear the views of the Secretaries of Veterans Affairs and the Army; other senior VA officials, including the VA Under Secretaries who are responsible for VA's major operating entities; the major veterans service organizations (The American Legion, the VFW, the Disabled American Veterans, the Paralyzed Veterans of America, and AMVETS); unions representing the rank and file of VA employees; and, finally, associations representing VA's professional cadre of physicians, dentists, and nurses.

By bringing all of the major issues to the fore at one time, and by bringing all of the interested parties together into one room at one time, I believe that the committee will be better positioned to advance this year's legislative agenda in an organized and systematic manner. Such an approach will not necessarily ease the work of the committee, or this body. It will, however, facilitate the placing of issues and initiatives into some order of priority.

The need to recognize priorities has characterized the committee's approach to its work this year. During the first half of this year, the committee has devoted its attention almost entirely on the proposed fiscal year 2000 budget. As this body recognized when it ordered an increase in spending caps on veterans account spending in the fiscal year 2000 budget resolution, the Administration's proposal to keep the VA's health care budget flat for the fourth straight year was clearly unacceptable. Congress ordered an increase of approximately 10 percent in that budget—an action that I, and the committee's ranking minority member, Senator JAY ROCKEFELLER, were urging as early as last fall. We now must proceed through the appropriations process—a process that the Veterans' Affairs Committee, and the veterans service organizations, will watch very closely.

Having heretofore focused principally on the budget, the committee will now turn to its authorizing business. The bill I introduced today opens, at title I, with the committee's first priority: the granting of cost-of-living adjustments to the cash benefits paid monthly by VA in the form of compensation to the 2.3 million veterans who have suffered service-connected disabilities, and benefits for 320,000 surviving spouses and children of veterans who have died in military service or due to service-related injuries and illnesses. Those who are disabled due to service rely on these benefits. They surely merit cost-of-living adjustments.

My bill, secondly, proposes to increase by 13.6% the most valuable ''readjustment'' benefit that is enjoyed—and earned—by the Nation's young veterans: their Montgomery GI bill educational assistance benefits. The ''blue ribbon'' Commission on Servicemembers and Veterans Transition Assistance made a number of recommendations on this point. Most notably, it cited the fact that, unlike times past, veterans' educational assistance benefits no longer come close to affording the veteran an opportunity to return to school on a full time basis after service. The Commission has recommended that, for new enlistees, VA pay full tuition benefits and, in addition, pay an allowance for books and fees and, finally, a monthly living stipend. The committee will consider this proposal further. In the meantime, however, it is appropriate for the committee to address what it might do to make higher education and other training opportunities available to persons who are in the service today. My bill would increase their benefits in recognition of the increased costs of education.

In addition, this bill would make needed changes in statutory authorities under which VA health care is provided. At the outset, I note that the single largest unmet medical need faced by the World War II/Korea generation of veterans is quality long-term care. In addition to providing hospital care and, increasingly, outpatient-based clinical care, VA provides some nursing home care and other types of long term care. But VA hardly scratches the surface of demand for such care. The solution, of course, is funding—funding that has been surely deficient.

VA funding problems must be addressed by the Appropriate Committee, a committee on which I am proud to serve. However, the authorizing committee, which I am proud to chair, has its role to play too. The authorizing committee can free VA from unnecessary legal strictures which impede its efficient delivery of care. Many such impediments were eliminated by recent ''eligibility reform'' legislation. Some, however, remain.

For example, VA is now authorized to provide adult day health care services, services which help the veteran—and the taxpayer—by keeping potential patients out of hospitals and nursing homes. It can do so, however, only if the veteran in question was, first, a hospital or nursing home patient. Thus, VA caregivers have an incentive to hospitalize people so that they will be authorized to provide the type of care that will allow the patient to avoid hospitalization. To my way of thinking, this makes no sense.

Similarly, VA is authorized to provide ''respite care,'' that is, short term care which frees the day-to-day care giver, typically an aging spouse, to attend to his or her needs. But VA can do so only within the four walls of a VA medical facility. Often, it is more effieient—and surely it is more convenient from the patient's and spouse's standpoint—for a respite care provider to go to the home of the patient, as opposed to requiring the patient to be brought into the hospital or long term care center. But VA is precluded by statute from providing respite care in the veteran's home, even when it is clearly in VA's and the patient's interests for it to do so. This, too, makes no sense to me. The bill I have introduced today would clear away these two impediments to the efficient delivery of VA care. Further, it would reauthorize current programs which have proved their worth.

In the veterans benefits arena, one sensitive matter is now ripe for action. It is time, I think, for clear standards to be established for eligibility for burial in Arlington National Cemetery. And they should be set by Congress.

Remarkably, standards governing eligibility for burial in Arlington have never been put into place by statute. Rather, they are purely a product of administrative fiat. Indeed, in one of the most highly sensitive areas—the granting of ''waivers'' to allow the burial of distinguished persons who are not otherwise eligible for burial in Arlington—there has never even been a formal rulemaking to guide cemetery officials. Rather, the granting of waivers has evolved on a purely customary, and ad hoc, basis.

Dealing with waiver requests on an ad hoc basis gives rise, at best, to suspicion of improper influence. At worst, if fans fears of outright abuse of power. Now, I will not rehash a recent case where it was alleged—I think inaccurately—that Arlington burial rights were ''sold'' to a political contributor. Suffice it to say, however, that when it comes to the most sacred of grounds, Arlington National Cemetery, there can be no suggestion whatsoever of improper influence. Surely, there are some honors that no amount of money or level of influence can buy. Perpetual rest in Arlington is clearly one of those honors.

Mr. President, I could go on at considerable length, but many provisions of this bill speak for themselves. As I have noted, the Committee on Veterans' Affairs has not yet had hearings on these specific legislative proposals. Accordingly, they are still works in progress. But they are works in progress that I intend to advance sooner rather than later, by this summer at the latest. The Nation's veterans deserve that kind of attention, and they are getting it from the Committee on Veterans' Affairs.

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. 1076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Benefits Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—COMPENSATION COST-OF-LIVING ADJUSTMENT

Subtitle A—Compensation Cost-of-Living-Adjustment

SEC. 101. SHORT TITLE.

This subtitle may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 1999''.

SEC. 102. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1999, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1999.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1999, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 103. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2000, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 102, as increased pursuant to that section.

Subtitle B—Compensation Rate Amendments

SEC. 111. DISABILITY COMPENSATION.

(a) INCREASE IN RATES.—Section 1114 is amended—

(1) by striking ''$95'' in subsection (a) and inserting ''$96'';

(2) by striking ''$182'' in subsection (b) and inserting ''$184'';

(3) by striking ''$279'' in subsection (c) and inserting ''$282'';

(4) by striking ''$399'' in subsection (d) and inserting ''$404'';

(5) by striking ''$569'' in subsection (e) and inserting ''$576'';

(6) by striking ''$717'' in subsection (f) and inserting ''$726'';

(7) by striking ''$905'' in subsection (g) and inserting ''$916'';

(8) by striking ''$1,049'' in subsection (h) and inserting ''$1,062'';

(9) by striking ''$1,181'' in subsection (i) and inserting ''$1,196'';

(10) by striking ''$1,964'' in subsection (j) and inserting ''$1,989'';

(11) by striking ''$2,443'' and ''$3,426'' in subsection (k) and inserting ''$2,474'' and ''$3,470'', respectively;

(12) by striking ''$2,443'' in subsection (l) and inserting ''$2,474'';

(13) by striking ''$2,694'' in subsection (m) and inserting ''$2,729'';

(14) by striking ''$3,066'' in subsection (n) and inserting ''$3,105'';

(15) by striking ''$3,426'' each place it appears in subsections (o) and (p) and inserting ''$3,470'';

(16) by striking ''$1,471'' and ''$2,190'' in subsection (r) and inserting ''$1,490'' and ''$2,218'', respectively; and

(17) by striking ''$2,199'' in subsection (s) and inserting ''$2,227''.

(b) SPECIAL RULE.—The Secretary of Veterans Affairs may authorize administratively, consistent with the increases specified in this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 112. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) is amended—

(1) by striking ''$114'' in clause (A) and inserting ''$115'';

(2) by striking ''$195'' in clause (B) and inserting ''$197'';

(3) by striking ''$78'' in clause (C) and inserting ''$79'';

(4) by striking ''$92'' in clause (D) and inserting ''$93'';

(5) by striking ''$215'' in clause (E) and inserting ''$217''; and

(6) by striking ''$180'' in clause (F) and inserting ''$182''.

SEC. 113. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking ''$528'' and inserting ''$534''.

SEC. 114. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

(a) NEW LAW RATES.—Section 1311(a) is amended—

(1) by striking ''$850'' in paragraph (1) and inserting ''$861''; and

(2) by striking ''$185'' in paragraph (2) and inserting ''$187''.

(b) OLD LAW RATES.—The table in subsection (a)(3) is amended to read as follows:

''Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$861	W–4	$1,030
E–2	861	O–1	909
E–3	861	O–2	940
E–4	861	O–3	1,004
E–5	861	O–4	1,062
E–6	861	O–5	1,170
E–7	890	O–6	1,318
E–8	940	O–7	1,424
E–9	[1]980	O–8	1,561
W–1	909	O–9	1,672
W–2	946	O–10	[2]1,834
W–3	974		

''[1]If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,057.

''[2]If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,966.''.

(c) ADDITIONAL DIC FOR CHILDREN.—Section 1311(b) is amended by striking ''$215'' and inserting ''$217''.

(d) AID AND ATTENDANCE ALLOWANCE.—Section 1311(c) is amended by striking ''$215'' and inserting ''$217''.

(e) HOUSEBOUND RATE.—Section 1311(d) is amended by striking ''$104'' and inserting ''$105''.

SEC. 115. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) is amended—

(1) by striking ''$361'' in paragraph (1) and inserting ''$365'';

(2) by striking ''$520'' in paragraph (2) and inserting ''$526'';

(3) by striking ''$675'' in paragraph (3) and inserting ''$683''; and

(4) by striking ''$675'' and ''$132'' in paragraph (4) and inserting ''$683'' and ''$133'', respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 is amended—

(1) by striking ''$215'' in subsection (a) and inserting ''$217'';

(2) by striking ''$361'' in subsection (b) and inserting ''$365''; and

(3) by striking ''$182'' in subsection (c) and inserting ''$184''.

SEC. 116. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on November 30, 1999.

TITLE II—EDUCATIONAL BENEFITS

SEC. 201. SHORT TITLE.

This title may be cited as the ''All-Volunteer Force Educational Assistance Programs Improvements Act of 1999''.

SEC. 202. INCREASE IN BASIC BENEFIT OF ACTIVE DUTY EDUCATIONAL ASSISTANCE.

(a) INCREASE IN BASIC BENEFIT.—Section 3015 is amended—

(1) in subsection (a)(1), by striking ''$528'' and inserting ''$600''; and

(2) in subsection (b)(1), by striking ''$429'' and inserting ''$488''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to educational assistance allowances paid for months after September 1999. However, no adjustment in rates of educational assistance shall be made under section 3015(g) of title 38, United States Code, for fiscal year 2000.

SEC. 203. INCREASE IN RATES OF SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.

(a) SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.—Section 3532 is amended—

(1) in subsection (a)(1)—

(A) by striking ''$485'' and inserting ''$550'';

(B) by striking ''$365'' and inserting ''$414''; and

(C) by striking ''$242'' and inserting ''$274'';

(2) in subsection (a)(2), by striking ''$485'' and inserting ''$550'';

(3) in subsection (b), by striking ''$485'' and inserting ''$550''; and

(4) in subsection (c)(2)—

(A) by striking ''$392'' and inserting ''$445'';

(B) by striking ''$294'' and inserting ''$333''; and

(C) by striking ''$196'' and inserting ''$222''.

(b) CORRESPONDENCE COURSE.—Section 3534(b) is amended by striking ''$485'' and inserting ''$550.

(c) SPECIAL RESTORATIVE TRAINING.—Section 3542(a) is amended—

(1) by striking ''$485'' and inserting ''$550'';

(2) by striking ''$152'' each place it appears and inserting ''$172''; and

(3) by striking ''$16.16'' and inserting ''$18.35''.

(d) APPRENTICESHIP TRAINING.—Section 3687(b)(2) is amended—

(1) by striking ''$353'' and inserting ''$401'';

(2) by striking ''$264'' and inserting ''$299'';

(3) by striking ''$175'' and inserting ''$198''; and

(4) by striking ''$88'' and inserting ''$99''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999, and shall apply with respect to educational assistance paid for months after September 1999.

SEC. 204. ELIGIBILITY OF MEMBERS OF THE ARMED FORCES TO WITHDRAW ELECTIONS NOT TO RECEIVE MONTGOMERY GI BILL BASIC EDUCATIONAL ASSISTANCE.

(a) MEMBERS ON ACTIVE DUTY.—Section 3011(c) is amended by adding at the end the following:

''(4)(A) An individual who makes an election under paragraph (1) may withdraw the election at any time before the discharge or release of the individual from active duty in the Armed Forces. An individual who withdraws such an election shall be entitled to basic educational assistance under this chapter.

''(B) The withdrawal of an election under this paragraph shall be made in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

''(C)(i) In the case of an individual who withdraws an election under this paragraph—

''(I) the basic pay of the individual shall be reduced by $100 for each month after the month in which the election is made until the total amount of such reductions equals $1,500; or

''(II) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty in the Armed Forces, the Secretary shall collect from the individual an amount equal to the difference between $1,500 and the total amount of reductions under subclause (I).

''(ii) An individual described in clause (i) may pay the Secretary at any time an amount equal to the total amount of the reduction in basic pay otherwise required with respect to the individual under that clause minus the total amount of reductions of basic pay of the individual under that clause at the time of the payment under this clause.

''(iii) The second sentence of subsection (b) shall apply to any reductions in basic pay under clause (i)(I).

''(iv) Amounts collected under clause (i)(II) and amounts paid under clause (ii) shall be deposited into the Treasury as miscellaneous receipts.

''(D) The withdrawal of an election under this paragraph is irrevocable.''.

(b) MEMBERS OF SELECTED RESERVE.—Section 3012(d) is amended by adding at the end the following:

''(4)(A) An individual who makes an election under paragraph (1) may withdraw the election at any time before the discharge or release of the individual from the Armed Forces. An individual who withdraws such an election shall be entitled to basic educational assistance under this chapter.

''(B) The withdrawal of an election under this paragraph shall be made in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

''(C)(i) In the case of an individual who withdraws an election under this paragraph—

''(I) the basic pay or compensation of the individual shall be reduced by $100 for each month after the month in which the election is made until the total amount of such reductions equals $1,500; or

''(II) to the extent that basic pay or compensation is not so reduced before the individual's discharge or release from the Armed Forces, the Secretary shall collect from the individual an amount equal to the difference between $1,500 and the total amount of reductions under subclause (I).

''(ii) An individual described in clause (i) may pay the Secretary at any time an amount equal to the total amount of the reduction in basic pay or compensation otherwise required with respect to the individual under that clause minus the total amount of reductions of basic pay or compensation of the individual under that clause at the time of the payment under this clause.

''(iii) The second sentence of subsection (c) shall apply to any reductions in basic pay or compensation under clause (i)(I).

''(iv) Amounts collected under clause (i)(II) and amounts paid under clause (ii) shall be deposited into the Treasury as miscellaneous receipts.

''(D) The withdrawal of an election under this paragraph is irrevocable.''.

SEC. 205. ACCELERATED PAYMENTS OF BASIC EDUCATIONAL ASSISTANCE.

Section 3014 is amended—

(1) by inserting ''(a)'' before ''The Secretary''; and

(2) by adding at the end the following new subsection:

''(b)(1) The Secretary may make payments of basic educational assistance under this subchapter on an accelerated basis.

''(2) The Secretary may pay basic educational assistance on an accelerated basis

under this subsection only to an individual entitled to payment of such assistance under this subchapter who has made a request for payment of such assistance on an accelerated basis.

''(3) In the event an adjustment under section 3015(g) of this title in the monthly rate of basic educational assistance will occur during a period for which a payment of such assistance is made on an accelerated basis under this subsection, the Secretary shall pay on an accelerated basis the amount of such assistance otherwise payable under this subchapter for the period without regard to the adjustment under that section.

''(4) The entitlement to basic educational assistance under this subchapter of an individual who is paid such assistance on an accelerated basis under this subsection shall be charged at a rate equal to one month for each month of the period covered by the accelerated payment of such assistance.

''(5) Basic educational assistance shall be paid on an accelerated basis under this subsection as follows:

''(A) In the case of assistance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly assistance otherwise payable under this subchapter for the quarter, semester, or term, as the case may be, of the course.

''(B) In the case of assistance for a course other than a course referred to in subparagraph (A)—

''(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the request for payment by the individual concerned; and

''(ii) in any amount requested by the individual concerned within the limit, if any, specified in the regulations prescribed by the Secretary under paragraph (6), with such limit not to exceed the aggregate amount of monthly assistance otherwise payable under this subchapter for the period of the course.

''(6) The Secretary shall prescribe regulations for purposes of making payments of basic educational assistance on an accelerated basis under this subsection. Such regulations shall include requirements relating to the request for, making and delivery of, and receipt and use of such payments and may include a limit on the amount payable for a course under paragraph (5)(B)(ii).''.

TITLE III—MEDICAL CARE

Subtitle A—Long-Term Care

SEC. 301. ADULT DAY HEALTH CARE.

Section 1720(f)(1)(A)(i) is amended by striking ''subsections (a) through (d) of this section'' and inserting ''subsections (b) through (d) of this section''.

SEC. 302. IN-HOME RESPITE CARE SERVICES.

Section 1720B(b) is amended—

(1) in the matter preceding paragraph (1), by striking ''or nursing home care'' and inserting '', nursing home care, or home-based care''; and

(2) in paragraph (2), by inserting ''or in the home of a veteran'' after ''in a Department facility''.

Subtitle B—Management of Medical Facilities and Property

SEC. 311. DISPOSAL OF DEPARTMENT OF VETERANS AFFAIRS REAL PROPERTY.

(a) TEMPORARY FLEXIBILITY IN DISPOSAL.—(1) Chapter 81 is amended by inserting after section 8122 the following new section:

''§ 8122A. Disposal of real property: temporary flexibility in disposal

''(a)(1) The Secretary may, in accordance with this section, dispose of property owned by the United States that is administered by the Secretary (including improvements and equipment associated with the property) by transfer, sale, or exchange to a Federal agency, a State or political subdivision thereof, or any public or private entity.

''(2) The Secretary may exercise the authority provided by this section without regard to the following provisions of law:

''(A) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

''(B) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

''(3) The Secretary may not undertake more than 30 transactions for the disposal of real property under this section.

''(b)(1) The Secretary shall obtain compensation in connection with a disposal of real property under this section, other than by transfer or exchange with another Federal entity, in an amount equal to the fair market value of the property disposed of. Such compensation may include in-kind compensation.

''(2) The Secretary may use amounts of cash compensation received in connection with a disposal of real property under this section to cover costs incurred by the Secretary for administrative expenses associated with the disposal.

''(c)(1) There is in the Treasury a revolving fund to be known as the Department of Veterans Affairs Capital Asset Fund (in this section referred to as the 'Fund').

''(2) The Secretary shall deposit in the Fund the following:

''(A) Any amounts appropriated pursuant to an authorization of appropriations for the Fund.

''(B) Any cash compensation from the disposal of real property under this section, less amounts used to cover administrative expenses associated with such disposal under subsection (b)(2).

''(3)(A) To the extent provided in advance in appropriations Acts and subject to subsection (e)(2), amounts in the Fund at the beginning of a fiscal year shall be available during the fiscal year as follows:

''(i) For costs associated with the disposal of real property under this section, including—

''(I) costs of demolition of facilities and improvements;

''(II) costs of environmental restoration; and

''(III) costs of maintenance and repair of property, facilities, and improvements to facilitate disposal;

''(ii) To the extent not utilized under clause (i) and subject to subparagraph (B)—

''(I) for construction projects and facility leases (other than projects or leases within the scope of section 8104(a) of this title) and nonrecurring maintenance and operation activities (including the procurement and maintenance of equipment);

''(II) for transfer to the Department of Veterans Affairs Medical Care Collections Fund established in section 1729A of this title for use in accordance with that section;

''(III) for activities and grants under programs for providing grants for homeless assistance; and

''(IV) for transfer to the Department of Housing and Urban Development for homeless assistance grants.

''(iii) To the extent not utilized under clauses (i) and (ii), for the establishment and maintenance of the database required under subsection (d).

''(B) Of the amounts available under subparagraph (A)(ii) for a fiscal year—

''(i) an amount equal to 90 percent of such amounts shall be available under subclauses (I), (II) and (III) of that subparagraph; and

''(ii) an amount equal to 10 percent of such amounts shall be available under subclause (IV) of that subparagraph.

''(4) Amounts in the Fund shall be available for the purposes specified in paragraph (3) without fiscal year limitation.

''(d) The Secretary shall, in consultation with the Administrator of General Services, establish and maintain a database of information on the real property of the Department. The database shall provide information that facilitates the management of such real property, including the disposal of real property under this section.

''(e)(1) The authority of the Secretary to dispose of real property under this section shall expire 5 years after the date of the enactment of the Veterans Benefits Act of 1999.

''(2)(A) The Fund shall be available for not more than 2 years after the expiration of the authority under paragraph (1) for authorized uses of the Fund under this section.

''(B) Any unobligated funds in the Fund at the expiration of the availability of the Fund under subparagraph (A) shall be transferred to and merged with amounts in the Construction, Minor Projects Account.

''(f) The Secretary shall include with the materials that accompany the budget of the President for a fiscal year under section 1105 of title 31 a description, for the year preceding the year in which the budget is submitted, of each transaction for the disposal of real property carried out under this section.''.

(2) The table of sections at the beginning of chapter 81 is amended by inserting after the item relating to section 8122 the following new item:

''8122A. Disposal of real property: temporary flexibility in disposal.''.

(b) INITIAL CAPITALIZATION OF FUND.—(1) There is hereby authorized to be appropriated for the Department of Veterans Affairs for fiscal year 2000, $10,000,000 for deposit in the Department of Veterans Affairs Capital Asset Fund established by section 8122A(c) of title 38, United States Code (as added by subsection (a)).

(2) The Secretary may, for purposes of providing additional amounts in the Fund, transfer to the Fund in fiscal year 2000 amounts in the following accounts, in the order specified:

(A) Amounts in the Construction, Major Projects Account.

(B) Amounts in the Construction, Minor Projects Account.

(3) The Secretary shall reimburse an account referred to in paragraph (2) for any amounts transferred from the account to the Fund under that paragraph. Amounts for such reimbursements shall be derived from amounts in the Fund.

(c) MODIFICATIONS OF GENERAL REAL PROPERTY DISPOSAL AUTHORITY.—Paragraph (2) of section 8122(a) is amended to read as follows:

''(2)(A) Except as provided in paragraph (3) of this subsection, the Secretary may not during any fiscal year dispose of any real property that is owned by the United States and administered by the Secretary unless—

''(i) the disposal is described in the budget submitted to Congress pursuant to section 1105 of title 31 for that fiscal year; and

''(ii) the Department receives compensation for the disposal equal to fair market value of the real property.

''(B) The use of amounts received by the Secretary as a result of the disposal of real property under this paragraph shall be governed by the provisions of section 8122A of this title.''.

SEC. 312. EXTENSION OF ENHANCED-USE LEASE AUTHORITY.

Section 8169 is amended by striking ''December 31, 2001'' and inserting ''December 31, 2004''.

Subtitle C—Homeless Veterans

SEC. 321. EXTENSION OF PROGRAM OF HOUSING ASSISTANCE FOR HOMELESS VETERANS.

Section 3735(c) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2001''.

SEC. 322. HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS.

(a) PURPOSES OF GRANTS.—Section 3(a) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by inserting '', and expanding existing programs for furnishing,'' after ''new programs to furnish''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of that Act (38 U.S.C. 7721 note) is amended in the first sentence by inserting ''and $50,000,000 for each of fiscal years 2000 and 2001'' after ''for fiscal years 1993 through 1997''.

SEC. 323. AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS' REINTEGRATION PROJECTS.

Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1) is amended by adding at the end the following:

''(H) $10,000,000 for fiscal year 2000.

''(I) $10,000,000 for fiscal year 2001.''.

SEC. 324. REPORT ON IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS REGARDING PERFORMANCE MEASURES.

(a) REPORT.—Not later than three months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing a detailed plan for the evaluation by the Department of Veterans Affairs of the effectiveness of programs to assist homeless veterans.

(b) OUTCOME MEASURES.—The plan shall include outcome measures which determine whether veterans are housed and employed within six months after housing and employment are secured for veterans under such programs.

Subtitle D—Other Health Care Provisions

SEC. 331. TREATMENT AND SERVICES FOR DRUG OR ALCOHOL DEPENDENCY.

Section 1720A(c) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''may not be transferred'' and inserting ''may be transferred''; and

(B) by striking ''unless such transfer is during the last thirty days of such member's enlistment or tour of duty''; and

(2) in the first sentence of paragraph (2), by striking ''during the last thirty days of such person's enlistment period or tour of duty''.

SEC. 332. ALLOCATION TO DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE FACILITIES OF AMOUNTS IN MEDICAL CARE COLLECTIONS FUND.

Section 1729A(d) is amended—

(1) by striking ''(1)'';

(2) by striking ''each designated health care region'' and inserting ''each Department health care facility'';

(3) by striking ''each region'' and inserting ''each facility'';

(4) by striking ''such region'' both places it appears and inserting ''such facility''; and

(5) by striking paragraph (2).

SEC. 333. EXTENSION OF CERTAIN PERSIAN GULF WAR AUTHORITIES.

(a) THREE-YEAR EXTENSION OF NEWSLETTER ON MEDICAL CARE.—Section 105(b)(2) of the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 108 Stat. 4659; 38 U.S.C. 1117 note) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

(b) THREE-YEAR EXTENSION OF PROGRAM FOR EVALUATION OF HEALTH OF SPOUSES AND CHILDREN.—Section 107(b) of Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 38 U.S.C. 1117 note) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

SEC. 334. REPORT ON COORDINATION OF PROCUREMENT OF PHARMACEUTICALS AND MEDICAL SUPPLIES BY THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—Not later than March 31, 2000, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and Armed Services of the House of Representatives a report on the cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of the current cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(2) An assessment of the means by which cooperation between the departments in such procurement could be enhanced or improved.

(3) A description of any existing memoranda of agreement between the Department of Veterans Affairs and the Department of Defense that provide for the cooperation referred to in subsection (a).

(4) A description of the effects, if any, such agreements will have on current staffing levels at the Defense Supply Center Philadelphia, Pennsylvania, and the Department of Veterans Affairs National Acquisition Center in Hines, Illinois.

(5) A description of the effects, if any, of such cooperation on military readiness.

(6) A comprehensive assessment of cost savings realized and projected over the five fiscal year period beginning in fiscal year 1999 for the Department of Veterans Affairs and the Department of Defense as a result of such cooperation, and the overall savings to the Treasury of the United States as a result of such cooperation.

(7) A list of the types of medical supplies and pharmaceuticals for which cooperative agreements would not be appropriate and the reason or reasons therefor.

(8) An assessment of the extent to which cooperative agreements could be expanded to include medical equipment, major systems, and durable goods used in the delivery of health care by the Department of Veterans Affairs and the Department of Defense.

(9) A description of the effects such agreements might have on distribution of items purchased cooperatively by the Department of Veterans Affairs and the Department of Defense, particularly outside the continental United States.

(10) An assessment of the potential to establish common pharmaceutical formularies between the Department of Veterans Affairs and the Department of Defense.

(11) An explanation of the current Uniform Product Number (UPN) requirements of each Department and of any planned standardization of such requirements between the Departments for medical equipment and durable goods manufacturers.

Subtitle E—Major Medical Facility Projects Construction Authorization

SEC. 341. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with reach project to be carried out in the amount specified for that project:

(1) Construction of a long term care facility at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed $14,500,000.

(2) Renovations and environmental improvements at the Department of Veterans Affairs Medical Center, Fargo, North Dakota, in an amount not to exceed $12,000,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2000 for the Construction, Major Projects, Account $200,100,000 for the projects authorized in subsection (a) and for the continuation of projects authorized in section 701(a) of the Veterans Programs Enhancement Act of 1998 (Public Law 105–368; 112 Stat. 3348).

(2) LIMITATION ON FISCAL YEAR 2000 PROJECTS.—The projects authorized in subsection (a) may only be carried out using—

(A) funds appropriated for fiscal year 2000 pursuant to the authorizations of appropriations in subsection (a);

(B) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation; and

(C) funds appropriated for Construction, Major Projects, for fiscal year 2000 for a category of activity not specific to a project.

(c) AVAILABILITY OF FUNDS FOR FISCAL YEAR 1999 PROJECTS.—Section 703(b)(1) of the Veterans Programs Enhancement Act of 1998 (112 Stat. 3349) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) funds appropriated for fiscal year 2000 pursuant to the authorization of appropriations in section 341(b)(1) of the Veterans Benefits Act of 1999;''.

TITLE IV—OTHER BENEFITS MATTERS

SEC. 401. PAYMENT RATE OF CERTAIN BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS.

(a) PAYMENT RATE.—Section 107 is amended—

(1) in subsection (a), by striking ''Payments'' and inserting ''Subject to subsection (c), payments''; and

(2) by adding at the end the following:

''(c)(1) In the case of an individual described in paragraph (2), payments under section 2302 or 2303 of this title by reason of subsection (a)(3) shall be made at the rate of $1 for each dollar authorized.

''(2) Paragraph (1) applies to any individual whose service is described in subsection (a) if the individual, on the individual's date of death—

''(A) is a citizen of the United States;

''(B) is residing in the United States; and

''(C) either—

''(i) is receiving compensation under chapter 11 of this title; or

''(ii) if such service had been deemed to be active military, naval, or air service, would have been paid pension under section 1521 of this title without denial or discontinuance by reason of section 1522 of this title.''.

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the effective date of this Act by reason of the amendments made by subsection (a).

SEC. 402. EXTENSION OF AUTHORITY TO MAINTAIN A REGIONAL OFFICE IN THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2004''.

SEC. 403. EXTENSION OF ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2004''.

SEC. 404. REPEAL OF LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.

Section 5503 is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

SEC. 405. CLARIFICATION OF VETERANS EMPLOYMENT OPPORTUNITIES.

(a) CLARIFICATION.—Section 3304(f) of title 5, United States Code, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) If selected, a preference eligible or veteran described in paragraph (1) shall acquire competitive status and shall receive a career or career-conditional appointment, as appropriate.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendment made to section 3304 of title 5, United States Code, by section 2 of the Veterans Employment Opportunities Act of 1998 (Public Law 105–339; 112 Stat. 3182), to which such amendments relate.

TITLE V—MEMORIAL AFFAIRS

Subtitle A—Arlington National Cemetery

SEC. 501. SHORT TITLE.

This subtitle may be cited as the ''Arlington National Cemetery Burial and Inurnment Eligibility Act of 1999''.

SEC. 502. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—(1) Chapter 24 is amended by adding at the end the following new section:

''§ 2412. Arlington National Cemetery: persons eligible for burial

''(a) PRIMARY ELIGIBILITY.—The remains of the following individuals may be buried in Arlington National Cemetery:

''(1) Any member of the Armed Forces who dies while on active duty.

''(2) Any retired member of the Armed Forces and any person who served on active duty and at the time of death was entitled (or but for age would have been entitled) to retired pay under chapter 1223 of title 10.

''(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

''(A) served on active duty; and

''(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.

''(4) Any former member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded one of the following decorations:

''(A) Medal of Honor.

''(B) Distinguished Service Cross, Air Force Cross, or Navy Cross.

''(C) Distinguished Service Medal.

''(D) Silver Star.

''(E) Purple Heart.

''(5) Any former prisoner of war who dies on or after November 30, 1993.

''(6) The President or any former President.

''(7) Any former member of the Armed Forces whose last discharge or separation from active duty was under honorable conditions and who is or was one of the following:

''(A) Vice President.

''(B) Member of Congress.

''(C) Chief Justice or Associate Justice of the Supreme Court.

''(D) The head of an Executive department (as such departments are listed in section 101 of title 5).

''(E) An individual who served in the foreign or national security services, if such individual died as a result of a hostile action outside the United States in the course of such service.

''(8) Any individual whose eligibility is authorized in accordance with subsection (b).

''(b) ADDITIONAL AUTHORIZATIONS OF BURIAL.—(1) Subject to paragraph (4), in the case of a former member of the Armed Forces not otherwise covered by subsection (a) whose last discharge or separation from active duty was under honorable conditions, if the Secretary of Defense makes a determination referred to in paragraph (3) with respect to such member, the Secretary of Defense may authorize the burial of the remains of such former member in Arlington National Cemetery under subsection (a)(8).

''(2) Subject to paragraph (4), in the case of any individual not otherwise covered by subsection (a) or paragraph (1), if the President makes a determination referred to in paragraph (3) with respect to such individual, the President may authorize the burial of the remains of such individual in Arlington National Cemetery under subsection (a)(8).

''(3) A determination referred to in paragraph (1) or (2) is a determination that the acts, service, or other contributions to the Nation of the former member or individual concerned are of equal or similar merit to the acts, service, or other contributions to the Nation of any of the persons listed in subsection (a).

''(4) A burial may be authorized under paragraph (1) or (2) only after consultation with respect to the burial by the Secretary of Defense with the Chairmen and Ranking Members of the Committees on Veterans' Affairs of the Senate and the House of Representatives.

''(5)(A) In the case of an authorization for burial under this subsection, the President or the Secretary of Defense, as the case may be, shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the authorization not later than 72 hours after the authorization.

''(B) Each report under subparagraph (A) shall—

''(i) identify the individual authorized for burial; and

''(ii) provide a justification for the authorization for burial.

''(c) ELIGIBILITY OF FAMILY MEMBERS.—The remains of the following individuals may be buried in Arlington National Cemetery:

''(1) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a person listed in subsection (a), but only if buried in the same gravesite as that person.

''(2)(A) The spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces on active duty if such spouse, minor child, or unmarried adult child dies while such member is on active duty.

''(B) The individual whose spouse, minor child, and unmarried adult child is eligible under subparagraph (A), but only if buried in the same gravesite as the spouse, minor child, or unmarried adult child.

''(3) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery, but only if buried in the same gravesite as that minor child or unmarried adult child.

''(4)(A) Subject to subparagraph (B), the surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces who was lost, buried at sea, or officially determined to be permanently absent in a status of missing or missing in action.

''(B) A person is not eligible under subparagraph (A) if a memorial to honor the memory of the member is placed in a cemetery in the national cemetery system, unless the memorial is removed. A memorial removed under this subparagraph may be placed, at the discretion of the Superintendent, in Arlington National Cemetery.

''(5) The surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces buried in a cemetery under the jurisdiction of the American Battle Monuments Commission.

''(d) SPOUSES.—For purposes of subsection (c)(1), a surviving spouse of a person whose remains are buried in Arlington National Cemetery by reason of eligibility under subsection (a) who has remarried is eligible for burial in the same gravesite of that person. The spouse of the surviving spouse is not eligible for burial in such gravesite.

''(e) DISABLED ADULT UNMARRIED CHILDREN.—In the case of an unmarried adult child who is incapable of self-support up to the time of death because of a physical or mental condition, the child may be buried under subsection (c) without requirement for approval by the Superintendent under that subsection if the burial is in the same gravesite as the gravesite in which the parent, who is eligible for burial under subsection (a), has been or will be buried.

''(f) FAMILY MEMBERS OF PERSONS BURIED IN A GROUP GRAVESITE.—In the case of a person eligible for burial under subsection (a) who is buried in Arlington National Cemetery as part of a group burial, the surviving spouse, minor child, or unmarried adult child of the member may not be buried in the group gravesite.

''(g) EXCLUSIVE AUTHORITY FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.—Eligibility for burial of remains in Arlington National Cemetery prescribed under this section is the exclusive eligibility for such burial.

''(h) APPLICATION FOR BURIAL.—A request for burial of remains of an individual in Arlington National Cemetery made before the death of the individual may not be considered by the Secretary of the Army, the Secretary of Defense, or any other responsible official.

''(i) REGISTER OF BURIED INDIVIDUALS.—(1) The Secretary of the Army shall maintain a register of each individual buried in Arlington National Cemetery and shall make such register available to the public.

''(2) With respect to each such individual buried on or after January 1, 1998, the register shall include a brief description of the basis of eligibility of the individual for burial in Arlington National Cemetery.

''(j) DEFINITIONS.—For purposes of this section:

''(1) The term 'retired member of the Armed Forces' means—

''(A) any member of the Armed Forces on a retired list who served on active duty and who is entitled to retired pay;

''(B) any member of the Fleet Reserve or Fleet Marine Corps Reserve who served on active duty and who is entitled to retainer pay; and

''(C) any member of a reserve component of the Armed Forces who has served on active duty and who has received notice from the Secretary concerned under section 12731(d) of title 10 of eligibility for retired pay under chapter 1223 of title 10.

''(2) The term 'former member of the Armed Forces' includes a person whose service is considered active duty service pursuant to a determination of the Secretary of

Defense under section 401 of Public Law 95–202 (38 U.S.C. 106 note).

''(3) The term 'Superintendent' means the Superintendent of Arlington National Cemetery.''.

(2) The table of sections at the beginning of chapter 24 is amended by adding at the end the following new item:

''2412. Arlington National Cemetery: persons eligible for burial.''.

(b) PUBLICATION OF UPDATED PAMPHLET.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army shall publish an updated pamphlet describing eligibility for burial in Arlington National Cemetery. The pamphlet shall reflect the provisions of section 2412 of title 38, United States Code, as added by subsection (a).

(c) TECHNICAL AMENDMENTS.—Section 2402(7) is amended—

(1) by inserting ''(or but for age would have been entitled)'' after ''was entitled'';

(2) by striking ''chapter 67'' and inserting ''chapter 1223''; and

(3) by striking ''or would have been entitled to'' and all that follows and inserting a period.

(d) EFFECTIVE DATE.—Section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of enactment of this Act.

SEC. 503. PERSONS ELIGIBLE FOR PLACEMENT IN THE COLUMBARIUM IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—(1) Chapter 24 is amended by adding after section 2412, as added by section 501(a)(1) of this Act, the following new section:

''§ 2413. Arlington National Cemetery: persons eligible for placement in columbarium

''(a) ELIGIBILITY.—The cremated remains of the following individuals may be placed in the columbarium in Arlington National Cemetery:

''(1) A person eligible for burial in Arlington National Cemetery under section 2412 of this title.

''(2)(A) A veteran whose last period of active duty service (other than active duty for training) ended honorably.

''(B) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent of Arlington National Cemetery, unmarried adult child of such a veteran.

''(b) SPOUSE.—Section 2412(d) of this title shall apply to a spouse under this section in the same manner as it applies to a spouse under section 2412 of this title.''.

(2) The table of sections at the beginning of chapter 24 is amended by adding after section 2412, as added by section 501(a)(2) of this Act, the following new item:

''2413. Arlington National Cemetery: persons eligible for placement in columbarium.''.

(b) EFFECTIVE DATE.—Section 2413 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of enactment of this Act.

Subtitle B—World War II Memorial

SEC. 511. SHORT TITLE.

This subtitle may be cited as the ''World War II Memorial Completion Act''.

SEC. 512. FUND RAISING BY AMERICAN BATTLE MONUMENTS COMMISSION FOR WORLD WAR II MEMORIAL.

(a) CODIFICATION OF EXISTING AUTHORITY; EXPANSION OF AUTHORITY.—(1) Chapter 21 of title 36, United States Code, is amended by adding at the end the following new section:

''§ 2113. World War II memorial in the District of Columbia

''(a) DEFINITIONS.—In this section:

''(1) The term 'World War II memorial' means the memorial authorized by Public Law 103–32 (107 Stat. 90) to be established by the American Battle Monuments Commission on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

''(2) The term 'Commission' means the American Battle Monuments Commission.

''(3) The term 'memorial fund' means the fund created by subsection (c).

''(b) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS.—Consistent with the authority of the Commission under section 2103(e) of this title, the Commission shall solicit and accept contributions for the World War II memorial.

''(c) CREATION OF MEMORIAL FUND.—(1) There is hereby created in the Treasury a fund for the World War II memorial, which shall consist of the following:

''(A) Amounts deposited, and interest and proceeds credited, under paragraph (2).

''(B) Obligations obtained under paragraph (3).

''(C) The amount of surcharges paid to the Commission for the World War II memorial under the World War II 50th Anniversary Commemorative Coins Act.

''(D) Amounts borrowed using the authority provided under subsection (e).

''(E) Any funds received by the Commission under section 2103(l) of this title in exchange for use of, or the right to use, any mark, copyright or patent.

''(2) The Chairman of the Commission shall deposit in the memorial fund the amounts accepted as contributions under subsection (b). The Secretary of the Treasury shall credit to the memorial fund the interest on, and the proceeds from sale or redemption of, obligations held in the memorial fund.

''(3) The Secretary of the Treasury shall invest any portion of the memorial fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the memorial fund.

''(d) USE OF MEMORIAL FUND.—The memorial fund shall be available to the Commission for—

''(1) the expenses of establishing the World War II memorial, including the maintenance and preservation amount provided for in section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b));

''(2) such other expenses, other than routine maintenance, with respect to the World War II memorial as the Commission considers warranted; and

''(3) to secure, obtain, register, enforce, protect, and license any mark, copyright or patent that is owned by, assigned to, or licensed to the Commission under section 2103(l) of this title to aid or facilitate the construction of the World War II memorial.

''(e) SPECIAL BORROWING AUTHORITY.—(1) To assure that groundbreaking, construction, and dedication of the World War II memorial are completed on a timely basis, the Commission may borrow money from the Treasury of the United States in such amounts as the Commission considers necessary, but not to exceed a total of $65,000,000. Borrowed amounts shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the month in which the obligations of the Commission are issued. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury, but any interest payment so deferred shall also bear interest.

''(2) The borrowing of money by the Commission under paragraph (1) shall be subject to such maturities, terms, and conditions as may be agreed upon by the Commission and the Secretary of the Treasury, except that the maturities may not exceed 20 years and such borrowings may be redeemable at the option of the Commission before maturity.

''(3) The obligations of the Commission shall be issued in amounts and at prices approved by the Secretary of the Treasury. The authority of the Commission to issue obligations under this subsection shall remain available without fiscal year limitation. The Secretary of the Treasury shall purchase any obligations of the Commission to be issued under this subsection, and for such purpose the Secretary of the Treasury may use as a public debt transaction of the United States the proceeds from the sale of any securities issued under chapter 31 of title 31. The purposes for which securities may be issued under such chapter are extended to include any purchase of the Commission's obligations under this subsection.

''(4) Repayment of the interest and principal on any funds borrowed by the Commission under paragraph (1) shall be made from amounts in the memorial fund. The Commission may not use for such purpose any funds appropriated for any other activities of the Commission.

''(f) TREATMENT OF BORROWING AUTHORITY.—In determining whether the Commission has sufficient funds to complete construction of the World War II memorial, as required by section 8 of the Commemorative Works Act (40 U.S.C. 1008), the Secretary of the Interior shall consider the funds that the Commission may borrow from the Treasury under subsection (e) as funds available to complete construction of the memorial, whether or not the Commission has actually exercised the authority to borrow such funds.

''(g) VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, the Commission may accept from any person voluntary services to be provided in furtherance of the fund-raising activities of the Commission relating to the World War II memorial.

''(2) A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and chapter 171 of title 28, relating to tort claims. A volunteer who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such voluntary service, except that any volunteers given responsibility for the handling of funds or the carrying out of a Federal function are subject to the conflict of interest laws contained in chapter 11 of title 18, and the administrative standards of conduct contained in part 2635 of title 5, Code of Federal Regulations.

''(3) The Commission may provide for reimbursement of incidental expenses which are incurred by a person providing voluntary services under this subsection. The Commission shall determine which expenses are eligible for reimbursement under this paragraph.

''(4) Nothing in this subsection shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees.

''(h) TREATMENT OF CERTAIN CONTRACTS.—A contract entered into by the Commission for the design or construction of the World

War II memorial is not funding agreement as that term is defined in section 201 of title 35.

''(i) EXTENSION OF AUTHORITY TO ESTABLISH MEMORIAL.—Notwithstanding section 10 of the Commemorative Works Act (40 U.S.C. 1010), the legislative authorization for the construction of the World War II memorial contained in Public Law 103–32 (107 Stat. 90) shall not expire until December 31, 2005.''.

(2) The table of sections at the beginning of chapter 21 of title 36, United States Code, is amended by adding at the end the following new item:

''2113. World War II memorial in the District of Columbia.''.

(b) CONFORMING AMENDMENTS.—Public Law 103–32 (107 Stat. 90) is amended by striking sections 3, 4, and 5.

(c) EFFECT OF REPEAL OF CURRENT MEMORIAL FUND.—Upon the date of the enactment of this Act, the Secretary of the Treasury shall transfer amounts in the fund created by section 4(a) of Public Law 103–32 (107 Stat. 91) to the fund created by section 2113 of title 36, United States Code, as added by subsection (a).

SEC. 513. GENERAL AUTHORITY OF AMERICAN BATTLE MONUMENTS COMMISSION TO SOLICIT AND RECEIVE CONTRIBUTIONS.

Subsection (e) of section 2103 of title 36, United States Code, is amended to read as follows:

''(e) SOLICITATION AND RECEIPT OF CONTRIBUTIONS.—(1) The Commission may solicit and receive funds and in-kind donations and gifts from any State, municipal, or private source to carry out the purposes of this chapter. The Commission shall deposit such funds in a separate account in the Treasury. Funds from this account shall be disbursed upon vouchers approved by the Chairman of the Commission as well as by a Federal official authorized to sign payment vouchers.

''(2) The Commission shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of funds and in-kind donations and gifts under paragraph (1) would—

''(A) reflect unfavorably on the ability of the Commission, or any employee of the Commission, to carry out the responsibilities or official duties of the Commission in a fair and objective manner; or

''(B) compromise the integrity or the appearance of the integrity of the programs of the Commission or any official involved in those programs.''.

SEC. 514. INTELLECTUAL PROPERTY AND RELATED ITEMS.

Section 2103 of title 36, United States Code, is amended by adding at the end the following new subsection:

''(l) INTELLECTUAL PROPERTY AND RELATED ITEMS.—(1) The Commission may—

''(A) adopt, use, register, and license trademarks, service marks, and other marks;

''(B) obtain, use, register, and license the use of copyrights consistent with section 105 of title 17;

''(C) obtain, use, and license patents; and

''(D) accept gifts of marks, copyrights, patents and licenses for use by the Commission.

''(2) The Commission may grant exclusive and nonexclusive licenses in connection with any mark, copyright, patent, or license for the use of such mark, copyright or patent, except to extent the grant of such license by the Commission would be contrary to any contract or license by which the use of such mark, copyright or patent was obtained.

''(3) The Commission may enforce any mark, copyright, or patent by an action in the district courts under any law providing for the protection of such marks, copyrights, or patents.

''(4) The Attorney General shall furnish the Commission with such legal representation as the Commission may require under paragraph (3). The Secretary of Defense shall provide representation for the Commission in administrative proceedings before the Patent and Trademark Office and Copyright Office.

''(5) Section 203 of title 17 shall not apply to any copyright transferred in any manner to the Commission.''.

TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SEC. 601. STAGGERED RETIREMENT OF JUDGES.

(a) STAGGERED ELIGIBILITY FOR EARLY RETIREMENT.—Notwithstanding section 7296 of title 38, United States Code, judges of the United States Court of Appeals for Veterans Claims described in subsection (b) shall be eligible to retire from the Court without regard to the actual date of expiration of their terms as judges of the Court, as follows:

(1) One individual in 2001.

(2) Two individuals in each of 2002 and 2003.

(b) COVERED JUDGES.—A judge of the United States Court of Appeals for Veterans Claims is eligible to retire under this section if at the time of retirement the judge—

(1) is an associate judge of the Court who has at least 10 years of service on the Court creditable under section 7296 of title 38, United States Code;

(2) has made an election to receive retired pay under section 7296 of such title;

(3) has at least 20 years of service allowable under section 7297(*l*) of such title;

(4) is at least fifty-five years of age;

(5) has years of age, years of service creditable under section 7296 of such title, and years of service allowable under section 7297(*l*) of such title not creditable under section 7296 of such title that total at least 80; and

(6) either—

(A) is the most senior associate judge of the Court to submit notice of an election to retire under subsection (c) in 2001; or

(B) is one of the two most senior associate judges of the Court to submit notice of an election to retire under that subsection in 2002 or 2003, as applicable.

(c) ELECTION OF INTENT TO RETIRE.—(1) A judge seeking to retire under this section shall submit to the President and the chief judge of the United States Court of Appeals for Veterans Claims written notice of an election to so retire not later than April 1 of the year in which the judge seeks to so retire.

(2) A notice of election to retire under this subsection for a judge shall specify the retirement date of the judge. That date shall meet the requirements for a retirement date set forth in subsection (d)(1).

(3) An election to retire under this section, if accepted by the President, is irrevocable.

(d) RETIREMENT.—(1) A judge whose election to retire under this section is accepted shall retire in the year in which notice of the judge's election to retire is submitted under subsection (c)(1). The retirement date shall be not later than 90 days after the date of the submittal of the election to retire under that subsection.

(2)(A) Notwithstanding any other provision of law and except as provided in subparagraph (B), a judge retiring under this section shall be deemed to have retired under section 7296(b)(1) of title 38, United States Code.

(B) The rate of retired pay for a judge retiring under this section shall, as of the date of such judge's retirement, be equal to the rate of retired pay otherwise applicable to the judge under section 7296(c)(1) of such title as of such date multiplied by the fraction in which—

(i) the numerator is the sum of the number of the judge's years of service as a judge of the United States Court of Appeals for Veterans Claims creditable under section 7296 of such title and the age of such judge; and

(ii) the denominator is 80.

(e) DUTY OF ACTUARY.—Section 7298(e)(2) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by insert after subparagraph (B) the following new subparagraph (C):

''(C) For purposes of subparagraph (B) of this paragraph, the term 'present value' includes a value determined by an actuary with respect to a payment that may be made under subsection (b) from the retirement fund within the contemplation of law.''.

SEC. 602. RECALL OF RETIRED JUDGES.

(a) IN GENERAL.—Subchapter I of chapter 72 is amended by inserting after section 7254 the following new section:

''§ 7254a. Recall of retired judges

''(a) The chief judge of the United States Court of Appeals for Veterans Claims may recall to the Court any individual described in subsection (b) if—

''(1) a vacancy exists in a position of associate judge of the Court; or

''(2) the chief judge determines that the recall is necessary to meet the anticipated case work of the Court.

''(b) An individual eligible for recall to the Court under this section is any individual who—

''(1) has retired as a judge of the Court under the provisions of section 7296 of this title or the provisions of chapter 83 or 84 of title 5, as applicable; and

''(2) has submitted to the chief judge of the Court a notice of election to be so recalled.

''(c)(1) Upon determining to recall an individual to the Court under this section, the chief judge shall certify in writing to the President that—

''(A) the individual to be recalled is needed to perform substantial service for the Court; and

''(B) such service is required for a specified period of time.

''(2) The chief judge shall provide a copy of any certification submitted to the President under paragraph (1) to the Committees on Veterans' Affairs of the Senate and House of Representatives.

''(3)(A) An individual may be recalled to the Court under this section only with the written consent of the individual.

''(B) The individual shall be recalled only for the period of time specified in the certification with respect to the individual under paragraph (1).

''(d) An individual recalled to the Court under this section may exercise all of the powers and duties of office of a judge of the Court in active service on the Court.

''(e)(1) An individual recalled to the Court under this section shall, during the period for which the individual serves in recall status under this section, be paid pay at a rate equivalent to the rate of pay in effect under section 7253(e)(2) of this title for a judge serving on the Court minus the amount of retired pay paid to the individual under section 7296 of this title or of an annuity under the provisions of chapter 83 or 84 of title 5, as applicable.

''(2) Amounts paid an individual under this subsection shall not be treated as compensation for employment with the United States for purposes of section 7296(e) of this title or any provision of title 5 relating to the receipt or forfeiture of retired pay or retirement annuities by a person accepting compensation for employment with the United States.

''(f)(1) Except as provided in subsection (e), an individual recalled to the Court under this section who retired under the applicable provisions of title 5 shall be considered to be

a reemployed annuitant under chapter 83 or 84 of title 5, as applicable.

''(2) Nothing in this section shall affect the right of an individual who retired under the provisions of chapter 83 or 84 of title 5 to serve otherwise as a reemployed annuitant in accordance with the provisions of title 5.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item relating to section 7254 the following new item:

''7254a. Recall of retired judges.''.

By Mr. SCHUMER (for himself, Mr. LEAHY, Mr. BYRD, Mr. REID, Mr. BAYH, Mr. INOUYE, Mr. LAUTENBERG, and Mr. LIEBERMAN):

S. 1077. A bill to dedicate the new Amtrak station in New York, New York, to Senator DANIEL PATRICK MOYNIHAN; to the Committee on Environment and Public Works.

DANIEL PATRICK MOYNIHAN STATION

Mr. SCHUMER. Mr. President, I rise today to introduce a bill to name the new train station at the James A. Farley Post Office Building, which sits across the street from Pennsylvania Station in Manhattan, after my esteemed colleague and tireless champion of this project, Senator DANIEL PATRICK MOYNIHAN.

It is an especially fitting tribute to offer this bill today as President Bill Clinton, Governor George Pataki, Mayor Rudolph Giuliani, Transportation Secretary Rodney Slater, Postmaster General William Henderson and Senator MOYNIHAN all gathered this morning at the Farley Building to officially unveil the magnificent new station plan, designed by the celebrated architect David Childs of Skidmore, Owings & Merrill. I am deeply sorry that I could not attend that event, which I understand was a success in every way, but other matters called me here to the floor.

First, let me praise the vision and determination of my dear friend, the senior Senator from New York. In 1963, long before he was a Senator and, in fact, when I was 12 years old PAT MOYNIHAN was one of a group of prescient New Yorkers who protested the tragic razing of our City's spectacular Pennsylvania Station—a glorious public building designed by the nation's premier architectural firm of the time, McKim, Mead & White.

It was PAT MOYNIHAN who recognized years ago that across the street from what is now a sad basement terminal that functions—barely—as New York City's train station, sits the James A. Farley Post Office Building, built by the same architects in much the same grand design as the old Penn Station. PAT MOYNIHAN recognized that since the very same railroad tracks that run under the current Penn Station also run beneath the Farley Building, we could use the Farley Building to once again create a train station worthy of our great city. He then tirelessly did the impossible—persuaded New York City, New York State, the U.S. Postal Service, the U.S. Department of Transportation, Amtrak, Congressional Appropriators, and the President himself, to commit to making this project succeed. No mean feat, I assure you. In a day, particularly in our city, when grand public works often get bugged down in fighting and court suits, it is a tribute to Senator MOYNIHAN that not only did he have the vision to see the station, but he also had the muscle and legislative skill to see it through.

This past Sunday, Herbert Muschamp, the noted New York Times architecture critic praised Childs' design, which brilliantly fuses the classical elements of the Farley Building with a dramatic, light-filled concourse and a spectacular new ticketing area. Muschamp adds: ''In an era better known for the decrepitude of its infrastructure than for inspiring new visions of the city's future, the plan comes as proof that New York can still undertake major public works. This is the most important transportation project undertaken in New York City in several generations.'' We have PAT MOYNIHAN to thank.

That Senator MOYNIHAN would be responsible for the success of this project is no surprise. His passion for and dedication to public architecture is well known and dates back to his days as a young aide to President Kennedy, who, right before his death, tasked MOYNIHAN with restoring Pennsylvania Avenue here in Washington.

MOYNIHAN succeeded brilliantly in his task, with the final piece of Pennsylvania Avenue—the Ronald Reagan Building and International Trade Center—unveiled one year ago and instantly hailed as one of the best new buildings to grace the Capital. MOYNIHAN has another renowned Federal building to his credit—the Thurgood Marshall Judiciary Building, which provides such a beautiful companion to Union Station and the Old Post Office.

In New York City, MOYNIHAN has been an equally tireless architectural champion, responsible for the restoration of the spectacular Beaux-Arts Custom House at Bowling Green and for the construction of a grand new Federal Courthouse at Foley Square. MOYNIHAN is beloved in Buffalo for reawakening that city's appreciation for its architectural heritage, which includes Frank Lloyd Wright houses and the Prudential Building, one of the best-known early American skyscrapers by the architect Louis Sullivan—a building which MOYNIHAN helped restore and then chose as his Buffalo office. When he first came to Buffalo he told me that nowhere else in America had the three greatest American architects of the 20th century, Frank Lloyd Wright, Henry Richardson and Louis Sullivan, had buildings standing near one another.

He has also spurred a popular movement in Buffalo to build a new signature Peace Bridge.

So my colleagues, it is altogether fitting and appropriate that this new Penn Station be named in honor of our distinguished senior Senator from New York, someone who is my friend and who I wish was staying in the Senate for a longer period of time—someone I will dearly miss. It is an honor to stand here and offer this tribute to such an uncommon man, because Senator MOYNIHAN himself is indeed a national treasure.

Truly, the epitaph given to Sir Christopher Wren, designer of St. Paul's Cathedral in London, is fitting for Senator MOYNIHAN. If my colleagues will pardon my pronunciation, for my Latin isn't that good: ''Si Monumentum Requiris Circumspice,'' ''If you would see the man's monument, look around.

I join my fellow New Yorkers in anxiously awaiting the day when we arrive at the glorious DANIEL PATRICK MOYNIHAN Station.

Mr. President, I ask unanimous consent the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF DANIEL PATRICK MOYNIHAN STATION.

The Amtrak station to be constructed in the James A. Farley Post Office Building in New York, New York, shall be known and designated as the ''Daniel Patrick Moynihan Station''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Amtrak station referred to in section 1 shall be deemed to be a reference to the ''Daniel Patrick Moynihan Station''.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I compliment the distinguished Senator from New York. I did not hear a word I disagreed with. I only wish to hear it amplified throughout the Nation.

I ask unanimous consent I be listed as a cosponsor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, would the Senator yield briefly that I might compliment him?

Mr. SCHUMER. I am delighted to yield to my distinguished senior colleague from West Virginia.

Mr. BYRD. Would he mind if I asked to be a cosponsor of this resolution?

Mr. SCHUMER. I will be honored and delighted, as I know Senator MOYNIHAN will be.

Mr. BYRD. Because Senator MOYNIHAN is truly a man of eloquence and wit and vision and grace. We are going to miss him. He has been a powerful influence in this Senate. He has served in the executive branch, served with brilliance and with honor. And, like Christopher Wren—''if you would see his monument, look about you''—Senator MOYNIHAN leaves many monuments. Perhaps the greatest monument of all is that mark he has left upon the hearts of his colleagues who will miss

him and his powerful influence, his wisdom, his vision, when he has left this Senate.

I congratulate the Senator on offering this resolution. I will be very grateful if he will allow me to be a cosponsor. It is one of the least things I can do to honor my colleague, one whom I love, one whom I revere, one whom I respect, and one who has shown himself to be a leader in this Senate.

I thank the Senator.

Mr. SCHUMER. I thank the Senator from West Virginia.

Mr. LAUTENBERG. Mr. President, may I be recognized to join in this tribute?

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I want to say to our fairly new colleague from New York that he could not have picked an issue upon which he could get more solid agreement. One does not have to be a Democrat or an easterner or have any special connection to respect and to so greatly appreciate the contributions made by Senator DANIEL PATRICK MOYNIHAN.

He had this capacity—I know, since we served together on the Environment Committee—not unlike, in many ways, the senior Senator from West Virginia, and that was to bring their respective knowledge to a discussion or debate or to a hearing, that—I speak for myself—would make me sit up and take notice. I felt transported from this white-haired, wizened old face to a college student again and remembered how much I enjoyed some of the classes I attended where we had a professor, an instructor who conveyed the message in an interesting form, not just the statistics or the parameters of the particular discussion.

So it is with PAT MOYNIHAN. Any of us who have spent any time with PAT have always been amazed at the abundance of knowledge he has, whether we were talking about the New York State canal system or whether we were talking about the highway system or the developments in the Indian Ocean or you name the subject. No matter how impromptu or how unexpected the discussion, PAT MOYNIHAN always has the capacity to discuss the subject intelligently and deeply.

Any tribute that we give to this man is not fair compensation for that which he has given this country and has given this body. His abundance of gifts to us are so profound that many years from now they will still be talking about those of greatness who graced this Chamber and PAT MOYNIHAN will be one of those without a doubt.

I am pleased to call him my friend. I hope since we live in such close proximity, our representation of New York and New Jersey, that there will be tributes and testimonies to his contribution. He is a self-effacing fellow. He does not like to hear a bunch of compliments, but we are not going to let him get away with that now.

I commend my colleague, the junior Senator from New York, for his wisdom and his thought in bringing this to us.

By Mr. MACK (for himself, Mr. KOHL, and Mr. GRASSLEY):

S. 1079. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals subject to Federal hours of service; to the Committee on Finance.

TAX LEGISLATION

Mr. MACK. Mr. President, two years ago in the Taxpayer Relief Act of 1997, we included a provision to correct an unfair and unsound tax policy of the Clinton Administration concerning business meal deductions. The 1993 Clinton tax increases included a reduction in the percentage of business meal expenses that could be deducted, from 80 percent down to 50 percent. The Administration marketed this as an attack on the ''three martini lunch,'' but the tax increase was in fact a big blow to the wallets and pocketbooks of working class Americans whose jobs require them to be stranded far from home.

Workers who are covered by federal ''hours of service'' regulations—long-haul truckers, airline flight attendants and pilots, long distance bus drivers, some merchant mariners and railroad workers—have no choice but to eat their meals on the road. Their meal expenses are a necessary and unavoidable part of their jobs. The Clinton Administration's business meal tax increase hit these occupations hard. For the average trucker, making between $32,000 and $36,000 annually, this tax increase might be greater than $1,000 per year. This is a lot of money to these hard-working taxpayers.

Congress addressed this inequity in 1997, passing a provision that would gradually raise the meal deduction percentage back to 80 percent for these workers. But a slow, gradual fix is not good enough. Today, Senator KOHL, Senator GRASSLEY, and I are introducing a bill that would immediately restore the 80 percent deduction for truckers, flight crews, and other workers limited by the federal ''hours of service'' regulations.

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. 1079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASED DEDUCTIBILITY OF BUSINESS MEAL EXPENSES FOR INDIVIDUALS SUBJECT TO FEDERAL LIMITATIONS ON HOURS OF SERVICE.

(a) IN GENERAL.—Paragraph (3) of section 274(n) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended to read as follows:

''(3) SPECIAL RULE FOR INDIVIDUALS SUBJECT TO FEDERAL HOURS OF SERVICE.—In the case of any expenses for food or beverages consumed while away from home (within the meaning of section 162(a)(2)) by an individual during, or incident to, the period of duty subject to the hours of service limitations of the Department of Transportation, paragraph (1) shall be applied by substituting '80 percent' for '50 percent'.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1999.

By Mr. TORRICELLI (for himself, Mr. SCHUMER, and Mr. DURBIN):

S. 1080. A bill to amend title 18, United States Code, to prohibit gunrunning and provide mandatory minimum penalties for crimes related to gunrunning; to the Committee on the Judiciary.

GUN KINGPIN PENALTY ACT

Mr. TORRICELLI. Mr. President, I rise today, along with my colleagues from New York and Illinois, Senator SCHUMER and Senator DURBIN, to introduce the Gun Kingpin Penalty Act of 1999. In introducing this bill, we hope that our colleagues will soon join us in sending a clear and strong signal to gunrunners—your actions will no longer be tolerated.

Mr. President, recent numbers gathered by the Bureau of Alcohol, Tobacco and Firearms clearly demonstrate what many of us already knew all too well—several of our nation's highways have become pipelines for merchants of death who deal in illegal firearms.

My own State of New Jersey is proud to have some of the toughest gun control laws in the nation. But for far too long, the courageous efforts of New Jersey citizens in enacting these tough laws have been weakened by out of state gunrunners who treat our State like their own personal retail outlet.

We learned from the ATF data that in 1996, New Jersey exported fewer guns used in crimes, per capita, than any other state—less than one gun per 100,000 residents, or 75 total guns. Meanwhile, an incredible number of guns used to commit crimes in New Jersey last year came from out of state—944 guns were imported and used to commit crimes compared to only 75 exported—a net import of 869 illegal guns used to commit crimes against the people of New Jersey.

This represents a one way street—guns come from states with lax gun laws straight to states (like New Jersey) with strong laws. It is clear that New Jersey's strong gun control laws offer criminals little choice but to import their guns from states with weak laws. We must act on a federal level to send a clear message that this cannot continue and will not be tolerated.

The Gun Kingpin Penalty Act would create a new federal gunrunning offense for any person who, within a twelve-month period, transports more than 5 guns to another state with the intent of transferring all of the weapons to another person. The Act would establish mandatory minimum penalties for gunrunning as follows:

A mandatory 3 year minimum sentence for a first offense involving 5–50 guns; a mandatory 5 year minimum sentence for second offense involving 5–50 guns; and a mandatory 15 year minimum sentence for any offense involving more than 50 guns.

Additionally, the bill contains two ''blood on the hands'' provisions, which will significantly increase penalties for a gunrunner who transfers a gun subsequently used to seriously injure or kill another person. A mandatory 10 year minimum sentence is required if one of the smuggled guns is used within 3 years to kill or seriously injure another person. And a mandatory 25 year minimum sentence must be imposed if one of the smuggled guns is used within 3 years to kill or seriously injure another person and more than 50 guns were smuggled.

Finally, our bill adds numerous gunrunning crimes as RICO predicates, and authorizes 200 additional Treasury personnel to enforce the Act—Congress must provide law enforcement with the resources to enforce the laws we pass.

The fight against gun violence is a long-term, many-staged process. We succeeded in enacting the Brady bill and the ban on devastating assault weapons. And these laws have been effective: more than a quarter of a million prohibited individuals have already been denied a handgun due to Brady background check—70% of these people were either felons or domestic violence offenders. Traces of assault weapons have plummeted since the ban, and prices have gone up.

We can never rest though when it comes to gun violence. This problem will not just go away, and we cannot stand by and watch as innocent men, women and children die at the hands of criminals armed with these guns. I urge my colleagues to support this bill, and I ask unanimous censent that the full text of the legislation be printed in the RECORD.

There being no objection, the legislation was ordered to be printed in the RECORD, as follows:

S. 1080

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 ''Gun Kingpin Penalty Act''.

SEC. 2. GUN KINGPIN PENALTIES.

(a) PROHIBITION AGAINST GUNRUNNING.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z) It shall be unlawful for a person not licensed under section 923 to ship or transport, or conspire to ship or transport, 5 or more firearms from a State into another State during any period of 12 consecutive months, with the intent to transfer all of such firearms to another person who is not so licensed.''.

(b) MANDATORY MINIMUM PENALTIES FOR CRIMES RELATED TO GUNRUNNING.—Section 924 of title 18, United States Code, is amended by adding at the end the following:

''(p)(1)(A)(i) Whoever violates section 922(z) shall, except as otherwise provided in this subsection, be imprisoned not less than 3 years, and may be fined under this title.

''(ii) In the case of a person's second or subsequent violation described in clause (i), the term of imprisonment shall be not less than 5 years.

''(B) If a firearm which is shipped or transported in violation of section 922(z) is used subsequently by the person to whom shipped or transported, or by any person within 3 years after the shipment or transportation, in an offense in which a person is killed or suffers serious bodily injury, the term of imprisonment for the violation shall be not less than 10 years.

''(C) If more than 50 firearms are the subject of a violation of section 922(z), the term of imprisonment for the violation shall be not less than 15 years.

''(D) If more than 50 firearms are the subject of a violation of section 922(z) and 1 of the firearms is used subsequently by the person to whom shipped or transported, or by any person within 3 years after the shipment or transportation, in an offense in which a person is killed or suffers serious bodily injury, the term of imprisonment for the violation shall be not less than 25 years.

''(2) Notwithstanding any other provision of law, the court shall not impose a probationary sentence or suspend the sentence of a person convicted of a violation of this subsection, nor shall any term of imprisonment imposed on a person under this subsection run concurrently with any other term of imprisonment imposed on the person by a court of the United States.''.

(c) CRIMES RELATED TO GUNRUNNING MADE PREDICATE OFFENSES UNDER RICO.—Section 1961(1)(B) of title 18, United States Code, is amended by inserting ''section 922(a)(1)(A) (relating to unlicensed importation, manufacture, or dealing in firearms), section 922(a)(3) (relating to interstate transportation or receipt of firearm), section 922(a)(5) (relating to transfer of firearm to person from another State), or section 922(a)(6) (relating to false statements made in acquisition of firearm or ammunition from licensee), section 922(d) (relating to disposition of firearm or ammunition to a prohibited person), section 922(g) (relating to receipt of firearm or ammunition by a prohibited person), section 922(h) (relating to possession of firearm or ammunition on behalf of a prohibited person), section 922(i) (relating to transportation of stolen firearm or ammunition), section 922(j) (relating to receipt of stolen firearm or ammunition), section 922(k) (relating to transportation or receipt of firearm with altered serial number), section 922(z) (relating to gunrunning), section 924(b) (relating to shipment or receipt of firearm for use in a crime),'' before ''section 1028''.

(d) ENFORCEMENT.—The Secretary of the Treasury may hire and employ 200 personnel, in addition to any personnel hired and employed by the Department of the Treasury under other law, to enforce the amendments made by this section, notwithstanding any limitations imposed by or under the Federal Workforce Restructuring Act.

By Mr. TORRICELLI:

S. 1081. A bill to amend section 842 of title 18, United States Code, relating to explosive materials, to the Committee on the Judiciary.

EXPLOSIVES PROTECTION ACT OF 1999

Mr. TORRICELLI. Mr. President, on the morning of April 19, 1995, in one horrible moment, an explosion devastated the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, and took the lives of 168 Americans.

Every year, thousands of people are killed or maimed because of the use or misuse of illegal explosive devices, and millions of dollars in property is lost. Between 1991 and 1995, there were more than 14,000 actual and attempted criminal bombings. 326 people were killed and another 2,970 injured in these incidents and more than $6 million in property damage resulted.

In recent years, the criminal use of explosives has moved in a new direction, as is evidenced by the bombings of the World Trade Center in New York and the Oklahoma City bombing. These two incidents took the lives of many innocent men, women, and children, left others permanently scarred, and caused great suffering for the families of the victims—as well as all of America. These crimes were intended to tear the very fabric of our society; instead, their tragic consequences served to strengthen our resolve to stand firm against the insanity of terrorism and the criminal use of explosives.

In the wake of the Oklahoma City bombing, I was stunned—as were many—to learn how few restrictions on the use and sale of explosives really exist. I soon after introduced this legislation, the ''Explosives Protection Act'' to take a first step towards protecting the American people from those who would use explosives to do them harm. I am introducing it again today in the hope that this bill will, in some small way, prevent future bombings—whether by terrorists of symbolic targets, malcontents of random ones, or even spouses involved in marital disputes.

While we have increasingly restricted the number of people who can obtain and use a firearm, we have been lax in extending these prohibitions to explosives. For instance, while we prohibit illegal aliens from obtaining a gun, we allow them to obtain explosives without restriction. And someone who has been dishonorably discharged from the armed forces can no longer buy a gun, but can purchase a truckload full of explosives. The same is true for people who have renounced U.S. citizenship, people who have acted in such a way as to have restraining orders issued against them, and those with domestic violence convictions.

Each of these categories of persons are prohibited from obtaining firearms, but face no such prohibition on obtaining explosive material. Many of these differences in the law are simply oversights—Congress has often acted to limit the use and sale of firearms, and has neglected to bring explosives law into line. And in so doing, we have made it all too easy for many of the most dangerous or least accountable members of society to obtain materials which can result in an equal or even greater loss of life.

Congress has already made the determination that certain members of society should not have access to firearms, and the same logic clearly applies to dangerous and destructive explosive materials. It is time to bring explosives laws into line with gun laws. My bill would simply expand the list of people prohibited from purchasing explosives so that it mirrors the list of people already prohibited from purchasing firearms.

This is a simple bill meant only to correct longstanding gaps and loopholes in current law. I hope we can quickly move to get this passed and protect Americans from future acts of explosive destruction. I ask unanimous consent that the full text of the legislation be printed in the RECORD.

There being no objection, the legislation was ordered to be printed in the RECORD, as follows:

S. 1081

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 ''Explosives Protection Act of 1999''.

SEC. 2. PROHIBITIONS RELATING TO EXPLOSIVE MATERIALS.

(a) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—It shall be unlawful for any licensee to knowingly sell, deliver, or transfer any explosive materials to any individual who—

''(1) is less than 21 years of age;

''(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

''(3) is a fugitive from justice;

''(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(5) has been adjudicated as a mental defective or has been committed to any mental institution;

''(6) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

''(7) has been discharged from the Armed Forces under dishonorable conditions;

''(8) having been a citizen of the United States, has renounced his citizenship;

''(9) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

''(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

''(10) has been convicted in any court of a misdemeanor crime of domestic violence.''.

(b) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (i) and inserting the following:

''(i) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—It shall be unlawful for any person to ship or transport in interstate or foreign commerce, or possess, in or affecting commerce, any explosive, or to receive any explosive that has been shipped or transported in interstate or foreign commerce, if that person—

''(1) is less than 21 years of age;

''(2) has been convicted in any court, of a crime punishable by imprisonment for a term exceeding 1 year;

''(3) is a fugitive from justice;

''(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(5) has been adjudicated as a mental defective or who has been committed to a mental institution;

''(6) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

''(7) has been discharged from the Armed Forces under dishonorable conditions;

''(8) having been a citizen of the United States, has renounced his citizenship; or

''(9) is subject to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

''(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

''(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

''(10) has been convicted in any court of a misdemeanor crime of domestic violence.''.

(c) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—Section 845 of title 18, United States Code, is amended by adding at the end the following:

''(d) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

''(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

''(2) EXCEPTIONS.—Subsections (d)(5)(B) and (i)(5)(B) of section 842 do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

''(A) admitted to the United States for lawful hunting or sporting purposes;

''(B) a foreign military personnel on official assignment to the United States;

''(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

''(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

''(3) WAIVER.—

''(A) IN GENERAL.—Any individual who has been admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from the applicability of subsection (d)(5)(B) or (i)(5)(B) of section 842, if—

''(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

''(ii) the Attorney General approves the petition.

''(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

''(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

''(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (i) of section 842, as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (i) of section 842, as applicable.''.

By Mr. TORRICELLI:

S. 1082. A bill to amend part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide assistance for unincorporated neighborhood watch programs; to the Committee on the Judiciary.

NEIGHBORHOOD WATCH PARTNERSHIP ACT OF 1999

Mr. TORRICELLI. Mr. President, today I rise today to introduce the ''Neighborhood Watch Partnership Act of 1999.'' This bill will broaden the eligibility of groups that may apply for essential funding for neighborhood watch activities.

Communities across the country are finding sensible ways to solve local problems. Through partnerships with local police, neighborhood watch groups are having a decisive impact on crime. There are almost 20,000 such groups creating innovative programs that promote community involvement in crime prevention techniques. They empower community members and organize them against rape, burglary, and all forms of fear on the street. They forge bonds between law enforcement and the communities they serve.

Unfortunately, many communities find it difficult to afford the often expensive equipment such as cellphones and CBs needed to start a neighborhood watch organization. While the COPS program within the Department of Justice provides funding for some neighborhood watch groups, an organization must incorporate to benefit from the current program. A mere 2000 of the nearly 20,000 groups incorporate, however, meaning that the vast majority of watch groups cannot apply for funding assistance. This makes very little sense.

The time has come to make a clear commitment to these groups. That is why I am introducing a bill to extend COPS funding to unincorporated neighborhood watch organizations. The bill would provide grants of up to $1,950 to these groups. Under current law, either the local police chief or sheriff must

approve grant requests by unincorporated watch groups. We would impose the same requirement on unincorporated groups, thus providing accountability for the disbursement of funds.

Mr. President, neighborhood watch organizations provide an invaluable service. By extending the partnership between community policing and watch group organizations, we will boldly encourage small and large communities to preserve and create crime prevention tools. We should act now. I ask unanimous consent that the full 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. 1082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ASSISTANCE FOR UNINCORPORATED NEIGHBORHOOD WATCH PROGRAMS.

(a) SHORT TITLE.—This Act maybe cited as the ''Neighborhood Watch Partnership Act of 1999''.

(b) IN GENERAL.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(12) provide assistance to unincorporated neighborhood watch organizations approved by the appropriate local police or sheriff's department, in an amount equal to not more than $1950 per organization, for the purchase of citizen band radios, street signs, magnetic signs, flashlights, and other equipment relating to neighborhood watch patrols.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking clause (vi) and inserting the following:

''(vi) $282,625,000 for fiscal year 2000.''; and

(2) in subparagraph (B) by inserting after ''(B)'' the following: ''Of amounts made available to carry out part Q in each fiscal year $14,625,000 shall be used to carry out section 1701(d)(12).''.

By Mr. TORRICELLI (for himself and Mr. KOHL):

S. 1083. A bill to expedite State review of criminal records of applicants for bail enforcement officer employment, and for other purposes; to the Committee on the Judiciary.

BOUNTY HUNTER ACCOUNTABILITY AND QUALITY ASSISTANCE ACT OF 1999

Mr. TORRICELLI. Mr. President, I rise today to introduce the ''Bounty Hunter Accountability and Quality Assurance Act of 1999.'' This bill will begin the process of reforming the revered but antiquated system of bail enforcement in this country.

Throughout our nation's proud history, bounty hunters have proved a valuable addition to our law enforcement and recovery efforts. About 40 percent of all criminal defendants are released on bail each year, and in 1996 alone more than 33,000 skipped town. Police departments, no matter how efficient or determined, cannot be expected to deal with so many bail jumpers in addition to their other duties. Thus, while public law enforcement officers recover only about 10 percent of defendants who skip town, bounty hunters catch an incredible 88 percent of bail jumpers.

Because of the special, contractual nature of the relationship between bail bondsmen and those who use them to get out of jail, bounty hunters have traditionally enjoyed special rights—a nineteenth century Supreme Court case affirmed that while bounty hunters may exercise many of the powers granted to police, they are not subject to many of the constitutional checks we place on those law enforcement officials. As a result, bounty hunters need not worry about Miranda rights, extradition proceedings, or search warrants.

The ability to more efficiently track and recover criminal defendants serves a valuable purpose in our society. But the lack of constitutional checks on bounty hunters also opens the system up to the risk of abuse. Each of us has read or heard about cases in which legitimate bounty hunters or those simply posing as recovery agents have wrongfully entered a dwelling or captured the wrong person.

In one recent Arizona case, several men claiming to be bounty hunters broke into a house, terrorized a family and ended up killing a young couple who tried to defend against the attack. It now appears that these men were simply ''posing'' as bounty hunters, but there are other reported incidents in which ''legitimate'' bounty hunters have broken down the wrong door, kidnaped the wrong person, or physically abused the targets of their searches. And there is little recourse for the innocent victims of wrongful acts.

This legislaiton would begin the process of making bounty hunters more accountable to the public they serve, and would help to restore confidence in the bail enforcement system. The bill would not unduly impose the will of the federal government on states, which have traditionally regulated bounty hunters.

The ''Bounty Hunter Accountability and Quality Assurance Act'' directs the Attorney General of the United States to establish model guidelines for states to follow when creating their own bail enforcement regulations. In the course of her work, the Attorney General will be specifcially directed to look into three areas identified by the bill—whether bounty hunters should be required to ''knock and announce'' before entering a dwelling, whether they should be required to carry liability insurance (most already do), and whether convicted felons should be allowed to obtain employment as bounty hunters.

Mr. President, it is time to start the process of making rouge bounty hunters more accountable, while at the same time restoring America's confidence in the long tradition of bail enforcement that dates from the earliest days of this nation. I urge my colleagues to join me in taking this first step toward this process.

I ask unanimous consent that the full text of this bill be printed in the RECORD.

S. 1083

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 ''Bounty Hunter Accountability and Quality Assistance Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) bail enforcement officers, also known as bounty hunters or recovery agents, provide law enforcement officers with valuable assistance in recovering fugitives from justice;

(2) regardless of the differences in their duties, skills, and responsibilities, the public has had difficulty in discerning the difference between law enforcement officers and bail enforcement officers;

(3) the American public demands the employment of qualified, well-trained bail enforcement officers as an adjunct, but not a replacement for, law enforcement officers; and

(4) in the course of their duties, bail enforcement officers often move in and affect interstate commerce.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term ''bail enforcement employer'' means any person that—

(A) employs 1 or more bail enforcement officers; or

(B) provides, as an independent contractor, for consideration, the services of 1 or more bail enforcement officers (which may include the services of that person);

(2) the term ''bail enforcement officer''—

(A) means any person employed to obtain the recovery of any fugitive from justice who has been released on bail; and

(B) does not include any—

(i) law enforcement officer;

(ii) attorney, accountant, or other professional licensed under applicable State law;

(iii) employee whose duties are primarily internal audit or credit functions; or

(iv) member of the Armed Forces on active duty; and

(3) the term ''law enforcement officer'' means a public servant authorized under applicable State law to conduct or engage in the prevention, investigation, prosecution, or adjudication of criminal offenses, including any public servant engaged in corrections, parole, or probation functions.

SEC. 4. BACKGROUND CHECKS.

(a) IN GENERAL.—

(1) SUBMISSION.—An association of bail enforcement employers, which shall be designated for the purposes of this section by the Attorney General, may submit to the Attorney General fingerprints or other methods of positive identification approved by the Attorney General, on behalf of any applicant for a State license or certificate of registration as a bail enforcement officer or a bail enforcement employer.

(2) EXCHANGE.—In response to a submission under paragraph (1), the Attorney General may, to the extent provided by State law conforming to the requirements of the second paragraph under the heading ''Federal Bureau of Investigation'' and the subheading ''Salaries and Expenses'' in title II of Public Law 92–544 (86 Stat. 1115), exchange, for licensing and employment purposes, identification and criminal history records with

the State governmental agencies to which the applicant has applied.

(b) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section, including measures relating to the security, confidentiality, accuracy, use, and dissemination of information submitted or exchanged under subsection (a) and to audits and recordkeeping requirements relating to that information.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the number of submissions made by the association of bail enforcement employers under subsection (a)(1), and the disposition of each application to which those submissions related.

(d) STATE PARTICIPATION.—It is the sense of Congress that each State should participate, to the maximum extent practicable, in any exchange with the Attorney General under subsection (a)(2).

SEC. 5. MODEL GUIDELINES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall publish in the Federal Register model guidelines for the State control and regulation of persons employed or applying for employment as bail enforcement officers.

(b) RECOMMENDATIONS.—The guidelines published under subsection (a) shall include recommendations of the Attorney General regarding whether a person seeking employment as a bail enforcement officer should be—

(1) allowed to obtain such employment if that person has been convicted of a felony offense under Federal law, or of any offense under State law that would be a felony if charged under Federal law;

(2) required to obtain adequate liability insurance for actions taken in the course of performing duties pursuant to employment as a bail enforcement officer; or

(3) prohibited, if acting in the capacity of that person as a bail enforcement officer, from entering any private dwelling, unless that person first knocks on the front door and announces the presence of 1 or more bail enforcement officers.

(c) BYRNE GRANT PREFERENCE FOR CERTAIN STATES.—

(1) IN GENERAL.—Section 505 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) is amended by adding at the end the following:

''(e) PREFERENCE FOR CERTAIN STATES.—Notwithstanding any other provision of this part, in making grants to States under this subpart, the Director shall give priority to States that have adopted the model guidelines published under section 5(a) of the Bounty Hunter Accountability and Quality Assistance Act of 1999.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 2 years after the date of enactment of this Act.

SEC. 6. JOINT AND SEVERAL LIABILITY FOR ACTIVITIES OF BAIL ENFORCEMENT OFFICERS.

Notwithstanding any other provision of law, a bail enforcement officer, whether acting as an independent contractor or as an employee of a bail enforcement employer on a bail bond, shall be considered to be the agent of that bail enforcement employer for the purposes of that liability.

By Mr. MCCAIN (for himself, Mr. BRYAN, and Ms. SNOWE):

S. 1084. A bill to amend the Communications Act of 1934 to protect consumers from the unauthorized switching of their long-distance service; to the Committee on Commerce, Science, and Transportation.

TELECOMMUNICATIONS COMPETITION AND CONSUMER PROTECTION ACT OF 1999

Mr. MCCAIN. Mr. President, I rise today to introduce legislation, cosponsored by Senators Bryan and Snowe, designed to stop the widespread anticonsumer telemarketing abuse known as ''slamming.'' Since virtually every consumer has either been ''slammed'' or knows someone who has, it's probably unnecessary to add that ''slamming'' is the practice whereby a consumer's chosen long-distance telephone company is changed without the consumer's knowledge or consent. Given the pervasiveness of this unscrupulous practice, it comes as no surprise that slamming has been the number one consumer complaint for the last several years.

This marks the third time I have introduced antislamming legislation. Last year a similar antislamming bill failed to become law when the legislative clock ran out before the House of Representatives acted, despite the fact that the bill incorporated a number of provisions that the House had insisted upon, and which the Senate believed weren't tough enough on slammers.

The reason I return today with a slamming bill is that, in the absence of legislation, the Federal Communications Commission adopted a set of antislamming rules that a reviewing court has now stayed. As a result, consumers are once again without the immediate prospect of any effective antislamming laws. This legislation is intended to provide some.

But there is also another reason for reintroducing antislamming legislation. The main reason the court stayed the FCC's antislamming rules is that the long-distance companies—the very companies who are responsible for slamming in the first place—asked the court to do so because of an alternative antislamming scheme these companies dreamed up and now want the FCC to implement. Pursuant to the long-distance companies' plan, the long-distance companies—they're the slammers, remember—would hire a supposedly independent ''third-party administrator'' who would handle enforcement of the antislamming rules instead of the FCC. Given the fact that virtually everyone other than the long-distance companies, including state enforcement authorities, are foursquare against this proposal, the long-distance companies' court strategy ups the ante on the FCC to cave in and adopt this obviously self-serving plan.

Not since the fox volunteered to watch the henhouse have we seen such a demonstration of solicitude for the well-being of the vulnerable.

There are many instances in which industry comes up with creative ways for government to deal with industry problems. This isn't one of them.

Let's call it what it is. This scheme is the latest manifestation of an ongoing effort by the long-distance companies to avoid having to face up to real penalties if they can't make their telemarketers stop slamming people. Their rhetoric deplores slamming, but their machinations before Congress and the FCC show otherwise. And if the FCC—the supposedly pro-consumer FCC—were to even flirt with the notion of embracing the long-distance industry's scheme, it would show, when push comes to shove, whose interests would really matter to this agency.

In a published court opinion, Judge Lawrence Silberman of the D.C. Court of Appeals referred to something else the FCC once did as being ''not just stupid—criminally stupid.'' Mr. President, it would be either criminal stupidity, or duplicity of the highest order, for the FCC to ignore the views of everyone except the big long-distance companies and adopt their blatantly anticonsumer plan.

As I said when I introduced the similar legislation last October, this bill isn't perfect—it contains provisions generated by the House of Representatives, that I consider much too slammer-friendly. But it's still a lot better than the industry-promoted alternative. And so I offer to better protect consumers and to send the FCC the message that it's their duty to do the same.

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. 1084

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 ''Telecommunications Competition and Consumer Protection Act of 1999''.

TITLE I—SLAMMING

SEC. 101. IMPROVED PROTECTION FOR CONSUMERS.

(a) CONSUMER PROTECTION PRACTICES.—Section 258 of the Communications Act of 1934 (47 U.S.C. 258) is amended to read as follows:

''SEC. 258. ILLEGAL CHANGES IN SUBSCRIBER SELECTIONS OF CARRIERS.

''(a) ALTERNATIVE MODES OF REGULATION.—

''(1) INDUSTRY/COMMISSION CODE.—Within 180 days after the date of enactment of the Telecommunications Competition and Consumer Protection Act of 1999, the Commission, after consulting with the Federal Trade Commission and representatives of telecommunications carriers providing telephone toll service and telephone exchange service, State commissions, and consumers, and considering any proposals developed by such representatives, shall prescribe, after notice and public comment and in accordance with subsection (b), a Code of Subscriber Protection Practices (hereinafter in this section referred as the 'Code') governing changes in a subscriber's selection of a provider of telephone exchange service or telephone toll service.

''(2) OBLIGATION TO COMPLY.—No telecommunications carrier (including a reseller of telecommunications services) shall submit or execute a change in a subscriber's selection of a provider of telephone exchange

service or telephone toll service except in accordance with—

''(A) the Code, if such carrier elects to comply with the Code in accordance with subsection (b)(2); or

''(B) the requirements of subsection (c), if—

''(i) the carrier does not elect to comply with the Code under subsection (b)(2); or

''(ii) such election is revoked or withdrawn.

''(b) MINIMUM PROVISIONS OF THE CODE.—

''(1) SUBSCRIBER PROTECTION PRACTICES.—The Code required by subsection (a)(1) shall include guidelines addressing the following:

''(A) IN GENERAL.—A telecommunications carrier (including a reseller of telecommunications services) electing to comply with the Code shall submit a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service only in accordance with the provisions of the Code.

''(B) NEGATIVE OPTION.—A telecommunications carrier shall not use negative option marketing.

''(C) VERIFICATION.—A submitting carrier shall verify the subscriber's selection of the carrier in accordance with procedures specified in the Code. The executing carrier may rely on the submitting carrier's verification in executing the change or may, at its discretion, confirm the verification of a change in the subscriber's selection with the customer.

''(D) UNFAIR AND DECEPTIVE ACTS AND PRACTICES.—No telecommunications carrier, nor any person acting on behalf of any such carrier, shall engage in any unfair or deceptive acts or practices in connection with the solicitation of a change in a subscriber's selection of a telecommunications carrier.

''(E) NOTIFICATION AND RIGHTS.—A telecommunications carrier shall provide timely and accurate notification to the subscriber in accordance with procedures specified in the Code.

''(F) SLAMMING LIABILITY AND REMEDIES.—

''(i) REQUIRED REIMBURSEMENT AND CREDIT.—A telecommunications carrier that has improperly changed the subscriber's selection of a telecommunications carrier without authorization, shall at a minimum—

''(I) reimburse the subscriber for the fees associated with switching the subscriber back to their original carrier; and

''(II) provide a credit for any telecommunications charges incurred by the subscriber during the period, not to exceed 30 days, while that subscriber was improperly presubscribed.

''(ii) PROCEDURES.—The Code shall prescribe procedures by which—

''(I) a subscriber may make an allegation of a violation under clause (i);

''(II) the telecommunications carrier may rebut such allegation;

''(III) the subscriber may, without undue delay, burden, or expense, challenge the rebuttal; and

''(IV) resolve any administrative review of such an allegation within 75 days after receipt of an appeal.

''(G) RECORDKEEPING.—A telecommunications carrier shall make and maintain a record of the verification process and shall provide a copy to the subscriber immediately upon request.

''(H) QUALITY CONTROL.—A telecommunications carrier shall institute a quality control program to prevent inadvertent changes in a subscriber's selection of a carrier.

''(I) INDEPENDENT AUDITS.—A telecommunications carrier shall provide the Commission with an independent audit regarding its compliance with the Code at intervals prescribed by the Code. The Commission may require a telecommunications carrier to provide an independent audit on a more frequent basis if there is evidence that such telecommunications carrier is violating the Code.

''(2) ELECTION BY CARRIERS.—Each telecommunications carrier electing to comply with the Code shall file with the Commission within 20 days after the adoption of the Code, or within 20 days after commencing operations as a telecommunications carrier, a statement electing the Code to govern such carrier's submission or execution of a change in a customer's selection of a provider of telephone exchange service or telephone toll service. Such election by a carrier may not be revoked or withdrawn unless the Commission finds that there is good cause therefor, including a determination that the carrier has failed to adhere in good faith to the applicable provisions of the Code, and that the revocation or withdrawal is in the public interest. Any telecommunications carrier that fails to elect to comply with the Code shall be deemed to have elected to be governed by the subsection (c) and the Commission's regulations thereunder.

''(3) PENALTIES AVAILABLE.—Nothing in this subsection or in any regulations thereunder shall be construed as limiting the application of section 503 to violations of the Code.

''(c) REGULATIONS OF CARRIERS NOT ELECTING TO COMPLY WITH CODE.—

''(1) IN GENERAL.—A telecommunications carrier (including a reseller of telecommunications services) that has not elected to comply with the Code under subsection (b), or as to which the election has been withdrawn or revoked, shall not submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with this subsection and such verification procedures as the Commission shall prescribe.

''(2) VERIFICATION.—

''(A) IN GENERAL.—In order to verify a subscriber's selection of a telephone exchange service or telephone toll service provider under this subsection, the telecommunications carrier submitting the change to an executing carrier shall, at a minimum, require the subscriber—

''(i) to affirm that the subscriber is authorized to select the provider of that service for the telephone number in question;

''(ii) to acknowledge the type of service to be changed as a result of the selection;

''(iii) to affirm the subscriber's intent to select the provider as the provider of that service;

''(iv) to acknowledge that the selection of the provider will result in a change in providers of that service; and

''(v) to provide such other information as the Commission considers appropriate for the protection of the subscriber.

''(B) ADDITIONAL REQUIREMENTS.—The procedures prescribed by the Commission to verify a subscriber's selection of a provider shall—

''(i) preclude the use of negative option marketing;

''(ii) provide for a complete copy of verification of a change in telephone exchange service or telephone toll service provider in oral, written, or electronic form;

''(iii) require the retention of such verification in such manner and form and for such time as the Commission considers appropriate;

''(iv) mandate that verification occur in the same language as that in which the change was solicited; and

''(v) provide for verification to be made available to a subscriber on request.

''(C) NOTICE TO SUBSCRIBER.—Whenever a telecommunication carrier submits a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service, such telecommunications carrier shall clearly notify the subscriber in writing, not more than 15 days after the change is submitted to the executing carrier—

''(i) of the subscriber's new carrier; and

''(ii) that the subscriber may request information regarding the date on which the change was agreed to and the name of the individual who authorized the change.

''(3) LIABILITY FOR VIOLATIONS.—

''(A) NOTIFICATION OF CHANGE.—The first bill issued after the effective date of a change in a subscriber's provider of telephone exchange service or telephone toll service by the executing carrier for such change shall—

''(i) prominently disclose the change in provider and the effective date of such change;

''(ii) contain the name and toll-free number of any telecommunications carrier for such new service; and

''(iii) direct the subscriber to contact the executing carrier if the subscriber believes that such change was not authorized and that the change was made in violation of this subsection, and contain the toll-free number by which to make such contact.

''(B) AUTOMATIC SWITCH-BACK OF SERVICE AND CREDIT TO CONSUMER OF CHARGES.—

''(i) OBLIGATIONS OF EXECUTING CARRIER.—If a subscriber of telephone exchange service or telephone toll service makes an allegation, orally or in writing, to the executing carrier that a violation of this subsection has occurred with respect to such subscriber—

''(I) the executing carrier shall, without charge to the subscriber, execute an immediate change in the provider of the telephone service that is the subject of the allegation to restore the previous provider of such service for the subscriber, as reflected in the records of the executing carrier;

''(II) the executing carrier shall provide an immediate credit to the subscriber's account for any charges for executing the original change of service provider;

''(III) if the executing carrier conducts billing for the carrier that is the subject of the allegation, the executing carrier shall provide an immediate credit to the subscriber's account for such service, in an amount equal to any charges for the telephone service that is the subject of the allegation incurred during the period—

''(aa) beginning upon the date of the change of service that is the subject of the allegation; and

''(bb) ending on the earlier of the date that the subscriber is restored to the previous provider, or 30 days after the date the bill described in subparagraph (A) is issued; and

''(IV) the executing carrier shall recover the costs of executing the change in provider to restore the previous provider, and any credits provided under subclauses (II) and (III), by recourse to the provider that is the subject of the allegation.

''(ii) OBLIGATIONS OF CARRIERS NOT BILLING THROUGH EXECUTING CARRIERS.—If a subscriber of telephone exchange service or telephone toll service transmits, orally or in writing, to any carrier that does not use an executing carrier to conduct billing an allegation that a violation of this subsection has occurred with respect to such subscriber, the carrier shall provide an immediate credit to the subscriber's account for such service, and the subscriber shall, except as provided in subparagraph (C)(iii), be discharged from liability, for an amount equal to any charges for the telephone service that is the subject of the allegation incurred during the period—

''(I) beginning upon the date of the change of service that is the subject of the allegation; and

''(II) ending on the earlier of the date that the subscriber is restored to the previous provider, or 30 days after the date the bill described in subparagraph (A) is issued.

''(iii) TIME LIMITATION.—This subparagraph shall apply only to allegations made by subscribers before the expiration of the 1-year period that begins on the issuance of the bill described in subparagraph (A).

''(C) PROCEDURE FOR CARRIER REMEDY.—

''(i) IN GENERAL.—The Commission shall, by rule, establish a procedure for rendering determinations with respect to violations of this subsection. Such procedure shall permit such determinations to be made upon the filing of (I) a complaint by a telecommunications carrier that was providing telephone exchange service or telephone toll service to a subscriber before the occurrence of an alleged violation, and seeking damages under clause (ii), or (II) a complaint by a telecommunications carrier that was providing services after the alleged violation, and seeking a reinstatement of charges under clause (iii). Either such complaint shall be filed not later than 6 months after the date on which any subscriber whose allegation is included in the complaint submitted an allegation of the violation to the executing carrier under subparagraph (B)(i). Either such complaint may seek determinations under this paragraph with respect to multiple alleged violations in accordance with such procedures as the Commission shall establish in the rules prescribed under this subparagraph.

''(ii) DETERMINATION OF VIOLATION AND REMEDIES.—In a proceeding under this subparagraph, if the Commission determines that a violation of this subsection has occurred, other than an inadvertent or unintentional violation, the Commission shall award damages—

''(I) to the telecommunications carrier filing the complaint, in an amount equal to the sum of (aa) the gross amount of charges that the carrier would have received from the subscriber during the violation, and (bb) $500 per violation; and

''(II) to the subscriber that was subjected to the violation, in the amount of $500.

''(iii) DETERMINATION OF NO VIOLATION.—If the Commission determines that a violation of this subsection has not occurred, the Commission shall order that any credit provided to the subscriber under subparagraph (B)(ii) be reversed, or that the carrier may resubmit a bill for the amount of the credit to the subscriber notwithstanding any discharge under subparagraph (B)(ii).

''(iv) SPEEDY RESOLUTION OF COMPLAINTS.—The procedure established under this subparagraph shall provide for a determination of each complaint filed under the procedure not later than 6 months after filing.

''(D) MAINTENANCE OF INFORMATION.—

''(i) IN GENERAL.—The Commission shall, by rule, require each executing carrier to maintain information regarding each alleged violation of this subsection of which the carrier has been notified.

''(ii) CONTENTS.—The information required to be maintained pursuant to this paragraph shall include, for each alleged violation of this subsection, the effective date of the change of service involved in the alleged violation, the name of the provider of the service to which the change was made, the name, address, and telephone number of the subscriber who was subject to the alleged violation, and the amount of any credit provided under subparagraph (B)(ii).

''(iii) FORM.—The Commission shall prescribe one or more computer data formats for the maintenance of information under this paragraph, which shall be designed to facilitate submission and compilation pursuant to this subparagraph.

''(iv) MONTHLY REPORTS.—Each executing carrier shall, on not less than a monthly basis, submit the information maintained pursuant to this subparagraph to the Commission.

''(v) ACCESS TO INFORMATION.—The Commission shall make the information submitted pursuant to clause (iv) available upon request to any telecommunications carrier. Any telecommunications carrier obtaining access to such information shall use such information exclusively for the purposes of investigating, filing, or resolving complaints under this section.

''(4) CIVIL PENALTIES.—Unless the Commission determines that there are mitigating circumstances, violation of this subsection is punishable by a forfeiture penalty under section 503 of not less than $40,000 for the first offense, and not less than $150,000 for each subsequent offense.

''(5) RECOVERY OF FORFEITURES.—The Commission may take such action as may be necessary—

''(A) to collect any forfeitures it imposes under this subsection; and

''(B) on behalf of any subscriber, to collect any damages awarded the subscriber under this subsection.

''(d) APPLICATION TO WIRELESS.—This section does not apply to a provider of commercial mobile service.

''(e) COMMISSION REQUIREMENTS.—

''(1) SEMIANNUAL REPORTS.—Every 6 months, the Commission shall compile and publish a report ranking telecommunications carriers by the percentage of verified complaints, excluding those generated by the carrier's unaffiliated resellers, compared to the number of the carrier's changes in a subscriber's selection of a provider of telephone exchange service and telephone toll service.

''(2) INVESTIGATION.—If a telecommunications carrier is listed among the 5 worst performers based upon the percentage of verified complaints, excluding those generated by the carrier's unaffiliated resellers, compared to its number of carrier selection changes in the semiannual reports 3 times in succession, the Commission shall investigate the carrier's practices regarding subscribers' selections of providers of telephone exchange service and telephone toll service. If the Commission finds that the carrier is misrepresenting adherence to the Code or is willfully and repeatedly changing subscribers' selections of providers, the Commission shall find such carrier to be in violation of this section and shall impose a civil penalty on the carrier under section 503 of up to $1,000,000.

''(3) CODE REVIEW.—Every 2 years, the Commission shall review the Code to ensure its requirements adequately protect subscribers from improper changes in a subscriber's selection of a provider of telephone exchange service and telephone toll service.

''(f) ACTIONS BY STATES.—

''(1) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has violated the Code or subsection (c), or any rule or regulation prescribed by the Commission under subsection (c), the State may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such violation, to enforce compliance with such Code, subsection, rule, or regulation, to obtain damages on behalf of their residents, or to obtain such further and other relief as the court may deem appropriate.

''(2) NOTICE.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Commission and provide the Commission with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Commission shall have the right (A) to intervene in such action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

''(3) VENUE.—Any civil action brought under this section in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the violation occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or wherever the defendant may be found.

''(4) INVESTIGATORY POWERS.—For purposes of bringing any civil action under paragraph (1), nothing in this Act shall prevent the attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(5) EFFECT ON STATE COURT PROCEEDINGS.—Nothing contained in this subsection shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State.

''(6) LIMITATION.—Whenever the Commission has instituted a civil action for violation of this section or any rule or regulation thereunder, no State may, during the pendency of such action instituted by the Commission, institute a civil action against any defendant named in the Commission's complaint for violation of any rule as alleged in the Commission's complaint.

''(7) ACTIONS BY OTHER STATE OFFICIALS.—In addition to actions brought by an attorney general of a State under paragraph (1), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State for protection of consumers.

''(g) STATE LAW NOT PREEMPTED.—

''(1) IN GENERAL.—Nothing in this section or in the regulations prescribed under this section shall preempt any State law that imposes more restrictive requirements, regulations (including an option protecting a subscriber's choice of a provider of telephone exchange service or telephone toll service from being switched without the subscriber's express consent), damages, costs, or penalties on changes in a subscriber's service or selection of a provider of telephone exchange service or telephone toll services than are imposed under this section.

''(2) PRESERVATION OF COMMISSION AUTHORITY WITH RESPECT TO UNFAIR MARKETING OF SUBSCRIBER SELECTION FREEZES.—Notwithstanding paragraph (1), the Commission shall prescribe rules to prevent the marketing or provision in an unfair or deceptive manner of an option protecting a subscriber's choice of a provider of telephone exchange service or telephone toll service from being switched without the subscriber's express consent.

''(h) RULES OF CONSTRUCTION.—

''(1) CHANGE INCLUDES INITIAL SELECTION.—For purposes of this section, the initiation of telephone toll service to a subscriber by a telecommunications carrier shall be treated as a change in selection of a provider of telephone toll service.

''(2) ACTION BY UNAFFILIATED RESELLER NOT IMPUTED TO CARRIER.—No telecommunications carrier may be found in violation of this section solely on the basis of a violation of this section by an unaffiliated reseller of that carrier's services or facilities.

''(i) DEFINITIONS.—For purposes of this section:

''(1) SUBSCRIBER.—The term 'subscriber' means the person named on the billing statement or account, or any other person authorized to make changes in the providers of telephone exchange service or telephone toll service.

''(2) EXECUTING CARRIER.—The term 'executing carrier' means, with respect to any change in the provider of local exchange service or telephone toll service, the local exchange carrier that executed such change.

''(3) ATTORNEY GENERAL.—The term 'attorney general' means the chief legal officer of a State.''.

(b) NTIA STUDY OF THIRD-PARTY ADMINISTRATION.—Within 180 days of enactment of this Act, the National Telecommunications and Information Administration shall report to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the feasibility and desirability of establishing a neutral third-party administration system to prevent illegal changes in telephone subscriber carrier selections. The study shall include—

(1) an analysis of the cost of establishing a single national or several independent databases or clearinghouses to verify and submit changes in carrier selections;

(2) the additional cost to carriers, per change in carrier selection, to fund the ongoing operation of any or all such independent databases or clearinghouses; and

(3) the advantages and disadvantages of utilizing independent databases or clearinghouses for verifying and submitting carrier selection changes.

By Mrs. MURRAY:

S. 1085. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement; to the Committee on Finance.

THE COMMUNITY FORESTRY AND AGRICULTURE CONSERVATION ACT

Mrs. MURRAY. Mr. President, I am pleased to rise today to introduce the ''Community Forestry and Agriculture Conservation Act of 1999.''

Mr. President, all across America we are losing hundreds of thousands of acres of productive forest and agricultural land to urban uses. And with the loss of these lands, we also lose some of our ability to protect watersheds, fish and wildlife, and the rural character and economies of many communities.

Local governments and non-profit organizations, including growing numbers of land trusts, are responding to these issues, and to citizen demand that private land provide more public benefit. They have made significant progress by purchasing land outright or protecting it through conservation easements.

Unfortunately, communities and non-profits simply do not have the resources to meet public demand for open space protection. And the most traditional means of protection—outright purchase of land or conservation easements—are inadequate to protect larger tracts of forest and agricultural land.

Mr. President, the bill I am introducing today would give communities a flexible and dynamic tool to protect forest and agricultural land. In fact, some communities, including at least one in the State of Washington, are already mobilizing to take advantage of the legislation I am introducing today.

The concept behind this bill is straightforward.

Under my bill, a group of community members and leaders who are interested in protecting a tract of forest or farm land would work with one or more landowners to reach a voluntary sale agreement at fair market value.

The community group would then form a non-profit 501(c)(3) corporation with a diverse board of directors. The board of directors could include landowners, conservationists, financial and business leaders, forestry and agricultural professionals, and others interested in managing the land.

The non-profit corporation would develop an agreement on what land would be acquired and at what price.

In addition, the corporation would develop a binding management plan. The management plan would provide for continued harvest of trees and crops, but in a manner that exceeds federal and state conservation standards.

A local government would then issue tax exempt revenue bonds on behalf of the non-profit corporation to fund the acquisition of the land. The bonds would be held and serviced by the non-profit with revenue raised by the continued harvest of trees or crops in accordance with the management plan. The non-profit corporation would also hold the title to the land.

In forming the non-profit corporation, community leaders would be required to meet strict standards before bonds were issued. These standards will ensure that public benefits are achieved and abuse is prevented.

First, the non-profit corporation must draft a land management plan that exceeds state and federal law.

Second, the corporation must enter the land into a permanent conservation easement.

Third, the corporation must secure the commitment of a third party 501(c)3 organization or governmental entity to hold the conservation easement. It must also provide the third party with the financial resources needed to monitor compliance with the easement.

Last, the corporation must establish a diverse board of directors. No more than 20 percent of the board members can represent a for-profit entity that does business with the non-profit.

Mr. President, let me explain why my bill is necessary to make this new approach possible. Current law allows for the issuance of tax-exempt debt on behalf of non-profit corporations, such as hospitals and higher education facilities that require large amounts of capital. This bill ensures forest and agricultural based non-profits can enjoy the same benefits.

Once the interested parties complete the management plan, issue the bonds, acquire the land and place it in trust, landowners, local governments, the environment, and the public all benefit.

Mr. President, foresters and agricultural producers are often land-rich and cash-poor. My bill would allow landowners to capitalize some or all of their assets. It would also allow landowners to continue harvesting timber from the land but at a lower harvest level. While the non-profit could manage harvest activities on the land, it is more likely it will contract out for these services. This will allow the original landowner or other interested natural resource businesses to manage and receive economic benefits from the land. In addition, this tool will allow the landowner to escape the management problems that arise when urban growth begins to encroach on forestry or agricultural operations.

Local governments benefit by continuing to receive tax dollars that result from economic activities on the land.

And the land receives better stewardship because broad-based conservation efforts can be undertaken at a lower cost than under more traditional land acquisition methods. Through these conservation easements, non-profits will have the financial flexibility to apply lighter resource management practices on the land.

This is an important point. The lower cost of capital and non-profit land management would allow communities to increase conservation benefits. I know many landowners and companies would prefer to increase conservation practices. However, they also have to meet the demands of the bottom-line and stockholders. By reducing these financial pressures, we can provide a higher level of resource protection on these lands.

And the higher levels of resource protection can respond to the greatest environmental needs in that region. For example, in my home state of Washington, the non-profit corporation could increase buffer areas along streams to protect salmon runs and engage in habitat restoration. These steps would help my state respond to salmon listings under the Endangered Species Act.

Finally, the American people benefit the most. They will have more environmental protection and recreational opportunities without sacrificing an important part of their community's economic and tax base. This tool will also allow communities to promote local ownership of their land and to better control their destiny.

Mr. President, in the last three years, Congress and the Clinton Administration have been discussing more and more the issues of ''sprawl'' and ''livability.'' We are finally starting to see at the national level a recognition that the federal government's actions play an important role in how communities grow. These are not new ideas—they have been discussed at the local and state levels for decades. I am

pleased to see Congress and the Administration joining this discussion.

We have heard and seen many good ideas and proposals for improving the quality of life in our communities, from greater open space protection to improved transportation infrastructure. I support many of these efforts.

However, my bill addresses one aspect of this discussion that is not drawing as much attention in the press. And that is the destruction of farm and forest economies in many regions that are rapidly urbanizing. In the Puget Sound region, growth has choked the economic viability of forest and agricultural operations in many areas. Concerned citizens and governments are forced to try to save forest and farm land on a smaller, more piecemeal basis. As successful and rewarding as many of these efforts have been, we need to give communities the option to save larger tracts of land that cannot be acquired outright. By doing so, we can maintain viable farm and forest operations near growing urban areas, and help strengthen the connection between rural producers and urban consumers.

Today, Representatives DUNN and TANNER are introducing this legislation in the House. I am pleased to join their effort on this important issue by sponsoring companion legislation.

In closing, I want to emphasize that this is an approach that every Senator can support. It is bipartisan. It is voluntary. It maintains private land ownership and embraces private landowners. It limits government involvement but establishes proper enforcement to prevent abuse. It protects the environment. It provides local control.

Mr. President, I urge my colleagues to join me to pass the Community Forestry and Agriculture Conservation Act. 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. 1085

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 ''Community Forestry and Agriculture Conservation Act of 1999''.

SEC. 2. TREATMENT OF BONDS ISSUED TO ACQUIRE RENEWABLE RESOURCES ON LAND SUBJECT TO CONSERVATION EASEMENT.

(a) IN GENERAL.—Section 145 of the Internal Revenue Code of 1986 (defining qualified 501(c)(3) bond) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) BONDS ISSUED TO ACQUIRE RENEWABLE RESOURCES ON LAND SUBJECT TO CONSERVATION EASEMENT.—

''(1) IN GENERAL.—If—

''(A) the proceeds of any bond are used to acquire land (or a long-term lease thereof) together with any renewable resource associated with the land (including standing timber, agricultural crops, or water rights) from an unaffiliated person,

''(B) the land is subject to a conservation restriction—

''(i) which is granted in perpetuity to an unaffiliated person that is—

''(I) a 501(c)(3) organization, or

''(II) a Federal, State, or local government conservation organization,

''(ii) which meets the requirements of clauses (ii) and (iii)(II) of section 170(h)(4)(A),

''(iii) which exceeds the requirements of relevant environmental and land use statutes and regulations, and

''(iv) which obligates the owner of the land to pay the costs incurred by the holder of the conservation restriction in monitoring compliance with such restriction,

''(C) a management plan which meets the requirements of the statutes and regulations referred to in subparagraph (B)(iii) is developed for the conservation of the renewable resources, and

''(D) such bond would be a qualified 501(c)(3) bond (after the application of paragraph (2)) but for the failure to use revenues derived by the 501(c)(3) organization from the sale, lease, or other use of such resource as otherwise required by this part,

such bond shall not fail to be a qualified 501(c)(3) bond by reason of the failure to so use such revenues if the revenues which are not used as otherwise required by this part are used in a manner consistent with the stated charitable purposes of the 501(c)(3) organization.

''(2) TREATMENT OF TIMBER, ETC.—

''(A) IN GENERAL.—For purposes of subsection (a), the cost of any renewable resource acquired with proceeds of any bond described in paragraph (1) shall be treated as a cost of acquiring the land associated with the renewable resource and such land shall not be treated as used for a private business use because of the sale or leasing of the renewable resource to, or other use of the renewable resource by, an unaffiliated person to the extent that such sale, leasing, or other use does not constitute an unrelated trade or business, determined by applying section 513(a).

''(B) APPLICATION OF BOND MATURITY LIMITATION.—For purposes of section 147(b), the cost of any land or renewable resource acquired with proceeds of any bond described in paragraph (1) shall have an economic life commensurate with the economic and ecological feasibility of the financing of such land or renewable resource.

''(C) UNAFFILIATED PERSON.—For purposes of this subsection, the term 'unaffiliated person' means any person who controls not more than 20 percent of the governing body of another person.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued after the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 26

At the request of Mr. FEINGOLD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 26, a bill entitled the ''Bipartisan Campaign Reform Act of 1999''.

S. 135

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 135, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance costs of self-employed individuals, and for other purposes.

S. 247

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 296

At the request of Mr. FRIST, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 309

At the request of Mr. MCCAIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 344

At the request of Mr. BOND, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 344, a biil to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 345

At the request of Mrs. MURRAY, her name 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. 348

At the request of Ms. SNOWE, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 409

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 409, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Pennsylvania (Mr. SANTORUM) 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. 512

At the request of Mr. GORTON, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor 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. 541

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 541, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 573

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 573, a bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health-care-related information, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights.

S. 580

At the request of Mr. FRIST, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 580, a bill to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research.

S. 620

At the request of Mr. SARBANES, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 620, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 625

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 625, a bill to amend title 11, United States Code, and for other purposes.

S. 636

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) 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. 706

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 706, a bill to create a National Museum of Women's History Advisory Committee.

S. 751

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 751, a bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes.

S. 818

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mr. HELMS) 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. 820

At the request of Mr. CHAFEE, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 841

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 841, a bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient prescription drugs under the medicare program.

S. 890

At the request of Mr. WELLSTONE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 902

At the request of Mr. TORRICELLI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 902, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 918

At the request of Mr. KERRY, the names of the Senator from Ohio (Mr. DEWINE), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors 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.

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. WYDEN) was withdrawn as a cosponsor of S. 918, supra.

S. 1007

At the request of Mrs. MURRAY, her name was added as a cosponsor of 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.

S. 1067

At the request of Mr. ROCKEFELLER, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1067, a bill to promote the adoption of children with special needs.

S. 1070

At the request of Mr. BOND, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

AMENDMENT NO. 355

At the request of Mr. FRIST, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of Amendment No. 355 proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

AMENDMENT NO. 358

At the request of Mr. WELLSTONE, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of Amendment No. 358 proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 358 proposed to S. 254, supra.

AMENDMENT NO. 361

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 361 proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

At the request of Mr. SESSIONS, his name was added as a cosponsor of Amendment No. 361 proposed to S. 254, supra.

AMENDMENTS SUBMITTED

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

LAUTENBERG (AND KERREY) AMENDMENT NO. 362

Mr. LAUTENBERG (for himself and Mr. KERREY) proposed an amendment

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 end of the bill, add the following:

SEC. ___. EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.

(a) FINDINGS.—Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(8) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this Act, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

(b) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(35) GUN SHOW.—The term 'gun show' means any event—

''(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

''(B) at which—

''(i) not less than 20 percent of the exhibitors are firearm exhibitors;

''(ii) there are not less than 10 firearm exhibitors; or

''(iii) 50 or more firearms are offered for sale, transfer, or exchange.

''(36) GUN SHOW PROMOTER.—The term 'gun show promoter' means any person who organizes, plans, promotes, or operates a gun show.

''(37) GUN SHOW VENDOR.—The term 'gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.''

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 931. Regulation of firearms transfers at gun shows

''(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

''(2) pays a registration fee, in an amount determined by the Secretary.

''(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

''(2) before commencement of the gun show, requires each gun show vendor to sign—

''(A) a ledger with identifying information concerning the vendor; and

''(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

''(3) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe; and

''(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

''(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any non-licensed vendor.

''(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

''(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

''(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

''(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

''(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

''(2) record the transfer on a form specified by the Secretary;

''(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

''(A) of such compliance; and

''(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

''(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

''(A) shall be on a form specified by the Secretary by regulation; and

''(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

''(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

''(A) prepared on a form specified by the Secretary; and

''(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

''(i) the office specified on the form described in subparagraph (A); and

''(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

''(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

''(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

''(1) shall be in a form specified by the Secretary by regulation;

''(2) shall not include the name of or other identifying information relating to the transferee; and

''(3) shall not duplicate information provided in any report required under subsection (e)(4).

''(g) FIREARM TRANSACTION DEFINED.—In this section, the term 'firearm transaction'—

''(1) includes the offer for sale, sale, transfer, or exchange of a firearm; and

''(2) does not include the mere exhibition of a firearm.''.

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

''(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(C) Whoever willfully violates section 931(d), shall be—

''(i) fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

''(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

''(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

''(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

''(ii) impose a civil fine in an amount equal to not more than $10,000.''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

''931. Regulation of firearms transfers at gun shows.''; and

(B) in the first sentence of section 923(j), by striking ''a gun show or event'' and inserting ''an event''; and

(d) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

''(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.''.

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

''(B) If the violation described in subparagraph (A) is in relation to an offense—

''(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

''(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.''.

(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(A) in paragraph (5), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''; and

(B) by adding at the end the following:

''(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.''.

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking ''and, at the time'' and all that follows through ''State law''.

(g) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: '', as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date on which the licensee first contacts the system with respect to the transfer''.

(h) EFFECTIVE DATE.—This section (other than subsection (i)) and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

(i) INAPPLICABILITY OF OTHER PROVISIONS.—Notwithstanding any other provision of this Act, the provisions of the title headed ''**GENERAL FIREARM PROVISIONS**'' (as added by the amendment of Mr. Craig number 332) and the provisions of the section headed ''**APPLICATION OF SECTION 923(j) AND (m)**'' (as added by the amendment of Mr. Hatch number 344) shall be null and void.

HATCH AND LEAHY AMENDMENT NO. 363

Mr. HATCH (for himself and Mr. LEAHY) proposed an amendment to the bill S. 254, supra; as follows:

At the end of title IV, add the following:

Subtitle ____—Safe School Security

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''Safe School Security Act of 1999''.

SEC. ___2. ESTABLISHMENT OF SCHOOL SECURITY TECHNOLOGY CENTER.

(a) SCHOOL SECURITY TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement, of a center to be known as the ''School Security Technology Center''. The School Security Technology Center shall be administered by the Attorney General.

(2) FUNCTIONS.—The School Security Technology Center shall be a resource to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security. The School Security Technology Center shall also conduct and publish research on school violence, coalesce data from victim groups, and monitor and report on schools that implement school security strategies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $3,700,000 for fiscal year 2000;

(2) $3,800,000 for fiscal year 2001; and

(3) $3,900,000 for fiscal year 2002.

SEC. ___3. GRANTS FOR LOCAL SCHOOL SECURITY PROGRAMS.

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) is amended by adding at the end the following:

''SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.

''(a) IN GENERAL.—

''(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology Center.

''(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

''(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

''(b) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2000, 2001, and 2002.''.

SEC. ___4. SAFE AND SECURE SCHOOL ADVISORY REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Education and the Secretary of Energy, or their designees, shall—

(1) develop a proposal to further improve school security; and

(2) submit that proposal to Congress.

At the end, insert the following:

SEC. ___. DRUG TESTS AND LOCKER INSPECTIONS.

(a) SHORT TITLE.—This section may be cited as the ''School Violence Prevention Act''.

(b) AMENDMENT.—Section 4116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking ''and'' after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

''(10) consistent with the fourth amendment to the Constitution of the United States, testing a student for illegal drug use or inspecting a student's locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and''.

At the appropriate place, insert the following:

SEC. . WAIVER FOR LOCAL MATCH REQUIREMENT UNDER COMMUNITY POLICING PROGRAM.

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 by a jurisdiction that demonstrates financial need or hardship.''

On page 93, line 19, strike ''and''.

On page 93, after line 19, insert the following:

''(16) projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers; and

On page 93, line 20, strike ''(16)'' and insert ''(17)''.

On page 129, line 5, strike ''and''.

On page 129, after line 5, insert the following:

''(24) provide for projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers; and

On page 129, line 6, strike ''(24)'' and insert ''(25)''.

At the appropriate place, insert the following:

SEC. _. CARJACKING OFFENSES.

Section 2119 of title 18, United States Code, is amended by striking '', with the intent to cause death or serious body harm''.

On page 90, after line 7, insert and renumber the following paragraphs:

''(5) to develop, implement or operate projects for the prevention or reduction of truancy through partnerships between local education agencies, local law enforcement, and, as appropriate, other community groups.''

At the end, add the following:

TITLE _____—VIOLENCE PREVENTION TRAINING FOR EARLY CHILDHOOD EDUCATORS

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Violence Prevention Training for Early Childhood Educators Act''.

SEC. ___02. PURPOSE.

The purpose of this title is to provide grants to institutions that carry out early childhood education training programs to enable the institutions to include violence prevention training as part of the preparation of individuals pursuing careers in early childhood development and education.

SEC. ___03. FINDINGS.

Congress makes the following findings:

(1) Aggressive behavior in early childhood is the single best predictor of aggression in later life.

(2) Aggressive and defiant behavior predictive of later delinquency is increasing among our Nation's youngest children. Without prevention efforts, higher percentages of juveniles are likely to become violent juvenile offenders.

(3) Research has demonstrated that aggression is primarily a learned behavior that develops through observation, imitation, and direct experience. Therefore, children who experience violence as victims or as witnesses are at increased risk of becoming violent themselves.

(4) In a study at a Boston city hospital, 1 out of every 10 children seen in the primary care clinic had witnessed a shooting or a stabbing before the age of 6, with 50 percent of the children witnessing in the home and 50 percent of the children witnessing in the streets.

(5) A study in New York found that children who had been victims of violence within their families were 24 percent more likely to report violent behavior as adolescents, and adolescents who had grown up in families where partner violence occurred were 21 percent more likely to report violent delinquency than individuals not exposed to violence.

(6) Aggression can become well-learned and difficult to change by the time a child reaches adolescence. Early childhood offers a critical period for overcoming risk for violent behavior and providing support for prosocial behavior.

(7) Violence prevention programs for very young children yield economic benefits. By providing health and stability to the individual child and the child's family, the programs may reduce expenditures for medical care, special education, and involvement with the judicial system.

(8) Primary prevention can be effective. When preschool teachers teach young children interpersonal problem-solving skills and other forms of conflict resolution, children are less likely to demonstrate problem behaviors.

(9) There is evidence that family support programs in families with children from birth through 5 years of age are effective in preventing delinquency.

SEC. ___04. DEFINITIONS.

In this title:

(1) AT-RISK CHILD.—The term ''at-risk child'' means a child who has been affected by violence through direct exposure to child abuse, other domestic violence, or violence in the community.

(2) EARLY CHILDHOOD EDUCATION TRAINING PROGRAM.—The term ''early childhood education training program'' means a program that—

(A)(i) trains individuals to work with young children in early child development programs or elementary schools; or

(ii) provides professional development to individuals working in early child development programs or elementary schools;

(B) provides training to become an early childhood education teacher, an elementary school teacher, a school counselor, or a child care provider; and

(C) leads to a bachelor's degree or an associate's degree, a certificate for working with young children (such as a Child Development Associate's degree or an equivalent credential), or, in the case of an individual with such a degree, certificate, or credential, provides professional development.

(3) ELEMENTARY SCHOOL.—The term ''elementary school'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(4) VIOLENCE PREVENTION.—The term ''violence prevention'' means—

(A) preventing violent behavior in children;

(B) identifying and preventing violent behavior in at-risk children; or

(C) identifying and ameliorating violent behavior in children who act out violently.

SEC. ___05. PROGRAM AUTHORIZED.

(a) GRANT AUTHORITY.—The Secretary of Education, is authorized to award grants to institutions that carry out early childhood education training programs and have applications approved under section ___06 to enable the institutions to provide violence prevention training as part of the early childhood education training program.

(b) AMOUNT.—The Secretary of Education shall award a grant under this title in an amount that is not less than $500,000 and not more than $1,000,000.

(c) DURATION.—The Attorney General shall award a grant under this title for a period of not less than 3 years and not more than 5 years.

SEC. ___06. APPLICATION.

(a) APPLICATION REQUIRED.—Each institution desiring a grant under this title shall submit to the Secretary of Education an application at such time, in such manner, and accompanied by such information as the Secretary of Education may require.

(b) CONTENTS.—Each application shall—

(1) describe the violence prevention training activities and services for which assistance is sought;

(2) contain a comprehensive plan for the activities and services, including a description of—

(A) the goals of the violence prevention training program;

(B) the curriculum and training that will prepare students for careers which are described in the plan;

(C) the recruitment, retention, and training of students;

(D) the methods used to help students find employment in their fields;

(E) the methods for assessing the success of the violence prevention training program; and

(F) the sources of financial aid for qualified students;

(3) contain an assurance that the institution has the capacity to implement the plan; and

(4) contain an assurance that the plan was developed in consultation with agencies and organizations that will assist the institution in carrying out the plan.

SEC. ___07. SELECTION PRIORITIES.

The Secretary of Education shall give priority to awarding grants to institutions carrying out violence prevention programs that include 1 or more of the following components:

(1) Preparation to engage in family support (such as parent education, service referral, and literacy training).

(2) Preparation to engage in community outreach or collaboration with other services in the community.

(3) Preparation to use conflict resolution training with children.

(4) Preparation to work in economically disadvantaged communities.

(5) Recruitment of economically disadvantaged students.

(6) Carrying out programs of demonstrated effectiveness in the type of training for

which assistance is sought, including programs funded under section 596 of the Higher Education Act of 1965 (as such section was in effect prior to October 7, 1998).

SEC. ___08. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $15,000,000 for each of the fiscal years 2000 through 2004.

On page 227, line 11, strike ''and'' and all that follows through the period on line 19 and insert the following:

''(11) partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that incorporate the following elements of character: caring, citizenship, fairness, respect responsibility and trustworthiness; and

(12) for programs to seek to target, curb and punish adults who knowingly and intentionally use a juvenile during the commission or attempted commission of a crime, including programs that specifically provide for additional punishments or sentence enhancements for adults who knowingly and intentionally use a juvenile during the commission or attempted commission of a crime.''

On page 93, line 19, strike ''and'' and all that follows through line 21 and insert the following:

''(16) partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that incorporate the following elements of character: caring, citizenship, fairness, respect responsibility and trustworthiness; and

(17) other activities that are likely to prevent juvenile delinquency.''

At the end, add the following:

TITLE ___—PREVENTING JUVENILE DELINQUENCY THROUGH CHARACTER EDUCATION

SEC. ___01. PURPOSE.

The purpose of this title is to support the work of community-based organizations, local educational agencies, and schools in providing children and youth with alternatives to delinquency through strong school-based and after school programs that—

(1) are organized around character education;

(2) reduce delinquency, school discipline problems, and truancy; and

(3) improve student achievement, overall school performance, and youths' positive involvement in their community.

SEC. ___02. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) $15,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out school-based programs under section ___03; and

(2) $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the after school programs under section ___04.

(b) SOURCE OF FUNDING.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

SEC. ___03. SCHOOL-BASED PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, is authorized to award grants to schools, or local educational agencies that enter into a partnership with a school, to support the development of character education programs in the schools in order to—

(1) reduce delinquency, school discipline problems, and truancy; and

(2) improve student achievement, overall school performance, and youths' positive involvement in their community.

(b) APPLICATIONS.—Each school or local educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(1) CONTENTS.—Each application shall include—

(A) a description of the community to be served and the needs that will be met with the program in that community;

(B) a description of how the program will reach youth at-risk of delinquency;

(C) a description of the activities to be assisted, including—

(i) how parents, teachers, students, and other members of the community will be involved in the design and implementation of the program;

(ii) the character education program to be implemented, including methods of teacher training and parent education that will be used or developed; and

(iii) how the program will coordinate activities assisted under this section with other youth serving activities in the larger community;

(D) a description of the goals of the program;

(E) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(F) an assurance that the school or local educational agency will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. ___04. AFTER SCHOOL PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, is authorized to award grants to community-based organizations to enable the organizations to provide youth with alternative activities, in the after school or out of school hours, that include a strong character education component.

(b) ELIGIBLE COMMUNITY-BASED ORGANIZATIONS.—The Secretary only shall award a grant under this section to a community-based organization that has a demonstrated capacity to provide after school or out of school programs to youth, including youth serving organizations, businesses, and other community groups.

(c) APPLICATIONS.—Each community-based organization desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall include—

(1) a description of the community to be served and the needs that will be met with the program in that community;

(2) a description of how the program will identify and recruit at-risk youth for participation in the program, and will provide continuing support for their participation;

(3) a description of the activities to be assisted, including—

(A) how parents, students, and other members of the community will be involved in the design and implementation of the program;

(B) how character education will be incorporated into the program; and

(C) how the program will coordinate activities assisted under this section with activities of schools and other community-based organizations;

(4) a description of the goals of the program;

(5) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(6) an assurance that the community-based organization will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. ___05. GENERAL PROVISIONS.

(a) DURATION.—Each grant under this title shall be awarded for a period of not to exceed 5 years.

(b) PLANNING.—A school, local educational agency or community-based organization may use grant funds provided under this title for not more than 1 year for the planning and design of the program to be assisted.

(c) SELECTION OF GRANTEES.—

(1) CRITERIA.—The Secretary, in consultation with the Attorney General, shall select, through a peer review process, community-based organizations, schools, and local educational agencies to receive grants under this title on the basis of the quality of the applications submitted and taking into consideration such factors as—

(A) the quality of the activities to be assisted;

(B) the extent to which the program fosters in youth the elements of character and reaches youth at-risk of delinquency;

(C) the quality of the plan for measuring and assessing the success of the program;

(D) the likelihood the goals of the program will be realistically achieved;

(E) the experience of the applicant in providing similar services; and

(F) the coordination of the program with larger community efforts in character education.

(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this title in a manner that ensures, to the extent practicable, that programs assisted under this title serve different areas of the United States, including urban, suburban and rural areas, and serve at-risk populations.

(d) USE OF FUNDS.—Grant funds under this title shall be used to support the work of community-based organizations, schools, or local educational agencies in providing children and youth with alternatives to delinquency through strong school-based, after school, or out of school programs that—

(1) are organized around character education;

(2) reduce delinquency, school discipline problems, and truancy; and

(3) improve student achievement, overall school performance, and youths' positive involvement in their community.

(d) DEFINITIONS.—

(1) IN GENERAL.—The terms used in this Act have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) CHARACTER EDUCATION.—The term ''character education'' means an organized educational program that works to reinforce core elements of character, including caring, civic virtue and citizenship, justice and fairness, respect, responsibility, and trustworthiness.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

At the appropriate place, insert the following:

SEC. ___. SPECIAL FORFEITURE OF COLLATERAL PROFITS OF CRIME.

Section 3681 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) FORFEITURE OF PROCEEDS.—Upon the motion of the United States attorney made at any time after conviction of a defendant for an offense described in paragraph (2), and after notice to any interested party, the court shall order the defendant to forfeit all or any part of proceeds received or to be received by the defendant, or a transferee of the defendant, from a contract relating to

the transfer of a right or interest of the defendant in any property described in paragraph (3), if the court determines that—

''(A) the interests of justice or an order of restitution under this title so require;

''(B) the proceeds (or part thereof) to be forfeited reflect the enhanced value of the property attributable to the offense; and

''(C) with respect to a defendant convicted of an offense against a State—

''(i) the property at issue, or the proceeds to be forfeited, have travelled in interstate or foreign commerce or were derived through the use of an instrumentality of interstate or foreign commerce; and

''(ii) the attorney general of the State has declined to initiate a forfeiture action with respect to the proceeds to be forfeited.

''(2) OFFENSES DESCRIBED.—An offense is described in this paragraph if it is—

''(A) an offense under section 794 of this title;

''(B) a felony offense against the United States or any State; or

''(C) a misdemeanor offense against the United States or any State resulting in physical harm to any individual.

''(3) PROPERTY DESCRIBED.—Property is described in this paragraph if it is any property, tangible or intangible, including any—

''(A) evidence of the offense;

''(B) instrument of the offense, including any vehicle used in the commission of the offense;

''(C) real estate where the offense was committed;

''(D) document relating to the offense;

''(E) photograph or audio or video recording relating to the offense;

''(F) clothing, jewelry, furniture, or other personal property relating to the offense;

''(G) movie, book, newspaper, magazine, radio or television production, or live entertainment of any kind depicting the offense or otherwise relating to the offense;

''(H) expression of the thoughts, opinions, or emotions of the defendant regarding the offense; or

''(I) other property relating to the offense.''.

On page 265, after line 20, add the following:

SEC. 402. CALLER IDENTIFICATION SERVICES TO ELEMENTARY AND SECONDARY SCHOOLS AS PART OF UNIVERSAL SERVICE OBLIGATION.

(a) CLARIFICATION.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by inserting after ''under subsection (c)(3),'' the following: ''including caller identification services with respect to elementary and secondary schools,''.

(b) OUTREACH.—The Federal Communications Commission shall take appropriate actions to notify elementary and secondary schools throughout the United States of—

(1) the availability of caller identification services as part of the services that are within the definition of universal service under section 254(h)(1)(B) of the Communications Act of 1934; and

(2) the procedures to be used by such schools in applying for such services under that section.

On page 44, strike lines 13 through 18, and insert the following:

''(a) PROHIBITED ACT.—It shall be unlawful for any person, to use any facility in, or travel in, interstate or foreign commerce, or cause another to do so, to recruit, solicit, induce, command, or cause another person to be or remain as a member of a criminal street gang, or conspire to do so, with the intent that the person being recruited, solicited, induced, commanded or caused to be or remain a member of such gang participant in an offense described in section 521(c) of this title.''

On page 265, after line 20, insert the following:

SEC. ___. PARENT LEADERSHIP MODEL.

(a) IN GENERAL.—The Administrator of the Office of Juvenile Crime Control and Prevention is authorized to make a grant to a national organization to provide training, technical assistance, best practice strategies, program materials and other necessary support for a mutual support, parental leadership model proven to prevent child abuse and juvenile delinquency.

(b) AUTHORIZATION.—There are authorized to be appropriated out of the Violent Crime Trust Fund, $3,000,000.

On page 167, line 23, strike ''The'' and insert ''(a) LOCAL EDUCATIONAL GRANTS.—The''.

On page 169, after line 3 insert the following:

''(b) FAMILY-TO-FAMILY MENTORING GRANTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) FAMILY-TO-FAMILY MENTORING PROGRAM.—The term 'family-to-family mentoring program' means a mentoring program that—

''(i) utilizes a 2-tier mentoring approach that matches volunteer families with at-risk families allowing parents to directly work with parents and children to work directly with children; and

''(ii) has an afterschool program for volunteer and at-risk families.

''(B) POSITIVE ALTERNATIVES PROGRAM.—The term 'positive alternatives program' means a positive youth development and family-to-family mentoring program that emphasizes drug and gang prevention components.

''(C) QUALIFIED POSITIVE ALTERNATIVES PROGRAM.—The term 'qualified positive alternatives program' means a positive alternatives program that has established a family-to-family mentoring program, as of the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

''(2) AUTHORITY.—The Administrator shall make and enter into contracts with a qualified positive alternatives program.

On page 171, strike lines 20 through 22 and insert the following:

''(3) An assurance that no mentor or mentoring family will be assigned a number of youths that would undermine their ability to be an effective mentor and ensure a one-to-one relationship with mentored youths.''

On page 170, line 19, strike ''youth'' and insert ''youths.''

At the end of title IV, add the following:

Subtitle ____—Partnerships for High-Risk Youth

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''Partnerships for High-Risk Youth Act''.

SEC. ___2. FINDINGS.

Congress finds that—

(1) violent juvenile crime rates have been increasing in United States schools, causing many high-profile deaths of young, innocent school children;

(2) in 1994, there were 2,700,000 arrests of persons under age 18 (a third of whom were under age 15), up from 1,700,000 in 1991;

(3) while crime is generally down in many urban and suburban areas, crime committed by teenagers has spiked sharply over the past few years;

(4) there is no single solution, or panacea, to the problem of rising juvenile crime;

(5) there will soon be over 34,000,000 teenagers in the United States, which is 26 percent higher than the number of such teenagers in 1990 and the largest number of teenagers in the United States to date;

(6) in order to ensure the safety of youth in the United States, the Nation should begin to explore innovative methods of curbing the rise in violent crime in United States schools, such as use of faith-based and grassroots initiatives; and

(7)(A) a strong partnership among law enforcement, local government, juvenile and family courts, schools, businesses, charitable organizations, families, and the religious community can create a community environment that supports the youth of the Nation and reduces the occurrence of juvenile crime; and

(B) the development of character and strong moral values will—

(i) greatly decrease the likelihood that youth will fall victim to the temptations of crime; and

(ii) improve the lives and future prospects of high-risk youth and their communities.

SEC. ___3. PURPOSES.

The purposes of this subtitle are as follows:

(1) To establish a national demonstration project to promote learning about successful youth interventions, with programs carried out by institutions that can identify and employ effective approaches for improving the lives and future prospects of high-risk youth and their communities.

(2) To document best practices for conducting successful interventions for high-risk youth, based on the results of local initiatives.

(3) To produce lessons and data from the operating experience from those local initiatives that will—

(A) provide information to improve policy in the public and private sectors; and

(B) promote the operational effectiveness of other local initiatives throughout the United States.

SEC. ___4. ESTABLISHMENT OF DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Attorney General shall establish and carry out a demonstration project. In carrying out the demonstration project, the Attorney General shall, subject to the availability of appropriations, award a grant to Public-Private Ventures, Inc. to enable Public-Private Ventures, Inc. to award grants to eligible partnerships to pay for the Federal share of the cost of carrying out collaborative intervention programs for high-risk youth, described in section ___6, in the following 12 cities:

(1) Boston, Massachusetts.
(2) New York, New York.
(3) Philadelphia, Pennsylvania.
(4) Pittsburgh, Pennsylvania.
(5) Detroit, Michigan.
(6) Denver, Colorado.
(7) Seattle, Washington.
(8) Cleveland, Ohio.
(9) San Francisco, California.
(10) Austin, Texas.
(11) Memphis, Tennessee.
(12) Indianapolis, Indiana.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsection (a) shall be 70 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided in cash.

SEC. ___5. ELIGIBILITY.

(a) IN GENERAL.—To be eligible to receive a grant under section ___4, a partnership—

(1) shall submit an application to Public-Private Ventures Inc. at such time, in such manner, and containing such information as Public-Private Ventures, Inc. may require;

(2) shall enter into a memorandum of understanding with Public-Private Ventures, Inc.; and

(3)(A) shall be a collaborative entity that includes representatives of local government, juvenile detention service providers, local law enforcement, probation officers, youth street workers, and local educational

agencies, and religious institutions that have resident-to-membership percentages of at least 40 percent; and;

(B) shall serve a city referred to in section ___4(a).

(b) SELECTION CRITERIA.—In making grants under section ___4, Public-Private Ventures, Inc. shall consider—

(1) the ability of a partnership to design and implement a local intervention program for high-risk youth;

(2) the past experience of the partnership, and key participating individuals, in intervention programs for youth and similar community activities; and

(3) the experience of the partnership in working with other community-based organizations.

SEC. ___6. USES OF FUNDS.

(a) PROGRAMS.—

(1) CORE FEATURES.—An eligible partnership that receives a grant under section ___4 shall use the funds made available through the grant to carry out an intervention program with the following core features:

(A) TARGET GROUP.—The program will target a group of youth (including young adults) who—

(i) are at high risk of—

(I) leading lives that are unproductive and negative;

(II) not being self-sufficient; and

(III) becoming incarcerated; and

(ii) are likely to cause pain and loss to other individuals and their communities.

(B) VOLUNTEERS AND MENTORS.—The program will make significant use of volunteers and mentors.

(C) LONG-TERM INVOLVEMENT.—The program will feature activities that promote long-term involvement in the lives of the youth (including young adults).

(2) PERMISSIBLE SERVICES.—The partnership, in carrying out the program, may use funds made available through the grant to provide, directly or through referrals, comprehensive support services to the youth (including young adults).

(b) EVALUATION AND RELATED ACTIVITIES.—Using funds made available through its grant under section ___4, Public-Private Ventures, Inc. shall—

(1) prepare and implement an evaluation design for evaluating the programs that receive grants under section ___4;

(2) conduct a quarterly evaluation of the performance and progress of the programs;

(3) organize and conduct national and regional conferences to promote peer learning about the operational experiences from the programs;

(4) provide technical assistance to the partnerships carrying out the programs, based on the quarterly evaluations; and

(5) prepare and submit to the Attorney General a report that describes the activities of the partnerships and the results of the evaluations.

(c) LIMITATION.—Not more than 20 percent of the funds appropriated under section ___7 for a fiscal year may be used—

(1) to provide comprehensive support services under subsection (a)(2);

(2) to carry out activities under subsection (b); and

(3) to pay for the administrative costs of Public-Private Ventures, Inc., related to carrying out this subtitle.

SEC. ___7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $4,000,000 for each of the fiscal years 2000 through 2004.

Subtitle ___—National Youth Crime Prevention

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''National Youth Crime Prevention Demonstration Act''.

SEC. ___2. PURPOSES.

The purposes of this subtitle are as follows:

(1) To establish a demonstration project that establishes violence-free zones that would involve successful youth intervention models in partnership with law enforcement, local housing authorities, private foundations, and other public and private partners.

(2) To document best practices based on successful grassroots interventions in cities, including Washington, District of Columbia; Boston, Massachusetts; Hartford, Connecticut; and other cities to develop methodologies for widespread replication.

(3) To increase the efforts of the Department of Justice, the Department of Housing and Urban Development, and other agencies in supporting effective neighborhood mediating approaches.

SEC. ___3. ESTABLISHMENT OF NATIONAL YOUTH CRIME PREVENTION DEMONSTRATION PROJECT.

The Attorney General shall establish and carry out a demonstration project. In carrying out the demonstration project, the Attorney General shall, subject to the availability of appropriations, award a grant to the National Center for Neighborhood Enterprise (referred to in this subtitle as the ''National Center'') to enable the National Center to award grants to grassroots entities in the following 8 cities:

(1) Washington, District of Columbia.

(2) Detroit, Michigan.

(3) Hartford, Connecticut.

(4) Indianapolis, Indiana.

(5) Chicago (and surrounding metropolitan area), Illinois.

(6) San Antonio, Texas.

(7) Dallas, Texas.

(8) Los Angeles, California.

SEC. ___4. ELIGIBILITY.

(a) IN GENERAL.—To be eligible to receive a grant under this subtitle, a grassroots entity referred to in section ___3 shall submit an application to the National Center to fund intervention models that establish violence-free zones.

(b) SELECTION CRITERIA.—In awarding grants under this subtitle, the National Center shall consider—

(1) the track record of a grassroots entity and key participating individuals in youth group mediation and crime prevention;

(2) the engagement and participation of a grassroots entity with other local organizations; and

(3) the ability of a grassroots entity to enter into partnerships with local housing authorities, law enforcement agencies, and other public entities.

SEC. ___5. USES OF FUNDS.

(a) IN GENERAL.—Funds received under this subtitle may be used for youth mediation, youth mentoring, life skills training, job creation and entrepreneurship, organizational development and training, development of long-term intervention plans, collaboration with law enforcement, comprehensive support services and local agency partnerships, and activities to further community objectives in reducing youth crime and violence.

(b) GUIDELINES.—The National Center will identify local lead grassroots entities in each designated city.

(c) TECHNICAL ASSISTANCE.—The National Center, in cooperation with the Attorney General, shall also provide technical assistance for startup projects in other cities.

SEC. ___6. REPORTS.

The National Center shall submit a report to the Attorney General evaluating the effectiveness of grassroots agencies and other public entities involved in the demonstration project.

SEC. ___7. DEFINITIONS.

In this subtitle:

(1) GRASSROOTS ENTITY.—The term ''grassroots entity'' means a not-for-profit community organization with demonstrated effectiveness in mediating and addressing youth violence by empowering at-risk youth to become agents of peace and community restoration.

(2) NATIONAL CENTER FOR NEIGHBORHOOD ENTERPRISE.—The term ''National Center for Neighborhood Enterprise'' means a not-for-profit organization incorporated in the District of Columbia.

SEC. ___8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle—

(1) $5,000,000 for fiscal year 2000;

(2) $5,000,000 for fiscal year 2001;

(3) $5,000,000 for fiscal year 2002;

(4) $5,000,000 for fiscal year 2003; and

(5) $5,000,000 for fiscal year 2004.

(b) RESERVATION.—The National Center for Neighborhood Enterprise may use not more than 20 percent of the amounts appropriated pursuant to subsection (a) in any fiscal year for administrative costs, technical assistance and training, comprehensive support services, and evaluation of participating grassroots organizations.

On page 119, line 16, strike ''and''.

On page 119, line 18, insert ''and'' at the end.

On page 119, between lines 18 and 19, insert the following:

''(R) court supervised initiatives that address the illegal possession of firearms by juveniles;''.

On page 129, line 5, strike ''and''.

On page 129, line 14, strike ''individual.'' and insert ''individual; and''.

On page 129, between lines 14 and 15, insert the following:

''(25) demonstrate that the State has in effect a policy or practice that requires State or local law enforcement agencies to—

''(A) present before a judicial officer any juvenile who unlawfully possesses a firearm in a school; and

''(B) detain such juvenile in an appropriate juvenile facility or secure community-based placement for not less than 24 hours for appropriate evaluation, upon a finding by the judicial officer that the juvenile may be a danger to himself or herself, to other individuals, or to the community in which that juvenile resides.''.

On page 131, line 11, strike ''or (24)'' and insert ''(24), or (25)''.

On page 131, line 12, strike ''1999'' and insert ''2000''.

On page 131, line 15, strike ''12.5'' and insert ''10''.

At the appropriate place, insert the following:

''SEC. . NATIONAL MEDIA CAMPAIGN AGAINST VIOLENCE.

There is authorized to be appropriated to the National Crime Prevention Council not to exceed $25,000,000, to be expended without fiscal-year limitation, for a 2-year national media campaign, to be conducted in consultation with national, statewide or community based youth organization, Boys and Girls Clubs of America, and to be targeted to parents (and other caregivers) and to youth, to reduce and prevent violent criminal behavior by young Americans: *Provided*, That none of such funds may be used—(1) to propose, influence, favor, or oppose any change in any statute, rule, regulation, treaty, or other provision of law; (2) for any partisan political purpose; (3) to feature any elected

officials, persons seeking elected office, cabinet-level officials, or Federal officials employed pursuant to Schedule C of title 5, Code of Federal Regulations, section 213, or (4) in any way that otherwise would violate section 1913 of title 18 of the United States Code: *Provided further,* That, for purposes hereof, ''violent criminal behavior by young Americans'' means behavior, by minors residing in the United States (or in any jurisdiction under the sovereign jurisdiction thereof), that both is illegal under federal, state, or local law, and involves acts or threats of physical violence, physical injury, or physical harm Code: *Provided further,* That not to exceed 10% of the funds appropriated pursuant to this authorization shall be used to commission an objective accounting, from a licensed and certified public accountant, using generally-accepted accounting principles, of the funds appropriated pursuant to this authorization and of any other funds or in-kind donations spent or used in the campaign, and an objective evaluation both of the impact and cost-effectiveness of the campaign and of the campaign-related activities of the Council and the Clubs, which accounting and evaluation shall be submitted by the Council to the Committees on Appropriations and the Judiciary of each House of Congress by not later than 9 months after the conclusion of the campaign.

Strike sections 303 and 304 and insert the following:

SEC. 303. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking ''accurate reporting of the problem nationally and to develop'' and inserting ''an accurate national reporting system to report the problem, and to assist in the development of''; and

(2) by striking paragraph (8) and inserting the following:

''(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;''.

(b) AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GRANTS FOR CENTERS AND SERVICES.—

''(1) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

''(2) SERVICES PROVIDED.—Services provided under paragraph (1)—

''(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

''(B) shall include—

''(i) safe and appropriate shelter; and

''(ii) individual, family, and group counseling, as appropriate; and

''(C) may include—

''(i) street-based services;

''(ii) home-based services for families with youth at risk of separation from the family; and

''(iii) drug abuse education and prevention services.'';

(2) in subsection (b)(2), by striking ''the Trust Territory of the Pacific Islands,''; and

(3) by striking subsections (c) and (d).

(c) ELIGIBILITY.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking ''paragraph (6)'' and inserting ''paragraph (7)'';

(B) in paragraph (10), by striking ''and'' at the end;

(C) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

''(A) information regarding the activities carried out under this part;

''(B) the achievements of the project under this part carried out by the applicant; and

''(C) statistical summaries describing—

''(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

''(ii) the services provided to such youth by the project.''; and

(2) by striking subsections (c) and (d) and inserting the following:

''(c) APPLICANTS PROVIDING STREET-BASED SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

''(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

''(2) provide backup personnel for on-street staff;

''(3) provide initial and periodic training of staff who provide such services; and

''(4) conduct outreach activities for runaway and homeless youth, and street youth.

''(d) APPLICANTS PROVIDING HOME-BASED SERVICES.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

''(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

''(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

''(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

''(4) provide initial and periodic training of staff who provide home-based services; and

''(5) ensure that—

''(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

''(B) staff providing such services will receive qualified supervision.

''(e) APPLICANTS PROVIDING DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

''(1) a description of—

''(A) the types of such services that the applicant proposes to provide;

''(B) the objectives of such services; and

''(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

''(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.''.

(d) APPROVAL OF APPLICATIONS.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

''SEC. 313. APPROVAL OF APPLICATIONS.

''(a) IN GENERAL.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

''(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

''(2) which areas of such State have the greatest need for such services.

''(b) PRIORITY.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

''(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

''(2) eligible applicants that request grants of less than $200,000.''.

(e) AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the section heading, by striking ''PURPOSE AND'';

(2) in subsection (a), by striking ''(a)''; and

(3) by striking subsection (b).

(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting '', and the services provided to such youth by such project,'' after ''such project''.

(g) COORDINATION.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21) is amended to read as follows:

''SEC. 341. COORDINATION.

''With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

''(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

''(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.''.

(h) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the section heading, by inserting ''EVALUATION,'' after ''RESEARCH,'';

(2) in subsection (a), by inserting ''evaluation,'' after ''research,''; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) ASSISTANCE TO POTENTIAL GRANTEES.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(j) REPORTS.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

''SEC. 381. REPORTS.

''(a) IN GENERAL.—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education

and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

''(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

''(A) alleviating the problems of runaway and homeless youth;

''(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

''(C) strengthening family relationships and encouraging stable living conditions for such youth; and

''(D) assisting such youth to decide upon a future course of action; and

''(2) in the case of projects funded under part B—

''(A) the number and characteristics of homeless youth served by such projects;

''(B) the types of activities carried out by such projects;

''(C) the effectiveness of such projects in alleviating the problems of homeless youth;

''(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

''(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

''(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

''(G) activities and programs planned by such projects for the following fiscal year.

''(b) CONTENTS OF REPORTS.—The Secretary shall include in each report submitted under subsection (a), summaries of—

''(1) the evaluations performed by the Secretary under section 386; and

''(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.''.

(k) EVALUATION.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

''SEC. 386. EVALUATION AND INFORMATION.

''(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

''(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

''(2) collecting additional information for the report required by section 383; and

''(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

''(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.''.

(l) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

''SEC. 388. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, 2003, and 2004.

''(2) ALLOCATION.—

''(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

''(B) PART B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

''(3) PARTS C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

''(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.''.

(m) SEXUAL ABUSE PREVENTION PROGRAM.—

(1) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

''PART E—SEXUAL ABUSE PREVENTION PROGRAM

''SEC. 351. AUTHORITY TO MAKE GRANTS.

''(a) IN GENERAL.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

''(b) PRIORITY.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (l) of this section, is amended by adding at the end the following:

''(4) PART E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, 2003, and 2004.''.

(n) DEFINITIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (k) of this section, the following:

''SEC. 387. DEFINITIONS.

''In this title:

''(1) DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—The term 'drug abuse education and prevention services'—

''(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

''(B) may include—

''(i) individual, family, group, and peer counseling;

''(ii) drop-in services;

''(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

''(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

''(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

''(2) HOME-BASED SERVICES.—The term 'home-based services'—

''(A) means services provided to youth and their families for the purpose of—

''(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

''(ii) assisting runaway youth to return to their families; and

''(B) includes services that are provided in the residences of families (to the extent practicable), including—

''(i) intensive individual and family counseling; and

''(ii) training relating to life skills and parenting.

''(3) HOMELESS YOUTH.—The term 'homeless youth' means an individual—

''(A) who is—

''(i) not more than 21 years of age; and

''(ii) for the purposes of part B, not less than 16 years of age;

''(B) for whom it is not possible to live in a safe environment with a relative; and

''(C) who has no other safe alternative living arrangement.

''(4) STREET-BASED SERVICES.—The term 'street-based services'—

''(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

''(B) may include—

''(i) identification of and outreach to runaway and homeless youth, and street youth;

''(ii) crisis intervention and counseling;

''(iii) information and referral for housing;

''(iv) information and referral for transitional living and health care services;

''(v) advocacy, education, and prevention services related to—

''(I) alcohol and drug abuse;

''(II) sexual exploitation;

''(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

''(IV) physical and sexual assault.

''(5) STREET YOUTH.—The term 'street youth' means an individual who—

''(A) is—

''(i) a runaway youth; or

''(ii) indefinitely or intermittently a homeless youth; and

''(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

''(6) TRANSITIONAL LIVING YOUTH PROJECT.—The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

''(7) YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term 'youth at risk of separation from the family' means an individual—

''(A) who is less than 18 years of age; and

''(B)(i) who has a history of running away from the family of such individual;

''(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

''(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.''.

(o) REDESIGNATION OF SECTIONS.—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 381, 382, 383, 384, and 385, respectively.

(p) TECHNICAL AMENDMENTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking ''With'' and all that follows through ''the Secretary'', and inserting ''The Secretary''; and

(2) in section 344(a)(1), by striking ''With'' and all that follows through ''the Secretary'', and inserting ''The Secretary''.

SEC. 304. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) for 14 years, the National Center for Missing and Exploited Children has—

''(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

''(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

''(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

''(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

''(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

''(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

''(14) from its inception in 1984 through March 31, 1998, the Center has—

''(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1–800–THE–LOST) and currently averages 700 calls per day;

''(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

''(C) disseminated 15,491,344 free publications to citizens and professionals; and

''(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

''(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

''(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

''(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

''(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

''(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

''(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

''(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.''.

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) the term 'Center' means the National Center for Missing and Exploited Children.''.

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

''(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

''(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

''(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

''(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

''(B) operate the official national resource center and information clearinghouse for missing and exploited children;

''(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

''(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

''(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

''(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

''(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

''(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

''(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.

''(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

''(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

''(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.''.

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting ''the Center and with'' before ''public agencies''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking ''1997 through 2001'' and inserting ''2000 through 2004''.

On page 7, strike lines 7 through 18, and insert the following:

SEC. 101. SURRENDER TO STATE AUTHORITIES.

Section 5001 of title 18, United States Code, is amended by striking the first undesignated paragraph and inserting the following:

''Whenever any person who is less than 18 years of age is been arrested and charged with the commission of an offense (or an act of delinquency that would be an offense were it committed by an adult) punishable in any court of the United States or of the District of Columbia, the United States Attorney for the district in which such person has been arrested may forego prosecution pursuant to section 5032(a)(2) if, after investigation by the United States Attorney, it appears that—

''(1) such person has committed an act that is also an offense or an act of delinquency under the law of any State or the District of Columbia;

''(2) such State or the District of Columbia, as applicable, can and will assume jurisdiction over such juvenile and will take such juvenile into custody and deal with the juvenile in accordance with the law of such State or the District of Columbia, as applicable; and

''(3) it is in the best interests of the United States and of the juvenile offender.''.

On page 8, line 14, insert '', except as provided in subsection (d)(2)'' after ''court''.

On page 9, line 2, insert '', except as provided in subsection (d)(2)'' after ''court''.

On page 10, beginning on line 1, strike ''of concurrent jurisdiction between the Federal Government and a State or Indian tribe over both the offense and the juvenile'' and insert ''in which both the Federal Government and a State or Indian tribe have penal provisions that criminalize the conduct at issue and both have jurisdiction over the juvenile''.

On page 10, line 15, strike ''the offense'' and insert ''the conduct''.

On page 10, strike line 20 and all that follows through page 11, line 5, and insert the following:

''(C) DEFINITION.—In this subsection, the term 'Indian tribe' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

On page 12, line 13, insert ''or for referral'' after ''defendant''.

On page 12, line 16, strike ''20'' and insert ''30''.

On page 12, line 18, strike ''initially appears through counsel'' and insert ''appears through counsel to answer an indictment''.

On page 12, line 24, strike ''clear and convincing'' and insert ''a preponderance of the''.

On page 14, line 20, strike ''not''.

On page 15, line 19, insert ''and subject to subparagraph (C) of this paragraph,'' after ''chapter,''.

On page 23, line 9, insert ''committed while an adult'' after ''charges''.

On page 24, beginning on line 10, strike ''brief and incidental or accidental'' and insert ''brief and inadvertent, or accidental, in secure areas of a facility that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways''.

On page 30, line 17, strike ''the guidelines'' and insert ''any guidelines''.

On page 35, line 1, insert ''felony'' after ''any''.

On page 36, beginning on line 14, strike ''purpose of making an admission determination'' and insert ''sole purpose of denying admission''.

On page 36, line 21, add after ''juvenile.'' the following: ''Any juvenile may petition the court after a period of 5 years to have a record relating to such juvenile and described in this section (except a record relating to an offense described in subsection (b)(2)(A)) removed from the Federal Bureau of Investigation database if that juvenile can establish by clear and convincing evidence that the juvenile is no longer a danger to the community.''.

On page 38, beginning on line 2, strike ''or ordered to pay restitution or a special assessment under section 3013''.

On page 47, between lines 21 and 22, insert the following:

(3) STATE.—The term ''State'' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

On page 54, line 1, strike ''by paragraph (3)'' and insert ''in paragraph (3)''.

On page 62, line 2, strike ''and''.

On page 62, line 5, strike the period and insert a semicolon.

On page 62, between lines 5 and 6, insert the following:

''(D) supervision by properly screened staff, who are trained and experienced in working with juveniles or young adults, in highly structured, disciplined surroundings, characteristic of a military environment; and

''(E) participation in community service programs, such as counseling sessions, mentoring, community service, or restitution projects, and a comprehensive aftercare plan developed through close coordination with Federal, State, and local agencies, and in cooperation with business and private organizations, as appropriate.

On page 65, line 12, insert '', and in which there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender'' before the period.

On page 68, line 24, insert ''violent and unlawful acts of animal cruelty,'' after ''gangs,''.

On page 69, beginning on line 24, strike ''brief and incidental or accidental'' and insert ''brief and inadvertent, or accidental, in secure areas of a facility that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways''.

On page 71, line 10, strike ''forcible''.

On page 92, line 15, insert '', including youth violence courts targeted to juveniles aged 14 and younger'' before the semicolon.

On page 93, strike lines 20 and 21, and insert the following:

''(16) programs for positive youth development that provide youth at risk of delinquency with—

''(A) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth worker);

''(B) safe places and structured activities during nonschool hours;

''(C) a healthy start;

''(D) a marketable skill through effective education; and

''(E) an opportunity to give back through community service.

On page 119, line 16, strike ''and''.

On page 119, between lines 18 and 19, insert the following:

''(R) programs for positive youth development that provide delinquent youth and youth at-risk of delinquency with—

''(i) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth worker);

''(ii) safe places and structured activities during nonschool hours;

''(iii) a healthy start;

''(iv) a marketable skill through effective education; and

''(v) an opportunity to give back through community service;

On page 121, beginning on line 5, strike ''in collocated facilities'' and insert '', including in collocated facilities,''.

On page 122, beginning on line 8, strike ''in collocated facilities'' and insert '', including in collocated facilities,''.

On page 123, strike lines 20 through 24, and insert the following:

''(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved consents to detaining or confining such juvenile in accordance with this subparagraph and the parent has the right to revoke such consent at any time;

On page 124, line 6, insert ''finds that such detention or confinement is in the best interest of such juvenile and'' before ''approves''.

On page 124, line 18, insert '', which review may be in the presence of the juvenile'' before the semicolon.

On page 127, beginning on line 22, strike ''(if any), not to exceed 5 percent,'' and insert '', if any,''.

On page 225, line 25, insert '', including programs designed and operated to further the goal of providing eligible offenders with an alternative to adjudication that emphasizes restorative justice'' before the semicolon.

On page 227, line 11, strike ''and''.

On page 227, line 19, strike the period and insert ''; and''.

On page 227, between lines 19 and 20, insert the following:

''(12) for programs that drug test juveniles who are arrested, including follow-up testings.

On page 253, strike line 23 and all that follows through page 255, line 22.

On page 103, line 12, strike ''**206**'' and insert ''**207**''.

On page 103, between lines 11 and 12, insert the following:

''SEC. 206. GRANTS TO YOUTH ORGANIZATIONS.

''(a) GRANT PROGRAM.—The Administrator may make grants to Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act) and national, Statewide, or community-based, nonprofit organizations in crime prone areas, (such as Boys and Girls Clubs, Police Athletic Leagues, 4–H Clubs, YWCA, YMCA, Big Brothers and Big Sisters, and Kids 'N Kops programs) for the purposes 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 those areas, including activities through parks and other recreation areas; and

''(3) providing anti-alcohol and other drug education to prevent alcohol and other drug abuse among youth.

''(b) APPLICATIONS.—

''(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, the governing body of the Indian tribe or the chief operating officer of a national, Statewide, or community-based nonprofit organization shall submit an application to the Administrator, in such form and containing such information as the Administrator 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 of this section;

''(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 section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

''(D) written assurances that all activities funded under this section 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 Administrator may reasonably require.

''(c) GRANT AWARDS.—In awarding grants under this section, the Administrator shall consider—

''(1) the ability of the applicant to provide the intended services;

''(2) the history and establishment of the applicant in providing youth activities; and

''(3) the extent to which services will be provided in crime prone areas, including efforts to achieve an equitable geographic distribution of the grant awards.

''(d) ALLOCATION.—Of the amounts made available to carry out this section—

''(1) 20 percent shall be for grants to national or Statewide nonprofit organizations; and

''(2) 80 percent shall be for grants to community-based, nonprofit organizations.

''(e) CONTINUED AVAILABILITY.—Amounts made available under this section shall remain available until expended.

On page 107, line 20, strike ''**207**'' and insert ''**208**''.

On page 122, lines 15 and 16, strike the semicolon and ''(II)'' and insert ''and''.

On page 122, line 18, strike ''(III)'' and insert ''(II)''.

On page 123, line 1, strike ''(IV)'' and insert ''(III)''.

On page 57, line 24, insert ''public recreation agencies,'' after ''schools,''.

On page 89, line 21, insert ''public recreation,'' after ''justice,''.

On page 90, line 23, insert ''public recreation staff,'' after ''businesses,''.

On page 92, line 22, insert ''public recreation agencies,'' after ''agencies,''.

On page 95, line 3, insert ''public recreation agencies,'' after ''schools,''.

On page 99, line 25, insert ''local recreation agency,'' after ''authority),''.

On page 115, line 22, insert ''public recreation agencies,'' after ''care agencies,''.

On page 145, line 18, insert ''public recreation personnel,'' after ''education,''.

On page 152, line 14, insert '', recreation,'' after ''education''.

On page 155, line 9, insert ''or other appropriate site'' after ''project''.

On page 159, line 16, insert ''recreation,'' after ''ployment,''.

On page 243, line 18, strike ''and''.

On page 243, line 19, strike ''(x)'' and insert ''(xi)''.

On page 243, between lines 18 and 19, insert the following:

''(x) local recreation agencies; and''.

At the appropriate place, insert the following:

SEC. ___. VICTIMS OF TERRORISM.

(a) IN GENERAL.—Section 1404B of the Victims of Crime Act of 1984 (42 U.S.C. 10603b) is amended to read as follows:

''SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

''(a) DEFINITIONS.—In this section—

''(1) the term 'eligible crime victim compensation program' means a program that meets the requirements of section 1402(b);

''(2) the term 'eligible crime victim assistance program' means a program that meets the requirements of section 1404(b);

''(3) the term 'public agency' includes any Federal, State, or local government or nonprofit organization; and

''(4) the term 'victim'—

''(A) means an individual who is citizen or employee of the United States, and who is injured or killed as a result of a terrorist act or mass violence, whether occurring within or outside the United States; and

''(B) includes, in the case of an individual described in subparagraph (A) who is deceased, the family members of the individual.

''(b) GRANTS AUTHORIZED.—The Director may make grants, as provided in either section 1402(d)(4)(B) or 1404—

''(1) to States, which shall be used for eligible crime victim compensation programs and eligible crime victim assistance programs for the benefit of victims; and

''(2) to victim service organizations, and public agencies that provide emergency or ongoing assistance to victims of crime, which shall be used to provide, for the benefit of victims—

''(A) emergency relief (including compensation, assistance, and crisis response) and other related victim services; and

''(B) training and technical assistance for victim service providers.

''(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to supplant any compensation available under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.''.

(b) APPLICABILITY.—The amendment made by this section applies to any terrorist act or mass violence occurring on or after December 20, 1988, with respect to which an investigation or prosecution was ongoing after April 24, 1996.

At the appropriate place, insert the following:

SEC. ___. TRUTH-IN-SENTENCING INCENTIVE GRANTS.

(a) QUALIFICATION DATE.—Section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704(a)(3)) is amended by striking ''on April 26, 1996'' and inserting ''on or after April 26, 1996.''

(b) MINIMUM AMOUNT.—Section 20106 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13706) is amended by striking subsection (b) and inserting the following:

''(b) FORMULA ALLOCATION.—The amount made available to carry out this section for any fiscal year under section 20104 shall be allocated as follows:

''(1) .75 percent shall be allocated to each State that meets the requirements of section 20104, except that the United States Virgin Islands, America Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent; and

''(2) The amount remaining after the application of paragraph (1) shall be allocated to each State that meets the requirements of section 20104 in the ratio that the average annual number of part 1 violent crimes reported by that State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made bears to the average annual number of part 1 violent crimes reported by States that meet the requirements of section 20104 to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, except that a State may not receive more than 25 percent of the total amount available for such grants.''.

At the end, insert the following:

SEC. ___. APPLICATION OF PROVISION RELATING TO A SENTENCE OF DEATH FOR AN ACT OF ANIMAL ENTERPRISE TERRORISM.

Section 3591 of title 18, United States Code (relating to circumstances under which a defendant may be sentenced to death), shall apply to sentencing for a violation of section 43 of title 18, United States Code, as amended by this Act to include the death penalty as a possible punishment.

At the appropriate place, insert the following:

SEC. ___. PROHIBITIONS RELATING TO EXPLOSIVE MATERIALS.

(a) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—It shall be unlawful for any licensee to knowingly sell, deliver, or transfer any explosive materials to any individual who—

''(1) is less than 21 years of age;

''(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

''(3) is a fugitive from justice;

''(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(5) has been adjudicated as a mental defective or has been committed to any mental institution;

''(6) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

''(7) has been discharged from the Armed Forces under dishonorable conditions;

''(8) having been a citizen of the United States, has renounced his citizenship;

''(9) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

''(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

''(10) has been convicted in any court of a misdemeanor crime of domestic violence.''.

(b) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (i) and inserting the following:

''(i) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—It shall be unlawful for any person to ship or transport in interstate or foreign commerce, or possess, in or affecting commerce, any explosive, or to receive any explosive that has been shipped or transported in interstate or foreign commerce, if that person—

''(1) is less than 21 years of age;

''(2) has been convicted in any court, of a crime punishable by imprisonment for a term exceeding 1 year;

''(3) is a fugitive from justice;

''(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(5) has been adjudicated as a mental defective or who has been committed to a mental institution;

''(6) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

''(7) has been discharged from the Armed Forces under dishonorable conditions;

''(8) having been a citizen of the United States, has renounced his citizenship; or

''(9) is subject to a court order that—

''(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

''(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct

that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

''(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

''(10) has been convicted in any court of a misdemeanor crime of domestic violence.''.

(c) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—Section 845 of title 18, United States Code, is amended by adding at the end the following:

''(d) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

''(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

''(2) EXCEPTIONS.—Subsections (d)(5)(B) and (i)(5)(B) of section 842 do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

''(A) admitted to the United States for lawful hunting or sporting purposes;

''(B) a foreign military personnel on official assignment to the United States;

''(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

''(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

''(3) WAIVER.—

''(A) IN GENERAL.—Any individual who has been admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from the applicability of subsection (d)(5)(B) or (i)(5)(B) of section 842, if—

''(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

''(ii) the Attorney General approves the petition.

''(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

''(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

''(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (i) of section 842, as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (i) of section 842, as applicable.''.

On page 175, line 14, strike ''$1,000,000,000'' and insert ''$1,100,000,000''.

On page 175, strike lines 19 through 22 and insert the following:

''(1) $500,000,000 shall be for programs under sections 1801 and 1803 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.), of which $50,000,000 shall be for programs under section 1803;''.

On page 241, line 15, strike ''applies.''.'' and insert ''applies.''.

On page 241, after line 15, insert the following:

''SEC. 1803. GRANTS TO COURTS FOR STATE JUVENILE JUSTICE SYSTEMS.

''(a) IN GENERAL.—The Attorney General may make grants in accordance with this section to States and units of local government to assist State and local courts with juvenile offender dockets.

''(b) GRANT PURPOSES.—Grants under this section may be used—

''(1) for technology, equipment, and training for judges, probation officers, and other court personnel to implement an accountability-based juvenile justice system that provides substantial and appropriate sanctions that are graduated in such manner as to reflect (for each delinquent act or criminal offense) the severity or repeated nature of that act or offense;

''(2) to hire additional judges, probation officers, other necessary court personnel, victims counselors, and public defenders for juvenile courts or adult courts with juvenile offender dockets, including courts with specialized juvenile drug offense or juvenile firearms offense dockets to reduce juvenile court backlogs, and provide additional services to make more effective systems of graduated sanctions designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders.

''(3) to provide funding to enable juvenile courts and juvenile probation officers to address drug, gang, and youth violence problems more effectively; and

''(45) to provide funds to—

(A) effectively supervise and monitor juvenile offenders sentenced to probation or parole; and

(B) enforce conditions of probation and parole imposed on juvenile offenders, including drug testing and payment of restitution.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each State or unit of local government that applies for a grant under this section shall submit an application to the Attorney General, in such form and containing such information as the Attorney General may reasonably require.

''(2) REQUIREMENTS.—In submitting an application for a grant under this part, a State or unit of local government shall provide assurances that the State or unit of local government will—

''(A) give priority to the prosecution of violent juvenile offenders;

''(B) seek to reduce any backlogs in juvenile justice cases and provide additional services to make more effective systems of graduated sanctions designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders;

''(C) give adequate consideration to the rights and needs of victims of juvenile offenders; and

''(D) use amounts received under this section to supplement (and not supplant) State and local resources.

''(d) ALLOCATION OF GRANTS.—

''(1) IN GENERAL.—

''(A) ALLOCATION TO STATES.—

''(I) IN GENERAL.—In awarding grants under this part, the Attorney General may award grants provided for a State (including units of local government in that State) an aggregate amount equal to 0.75 percent of the amount made available to the Attorney General by appropriations for this section made pursuant to section 291(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (reduced by amounts reserved under subsection (e)).

''(ii) ADJUSTMENT.—If the Attorney General determines that an insufficient number of applications have been submitted for a State, the Attorney General may adjust the aggregate amount awarded for a State under clause (i).

''(b) REMAINING AMOUNTS.—Of the adjusted amounts available to the Attorney General to carry out the grant program under this section referred to in subparagraph (A) that remain after the Attorney General distributes the amounts specified in that subparagraph (referred to in this subparagraph as the 'remaining amount') the Attorney General may award an additional aggregate amount to each State (including any political subdivision thereof) that (or with respect to which a political subdivision thereof) submits an application that is approved by the Attorney General under this section that bears the same ratio to the remaining amount as the population of juveniles residing in that State bears to the populace of juveniles residing in all States.

''(2) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that the distribution of grant amounts made available for a State (including units of local government in that State) under this section is made on an equitable geographic basis, to ensure that—

''(A) an equitable amount of available funds are directed to rural areas, including those justifications serving smaller urban and rural communities located along interstate transportation routes that are adversely affected by interstate criminal gang activity, such as illegal drug trafficking; and

''(B) the amount allocated to a State is equitably divided between the State, counties, and other units of government to reflect the relative responsibilities of each such unit of local government.

''(e) ADMINISTRATION; TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Attorney General may reserve for each fiscal year not more than 2 percent of amounts appropriated for this section pursuant to section 291(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974—

''(A) for the administration of this section; and

''(B) for the provision of technical assistance to recipients of or applicants for grant awards under this section.

''(2) CARRYOVER PROVISION.—Any amounts reserved for any fiscal year pursuant to paragraph (1) that are not expended during that fiscal year shall remain available until expended, except that any amount reserved under this subsection for the succeeding fiscal year from amounts made available by appropriations shall be reduced by an amount equal to the amount that remains available.

''(f) AVAILABILITY OF FUNDS.—Any grant amounts awarded under this section shall remain available until expended.''.

At the appropriate place, insert the following:

SEC. ___. DISTRICT JUDGES FOR DISTRICTS IN THE STATES OF ARIZONA, FLORIDA, AND NEVADA.

(a) SHORT TITLE.—This section may be cited as the ''Emergency Federal Judgeship Act of 1999''.

(b) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 3 additional district judges for the district of Arizona;

(2) 4 additional district judges for the middle district of Florida; and

(3) 2 additional district judges for the district of Nevada.

(c) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a) of this section—

(1) the item relating to Arizona in such table is amended to read as follows:

''Arizona ..... 11'';

(2) the item relating to Florida in such table is amended to read as follows:

''Florida:

Northern	4
Middle	15
Southern	16'';

and

(3) the item relating to Nevada in such table is amended to read as follows:

''Nevada ..... 6''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this section.

At the appropriate place, insert the following:

SEC. ___. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE.

(a) NIH RESEARCH.—The National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, shall carry out a coordinated, multi-year course of behavioral and social science research on the causes and prevention of youth violence.

(b) NATURE OF RESEARCH.—Funds made available to the National Institutes of Health pursuant to this section shall be utilized to conduct, support, coordinate, and disseminate basic and applied behavioral and social science research with respect to youth violence, including research on 1 or more of the following subjects:

(1) The etiology of youth violence.

(2) Risk factors for youth violence.

(3) Childhood precursors to antisocial violent behavior.

(4) The role of peer pressure in inciting youth violence.

(5) The processes by which children develop patterns of thought and behavior, including beliefs about the value of human life.

(6) Science-based strategies for preventing youth violence, including school and community-based programs.

(7) Other subjects that the Director of the Office of Behavioral and Social Sciences Research deems appropriate.

(c) ROLE OF THE OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH.—Pursuant to this section and section 404A of the Public Health Service Act (42 U.S.C. 283c), the Director of the Office of Behavioral and Social Sciences Research shall—

(1) coordinate research on youth violence conducted or supported by the agencies of the National Institutes of Health;

(2) identify youth violence research projects that should be conducted or supported by the research institutes, and develop such projects in cooperation with such institutes and in consultation with state and federal law enforcement agencies;

(3) take steps to further cooperation and collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the agencies of the Department of Justice, and other governmental and nongovernmental agencies with respect to youth violence research conducted or supported by such agencies;

(4) establish a clearinghouse for information about youth violence research conducted by governmental and nongovernmental entities; and

(5) periodically report to Congress on the state of youth violence research and make recommendations to Congress regarding such research.

(d) FUNDING.—There is authorized to be appropriated, $5,000,000 for each of fiscal years 2000 through 2004 to carry out this section. If amount are not separately appropriated to carry out this section, the Director of the National Institutes of Health shall carry out this section using funds appropriated generally to the National Institutes of Health, except that funds expended for under this section shall supplement and not supplant existing funding for behavioral research activities at the National Institutes of Health.

On page 90, strike line 25 and insert the following: properly screened and trained and that—

''(A) the State establish criteria to assess the quality of those one-on-one mentoring projects;

''(B) the Administrator develop an annual report on the best mentoring practices in those projects; and

''(C) the State choose exemplary projects, designated Gold Star Mentoring Projects, to receive preferential access to funding;

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING MENTORING PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) the well-being of all people of the United States is preserved and enhanced when young people are given the guidance they need to live healthy and productive lives;

(2) adult mentors can play an important role in ensuring that young people become healthy, productive, successful members of society;

(3) at-risk young people with mentors are 46 percent less likely to begin using illegal drugs than at-risk young people without mentors;

(4) at-risk young people with mentors are 27 percent less likely to begin using alcohol than at-risk young people without mentors;

(5) at-risk young people with mentors are 53 percent less likely to skip school than at-risk young people without mentors;

(6) at-risk young people with mentors are 33 percent less likely to hit someone than at-risk young people without mentors;

(7) 73 percent of students with mentors report that their mentors helped raise their goals and expectations; and

(8) there are many employees of the Federal Government who would like to serve as youth or family mentors but are unable to leave their jobs to participate in mentoring programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should issue an Executive Order allowing all employees of the Federal Government to use a maximum of 1 hour each week of excused absence or administrative leave to serve as mentors in youth or family mentoring programs.

On page 85, line 6, strike ''and'' after the semicolon.

On page 85, line 10, strike the period and insert a semicolon and ''and''.

On page 85, insert between lines 10 and 11 the following:

''(9) provide technical and financial assistance to an organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to carry out activities under this paragraph, if such an organization agrees to carry out activities that include—

''(A) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;

''(B) disseminating information, data, standards, advanced techniques, and programs models developed through the Institute and through programs funded under section 261;

''(D) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

On page 110, line 22, insert after the period ''A portion of any allocation of formula grants to a State shall be available to develop a State plan or for other activities associated with such State plan which are necessary for efficient administration, including monitoring, evaluation, and one full-time staff position.''.

On page 129, line 23, strike '', consisting'' and insert ''The State Advisory Group shall consist''.

On page 130, strike lines 15 through 19 and insert the following:

''(i) IN GENERAL.—The State Advisory Group established under subparagraph (A) shall—

''(I) participate in the development and review of the State plan under this section before submission to the supervisory agency for final action; and

''(II) be afforded an opportunity to review and comment, not later than 30 days after the submission to the State Advisory Group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under subsection (a)(1).

On page 131, lines 2, 3, and 4, strike ''shall make available to the State Advisory Group such sums as may be necessary''.

On page 85, line 6, strike ''and'' at the end.

On page 85, line 10, insert the following at the end:

SEC. 204. NATIONAL PROGRAM.

(b) DUTIES OF ADMINISTRATOR—In carrying out this title, the Administrator shall—

(9) provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to assist such organization to carry out the functions specified under (A).

(A) To be eligible to receive such assistance such organization shall agree to carry out activities that include—

(i) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups; and

(ii) disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section 261.

On page 265, after line 20, add the following:

SEC. 4. FAMILIES AND SCHOOLS TOGETHER PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Juvenile Justice and Delinquency in the Department of Justice.

(2) FAST PROGRAM.—The term ''FAST program'' means a program that addresses the urgent social problems of youth violence and chronic juvenile delinquency by building and enhancing juveniles' relationships with their families, peers, teachers, school staff, and other members of the community by bringing together parents, schools, and communities to help—

(A) at-risk children identified by their teachers to succeed;

(B) enhance the functioning of families with at-risk children;

(C) prevent alcohol and other drug abuse in the family; and

(D) reduce the stress that their families experience from daily life.

(b) AUTHORIZATION.—In consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of Health and Human Services, the Administrator shall carry out a Family and Schools Together program to promote FAST programs.

(c) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Administrator, in consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of Health and Human Services shall develop

regulations governing the distribution of the funds for FAST programs.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $12,000,000 for the each of fiscal years 2000 through 2004.

(2) ALLOCATION.—Of amounts appropriated under paragraph (1)—

(A) 83.33 percent shall be available for the implementation of local FAST programs; and

(B) 16.67 percent shall be available for research and evaluation of FAST programs.

At the end of the bill, insert the following:

TITLE V—VIOLENT OFFENDER DNA IDENTIFICATION ACT OF 1999

SEC. 501. SHORT TITLE.

This title may be cited as the ''Violent Offender DNA Identification Act of 1999''.

SEC. 502. ELIMINATION OF CONVICTED OFFENDER DNA BACKLOG.

(a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, and after consultation with representatives of State and local forensic laboratories, shall develop a voluntary plan to assist State and local forensic laboratories in performing DNA analyses of DNA samples collected from convicted offenders.

(2) OBJECTIVE.—The objective of the plan developed under paragraph (1) shall be to effectively eliminate the backlog of convicted offender DNA samples awaiting analysis in State or local forensic laboratory storage, including samples that need to be reanalyzed using upgraded methods, in an efficient, expeditious manner that will provide for their entry into the Combined DNA Indexing System (CODIS).

(b) PLAN CONDITIONS.—The plan developed under subsection (a) shall—

(1) require that each laboratory performing DNA analyses satisfy quality assurance standards and utilize state-of-the-art testing methods, as set forth by the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice; and

(2) require that each DNA sample collected and analyzed be accessible only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) IMPLEMENTATION OF PLAN.—Subject to the availability of appropriations under subsection (d), the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, shall implement the plan developed pursuant to subsection (a) with State and local forensic laboratories that elect to participate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section $15,000,000 for each of fiscal years 2000 and 2001.

SEC. 503. DNA IDENTIFICATION OF FEDERAL, DISTRICT OF COLUMBIA, AND MILITARY VIOLENT OFFENDERS.

(a) EXPANSION OF DNA IDENTIFICATION INDEX.—Section 811(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 531 note) is amended to read as follows:

''(2) the Director of the Federal Bureau of Investigation shall expand the combined DNA Identification System (CODIS) to include information on DNA identification records and analyses related to criminal offenses and acts of juvenile delinquency under Federal law, the Uniform Code of Military Justice, and the District of Columbia Code, in accordance with section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).''.

(b) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1), by striking ''persons convicted of crimes'' and inserting ''individuals convicted of criminal offenses or adjudicated delinquent for acts of juvenile delinquency, including qualifying offenses (as defined in subsection (d)(1))'';

(2) in subsection (b)(2), by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''; and

(3) by adding at the end the following:

''(d) INCLUSION OF DNA INFORMATION RELATING TO VIOLENT OFFENDERS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'crime of violence' has the meaning given such term in section 924(c)(3) of title 18, United States Code; and

''(B) the term 'qualifying offense' means a criminal offense or act of juvenile delinquency included on the list established by the Director of the Federal Bureau of Investigation under paragraph (2)(A)(i).

''(2) REGULATIONS.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, and at the discretion of the Director thereafter, the Director of the Federal Bureau of Investigation, in consultation with the Director of the Bureau of Prisons, the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), and the Chief of Police of the Metropolitan Police Department of the District of Columbia, shall by regulation establish—

''(i) a list of qualifying offenses; and

''(ii) standards and procedures for—

''(I) the analysis of DNA samples collected from individuals convicted of or adjudicated delinquent for a qualifying offense;

''(II) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in subclause (I); and

''(III) with respect to juveniles, the expungement of DNA identification records and DNA analyses described in subclause (II) from the index established by this section in any circumstance in which the underlying adjudication for the qualifying offense has been expunged.

''(B) OFFENSES INCLUDED.—The list established under subparagraph (A)(i) shall include—

''(i) each criminal offense or act of juvenile delinquency under Federal law that—

''(I) constitutes a crime of violence; or

''(II) in the case of an act of juvenile delinquency, would, if committed by an adult, constitute a crime of violence;

''(ii) each criminal offense under the District of Columbia Code that constitutes a crime of violence; and

''(iii) any other felony offense under Federal law or the District of Columbia Code, as determined by the Director of the Federal Bureau of Investigation.

''(3) FEDERAL OFFENDERS.—

''(A) COLLECTION OF SAMPLES FROM FEDERAL PRISONERS.—

''(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who, before or after this subsection takes effect, has been convicted of or adjudicated delinquent for a qualifying offense.

''(ii) TIME AND MANNER.—The Director of the Bureau of Prisons shall specify the time and manner of collection of DNA samples under this subparagraph.

''(B) COLLECTION OF SAMPLES FROM FEDERAL OFFENDERS ON SUPERVISED RELEASE, PAROLE, OR PROBATION.—

''(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the agency responsible for the supervision under Federal law of an individual on supervised release, parole, or probation (other than an individual described in paragraph (4)(B)(i)) shall collect a DNA sample from each individual who has, before or after this subsection takes effect, been convicted of or adjudicated delinquent for a qualifying offense.

''(ii) TIME AND MANNER.—The Director of the Administrative Office of the United States Courts shall specify the time and manner of collection of DNA samples under this subparagraph.

''(4) DISTRICT OF COLUMBIA OFFENDERS.—

''(A) OFFENDERS IN CUSTODY OF DISTRICT OF COLUMBIA.—

''(i) IN GENERAL.—The Government of the District of Columbia may—

''(I) identify 1 or more categories of individuals who are in the custody of, or under supervision by, the District of Columbia, from whom DNA samples should be collected; and

''(II) collect a DNA sample from each individual in any category identified under clause (i).

''(ii) DEFINITION.—In this subparagraph, the term 'individuals in the custody of, or under supervision by, the District of Columbia'—

''(I) includes any individual in the custody of, or under supervision by, any agency of the Government of the District of Columbia; and

''(II) does not include an individual who is under the supervision of the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997.

''(B) OFFENDERS ON SUPERVISED RELEASE, PROBATION, OR PAROLE.—

''(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Director of the Court Services and Offender Supervision Agency for the District of Columbia, or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997, as appropriate, shall collect a DNA sample from each individual under the supervision of the Agency or Trustee, respectively, who is on supervised release, parole, or probation and who has, before or after this subsection takes effect, been convicted of or adjudicated delinquent for a qualifying offense.

''(ii) TIME AND MANNER.—The Director or the Trustee, as appropriate, shall specify the time and manner of collection of DNA samples under this subparagraph.

''(5) WAIVER; COLLECTION PROCEDURES.—Notwithstanding any other provision of this subsection, a person or agency responsible

for the collection of DNA samples under this subsection may—

''(A) waive the collection of a DNA sample from an individual under this subsection if another person or agency has collected such a sample from the individual under this subsection or subsection (e); and

''(B) use or authorize the use of such means as are necessary to restrain and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

''(e) INCLUSION OF DNA INFORMATION RELATING TO VIOLENT MILITARY OFFENDERS.—

''(1) IN GENERAL.—Not later than 120 days after the date of enactment of this subsection, the Secretary of Defense shall prescribe regulations that—

''(A) specify categories of conduct punishable under the Uniform Code of Military Justice (referred to in this subsection as 'qualifying military offenses') that are comparable to qualifying offenses (as defined in subsection (d)(1)); and

''(B) set forth standards and procedures for—

''(i) the analysis of DNA samples collected from individuals convicted of a qualifying military offense; and

''(ii) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in clause (i).

''(2) COLLECTION OF SAMPLES.—

''(A) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Secretary of Defense shall collect a DNA sample from each individual under the jurisdiction of the Secretary of a military department who has, before or after this subsection takes effect, been convicted of a qualifying military offense.

''(B) TIME AND MANNER.—The Secretary of Defense shall specify the time and manner of collection of DNA samples under this paragraph.

''(3) WAIVER; COLLECTION PROCEDURES.—Notwithstanding any other provision of this subsection, the Secretary of Defense may—

''(A) waive the collection of a DNA sample from an individual under this subsection if another person or agency has collected or will collect such a sample from the individual under subsection (d); and

''(B) use or authorize the use of such means as are necessary to restrain and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

''(f) CRIMINAL PENALTY.—

''(1) IN GENERAL.—An individual from whom the collection of a DNA sample is required or authorized pursuant to subsection (d) who fails to cooperate in the collection of that sample shall be—

''(A) guilty of a class A misdemeanor; and

''(B) punished in accordance with title 18, United States Code.

''(2) MILITARY OFFENDERS.—An individual from whom the collection of a DNA sample is required or authorized pursuant to subsection (e) who fails to cooperate in the collection of that sample may be punished as a court martial may direct as a violation of the Uniform Code of Military Justice.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

''(1) to the Department of Justice to carry out subsection (d) of this section (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such subsection, as determined by the Attorney General) and section 3(d) of the Violent Offender DNA Identification Act of 1999—

''(A) $6,600,000 for fiscal year 2000; and

''(B) such sums as may be necessary for each of fiscal years 2001 through 2004;

''(2) to the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), such sums as may be necessary for each of fiscal years 2000 through 2004; and

''(3) to the Department of Defense to carry out subsection (e)—

''(A) $600,000 for fiscal year 2000; and

''(B) $300,000 for each of fiscal years 2001 through 2004.''.

(c) CONDITIONS OF RELEASE.—

(1) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(A) in paragraph (7), by striking ''and'' at the end;

(B) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (8) the following:

''(9) that the defendant cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).''.

(2) CONDITIONS OF SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting before ''The court shall also order'' the following: ''The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).''.

(3) CONDITIONS OF RELEASE GENERALLY.—If the collection of a DNA sample from an individual on probation, parole, or supervised release pursuant to a conviction or adjudication of delinquency under the law of any jurisdiction (including an individual on parole pursuant to chapter 311 of title 18, United States Code, as in effect on October 30, 1997) is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and the sample has not otherwise been collected, the individual shall cooperate in the collection of a DNA sample as a condition of that probation, parole, or supervised release.

(d) REPORT AND EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs of the Department of Justice and the Director of the Federal Bureau of Investigation, shall—

(1) conduct an evaluation to—

(A) identify criminal offenses, including offenses other than qualifying offenses (as defined in section 210304(d)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(d)(1)), as added by this section) that, if serving as a basis for the mandatory collection of a DNA sample under section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) or under State law, are likely to yield DNA matches, and the relative degree of such likelihood with respect to each such offense; and

(B) determine the number of investigations aided (including the number of suspects cleared), and the rates of prosecution and conviction of suspects identified through DNA matching; and

(2) submit to Congress a report describing the results of the evaluation under paragraph (1).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANTS.—Section 503(a)(12)(C) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(12)(C)) is amended by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''.

(2) DNA IDENTIFICATION GRANTS.—Section 2403(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk–2(3)) is amended by striking '', at regular intervals not exceeding 180 days,'' and inserting ''semiannual''.

(3) FEDERAL BUREAU OF INVESTIGATION.—Section 210305(a)(1)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14133(a)(1)(A)) is amended by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''.

At the appropriate place, insert the following:

SEC. ___. AMENDMENTS RELATING TO VIOLENT CRIME IN INDIAN COUNTRY AND AREAS OF EXCLUSIVE FEDERAL JURISDICTION.

(a) ASSAULTS WITH MARITIME AND TERRITORIAL JURISDICTION.—Section 113(a)(3) of title 18, United States Code, is amended by striking ''with intent to do bodily harm, and''.

(b) OFFENSES COMMITTED WITHIN INDIAN COUNTRY.—Section 1153 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''an offense for which the maximum statutory term of imprisonment under section 1363 is greater than 5 years,'' after ''a felony under chapter 109A,''; and

(2) by adding at the end the following:

''(c) Nothing in this section shall limit the inherent power of an Indian tribe to exercise criminal jurisdiction over any Indian with respect to any offense committed within Indian country, subject to the limitations on punishment under section 202(7) of the Civil Rights Act of 1968 (25 U.S.C. 1302(7)).''.

(c) RACKETEERING ACTIVITY.—Section 1961(1)(A) of title 18, United States Code, is amended by inserting ''(or would have been so chargeable except that the act or threat was committed in Indian country, as defined in section 1151, or in any other area of exclusive Federal jurisdiction)'' after ''chargeable under State law''.

(d) MANSLAUGHTER WITHIN THE SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES.—Section 1112(b) of title 18, United States Code, is amended by striking ''ten years'' and inserting ''20 years''.

(e) EMBEZZLEMENT AND THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—The second undesignated paragraph of section 1163 of title 18, United States Code, is amended by striking ''so embezzled,'' and inserting ''embezzled,''.

On page 129, strike lines 5 and 6, and insert the following: ''ernment or combination thereof;

''(24) provide for the establishment of youth tribunals and peer 'juries' in school districts in the State to promote zero tolerance policies with respect to misdemeanor offenses, acts of juvenile delinquency, and other antisocial behavior occurring on school grounds, including truancy, vandalism, underage drinking, and underage tobacco use; and

At the end of title IV add the following new subtitle:

Subtitle C—National Youth Violence Commission

SEC. 431. SHORT TITLE.

This subtitle may be cited as the ''National Youth Violence Commission Act''.

SEC. 432. 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 subtitle 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 subtitle.

(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 433. 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 or crime 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 or crime 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 or crime 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 subtitle or other applicable law.

SEC. 433. 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 any illegal means by which youth acquire such firearms, and any impact of such availability on incidents of youth violence;

(E) any impact upon incidents of youth violence of the failure to execute existing laws designed to restrict youth access to certain firearms and the illegal purchase, possession, or transfer of certain firearms;

(F) the effect upon youth of depictions of violence in the media and any impact of such depictions on incidents of youth violence; and

(G) 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 434(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 434(e); and

(B) any other material relied on by the Commission in the preparation of the Commission's report.

SEC. 434. 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 433.

(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 433. 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 433. 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 433. 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 433. 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 433.

SEC. 435. 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. 436. 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 subtitle such sums as may be necessary to carry out the purposes of this subtitle. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

SEC. 437. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the report under section 433(c).

On page 134, strike lines 9 through 12.

On page 134, line 13, strike ''(2)'' and insert ''(1)''.

On page 134, line 16, add ''and'' at the end;

On page 134, line 17, strike ''(3)'' and insert ''(2)''.

On page 134, strike line 20 and all that follows through page 135, line 7, and insert ''linquency.''.

On page 138, strike lines 2 through 4, and insert the following:

''The Administrator, in consultation with the Director, shall—

On page 138, line 9, strike ''data and''.

On page 138, after line 23, add the following:

''SEC. 242A. STATISTICAL ANALYSIS.

''The Administrator, under the supervision of the Assistant Attorney General for the Office of Justice Programs, and in consultation with the Director, may—

''(1) transfer funds to and enter into agreements with the Bureau of Justice Statistics or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, to 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 crime, the juvenile justice system, and youth violence, and for other purposes, consistent with the Violent and Repeat Juvenile Offender Accountability Act of 1999; and

''(2) plan and identify, in consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of each grant made or contract or other agreement entered into under this title.

On page 143, strike lines 19 through 21, and insert the following:

''The Administrator may—

On page 145, lines 3 and 4, strike ''within the National Institute for Crime Control and Delinquency Prevention''.

On page 219, between lines 23 and 24, insert the following:

(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect the authority under section 242A or 243 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended by this Act.

On page 90, strike lines 3 through 7, and insert the following:

''(3) projects that provide support and treatment to—

''(A) juveniles who are at risk of delinquency because they are the victims of child abuse or neglect; and

''(B) 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;

On page 108, strike lines 17 through 24, and insert the following:

''(b) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, from the amounts allocated under section 291 to carry out section 205 and part B in each fiscal year—

''(1) the Administrator shall reserve an amount equal to the amount which all Indian tribes that qualify for a grant under section 206 would collectively be entitled, if such tribes were collectively treated as a State for purposes of subsection (a); and

''(2) the Administrator shall reserve 5 percent to make grants to States under section 208.

On page 109, between lines 9 and 10, insert the following:

''SEC. 208. CONFIDENTIAL REPORTING OF INDIVIDUALS SUSPECTED OF IMMINENT SCHOOL VIOLENCE.

''(a) IN GENERAL.—Grants under this section shall be known as 'CRISIS Grants'.

''(b) AUTHORITY TO MAKE GRANTS.—From the amounts reserved by the Administrator under section 207(b)(2), the Administrator shall make a grant to each State in an amount determined under subsection (d), for use in accordance with subsection (c).

''(c) USE OF GRANT AMOUNTS.—Amounts made available to a State under a grant under this section may be used by the State—

''(1) to support the independent State development and operation of confidential, toll-free telephone hotlines that will operate 7 days per week, 24 hours per day, in order to provide students, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or to report other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation;

''(2) to ensure proper State training of personnel who answer and respond to telephone calls to hotlines described in paragraph (1);

''(3) to assist in the acquisition of technology necessary to enhance the effectiveness of hotlines described in paragraph (1), including the utilization of Internet webpages or resources;

''(4) to enhance State efforts to offer appropriate counseling services to individuals who call a hotline described in paragraph (1) threatening to do harm to themselves or others; and

''(5) to further State efforts to publicize the services offered by the hotlines described in paragraph (1) and to encourage individuals to utilize those services.

''(d) ALLOCATION TO STATES.—The total amount reserved to carry out this section in each fiscal year shall be allocated to each State based on the proportion of the population of the State that is less than 18 years of age.''.

On page 265, after line 20, insert the following:

SEC. ___. FEDERAL JUDICIARY PROTECTION ACT OF 1999.

(a) SHORT TITLE.—This section may be cited as the ''Federal Judiciary Protection Act of 1999''.

(b) ASSAULTING, RESISTING, OR IMPEDING CERTAIN OFFICERS OR EMPLOYEES.—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''three'' and inserting ''8''; and

(2) in subsection (b), by striking ''ten'' and inserting ''20''.

(c) INFLUENCING, IMPEDING, OR RETALIATING AGAINST A FEDERAL OFFICIAL BY THREATENING OR INJURING A FAMILY MEMBER.—Section 115(b)(4) of title 18, United States Code, is amended—

(1) by striking ''five'' and inserting ''10''; and

(2) by striking ''three'' and inserting ''6''.

(d) MAILING THREATENING COMMUNICATIONS.—Section 876 of title 18, United States Code, is amended—

(1) by designating the first 4 undesignated paragraphs as subsections (a) through (d), respectively;

(2) in subsection (c), as so designated, by adding at the end the following: ''If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.''; and

(3) in subsection (d), as so designated, by adding at the end the following: ''If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.''.

(e) AMENDMENT OF THE SENTENCING GUIDELINES FOR ASSAULTS AND THREATS AGAINST FEDERAL JUDGES AND CERTAIN OTHER FEDERAL OFFICIALS AND EMPLOYEES.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate sentencing enhancement for offenses involving influencing, assaulting, resisting, impeding, retaliating against, or threatening a Federal judge, magistrate judge, or any other official described in section 111 or 115 of title 18, United States Code.

(2) FACTORS FOR CONSIDERATION.—In carrying out this section, the United States Sentencing Commission shall consider, with respect to each offense described in paragraph (1)—

(A) any expression of congressional intent regarding the appropriate penalties for the offense;

(B) the range of conduct covered by the offense;

(C) the existing sentences for the offense;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offense;

(E) the extent to which Federal sentencing guideline sentences for the offense have been constrained by statutory maximum penalties;

(F) the extent to which Federal sentencing guidelines for the offense adequately achieve the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

(G) the relationship of Federal sentencing guidelines for the offense to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(H) any other factors that the Commission considers to be appropriate.

At the appropriate place insert the following new section:

''SEC. . LOCAL ENFORCEMENT OF LOCAL ALCOHOL PROHIBITIONS THAT REDUCE JUVENILE CRIME IN REMOTE ALASKA VILLAGES.

(a) CONGRESSIONAL FINDING.—The Congress finds the following:

(1) Villages in remote areas of Alaska lack local law enforcement due to the absence of a tax base to support such services and to small populations that do not secure sufficient funds under existing state and federal grant program formulas.

(2) State troopers are often unable to respond to reports of violence in remote villages if there is inclimate weather, and often only respond in reported felony cases.

(3) Studies conclude that alcohol consumption is strongly linked to the commission of violent crimes in remote Alaska villages and that youth are particularly susceptible to developing chronic criminal behaviors associated with alcohol in the absence of early intervention.

(4) Many remote villages have sought to limit the introduction of alcohol into their communities as a means of early intervention and to reduce criminal conduct among juveniles.

(5) In many remote villages, there is no person with the authority to enforce these local alcohol restrictions in a manner consistent with juridical standards of due process required under the state and federal constitutions.

(6) Remote Alaska villages are experiencing a marked increase in births and the number of juveniles residing in villages is expected to increase dramatically in the next five years.

(7) Adoption of alcohol prohibitions by voters in remote villages represents a community-based effort to reduce juvenile crime, but this local policy choice requires local law enforcement to be effective.

(b) GRANT OF FEDERAL FUNDS.

(1) The Attorney General is authorized to provide to the State of Alaska funds for state law enforcement, judicial infrastructure and other costs necessary in remote villages to implement the prohibitions on the sale, importation and possession of alcohol adopted pursuant to state local option statues.

(2) Funds provided to the State of Alaska under this section shall be in addition to and shall not disqualify the State, local governments, or Indian tribes (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (P.L. 93-638, as amended; 25 U.S.C. 450b(e) (1998)) from federal funds available under other authority.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section

(A) $15,000,000 for fiscal year 2000

(B) $17,000,000 for fiscal year 2001

(C) $18,000,000 for fiscal year 2002

(2) SOURCE OF SUMS.—Amounts authorized to be appropriated under this subsection may be derived from the Violent Crime Reduction Trust Fund.''

At page 107, strike liens 11 through 14.

At page 168, line 7 after the comma insert ''elders in Alaska Native villages,''

At the appropriate place insert the following new section:

''SEC. . RULE OF CONSTRUCTION—Nothing in this Act may be construed to create, expand or diminish or in any way affect the jurisdiction of an Indian tribe in the State of Alaska.''

At the appropriate place, insert the following:

SEC. ___. BOUNTY HUNTER ACCOUNTABILITY AND QUALITY ASSISTANCE.

(a) FINDINGS.—Congress finds that—

(1) bounty hunters, also known as bail enforcement officers or recovery agents, provide law enforcement officers and the courts with valuable assistance in recovering fugitives from justice;

(2) regardless of the differences in their duties, skills, and responsibilities, the public has had difficulty in discerning the difference between law enforcement officers and bounty hunters;

(3) the availability of bail as an alternative to the pretrial detention or unsecured release of criminal defendants is important to the effective functioning of the criminal justice system;

(4) the safe and timely return to custody of fugitives who violate bail contracts is an important matter of public safety, as is the return of any other fugitive from justice;

(5) bail bond agents are widely regulated by the States, whereas bounty hunters are largely unregulated;

(6) the public safety requires the employment of qualified, well-trained bounty hunters; and

(7) in the course of their duties, bounty hunters often move in and affect interstate commerce.

(b) DEFINITIONS.—In this section—

(1) the term ''bail bond agent'' means any retail seller of a bond to secure the release of a criminal defendant pending judicial proceedings, unless such person also is self-employed to obtain the recovery of any fugitive from justice who has been released on bail;

(2) the term ''bounty hunter''—

(A) means any person whose services are engaged, either as an independent contractor or as an employee of a bounty hunter employer, to obtain the recovery of any fugitive from justice who has been released on bail; and

(B) does not include any—

(i) law enforcement officer acting under color of law;

(ii) attorney, accountant, or other professional licensed under applicable State law;

(iii) employee whose duties are primarily internal audit or credit functions;

(iv) person while engaged in the performance of official duties as a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code); or

(v) bail bond agent;

(3) the term ''bounty hunter employer''—

(A) means any person that—

(i) employs 1 or more bounty hunters; or

(ii) provides, as an independent contractor, for consideration, the services of 1 or more bounty hunters (which may include the services of that person); and

(B) does not include any bail bond agent; and

(4) the term ''law enforcement officer'' means a public officer or employee authorized under applicable Federal or State law to conduct or engage in the prevention, investigation, prosecution, or adjudication of criminal offenses, including any public officer or employee engaged in corrections, parole, or probation functions, or the recovery of any fugitive from justice.

(c) MODEL GUIDELINES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall develop model guidelines for the State control and regulation of persons employed or applying for employment as bounty hunters. In developing such guidelines, the Attorney General shall consult with organizations representing—

(A) State and local law enforcement officers;

(B) State and local prosecutors;

(C) the criminal defense bar;

(D) bail bond agents;

(E) bounty hunters; and

(F) corporate sureties.

(2) RECOMMENDATIONS.—The guidelines developed under paragraph (1) shall include recommendations of the Attorney General regarding whether—

(A) a person seeking employment as a bounty hunter should—

(i) be required to submit to a fingerprint-based criminal background check prior to entering into the performance of duties pursuant to employment as a bounty hunter; or

(ii) not be allowed to obtain such employment if that person has been convicted of a felony offense under Federal or State law;

(B) bounty hunters and bounty hunter employers should be required to obtain adequate liability insurance for actions taken in the course of performing duties pursuant to employment as a bounty hunter; and

(C) State laws should provide—

(i) for the prohibition on bounty hunters entering any private dwelling, unless the bounty hunter first knocks on the front door and announces the presence of 1 or more bounty hunters; and

(ii) the official recognition of bounty hunters from other States.

(3) EFFECT ON BAIL.—The guidelines published under paragraph (1) shall include an analysis of the estimated effect, if any, of the adoption of the guidelines by the States on—

(A) the cost and availability of bail; and

(B) the bail bond agent industry.

(4) NO REGULATORY AUTHORITY.—Nothing in this subsection may be construed to authorize the promulgation of any Federal regulation relating to bounty hunters, bounty hunter employers, or bail bond agents.

(5) PUBLICATION OF GUIDELINES.—The Attorney General shall publish model guidelines developed pursuant to paragraph (1) in the Federal Register.

At the appropriate place, insert the following:

SEC. ___. ASSISTANCE FOR UNINCORPORATED NEIGHBORHOOD WATCH PROGRAMS.

(a) IN GENERAL.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(12) provide assistance to unincorporated neighborhood watch organizations approved by the appropriate local police or sheriff's department, in an amount equal to not more than $1950 per organization, for the purchase of citizen band radios, street signs, magnetic signs, flashlights, and other equipment relating to neighborhood watch patrols.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking clause (vi) and inserting the following:

''(vi) $282,625,000 for fiscal year 2000.''; and

(2) in subparagraph (B) by inserting after ''(B)'' the following: ''Of amounts made available to carry out part Q in each fiscal year $14,625,000 shall be used to carry out section 1701(d)(12).''.

On page 227, line 11, strike ''and'' at the end.

On page 227, line 19, strike the period at the end and insert ''; and''.

On page 227, between lines 19 and 20, insert the following:

''(12) for programs for—

''(A) providing cross-training, jointly with the public mental health system, for State juvenile court judges, public defenders, and mental health and substance abuse agency representatives with respect to the appropriate use of effective, community-based alternatives to juvenile justice or mental health system institutional placements; or

''(B) providing training for State juvenile probation officers and community mental health and substance abuse program representatives on appropriate linkages between probation programs and mental health community programs, specifically focusing on the identification of mental disorders and substance abuse addiction in juveniles on probation, effective treatment interventions for those disorders, and making appropriate contact with mental health and substance abuse case managers and programs in the community, in order to ensure that juveniles on probation receive appropriate access to mental health and substance abuse treatment programs and services.

On page 89, line 18, strike ''or'' at the end.

On page 89, line 21, add ''or'' at the end.

On page 89, between lines 21 and 22, insert the following:

''(H) to provide services to juveniles with serious mental and emotional disturbances (SED) who are in need of mental health services;

On page 90, between lines 7 and 8, insert the following:

''(4) projects that support State and local programs to prevent juvenile delinquency by providing for—

''(A) assessments by qualified mental health professionals of incarcerated juveniles who are suspected of being in need of mental health services;

''(B) the development of individualized treatment plans for juveniles determined to be in need of mental health services pursuant to assessments under subparagraph (A);

''(C) the inclusion of discharge plans for incarcerated juveniles determined to be in need of mental health services; and

''(D) requirements that all juveniles receiving psychotropic medication be under the care of a licensed mental health professional;

On page 90, line 8, strike ''(4)'' and insert ''(5)''.

On page 90, line 17, strike ''(5)'' and insert ''(6)''.

On page 91, line 1, strike ''(6)'' and insert ''(7)''.

On page 91, line 11, strike ''(7)'' and insert ''(8)''.

On page 91, line 17, strike ''(8)'' and insert ''(9)''.

On page 91, line 22, strike ''(9)'' and insert ''(10)''.

On page 92, line 6, strike ''(10)'' and insert ''(11)''.

On page 92, line 16, strike ''(11)'' and insert ''(12)''.

On page 92, line 24, strike ''(12)'' and insert ''(13)''.

On page 93, line 5, strike ''(13)'' and insert ''(14)''.

On page 93, line 13, strike ''(14)'' and insert ''(15)''.

On page 93, line 17, strike ''(15)'' and insert ''(16)''.

On page 93, line 20, strike ''(16)'' and insert ''(17)''.

To reduce violent juvenile crime, promote accountability by and rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

On page 89, strike line 22 and all that follows through page 90, line 2.

On page 90, line 3, strike ''(3)'' and insert ''(2)''.

On page 90, strike lines 8 through 16.

On page 90, line 17, strike ''(5)'' and insert ''(3)''.

On page 91, line 1, strike ''(6)'' and insert ''(4)''.

On page 91, line 11, strike ''(7)'' and insert ''(5)''.

On page 91, line 17, strike ''(8)'' and insert ''(6)''.

On page 91, strike line 22 and all that follows through page 92, line 5.

On page 92, line 6, strike ''(10)'' and insert ''(7)''.

On page 92, line 16, strike ''(11)'' and insert ''(8)''.

On page 92, line 24, strike ''(12)'' and insert ''(9)''.

On page 93, line 5, strike ''(13)'' and insert ''(10)''.

On page 93, line 13, strike ''(14)'' and insert ''(11)''.

On page 93, line 17, strike ''(15)'' and insert ''(12)''.

On page 93, line 19, strike ''and''.

On page 93, line 20, strike ''(16)'' and insert ''(13)''.

On page 93, line 21, strike the period and insert a semicolon.

On page 93, between lines 21 and 22, insert the following:

''(14) projects that use 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;

''(15) programs designed and operated to provide eligible offenders with an alternative to adjudication that emphasizes restorative justice;

''(16) projects that 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 detention; and

''(B) to ensure that juveniles follow the terms of their probation; and

''(17) projects that provide for initial intake screening, which may include drug testing, 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 to prevent such juvenile from committing subsequent offenses.

On page 96, strike lines 9 and 10, and insert the following:

''(G) An assurance that of the grant funds remaining after administrative costs are deducted consistent with subparagraph (A)—

''(i) not less than 80 percent shall be used for the purposes designated in paragraphs (1) through (13) of subsection (a); and

''(ii) not less than 20 percent shall be used for the purposes in paragraphs (14) through (17) of subsection (a).

''(H) Such other information as the Ad-

* * *

At the appropriate place, insert the following:

SEC. ___. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings—

(1) The Nation's highest priority should be to ensure that children begin school ready to learn.

(2) New scientific research shows that the electrical activity of brain cells actually

changes the physical structure of the brain itself and that without a stimulating environment, a baby's brain will suffer. At birth, a baby's brain contains 100,000,000,000 neurons, roughly as many nerve cells as there are stars in the Milky Way, but the wiring pattern between these neurons develops over time. Children who play very little or are rarely touched develop brains that are 20 to 30 percent smaller than normal for their age.

(3) This scientific research also conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits for children, families, and the Nation.

(4) Since more than 50 percent of the mothers of children under the age of 3 now work outside of the home, society must change to provide new supports so young children receive the attention and care that they need.

(5) There are 12,000,000 children under the age of 3 in the United States today and 1 in 4 lives in poverty.

(6) Compared with most other industrialized countries, the United States has a higher infant mortality rate, a higher proportion of low-birth weight babies, and a smaller proportion of babies immunized against childhood diseases.

(7) National and local studies have found a strong link between—

(A) lack of early intervention for children; and

(B) increased violence and crime among youth.

(8) The United States will spend more than $35,000,000,000 over the next 5 years on Federal programs for at-risk or delinquent youth and child welfare programs, which address crisis situations that frequently could have been avoided or made much less severe through good early intervention for children.

(9) Many local communities across the country have developed successful early childhood efforts and with additional resources could expand and enhance opportunities for young children.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal funding for early childhood development collaboratives should be a priority in the Federal budget for fiscal year 2000 and subsequent fiscal years.

At the end of title IV, add the following:

Subtitle ____—Safe School Security

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''Safe School Security Act of 1999''.

SEC. ___2. ESTABLISHMENT OF SCHOOL SECURITY TECHNOLOGY CENTER.

(a) SCHOOL SECURITY TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement, of a center to be known as the ''School Security Technology Center''. The School Security Technology Center shall be administered by the Attorney General.

(2) FUNCTIONS.—The School Security Technology Center shall be a resource to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security. The School Security Technology Center shall also conduct and publish research on school violence, coalesce data from victim groups, and monitor and report on schools that implement school security strategies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $3,700,000 for fiscal year 2000;

(2) $3,800,000 for fiscal year 2001; and

(3) $3,900,000 for fiscal year 2002.

SEC. ___3. GRANTS FOR LOCAL SCHOOL SECURITY PROGRAMS.

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) is amended by adding at the end the following:

''SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.

''(a) IN GENERAL.—

''(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology Center.

''(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

''(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

''(b) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2000, 2001, and 2002.''.

SEC. ___4. SAFE AND SECURE SCHOOL ADVISORY REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Education and the Secretary of Energy, or their designees, shall—

(1) develop a proposal to further improve school security; and

(2) submit that proposal to Congress.

On page 29, insert between lines 5 and 6 the following:

''(24) 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;'',

Amend S. 254, Title III, Subtitle A, Title II, Section 205 Juvenile Delinquency Prevention Challenge Grant Program:

(a)(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.

On page 92, line 20, insert after ''schools'' the following: *child abuse and neglect courts,* law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies and private nonprofit agencies offering services to juveniles;

(a)(15) family strengthening activities, such as mutual support groups for parents and their children;

On page 93, line 19, insert after ''children'' the following:

(16) adoptive parent recruitment activities targeted at recruiting permanent adoptive families for older children and children with special needs in the foster care system who are at risk of entering the juvenile justice system; and

(17) other activities that are likely to prevent juvenile delinquency.

(3) On page 93, strike lines 20–21.

Section 273 is amended:

On page 167, lines 23–26, and on page 168, lines 1–2:

strike ''The Administrator shall, by making grants to and entering into contracts with local educational agencies (each of which agency shall be in partnership with a public or private agency, institution or business), establish and support programs and activities for the purpose of implementing mentoring programs that'', and insert, ''The Administrator shall make grants to local education agencies and nonprofit organizations to establish and support programs and activities for the purpose of implementing mentoring programs that''.

On page 176, lines 14–16, Section 291(b)(7) is amended:

Strike ''$15 million shall be for programs under part F of this title, of which $3 million shall be for programs under section 279, and insert'' * * * million shall be for programs under part F of this title, of which $3 million shall be for programs under section 279 and $3 million for programs under section 280.''

On page 175, between lines 8–9, insert the following:

(A) by inserting:

SEC. 280. CAPACITY BUILDING.

(a) MODEL PROGRAM.—The Administrator may make a grant to a qualified national organization with a proven history of providing one-to-one services for the purpose of expanding and replicating capacity building programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

(b) ESTABLISHMENT OF NEW CAPACITY BUILDING PROGRAMS.—

(1) IN GENERAL.—The Administrator may make 1 or more grants to national organizations with proven histories of providing one-to-one services for the purpose of expanding and replicating capacity building programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

(2) MATCHING REQUIREMENT AND SOURCE OF MATCHING FUNDS.—

(A) IN GENERAL.—The amount of a grant under this subsection may not exceed 50 percent of the total cost of the programs funded by the grant.

(B) SOURCE OF MATCH.—Matching funds for grants under this subsection must be derived from a private agency, institution or business.

At the end of the Title III, Juvenile Crime Control, Accountability, and Delinquency Prevention, add a new Subtitle as follows:

Subtitle—. Parenting as Prevention

SEC. 1. SHORT TITLE.

This Act shall be cited as the Parenting as Prevention Act.

SEC. 2. ESTABLISHMENT OF PROGRAM.

The Secretary of Health and Human Services, in consultation with the Attorney General, the Secretary of Education, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Agriculture, and the Secretary of Defense shall establish a parenting support and education program as provided in sections 3, 4, and 5.

SEC. 3. NATIONAL PARENTING SUPPORT AND EDUCATION COMMISSION.

(a) The Secretary of Health and Human Services shall establish a National Parenting Support and Education Commission (hereinafter referred to as the ''Commission'') to identify the best practices for parenting and to provide practical advice for parents and caregivers based on the best available research data. She shall provide the Commission with necessary staff and other resources to fulfill its duties.

(b) The Secretary shall appoint the Commission after consultation with the cabinet members identified in section 2. The Commission shall consist of the following members—

(1) an adolescent representative,

(2) a parent representative,

(3) an expert in brain research,

(4) expert in child development, youth development, early childhood education, primary education, and secondary education,

(5) an expert in children's mental health,

(6) an expert on children's health and nutrition,

(7) an expert on child abuse prevention, diagnosis, and treatment,

(8) a representative of parenting support programs,

(9) a representative of parenting education,

(10) a representative from law enforcement,

(11) an expert on firearm safety programs,

(12) a representative from a non-profit organization that delivers services to children and their families which may include a faith based organization; and

(13) such other representatives as the Secretary deems necessary.

(c) The Commission shall—

(1) identify best parenting practices for parents and caregiving of your children on topics including but not limited to brain stimulation, developing healthy attachments and social relationships, anger management and conflict resolution, character development, discipline, controlling access to television and other entertainment including computers, firearms safety, mental health, health care and nutrition including breastfeeding, encouraging reading and lifelong learning habits, and recognition and treatment of developmental and behavioral problems;

(2) identify best parenting practices of adolescents and pre-adolescents on topics including but not limited to methods of addressing peer pressure with respect to underage drinking, sexual relations, illegal drug use, and other negative behavior; developing healthy social and family relationships; exercising discipline; and controlling access to television and other entertainment including computers, video games, and movies; firearm safety; encouraging success in school; and other issues of concern to parents of adolescents;

(3) identify best parenting practices and resources available for parents and caregivers of children with special needs including fetal alcohol syndrome, fetal alcohol effect, mental illness, autism, retardation, learning disabilities, behavioral disorders, chronic illness, and physical disabilities; and

(4) review existing parenting support and education programs and the date evaluating them and make recommendations to the Secretary and the Congress on which are most effective and should receive federal support within 18 months of appointment.

(d) PUBLIC HEARINGS AND TESTIMONY.—The Commission shall conduct four public hearings, shall solicit and receive testimony from national experts and national organizations, shall conduct a comprehensive review of academic and other research literature, and shall seek information from the Governors on existing brain development and parenting programs which have been most successful.

(e) PUBLICATION OF MATERIALS.—If not otherwise available, the Commission shall prepare materials which may include written material, video, CDS, and other audio and visual material on best parenting practices and shall make them available for distribution to parents, caregivers, and others through state and local government programs, hospitals, maternity centers, and other health care providers, adoption agencies, schools, public housing units, child care centers, and social service providers. If such materials are already available, the Commission may print, reproduce, and distribute such materials.

(f) REPORTING REQUIREMENT.—The Commission shall prepare and submit a report of its findings and recommendations to the Secretary and the Congress no later than 18 months after appointment.

(g) AUTHORIZATION OF FUNDS.—There is authorized to be appropriated in fiscal year 2000 such sums as may be necessary to support the work of the Commission and to produce and distribute the materials described in subsection (e). Such sum shall remain available until expended. Any fund appropriated pursuant to this section shall remain available until expended.

SEC. 4. STATE AND LOCAL PARENTING SUPPORT AND EDUCATION GRANT PROGRAM.

(a) STATE ALLOTMENTS.—The Secretary shall make allotments to eligible States to support parenting support and training programs. Each state shall receive an amount that bears the same relationship to the amount appropriated as the total number of children in the State bears to the total number in all States, but no state shall receive less one-half of one percent of the state allocation. From the amounts provided to each state with Indian or Alaska Native populations exceeding two percent of its total statewide population, the Governor shall set aside two percent for Indian tribes as that term is defined in Section 4(e) of the Indian Self Determination and Education Assistance Act (P.L. 93–638, as amended; 25 U.S.C. 450b(e)) which shall be distributed based on the percentage of Indian children in each tribe except that with respect to Alaska, the funds shall be distributed to the non-profit entities described in section 419(4)(B) of the Social Security Act pursuant to section 103 of Public Law 104–193 (110 Stat. 2159, 2160; 42 U.S.C. 619(4)(B)) which shall be allocated based on the percentage of Alaska Native children in each region.

(b) STATE PARENTING SUPPORT AND EDUCATION COUNCIL.—To be eligible to receive federal funding, the Governor of each state shall appoint a State Parenting Support and Education Council (hereinafter referred to as the ''Council'') which shall include parent representatives, representatives of the State government, bipartisan representation from the State Legislature, representatives from local communities, and interested children's organizations, except that the Governor may designate an existing entity that includes such groups. The Council shall conduct a needs and resources assessment of parenting support and education programs in the State to determine where programs are lacking or inadequate and identify what additional programs are needed and which programs require additional resources. It shall consider the findings and recommendations of the Parenting Commission in making those determinations. Upon completion of the assessment, the Council may consider grant applications from the State to provide statewide programs, from local communities including schools, and from non-profit service providers including faith based organizations.

(c) Grants may be made for—

(1) Parenting support to promote early brain development and childhood development and education including—

(A) assistance to schools to offer classroom instruction on brain stimulation, child development, and early childhood education;

(B) distribution of materials developed by the Commission or another entity that reflect best parenting practices;

(C) development and distribution of referral information on programs and services available to children and families at the local level, including eligibility criteria;

(D) voluntary hospital visits for postpartum women and in home visits for families with infants, toddlers, or newly adopted children to provide hands on training and one on one instruction on brain stimulation, child development, and early childhood education;

(E) parenting education programs including training with respect to the best parenting practices identified in subsection (c);

(2) Parenting Support for Adolescents and Youth including—

(A) funds for services and support for parents and other caregivers of young people being served by a range of education, social service, mental health, health, runaway and homeless youth programs. Programs may include the Boys and Girls Club, YMCA and YWCA, after school programs, 4–H programs, or other community based organizations. Eligible activities may include parent-caregiver support groups, peer support groups, parent education classes, seminars or discussion groups on problems facing adolescents, advocates and mentors to help parents understand and work with schools, the courts, and various treatment programs.

(3) Parenting Support and Education Resource Centers including—

(A) development of parenting resource centers which may serve as a single point of contact for the provision of comprehensive services available to children and their families including federal, state, and local governmental and non-profit services available to children. Such services may include child care, respite care, pediatric care, child abuse prevention programs, nutrition programs, parent training, infant and child CPR and safety training programs, caregiver training and education, and other related programs.

(B) a national toll free anonymous parent hotline with 24 hour a day consultation and advice including referral to local community based services;

(C) respite care for parents with children with special needs, single mothers, and at-risk youth;

(d) REPORTING.—Each entity that receives a grant under this section shall submit a report every two years to the Council describing the program it has developed, the number of parents and children served, and the success of the program using specific performance measures.

(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amounts received by a State may be used for the administrative expenses of the Council in implementing the grant program.

(f) SUPPLEMENT NOT SUPPLANT.—Fund appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for parenting support and education programs.

(g) AUTHORIZATION OF FUNDS.—There is authorized to be appropriated such sums as are necessary for fiscal year 2000 and subsequent fiscal years.

SEC. 5. GRANTS TO ADDRESS THE PROBLEM OF VIOLENCE RELATED STRESS TO PARENTS AND CHILDREN.

(a) FINDINGS.—The Congress finds that a child's brain is wired between the ages of 0–

3. A child's ability to learn, develop healthy family and social relationships, resist peer pressure, and control violent impulses depends on the quality and quantity of brain stimulation he receives. Research shows that children exposed to negative brain stimulation in the form of physical and sexual abuse and violence in the family or community causes the brain to be miswired making it difficult for the child to be successful in life. Intervention early in a child's life to correct the miswiring is much more successful than adult rehabilitation efforts.

(b) IN GENERAL.—The Secretary shall award grants, enter into contracts or cooperative agreements to public and non-profit private entities, as well as to Indian tribes, Native Hawaiians, and Alaska Native nonprofit corporations to establish national and regional centers of excellence on psychological trauma response and to identify the best practices for treating psychiatric and behavioral disorders resulting from children witnessing or experiencing such stress.

(c) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the identifying 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, and disasters.

(d) 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.

(e) EVALUATION.—The Secretary shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan as part of his application 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.

(f) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under this section, the period during which payments under such an award will be made to the recipient may not be less than 3 years. Such grants, contract or agreement may be renewed.

(g) 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.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section fiscal year 2000 and subsequent fiscal years.

WELLSTONE (AND OTHERS) AMENDMENT NO. 364

Mr. WELLSTONE (for himself, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. FEINGOLD, and Mr. DURBIN) proposed an amendment to the bill S. 254, supra; as follows:

On page 129, strike lines 6 through 14, and insert the following:

''(24) 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 racial minority groups who come into contact with the juvenile justice system.

McCONNELL AMENDMENT NO. 365

Mr. MCCONNELL proposed an amendment to the bill S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PROMOTING VIOLENCE ON FEDERAL PROPERTY.

(a) GENERAL RULE.—A Federal department or agency that—

(1) considers a request from an individual or entity for the use of any property, facility, equipment, or personnel of the department or agency, or for any other cooperation from the department or agency, to film a motion picture or television production for commercial purposes; and

(2) makes a determination as to whether granting a request described in paragraph (1) is consistent with—

(A) United States policy;

(B) the mission or interest of the department or agency; or

(C) the public interest;

shall not grant such a request without considering whether such motion picture or television production glorifies or endorses wanton and gratuitous violence.

(b) EXCEPTION.—Subsection (a) shall not apply to—

(1) any bona fide newsreel or news television production; or

(2) any public service announcement.

SMITH (AND JEFFORDS) AMENDMENT NO. 366

Mr. LOTT (for Mr. SMITH of Oregon for himself and Mr. JEFFORDS) proposed an amendment to the bill, S. 254 supra; as follows:

At the appropriate place, insert the following:

SEC. . PROVISIONS RELATING TO PAWN AND OTHER GUN TRANSACTIONS.

(a) Notwithstanding any other provision of this Act, the repeal of paragraph (1) and amendment of paragraph (2) made by subsection (c) with the heading ''Provision Relating to Pawn and Other Transactions'' of section 4 of the title with the heading ''General Firearms Provisions'' shall be null and void.

(b) COMPLIANCE—Except as to the State and local planing and zoning requirements for a licensed premises as provided in subparagraph (D), a special licensee shall be subject to all the provisions of this chapter applicable to dealers, including, but not limited to, the performance of an instant background check.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 27, 1999 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of David L. Goldwyn to be an Assistant Secretary for International Affairs at the Department of Energy.

For further information, please contact David Dye of the Committee staff at (202) 224–0624.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, May 19, 1999 beginning at 10 a.m. in room SH–215, to conduct a markup.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, May 19, 1999 at 9:30 a.m. to conduct a hearing on S. 613, that Indian Tribal Economic Development and Contract Encouragement Act of 1999, and S. 614, the Indian Tribal Regulatory Reform and Business Development Act of 1999. The hearing will be held in room 485 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 19, 1999 at 2 p.m. to hold a closed hearing on intelligence matters.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, May 19, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business. (See Attached)

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

ADDITIONAL STATEMENTS

PAYING TRIBUTE TO ALLAN ''BUD'' SELIG, COMMISSIONER OF MAJOR LEAGUE BASEBALL

• Mr. DODD. Mr. President, I rise to commend Mr. Allan ''Bud'' Selig for his tireless efforts to make the recent baseball series between the Cuban National Team and the Baltimore Orioles a reality. Not only did this series bring together teams from two nations with a great love of baseball, but it bridged a gap between two peoples who share a great deal in common.

Baseball is often called the ''American Pastime,'' and with good reason. Few events are greater harbingers of the coming of summer than the first pitches in ball parks around the country. Millions of parents across this nation carve time out of their days to teach their child how to throw a baseball or to coach a little league team. And millions of American children count their first baseball glove among their most treasured possessions.

Baseball, however, is not only an American tradition. Rather, it is treasured with equal fervor and excitement by Cubans less than 100 miles from our shore. There, too, baseball is the national pastime. Countless Cuban and American children play little league baseball with visions of a future in the major leagues. Just as Americans eagerly count down to opening day, Cubans anticipate the first pitch of a new season with a mix of anticipation and excitement.

Not only do Cubans and Americans share their deep love of baseball, they also both play the game with great skill. Indeed, some of America's finest players hail from Cuba.

In spite of this close connection, however, politics has kept American and Cuban teams from visiting each other's stadiums for nearly four decades. This artificial separation remained intact until this spring when the Cuban National Team hosted the Baltimore Orioles in Havana. That game marked the opening day, not just of a two game home-and-home series, but hopefully of a new season in the relationship between two of the world's greatest lovers of baseball.

The series, which continued in Baltimore this month, would never have come about if it were not for the courage and dedication of Bud Selig. His efforts succeeded where those of hundreds of diplomats and politicians have failed: he managed to bring the Cuban and American people together to celebrate the game they love so dearly.

I recognize that the process of arranging these two games was rarely easy. At times, it seemed that the opening pitch would remain forever out of reach. Yet, Mr. Selig persisted and brought the two teams closest to our capitals—and their fans—together for two historic games. Our nation should be proud of and grateful to Mr. Selig for his efforts and look forward to additional contact between the Cuban and American peoples, both on and off the baseball diamond.●

I LOVE AMERICA DAY

● Mr. BOND. Mr. President, I rise today in recognition of Fulton, Missouri's ''I Love America Day.'' Several years ago, the faculty of McIntire Elementary school became concerned that many of the students did not have a true sense of patriotism and national pride. What started out at one elementary school has spread to a communitywide celebration. Each year they highlight all levels of government and place special emphasis on pride in the flag. This year's celebration will include a presentation of the colors by the VFW flag team, a twenty-one gun salute, taps to honor those lost in service, presentations by the VFW, Mayor Craghead, and others, and a special demonstration by the Army's Golden Knights parachute team. As you can see, Mr. President, this event has grown into a wonderful day of activities that will enrich the sense of patriotism not only in our youth, but also in the entire community. I commend the organizers of ''I Love America Day'' for the wonderful example they set for Missouri and the entire country.●

HONORING FEDERAL RESERVE CHALLENGE WINNERS

● Mr. KOHL. Mr. President, I rise today to congratulate five outstanding High School students from University School at Milwaukee. Working as a team, these five students were recently named national champions of the 1999 Federal Reserve Challenge.

Mary Broydrick, Michelle Hill, Day Manoli, Nick Nielsen, all seniors, and Gus Fuldner, a junior, each received a $10,000 scholarship for their presentation on monetary policy. The team was coached by John Stephens, a teacher at University School for 41 years. In addition, the school received a $40,000 grant to develop an economics lab.

Their winning presentation included countless hours researching economic and monetary policy. Making recommendations based on their findings, the team was asked a series of grueling questions by Federal Reserve officials.

We are all extremely proud of our students from University School. They must be applauded for a job well done.●

TRIBUTE TO ILA MARIE GOODEY

● Mr. HATCH. Mr. President, I would just like to take a moment to pay tribute to Ila Marie Goodey of Logan, Utah. I have just learned that Ila passed away on Saturday.

Ila was a tireless and effective advocate for individuals with disabilities and served as an early and active member of my Utah Advisory Committee on Disability Policy. I have always appreciated her counsel on these issues.

In particular, she believed in independence and self-sufficiency, and she directed as much of her energy to assisting others to reach this goal as she did to helping herself. She served as the first chairperson of the Utah Assistive Technology Program Management and Implementation Board. This consumer-responsive, interagency program has been hailed nationwide as a model for other programs of its kind.

I know that her friends and colleagues at Utah State University and among the disability community in my state will mourn her loss. But, I also know that they, as I do, appreciate all that she has contributed. There can be no doubt that Ila has made a real difference.●

TRIBUTE TO STAFF SERGEANT ANDREW RAMIREZ

● Mrs. FEINSTEIN. Mr. President, I rise today to honor Staff Sergeant Andrew Ramirez who has served his country with bravery and valor. For Sergeant Ramirez, a resident of East Los Angeles, public service runs in the family—his brother is a detective with the Los Angeles Police Department.

On March 31, 1999, Sergeant Ramirez was taken as a prison of war by the Yugoslavia Army while he was serving as part of a U.S. Army detachment assigned to a U.N. monitoring force patrolling Yugoslavia's southern border. Sergeant Ramirez was part of the 4th Cavalry Regiment of the 1st Infantry Division based in Wurzburg, Germany. He had arrived in Macedonia in early March to relieve another contingent.

I cannot begin to imagine the terror experienced by Sergeant Ramirez and his fellow soldiers, Christopher J. Stone and Steven M. Gonzales, when they were surrounded, and under heavy fire, taken as prisoners of war.

Just a few days later, the soldiers were shown on Serbian television, battered and bruised. It is a picture that every mother hopes she will never see. It is a picture that every American hoped was not true. But, it was true, and these three men paid a dear price of over a month in captivity. They did not know what fate would befall them and if they were ever going to see their families again.

During the past weeks, Kosovo has witnessed carnage and bloodshed unseen in Europe for almost fifty years. These events are the culmination of a decade-long campaign of terror and bloodshed in the Balkans—and it has created a refugee crisis unparalleled in recent years.

Sergeant Ramirez was in Yugoslavia because his country asked him to go. He was there to protect our promise that the civilized world will never again do nothing in the face of genocide, ethnic cleansing, mass rape and rampant violence to thousands of innocent people. If the most powerful alliance in the world fails to stop ethnic cleansing, it will send a green light to every tyrant and dictator with similar intentions that they can do the same, and that the world community will be unable or unwilling to muster the resolve to stop it.

None of these words would mean anything without individuals like Sergeant Anthony Ramirez. He is the truest of patriots—the bravest of the brave. Our country is forever indebted to him, and there are not words nor deeds that could every repay his dedicated service—or that of his family. He is a testament to the human spirit that keeps the light of peace and human freedoms alive.

Sergeant Ramirez, we thank you, we honor you, and we are so very, very glad that you are home.●

MONTANA RAIL LINK

• Mr. BURNS. Mr. President, today an award ceremony for one of the nation's best and brightest short line railroads, was held to honor Montana Rail Link's safety record. Montana Rail Link, commonly referred to as MRL, offers essential and competitive freight service to a large number of customers along Montana's Southern rail line from Billings to Sandpoint, Idaho.

MRL was honored today by being awarded the E.H. Hariman Memorial award. This award is specifically designated to recognize railroad safety improvement. Working on the railroad is not like having a desk job. It's not a job for the timid—it's a job where hard work and plenty of sweat are part of everyday tasks.

Each year, it is tragically inevitable that railroad employees are involved in accidents which can result in serious injury or even death. With the reception of this award, it is very apparent that MRL places a significant value on the safety of their employees. As a Montanan, I am relieved to see that a Montana railroad is the recipient of this award. Montana railroads have a long and colorful history in the establishment of our state. And I have friends that work on the railroad.

Montanans are very dependent on this rail transportation. We are dependent on this competitive alternative. As many are aware, I have introduced legislation that will help to assure the nation's shippers of competitive rail access. It is my intent to not only create free-market competition in the rail industry, I would also like to improve service of the nation's Class 1 railroads.

I've heard from many Montanans about the importance of rail car availability and affordability. The nation's rail system is dominated by four large behemoths of railroads. In Montana, those railroads are the target of much criticism based on their pricing and contractual practices.

It is the short lines that help to balance out the public's perception of railroads. In Montana, MRL has been hailed as a very reliable transportation alternative. MRL has also been hailed with this award today.

You've all heard me make a reference to Montana's vast distances—from corner to corner, the distance from Alzaka to Yaak, Montana is equivalent to the distance from Washington, D.C. to Chicago, Illinois. I'm sure my colleagues will agree with me, especially when you consider the variance in terrain we are faced with in our state. Pulling a train over multiple mountain passes in the dead of winter can be a daunting task.

In Montana, we value good, honest, quality service. MRL is very much an example of what is best about Montana.•

TRIBUTE TO RUSSELL BERRIE and DR. ROBERT A. SCOTT

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to Russell Berrie and Dr. Robert A. Scott, two of New Jersey's leaders in business and education, on the occasion of their third annual ''Making A Difference Awards'' program.

Mr. President, Russ and Robert have made tremendous philanthropic and humanitarian contributions to my state of New Jersey. In 1997, they joined together through the Russell Berrie Foundation to create the ''Making A Difference Awards,'' which honor unsung heroes of New Jersey for acts of unusual heroism, extraordinary community service or lifetime achievement.

Much like the award recipients, Russ Berrie has devoted a lifetime to helping others. Thirty-six years ago, he founded RUSS Berrie and Company, Incorporated, which develops and distributes more than 6,000 gift products to retailers worldwide. Its diverse range of products include stuffed animals, baby gifts, picture frames, candles, figurines, and home decor gifts. Russ' company, headquartered in Oakland, NJ, grosses annual sales of $270 million and has been listed on the New York Stock Exchange since 1984.

Recently, Fortune Magazine named Russ one of its ''Forty Most Generous Americans,'' and Russ has been recognized by many organizations for his strong commitment to education, health care and interreligious affairs. Russ' Foundation promotes his values, passions, and ideas through investment in innovative ideas and by supporting individuals who make a meaningful difference in the lives of others.

Robert also has made a positive impact on the world around him. He currently is the president of Ramapo College, New Jersey's leading liberal arts school, serving over 5,000 undergraduate and graduate students from over 20 states and 50 nations. Thanks to Robert, the college has named its soon-to-open center for performing and visual arts after Russ and his wife, Angelica. What an honor!

Mr. President, I am pleased today to honor my good friends Russ and Robert for their work in honoring the unsung heroes of New Jersey. We are indebted to them for their service. I am happy to join them in honoring this year's three winners of the ''Making A Difference Award''—Beverly Turner, of Irvington, who lives with muscular dystrophy, for devoting her time caring to children with special needs. James C. Joiner, founder of the Rescuing Inner Sity Kids (RISK), for dedicating his time, skill, and spirit to working with inner-city children to instill in them the desire to better themselves and the people around them. Finally, Frederick ''Freddie'' Hoffman, of River Edge, for dedicating the last ten years of his life to raising money for the Leukemia Foundation. I also would like to recognize the 14 finalists: Douglas A. Berrian, Mr. and Mrs. William Clutter, Sister June Favata, Kathleen Garcia, Adam and Blair Hornstine, Sylvia Jackson, Jeff Macaulay, Jim McCloskey, Eddie Mulrow, Thomas O'Leary, Barry Lee Petty, Michael Ricciardone, Richard J. Ward, and Dr. and Mrs. Robert Zufall.

Mr. President, I congratulate all of the honorees for unselfishly giving of themselves. They have proven to their family, to their friends, and to their communities that this honor is well-deserved.•

ADMIRAL BUD NANCE

• Ms. SNOWE. Mr. President, I rise today to pay tribute to Admiral Bud Nance, chief of staff of the Foreign Relations Committee, who passed away last week after many years of devoted service to the country he loved.

As a former member of the Foreign Relations Committee, and someone who had the privilege of knowing and working with Bud, I can honestly say I have not met a finer person. A man deeply devoted to the ideals for which this country stands, he conducted himself with honor and integrity in all that he did. And he had an uncommon humility and kindness that will be remembered by all those fortunate to have met him.

With 41 years in the Navy, service under both the Nixon and Reagan Administrations, and a direct role in SALT II talks, Bud had already achieved a lifetime of accomplishments even before he was urged by his longtime friend, Senator HELMS, to assume the role of chief of staff at the Foreign Relations Committee. As with everything else he did, Bud flourished in that position, bringing his invaluable years of experience and knowledge to the Senate. He was a sure and steady hand at the helm of the Committee, and his remarkable spirit has left an indelible mark on all of us.

Theodore Roosevelt once said that ''the credit belongs to the man who is actually in the arena—whose face is marred by dust and sweat and blood . . . a leader who knows the great enthusiams, the great devotions and spends himself in a worthy cause . . .'' Admiral Bud Nance was just such a man, and today our thoughts are with his wife, Mary, and Bud's entire family as they mourn the passing of their beloved husband, father, and grandfather. We are also thinking of Senator HELMS at this saddest of times, as he grieves for the loss of one of his oldest and dearest friends.

Again, I want express my profound sadness on the loss of this great American, who was a patriot in life and whose legacy will never be forgotten by a grateful nation.•

THE JEWISH COMMUNITY COUNCIL OF METROPOLITAN DETROIT

• Mr. LEVIN. Mr. President, I rise today to pay tribute to the Jewish

Community Council of Metropolitan Detroit, which is celebrating its 60th anniversary on May 23, 1999.

The Jewish Community Council brings together more than 200 Jewish community organizations under one umbrella, enabling the community to act in a unified way on issues of shared interest and concern. The Council's activities include building partnerships between people of different faiths and ethnic backgrounds, working to strengthen Metropolitan Detroit's Jewish community, and providing information to state and federal legislators about important issues.

The people of Metropolitan Detroit have always been able to count on the Jewish Community Council for assistance. The Council administers an annual food drive conducted by a broad-based coalition of community organizations, provides volunteers to an interfaith effort to revitalize economically distressed areas of the City of Detroit, and has fought to restore food stamps for legal immigrants.

One of the Council's most impressive achievements is its continuing effort to build bridges between people of different backgrounds. Some of the programs sponsored by the Council include the Detroit/Israel Student Exchange and Seeds of Peace program. The Detroit/Israel Student Exchange sends Detroit Public School students to Israel, and the students subsequently host Israeli teens at their homes in Detroit. Seeds of Peace is an innovative program which works to achieve lasting peace in the Middle East by bringing together Arab and Israeli teenagers at a summer camp in Maine with daily conflict-resolution sessions led by professional American, Arab and Israeli facilitators. The Council also works with other ethnic communities to welcome new immigrants to Michigan and to provide swearing-in ceremonies for new American citizens.

As I travel across America and too often see people disconnected from each other, I am more and more certain that the strong sense of community in the Jewish community is a pillar of our strength and an essential path to our well-being. The Jewish community comes together to educate our young, house our seniors, take care of immigrants, and provide culture and recreation. I watched this sense of community with wonder when I was a boy and I see it with great pride as a man. This deeply felt sense of community—of being part of something larger than our individual selves— is a vital part of who we are.

The Jewish Community Council serves as the ''public face'' of this extraordinary community and I know my colleagues will join me in offering congratulations on its 60th anniversary, and in wishing the Council continued success in the future.●

TRIBUTE TO ANDY MARTEL OF MANCHESTER, NEW HAMPSHIRE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Andy Martel for leading the fight to save Catholic Medical Center in Manchester. His efforts have been inspirational and steadfast.

Andy was highly active in the preservation of Catholic Medical Center. There were plans to eliminate this important landmark in Manchester. The Center was having a difficult time preserving itself. Andy took it upon himself to save this acute-care hospital. He has tirelessly sought quality health care for the people of New Hampshire.

His efforts included organizing concerned citizens, raising funds, and heightening awareness about the plans to close the hospital. He became overwhelmingly cheerful and dedicated to the battle. The largest reason for the hospital's preservation was Andy's efforts.

Andy has been a valued member of the Manchester community for many years. He has volunteered in many political campaigns, been active in his church, and served in public office himself. He served as a State Representative in Ward 9 of Manchester. He has been committed to grassroots style representation and has been an asset to the legislation of New Hampshire.

As a fellow Catholic, I thank him for his dedication to our church. As a citizen of New Hampshire, I thank him for his public service and volunteerism. As a Senator, I thank him for all he has done to make New Hampshire a better State.

Once again, I commend Andy for his work on the Catholic Medical Center and for all his efforts. I wish him the best of luck in the future. It is an honor to represent him in the United States Senate.●

TRIBUTE TO MEG GREENFIELD

● Mr. FEINGOLD. Mr President, Washington recently lost something altogether too precious —a sharp intellect that put policy above politics and sound reasoning above political posturing. When Meg Greenfield passed away last week, the Nation lost a thoughtful and honest voice that cut through the tangle of Washington rhetoric, telling us what mattered, what didn't, and what was sometimes downright ridiculous about politics in the nation's capitol.

From her position as a masterful editor of the Post's editorial and opinion pages to her role as an unfailingly insightful columnist for Newsweek, Meg Greenfield offered us her keen mind, her sharp wit, and her knack for giving readers the straight story.

That kind of talent is rare, and more than that it is essential in a world where facts too often exist only to bolster a partisan argument, and where truth is a question of spin. Meg Greenfield helped us see past the spin to the story, and for that we are deeply grateful. She will be sorely missed.●

HONORING THE WESTPORT VOLUNTEER EMERGENCY MEDICAL SERVICE ON ITS 20TH ANNIVERSARY

Mr. DODD. Mr. President, for twenty years, the Westport Volunteer Emergency Medical Service has been a lifeline for thousands of people in need of emergency medical assistance in the state of Connecticut. Since 1979, the WVEMS has provided the residents of Westport and the surrounding communities with caring and professional medical services, and it gives me great pleasure to congratulate them on their 20th anniversary.

A division of the Westport Police Department, the WVEMS was created to respond to the increasing number of calls for emergency assistance in the area. This group of 140 dedicated volunteers serve as EMT's, crew chiefs, and support personnel who, in the last year alone, contributed over 23,000 hours of patient care. Their expertise and experience have helped thousands of people by providing medical training, safety coverage at town and athletic events, and offering public courses in areas such as first aid, CPR, blood pressure clinics, and safe driving classes.

It is remarkable to note that while providing efficient, quality care to the residents of Westport, the WVEMS relies solely on private donations and fundraising to purchase its equipment, supplies, emergency vehicles, uniforms, and protective clothing. Volunteers have taken on this additional responsibility and the extra hours to ensure that their services remain available to anyone in need. They have made reliable emergency medical response a standard in many communities and have proven that emergency care is a vital component of the safety of our cities and towns.

The ongoing success of the Westport Volunteer Emergency Medical Service is most evident in the nearly two dozen new students that receive training by the group's own personnel each year. Working in conjunction with area hospitals and local physicians, the WVEMS and its volunteers have earned the highest marks in state examinations while also having members serving on state and regional EMS councils. Moreover, volunteers have found their work so fulfilling that many have gone on to further their medical training and education as a full-time career.

What truly sets the Westport Volunteer Emergency Medical Service apart is the level of commitment and concern its members have shown for people in need. In situations that can often be emotional, chaotic, and dangerous, these men and women put the welfare of others first in order to calm fears and provide lifesaving care. Members are on standby twenty-four hours a day and, in many cases, are the first ones on the scene of an accident. It is

their quick thinking and skills that ultimately save lives.

The city of Westport and the state of Connecticut owe these selfless public servants many thanks for the lives that they save and the outstanding care that they provide. I hope that others across the country will take the time to acknowledge the tireless efforts of the men and women within their own communities who are available day and night to respond to their emergency medical needs.

Mr. President, at this time, I would like to recognize those members of the Westport Volunteer Emergency Medical Service who have volunteered countless hours for the past twenty years to provide outstanding emergency assistance and who continue to pass on their medical knowledge to future generations of caregivers: Edwin Audley, Elizabeth Audley, Patricia Audley, Sharon Barnett, Russell Blair, Susan DeWitt, Michael Feigin, Richard Frazier, Neil Harding, Thomas Keenan, Lynne Minsky, Kathleen Todd, Alan Yoder, Isabel Blair, Alan Stolz, Pasquale Salvo, William Carrick, Peter Ziehl, Jay Paretzky, Nancy Gale, Gerald Randy Monroe, Barbara Potter, and April Anne Yoder.●

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the First Session of the 106 Congress, to be held in Quebec City, Canada, May 20–24, 1999:

The Senator from Iowa (Mr. GRASSLEY);

The Senator from Oklahoma (Mr. INHOFE);

The Senator from Ohio (Mr. DEWINE);

The Senator from Minnesota (Mr. GRAMS);

The Senator from Ohio (Mr. VOINOVICH); and

The Senator from Hawaii (Mr. AKAKA).

ORDERS FOR THURSDAY, MAY 20, 1999

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Thursday, May 20. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day. I further ask that the Senate then immediately resume the juvenile justice bill under the previous consent order.

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

PROGRAM

Mr. NICKLES. For the information of all Senators, the Senate will convene at 9:30 a.m. and immediately resume debate on the juvenile justice bill. Under the order, following 60 minutes of debate, the Senate will proceed to two consecutive votes. The first vote will be in relation to Senator SMITH's amendment on pawnshops, to be followed by a vote in relation to the Lautenberg amendment. Additional amendments are expected; therefore, votes will occur throughout the day and evening, with the expectation of completing the juvenile justice bill during Thursday's session. In addition, the Senate will consider the emergency supplemental appropriations conference report on Thursday; therefore, all Members can anticipate a vote with respect to that conference report on tomorrow as well.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 10:13 p.m., adjourned until Thursday, May 20, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 19, 1999:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 1552 AND 12203:

To be brigadier general

COL. EDWARD W. ROSENBAUM (RETIRED), 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN A. BRADLEY, 0000
BRIG. GEN. GERALD P. FITZGERALD, 0000
BRIG. GEN. EDWARD J. MECHENBIER, 0000
BRIG. GEN. ALLAN R. POULIN, 0000
BRIG. GEN. LARRY L. TWITCHELL, 0000

To be brigadier general

COL. THOMAS L. CARTER, 0000
COL. RICHARD C. COLLINS, 0000
COL. JOHN M. FABRY, 0000
COL. HUGH H. FORSYTHE, 0000
COL. MICHAEL F. GJEDE, 0000
COL. LEON A. JOHNSON, 0000
COL. HOWARD A. MC MAHAN, 0000
COL. DOUGLAS S. METCALF, 0000
COL. BERNARD J. PIECZYNSKI, 0000
COL. JOSE M. PORTELA, 0000
COL. PETER K. SULLIVAN, 0000
COL. DAVID H. WEBB, 0000

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ARCHIE J. BERBERIAN II, 0000
BRIG. GEN. VERNA D. FAIRCHILD, 0000
BRIG. GEN. DANIEL J. GIBSON, 0000

To be brigadier general

COL. GEORGE C. ALLEN II, 0000
COL. ROGER E. COMBS, 0000
COL. MICHAEL A. CUSHMAN, 0000
COL. THOMAS N. EDMONDS, 0000
COL. JARED P. KENNISH, 0000
COL. PAUL S. KIMMEL, 0000
COL. VIRGIL W. LLOYD, 0000
COL. ALEXANDER T. MAHON, 0000
COL. MARVIN S. MAYES, 0000
COL. DAVID E. MC CUTCHIN, 0000
COL. CALVIN L. MORELAND, 0000
COL. MARK R. MUSICK, 0000
COL. JOHN D. RICE, 0000
COL. ROBERT O. SEIFERT, 0000
COL. LAWRENCE A. SITTIG, 0000
COL. JAMES M. SKIFF, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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

MAJ. GEN. DONALD L. KERRICK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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

MAJ. GEN. CHARLES S. MAHAN, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES M. COLLINS, JR., 0000
BRIG. GEN. ROBERT W. SMITH III, 0000

To be brigadier general

COL. DENNIS J. LAICH, 0000
COL. ROBERT B. OSTENBERG, 0000
COL. RONALD D. SILVERMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

ROBERT E. ARMBRUSTER, JR., 0000
RAYMOND D. BARRETT, JR., 0000
JOSEPH L. BERGANTZ, 0000
WILLIAM L. BOND, 0000
COLBY M. BROADWATER III, 0000
RICHARD A. CODY, 0000
JOHN M. CURRAN, 0000
DELL L. DAILEY, 0000
JOHN J. DEYERMOND, 0000
LARRY J. DODGEN, 0000
JAMES M. DUBIK, 0000
JAMES J. GRAZIOPLENE, 0000
RICHARD A. HACK, 0000
RUSSEL L. HONORE, 0000
RODERICK J. ISLER, 0000
TERRY E. JUSKOWIAK, 0000
GEOFFREY C. LAMBERT, 0000
JAMES J. LOVELACE, JR., 0000
WADE H. MC MANUS, JR., 0000
WILLIAM H. RUSS, 0000
WALTER L. SHARP, 0000
TONEY STRICKLIN, 0000
JOHN R. VINES, 0000
ROBERT W. WAGNER, 0000
CRAIG B. WHELDEN, 0000
R. STEVEN WHITCOMB, 0000
ROBERT WILSON, 0000
JOSEPH L. YAKOVAC, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS (MC), MEDICAL SERVICE CORPS (MS), AND NURSE CORPS (AN) AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, 628, AND 3064:

To be lieutenant colonel

MICHAEL R. COLLYER, 0000 MS
*WAYNE T. FRANK, 0000 MC
*SONJA M. THOMPSON, 0000 MC

To be major

EVELYN M. DINGLE, 0000 MS
KEITH D. KIZZIE, 0000 MS
DAVID P. O'DONNELL, 0000 MC
RENEE M. PONCE, 0000 AN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS 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. CARLTON W. FULFORD, JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. VERNON E. CLARK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

THEODORE H. BROWN, 0000